

LICENSING COMMITTEE

Department for Transport Statutory Taxi and Private Hire Vehicle Standards

27 August 2020

Report of Licensing Manager

PURPOSE OF REPORT

To inform the Committee of the Departments for Transport (DfT) recently published "Statutory Taxi and Private Hire Vehicle Standards", and officers' proposals regarding working towards compliance with those standards

The report is public

RECOMMENDATIONS

- (1) That the Committee note the report including Appendix A - the DfT "Statutory Taxi and Private Hire Vehicle Standards".
- (2) That officers be required to provide a further report to the Committee in October 2020 with a proposed workplan regarding achieving compliance with the requirements of the DfT standards

1.0 Introduction

- 1.1 The Council is responsible for licensing hackney carriage and private hire drivers, vehicles and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
- 1.2 On 21 July 2020 the DfT published "Statutory Taxi and Private Hire Vehicle Standards. The Standards are applied to local authorities having regard to the Policing and Crime Act 2017 which enables the Secretary of State for Transport to issue statutory guidance to local authorities as to how taxi (hackney carriage) and private hire licensing should be undertaken to protect children and vulnerable adults when using taxis and private hire vehicles.
- 1.3 A copy of the DfT standards are attached at Appendix A. The Council will need to review its taxi licensing policies and standards so that as a minimum they meet the standards outlined in the DfT document but that any standards adopted must be appropriate for Lancaster City Councils local needs, and the Council will need to be transparent in explaining the reasons for the standards it adopts.

2.0 Report

- 2.1 The report does not provide a detailed resume of the DfT document, the document is attached at Appendix A. The intention of this report is to introduce the document to the Committee and agree the next steps regarding its consideration. The following paragraphs within section 2 provide a general overview of Appendix A
- 2.4 The standards recommend that local authorities provide a “taxi licensing policy” a single point of reference which includes all information relevant to private hire and taxi licensing. Whilst Lancaster City Council has several taxi licensing policies and procedures these are not contained in a single document. The Licensing workplan agreed in November 2019 contained an item to review and update taxi and private hire licensing conditions, this work is still outstanding, and will need to be undertaken to enable compliance with the standards detailed within Appendix A. For example Para 4.12 of Appendix A requires that licence holders should be required to notify the licensing authority within 48 hours of arrest or charge for a number of offences, Lancaster City Councils Licensing conditions do not currently require this, drivers are currently only required to notify the Council of a conviction.
- 2.5 Following production of a Taxi Licensing Policy, the Council would be expected to review existing licences against the content and standard of the new policy. It is also advocated that the Councils Taxi Licensing Policy should be reviewed every 5 years or sooner if appropriate
- 2.6 Appendix A details requirements in relation to complaint investigations and trends analysis. Recording and investigations systems are in place within the Licensing unit, however the introduction of formalised trends analysis – including regular reporting to committee would offer transparency and assist the Committee in decision making. Similarly at para 4.31 Appendix A advocates actions the local authority should do to ensure that the public know how to make complaints against the licensed trade. Officers will explore whether a Lancashire wide project could develop this so that a consistent message is developed across the County.
- 2.7 Appendix A advocates the use of the DBS update service. This was introduced as Council Policy in 2019 and is now in place for all new and renewal driver applicants, however there is no policy in place as to how often checks are to be carried out with the update service, this is something that could aim to be standardised across neighbouring authorities.
- 2.8 Appendix A makes considerable reference to training, both in terms of driver training and training to be undertaken by officers and Committee members involved in making decision on taxi/ private hire licensing matters. There are also requirements for training to be formally documented
- 2.8 Appendix A provides an Annex in respect of the Assessment of Previous Convictions. It provides minimum time periods for various types of offences/ convictions, and it would be appropriate for the Council to assess the Annex against the Councils current guidelines on conviction policy, which reflect a national standard developed and promoted by the Institute of Licensing.
- 2.9 As referenced in para 2.1 of this report Appendix A is very much focussed on measures to be taken to protect children and vulnerable people when using taxis, there is little or no information within Appendix A regarding the specifics of vehicle types/ standards,. The Councils declaration of a climate emergency, has resulted in the Council exploring options for a move towards zero emission vehicles including taxis and private hire. The DfT document does not address this issue.

3.0 Next steps

- 3.1 On Wednesday 19 August there is an online meeting of the Lancashire Licensing Officers Group, the DfT Statutory Taxi and Private Hire Vehicle Standards is on the agenda for discussion at the meeting. An update will be provided at the meeting on 27 August regarding any relevant actions arising from that meeting
- 3.2 The Licensing Manager will identify a list of actions required to comply with the guidance and present this to the Committee at the October meeting in the form of a workplan.

4.0 Conclusion

- 4.1 The report introduces the DfT recently published Statutory Taxi and Private Hire Standards. The Council will need to review licensing procedures to ensure compliance with the standards.
- 4.2 The Council had previously identified some policy changes in the Licensing workplan considered in Nov 2019, however other matters highlighted in the DfT standards will now also need consideration, and evidence collated to support any decisions made.
- 4.3 Officer resources are currently hampered by the impact of the covid19 pandemic and a significant amount of Licensing officer time is spent dealing with this, including general enquiries as to the types of events that can currently take place, issues in respect of taxi screens, the temporary closure of public access to Morecambe Town Hall, and a small number of licensed premises none compliance with covid 19 restrictions. The report proposed for October will identify the actions required, parties involved, resources needed and estimated timescale for completion

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):</p>
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<p>There are no impact assessments associated with this report.</p>

<p>LEGAL IMPLICATIONS</p>

<p>The Statutory Taxi and Private Hire Vehicle Standards are not legislation. However para 1.3 of the Standards states- The Department (for Transport) expects these recommendations to be implemented unless there is compelling local reason not to</p>

<p>The document makes it clear that the standards have been developed as a result of past failings of licensing regimes and makes reference to both Jay and Casey reports and lists several local authorities where taxi licensing policy and practice had failed to offer the necessary protection to children.</p>
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<p>The duty is a “have regard” duty. This means that the Council must take the standards into account and must give clear reasons for departing from them</p>

FINANCIAL IMPLICATIONS

There are no financial implications in respect to this report , however compliance with the DfT standards will require a significant amount of officer time and may result in policies and practices that incur additional costs to the licensing regime e.g. additional training for officers and members. There is also the potential for challenges by the trade to any change in policy that are brought in and if so, this may incur legal costs to defend any such challenge.

Any additional costs associated with the administration and enforcement of the taxi licencing regime can be recovered via taxi licensing fees,

There will likely be additional financial cost to the taxi trade, this could include additional indirect costs of recovering the Councils administrative costs, and direct costs associated with any possible change in policy e.g additional training/CCTV etc

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

BACKGROUND PAPERS

Article Local Government Lawyer published 28.7.2020 by Philip Kolvin QC- Statutory taxi and private hire vehicle standards

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