

# LICENSING COMMITTEE

## Department for Transport Statutory Taxi and Private Hire Vehicle Standards

8 October 2020

### Report of Licensing Manager

#### PURPOSE OF REPORT

To provide the Committee with an overview of actions required to deliver compliance with the Departments for Transports (DfT) "Statutory Taxi and Private Hire Vehicle Standards", and seek Committees approval of the proposals.

The report is public

#### RECOMMENDATIONS

- (1) That the Committee consider the report and approve the report with or without amendments
- (2) That updated reports of progress be presented to the Committee at 4 monthly intervals

#### 1.0 Introduction

- 1.1 At its meeting on 27 August 2020 the Committee considered a report introducing the DfT "Statutory Taxi and Private Hire Vehicle Standards" published on 21 July 2020. The report detailed that a further report would be brought to the Committee.
- 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/ private hire licensing policies, procedures and standards so that as a minimum they meet the standards outlined in the DfT document but 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 DfT Standards categorise taxis (hackney carriages) and private hire vehicles as a high risk environment in terms of risks to passengers and makes reference to problems of abuse and exploitation seen in recent years. The focus of the DfT standards is on protecting children and vulnerable adults, and states that all passengers will benefit from the recommendations contained within it.
- 2.2 The DfT standards makes no reference to driver safety however officers see that the reviewing of policies and procedures to reflect the DfT standards offers an opportunity to explore measures that can be put in place to support driver safety.
- 2.3 Having regard to the standards, **Appendix B** outlines the subject areas covered by the standards and officers' comments reflecting the current operational position regarding the same.
- 2.4 In its letter to local authorities introducing the Standards, the DfT made it clear that local authorities are expected to act upon the standards without delay. However, since the publication of the standards on 21 July there has been an upturn in cases of coronavirus both at a local and national level. In July it was hoped that the economy was on the cusp of commencing recovery and the aspiration was that businesses may be returning to some form of normality. However more recently it has become clear that this is not the case and more restrictions have been placed on businesses and individuals. Councils have a key role to play both in terms of enforcing the covid restrictions imposed and supporting local communities. Resources to develop and implement new taxi policies may be restricted, as may be communities' abilities to respond to consultations on any draft proposals.
- 2.5 The original intention was to include an estimated time line for the development and implementation of each element of the standard, however due to the uncertainties brought about by the pandemic, the proposal is that an update is provided to the committee each 4 months outlining the development work that has been undertaken during the preceding 4 months. This will ensure that the committee is kept updated on progress and that regular updates can be provided to the DfT as required.

## **3.0 Conclusion**

- 3.1 The DfT standards are prescriptive as to the measures local authorities are expected to have in place regarding taxi and private hire vehicle licensing and are clear that these measures are driven by requirements in relation to the protection of vulnerable persons.
- 3.2 Current practice already achieves some of the standards detailed by the DfT however other areas will require a review of policies, procedures and standards, in general these are areas of work already identified in the 2019/20 licensing work plan.
- 3.3 The current pandemic creates a degree of uncertainty as to how quickly work can be undertaken and finalised in respect of changes required. The proposal to provide 4 monthly updates to committee ensures that members are kept informed of progress and similarly the DfT can also see the progress that is being made

**CONCLUSION OF IMPACT ASSESSMENT  
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety,  
Sustainability and Rural Proofing):**

There are no impact assessments associated with this report, any amendments to existing policies will be subject to relevant impact assessments

**LEGAL IMPLICATIONS**

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

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.

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

**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**

Report to licensing Committee 27 August  
2020

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