

| Report of                         | Meeting                               | Date                           |
|-----------------------------------|---------------------------------------|--------------------------------|
| Director of Development and Place | Licensing and Public Safety Committee | 10 <sup>th</sup> February 2021 |

## Consideration of the Statutory Taxi and Private Hire Vehicle Standards, issued by the Department for Transport

### Purpose of report

- To inform members of the published Statutory Taxi and Private Hire Vehicle Standards, issued by the Department for Transport.

### Recommendation(s)

- That members note the content of the Statutory Standards document.
- That members note that officers shall now begin a review of the Council's hackney carriage and private hire licensing policies in light of this document.

### Executive summary of report

- The Policing and Crime Act 2017 gave the Secretary of State (SoS) for Transport the power to issue statutory guidance on exercising taxi and private hire licensing functions. This guidance, Statutory Taxi and Private Hire Vehicle Standards, has now been issued. Although the word "Standards" is used, this status of this document is the Statutory Guidance, issued under the above Act. The Act requires that a local authority "must have regard" to this guidance, in exercising its taxi licensing functions.
- The guidance provides a number of requirements which the Department for Transport (DfT) expects licensing authorities to implement unless there is a compelling local reason not to do so.

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| <b>Confidential report</b><br>Please bold as appropriate | Yes | <b>No</b> |
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### Corporate priorities

- This report relates to the following Strategic Objectives:

|  |   |   |   |
|--|---|---|---|
| Involving residents in improving their local area and equality of access for all |   | A strong local economy  | X |
| Clean, safe and healthy homes and communities                                    | X | An ambitious council that does more to meet the needs of residents and the local area |   |

## Background

7. Section 177 of the Policing and Crime Act 2017 enabled the SoS to issue statutory guidance to taxi and private hire licensing authorities as to how their licensing functions may be exercised so as to protect children and vulnerable individuals who are 18 and over from harm.
8. The legislation was to a large extent promoted by the Jay and Casey reports on child sexual abuse and exploitation (CSAE) in Rotherham. Both of these reports highlighted examples of taxi/ private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or family homes and abused or sexually exploited.
9. A public consultation on draft statutory guidance ran between 12 February 2019 and 22 April 2019. Following lengthy consideration of the consultation responses, the DfT published guidance entitled Statutory Taxi and Private Hire Standards (hereafter referred to as "the Standards") on 21 July 2020. A copy of the Standards is appended at **Appendix 1**.

## The Standards

10. The Standards contain a number of recommendations regarding matters connected to taxi and private hire licensing functions, including:
  - Criminality checks for licence holders,
  - Working with the Police,
  - Sharing information with other licensing authorities,
  - Dealing with complaints about drivers and operators,
  - Training for Members,
  - Criminal convictions and rehabilitation of offenders,
  - Safeguarding awareness advice, guidance and training for drivers,
  - Language proficiency,
  - CCTV in licensed vehicles,
  - Regulation of booking and dispatch staff, and
  - Record keeping.
11. The introduction to the Standards states that the DfT "expects these recommendations to be implemented unless there is a compelling local reason not to".
12. It is clear, therefore, that it is the desire of Government to see consistent standards applied by taxi and private hire licensing authorities across the country.
13. Officers believe that the Council's current Hackney Carriage and Private Hire Licensing Policy will now need to be reviewed carefully with a view to implementing any changes required in light of the recommendations set out in the Standards.
14. Members are asked to note the content of this report, give consideration to the Standards at Appendix 1 and note that officers will begin a review of the Council's hackney carriage and private hire licensing policies in light of the standards.

## Implications of report

15. This report has implications in the following areas and the relevant Directors' comments are included:

|  |   |  |  |
|--|---|--|--|
| Finance                                  |   | Customer Services                      |  |
| Human Resources                          |   | Equality and Diversity                 |  |
| Legal                                    | X | Integrated Impact Assessment required? |  |
| No significant implications in this area |   | Policy and Communications              |  |

16. Failure of the Council to have regard to this guidance would leave it in breach of a legal duty to do so.
17. Although the Council is ultimately responsible for its own decision making process and the policies it produces, it may be that the Standards might be drawn upon in any legal challenge to an authority's practice and that any failure to adhere to the Standards without sufficient justification could be detrimental to the authority's defence.

#### Comments of the Statutory Finance Officer

18. No comments.

#### Comments of the Monitoring Officer

19. Local authorities have a legal duty under S177 of the Policing and Crime Act 2017, to have regard to these Standards when exercising any functions relating to their taxi and private hire functions.
20. Although these standards are only guidance, it is clear that the DfT intends them to carry significant weight and that they should be "...implemented unless there is a compelling local reason not to" as stated at paragraph 1.3 of the standards. Any departure from these new standards should be carefully considered and only entertained where there is compelling reasoning to do so.

Jonathan Noad  
Director of Development and Place

| Report Author | Ext  | Date                          |
|---------------|------|-------------------------------|
| Nathan Howson | 5665 | 28 <sup>th</sup> January 2021 |