

REPORT OF THE EXECUTIVE DIRECTOR OF NEIGHBOURHOODS

LICENSING & REGULATORY COMMITTEE – 28 MARCH 2022

PROPOSED DRAFT STATEMENT OF PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY

1.0 PURPOSE OF THE REPORT

- 1.1 To update Members on the current position regarding the preparation of a Draft Statement of Private Hire and Hackney Carriage Licensing Policy and to seek approval for proposed revised arrangements.

2.0 DESCRIPTION OF DECISION

- 2.1 The Committee is asked to note the contents of this Report setting out the proposed revised arrangements for the preparation of a Draft Statement of Private Hire and Hackney Carriage Licensing Policy and to approve a revised timetable to allow for the introduction of the intended Statement of Private Hire and Hackney Carriage Licensing Policy.

3.0 INTRODUCTION / BACKGROUND

- 3.1 On the 28th September, 2020 the Committee considered the Report entitled **“Proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy”**. The Report detailed the Council’s plan to introduce a consolidated private hire and hackney carriage licensing policy following statutory guidance produced by the Department for Transport, (“DfT”), in July, 2020. The DfT expected councils to undertake the required reviews before the 31st December, 2021, with changes being introduced as soon as possible in 2022.
- 3.2 By way of a recap, in July, 2020 the DfT published “Statutory Taxi & Private Hire Vehicle Standards”, (“the Standards Document”). The Standards Document contains a number of recommendations that councils are expected to implement *“unless there is a compelling local reason not to”*. It seeks to set out common core minimum standards that are aimed at better regulating the taxi and private hire trade. Although the main focus is the protection of children and vulnerable adults, all passengers will benefit from the recommendations. The Standards Document is attached at Appendix 1. As will be seen, the following core areas are detailed, :-
1. Consideration of the Statutory Taxi and Private Hire Vehicle Standards;
 2. Administering the Licensing Regime;
 3. Gathering and Sharing Information;
 4. Decision Making;
 5. Driver Licensing;
 6. Vehicle Licensing;
 7. Private Hire Vehicle Operator Licensing; and
 8. Enforcing the Licensing Regime.

In addition, the Standards Document also contains Annexes in relation to, :-

- a) Assessment of Previous Convictions;

- b) Disclosure and Barring Service Information;
- c) CCTV Guidance; and
- d) Staying Safe: Guidance for Passengers.

3.3 Paragraph 1.3 of the Standards Document states : *“Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to”*.

3.4 Paragraph 3.1 of the Standards Document provides the following recommendation that *“all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not limited to policies on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards”*.

3.5 By way of a summary, at the Meeting of the 28th September, 2020 the Committee approved the following matters, :-

- (a) That Officers prepare a Draft Statement of Private Hire and Hackney Carriage Licensing Policy, (“the Draft Policy”);
- (b) Once the Draft Policy had been prepared a further Report would be presented to the Committee to enable comments and suggested amendments to be made in respect of the Draft Policy, with approval being sought to authorise an external consultation exercise on the Draft Policy. The consultation arrangements set out in Paragraphs 3.12 and 3.13 of the Standards Documents were to be applied, including the taxi and private hire vehicle trades, groups likely to be the trades’ customers and neighbouring Licensing Authorities. The latter was to be undertaken via the North East Strategic Licensing Group; and
- (c) Following the consultation exercise, a further Report was to be presented to the Committee. The results of the consultation exercise would be set out, plus responses and the resultant changes to the Draft Policy identified; and
- (d) Confirmation was to be provided in due course regarding the final approval process for the Draft Policy.

3.6 It had been intended that a Draft Policy would be prepared for the Committee Meeting of the 14th December 2020, so that the Committee could provide comments and observations on the same before the external consultation process was commenced.

3.7 The Coronavirus Pandemic had a major impact upon the intended workstream for the preparation of the Draft Policy. The Pandemic resulted in additional licensing duties which impacted upon the deployment and availability of Licensing Section staff who were to undertake the work required to prepare the Draft Policy. Moreover, in view of the Pandemic and the requirement to remove all face-to-face meetings, no group liaison meetings with private hire and hackney carriage trade groups were able to be held. It had been intended to use these trade groups to

raise issues on an informal basis regarding the Draft Policy. Some work on this was undertaken by way of the taxi newsletter, such as changes to driver medical standards and the introduction of Tax Conditionality, but other areas remain outstanding.

3.8 The DfT recognised the impact of the Coronavirus Pandemic on the development of taxi and private hire policies and wrote to the Council in April, 2021 acknowledging the delays licensing authorities were facing, but setting out that changes to policies to be in place as soon as possible in 2022.

3.9 In November, 2021 in recognition of the impact the pandemic had on the demands of the Licensing Section additional resources were employed to prepare the Council's new Hackney Carriage and Private Hire Policy. Significant work has been undertaken to date and includes the following matters, :-

- (a) Draft revision of the driver policy to include change to adopt the Group 2 medical standard;
- (b) The introduction of a driver assessment course;
- (c) A revised draft convictions policy;
- (d) A draft Code of Conduct for licensed drivers
- (e) A draft of the policy aims and objectives;
- (f) A draft of an emissions standard for licensed vehicles taking account of Sunderland Council's low carbon framework;
- (g) Introduction of the Tax Conditionality requirements, including consequential changes to the application process; and
- (h) Preliminary discussions with ICT Services to consolidate multiple documents into a comprehensive online policy document.

3.10 Whilst the Council is yet to implement the full suite of recommendations of the Standards Document, assurance is given that the Council's existing policies, procedures and systems do achieve the overriding objective of protecting children and vulnerable adults, plus the wider public when using private hire and hackney carriage vehicles. In particular, one of the golden threads is the mandatory requirements that persons applying for a hackney carriage driver's licence and / or private hire vehicle driver's licence and existing licence holders undertake the Council's prescribed training course on safeguarding children and vulnerable adults, with refresher training undertaken in the run-up to such licences being renewed. These requirements were approved by the then Regulatory Committee on the 28th October, 2019. Safeguarding awareness is highlighted under the Standards Document.

3.11 Mindful of the numerous areas that the Draft Policy will need to address, Members are advised that the document will be quite a lengthy document. The intention is that it sets out, in a single source, matters of relevance to the licensing of the private hire and hackney carriage trade from a regulatory perspective.

3.12 In the circumstances, Committee approval is sought for the following matters, :-

- (a) That the Draft Policy be considered by the Committee at a Meeting to be held on, or about the 4th July, 2022, with the Committee putting forward comments and suggested amendments prior to the Draft Policy being subject to a period of consultation with the required consultees; and
- (b) That the outcome of the consultation process be reported to the Committee at a Meeting to be held on, or about the 3rd October, 2022. Responses and the resultant changes to the Draft Policy would be identified, with the Committee being asked to approve a final Draft Policy.

3.13 The DfT has been advised on the current position regarding the delay to the introduction of the Council's intended Statement of Private Hire and Hackney Carriage Licensing. As at the date of this Report no response has been received.

4.0 CURRENT POSITION

4.1 The current position is set out in the Report.

5.0 REASONS FOR THE DECISION

5.1 To update Members on the position regarding the preparation of the Draft Policy and for approval to be given for the revised dates that are set out in Paragraph 3.12 above.

6.0 ALTERNATIVE OPTIONS

6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS

7.1 None submitted.

8.0 GLOSSARY

8.1 No acronyms, or abbreviations have been used in this Report.

9.0 APPENDICIES

9.1 Appendix 1 – Department for Transport Publication – Statutory Taxi & Private Hire Vehicle Standards.

10.0 BACKGROUND PAPERS

10.1 None.