

REPORT OF THE EXECUTIVE DIRECTOR OF NEIGHBOURHOODS

LICENSING & REGULATORY COMMITTEE – 28 SEPTEMBER 2020

PROPOSED DRAFT STATEMENT OF PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY

1.0 PURPOSE OF THE REPORT

- 1.1** To seek Members' approval of proposed arrangements for the preparation of a Draft Statement of Private Hire and Hackney Carriage Licensing Policy; and
- 1.2** To inform Members of the Department for Transport's publication in July 2020 – "Statutory Taxi & Private Hire Standards".

2.0 DESCRIPTION OF DECISION

- 2.1** The Committee is recommended to:-
 - (a) Approve proposed arrangements for the preparation of a Draft Statement of Private Hire and Hackney Carriage Licensing Policy as set out in the Report; and
 - (b) Note the contents and recommendations of the Department for Transport's publication – "Statutory Taxi and Private Hire Vehicle Standards" published in July 2020.

3.0 INTRODUCTION / BACKGROUND

- 3.1** At present, the Council applies a number of rules, policies and procedures, (which are set out in a variety of different documents), as part of exercising its licensing and regulation functions in respect of Private Hire and Hackney Carriage matters.

In exercising its licensing functions, the protection of the public is the paramount consideration.

Additional specific policies and documents have been approved by the Regulatory Committee which contribute to the licensing regime. These include:

- The Council's Guidance Document Relating to the Licensing of Hackney Carriage and Private Hire Vehicle Drivers.
- Driver training, knowledge tests and medical assessments.
- Vehicle age limits, insurance cover and arrangements for vehicle testing.
- Standard conditions, one of which requires licensed drivers to inform the Council of any convictions or cautions within 72 hours of occurrence.

- 3.2** A number of the Council's rules, policies and procedures have been in force for several years and require review. It would also be beneficial to existing licensed

drivers, new applicants and Officers, (and indeed Members), if all these procedural requirements and licensing conditions were embodied in one concise document that would be available on the Council's website. Such arrangements also commonly exercised by other councils. This is commonly done under the form of a Statement of Private Hire and Hackney Carriage Licensing Policy.

During the months preceding the operational restrictions imposed at the end of March, 2020 caused by the Coronavirus Pandemic, Licensing Officers had been holding discussions with Private Hire and Hackney Carriage trade representatives about a review of the current application requirements and licence conditions. This was being done with a view to developing an overarching single draft policy document that would be subject to consultation and thereafter approved for adoption by the Council. Unfortunately, due to the above operational difficulties, liaison meetings with Private Hire and Hackney Carriage trade groups were suspended, although in the near future it is intended to resume these discussion forums under Covid safe arrangements.

3.3 In July, 2020 the Department for Transport, (DfT), published a document entitled "Statutory Taxi & Private Hire Vehicle Standards", ("the Standards Document"). It 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 sector. 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.

3.4 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"*.

- 3.5** 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”*.
- 3.6** In view of the content of the Standards Document, plus the recommendations contained therein, and also having regard to Officers’ previous discussions held with Private Hire and Hackney Carriage trade representatives, Members are asked to approve the following:-
- (a) Officers preparing a Draft Statement of Private Hire and Hackney Carriage Licensing Policy, (“the Draft Policy”);
 - (b) Once the Draft Policy has been prepared a further Report would be presented to the Licensing & Regulatory 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 that are set out in Paragraphs 3.12 and 3.13 of the Standards Documents will be applied, including the taxi and private hire vehicle trades, groups likely to be the trades’ customers and neighbouring Licensing Authorities. The latter would be undertaken via the North East Strategic Licensing Group;
 - (c) Following the consultation exercise, a further Report would be presented to the Licensing & Regulatory Committee. The results of the consultation exercise would be set out, plus responses and the resultant changes to the Draft Policy identified; and
 - (d) At this stage it is still being confirmed whether the Licensing & Regulatory Committee will be asked to formally approve the finalised Draft Policy, or whether Council will be asked to provide approval. This position will be confirmed in due course.

Whilst it is difficult to predict the timescale for the preparation of Draft Policy it is hoped this work could be completed in time for the Meeting of the Licensing & Regulatory Committee scheduled for the 14th December, 2020. It is further proposed that this Report will also provide a proposed timescale for consultation with consultees, plus the arrangements for the Draft Policy to be approved.

4.0 CURRENT POSITION

- 4.1** The current position is set out in the Report.

5.0 REASONS FOR THE DECISION

- 5.1** To enable the Council to implement a single policy document relating to Private Hire and Hackney Carriage Licensing, (i.e. a Statement of Private Hire and Hackney Carriage Licensing Policy), and to follow advice issued by the DfT in relation to the statutory standards that are recommended to apply.

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.