

ADOPTION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Head of Service:	Rod Brown, Head of Housing & Community
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Annex 1: Proposed Hackney Carriage and Private Hire Licensing Policy

Summary

That Council adopt the revised Hackney Carriage and Private Hire Policy

Recommendation (s)

The Council is asked to:

- (1) Adopt the revised Hackney Carriage and Private Hire Policy attached at Annexe 1 as amended in accordance with the decision of the of the Licensing and Planning Policy Committee on 27 October 2022.**

1 Reason for Recommendation

- 1.1 To adopt a revised Hackney Carriage and Private Hire Licencing Policy in accordance with statutory standards issued by the Department of Transport

2 Background

- 2.1 The Council has a Hackney Carriage and Private Hire Licensing Policy that was last reviewed in 2018.

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- 2.2 The Department of Transport has issued statutory taxi and private hire vehicle (PHV) standards to licensing authorities, outlining how they should carry out their licensing function. The focus of these standards is to further enhance the protection to children and vulnerable adults arising from the recommendations contained within several high-profile investigations of exploitation elsewhere in the country which implicated parts of the trade. The Government have made it clear that they expect all licensing authorities to implement these changes.
- 2.3 An 8-week public consultation on a draft policy, updated to incorporate the new statutory standards and reflect best practice, was run from 15 July until 9 September 2022.
- 2.4 On 27 October 2022 the Licensing and Planning Policy Committee considered the responses to the public consultation, and agree that the Hackney Carriage and Private Hire Licensing Policy as set out in Appendix 1 of the report be recommended for approval at Full Council.
- 2.5 The Licensing and Planning Policy Committee also requested that officers return to the committee with further reports on introducing a meaningful emission limited for licensed vehicles, consideration of the need for in cab CCTV, and the implementation for an English language assessment for existing licensed drivers. However, the Committee recognised that the implementation of the statutory standards should not be delayed, and the revised policy should be adopted so these further amendments to the policy could be considered later.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

- 3.1.1 An equalities impact assessment screen has been carried out and no appreciable impact has been recorded.

3.2 Crime & Disorder

- 3.2.1 The proposals are designed to enhance the controls on crime and disorder by adopting the national standards.

3.3 Safeguarding

- 3.3.1 The proposals will enhance safeguarding by mandating regular criminal record checks and safeguarding training for all drivers.

3.4 Dependencies

- 3.4.1 None identified

3.5 Other

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3.5.1 None identified

4 Financial Implications

4.1 None identified

4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 Whilst there is no law to compel Councils to adopt the statutory standards, there is a strong expectation that they shall and there is considerable legal and reputational risk in the event of an incident which could have been addressed by the new standards.

5.2 The Statutory Taxis and Private Hire Vehicles Standards have been issued under the Policing and Crime Act 2017 and came into effect on 20 July 2020. The Act enables the Secretary of State for Transport to issue statutory guidance on exercising Taxi and Private Hire licensing functions to protect children and vulnerable adults from harm when using these services. Section 177(4) of the Act places a statutory duty upon any public authority which has licensing functions under taxi and private hire vehicle legislation to have regard to any such guidance. These functions include developing, implementing, and reviewing their taxi and private hire vehicle licensing regimes. In accordance with the provisions within the Act, the Department for Transport published the final Statutory Taxi and Private Hire Vehicle Standards in July 2020. Standards have been issued in light of evidence that taxis and private hire vehicles are viewed as a high-risk environment, specifically in terms of risks to passengers

5.3 **Legal Officer's comments:** Under section 1 of the Equality Act 2010 (EA 2010) a local authority must when making decisions of a strategic nature about how to exercise their functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

5.4 Under section 149 EA 2010 there is a public sector equality duty. A local authority must in the exercise of its functions: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c.) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation (section 149(7) EA 2010).

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- 5.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard , in particular , to the need to:
(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and (c.) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low (section 149(3) EA 2010).
- 5.6 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities (section 149(4) EA 2010).
- 5.7 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding (section 149(5) EA 2010).
- 5.8 Compliance with the public sector equality duty may involve treating some persons more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the EA 2010. (section 149(6) EA 2010).
- 5.9 The Hackney Carriage and Private Hire Licensing Policy has had regard for to the public sector equality duty and the need to protect the needs of disabled people and those with a relevant protected characteristic.
- 5.10 Statutory guidance should be followed unless the local authority judges on admissible grounds that there is good reason to deviate from it, but without freedom to take a substantially different course. The Policy follows the Statutory Taxi and Private Hire Vehicle Standards which is statutory guidance.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** Safe and Well
- 6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None. It was however considered by the Licensing and Planning Policy Committee that a further report on licensed vehicle emissions standards should be brought to a meeting of the Committee as a high priority, following consultation with the trade and the consideration of the Climate Change Working Group.

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6.4 **Sustainability Policy & Community Safety Implications:** No sustainability implications. These proposals are expected to enhance community safety.

6.5 **Partnerships:** None

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Licensing and Planning Policy Committee 27 October 2022

Other papers:

- [Statutory taxi and private hire vehicle standards](#)