

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):	Appendix 1: Draft Hackney Carriage and Private Hire Licensing Policy Appendix 2: Summary of changes

Summary

The Committee are asked to agree in principle the Draft Hackney Carriage and Private Hire Licensing Policy and to authorise public consultation.

Recommendation (s)

The Committee is asked to:

- (1) Agree in principle the draft Hackney Carriage and Private Hire Licensing Policy
- (2) Agree the policy be subject to public consultation with the results of the consultation and any policy modifications being brought back to the Committee prior to recommendation to full Council for adoption.

1 Reason for Recommendation

- 1.1 To adopt a current 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 Licencing 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 The draft policy is set out in Appendix 1 and has been updated to incorporate the new statutory standards and reflects best practice. Whilst all sections of the policy have been updated to provide greater clarity and detail, a summary of key changes is attached at Appendix 2.
- 2.4 The policy changes are relatively noncontroversial in nature. They have the effect of building on existing provisions and bringing greater precision to existing provisions and aligns the Council with most other licensing authorities who have reviewed their policies following the publication of the statutory standards.
- 2.5 There is a requirement that the Council consults on the draft policy and it is proposed, should the committee agree the recommendations, that a period of consultation with the public, businesses, the trade and the users of taxi and PHV in the borough will be started, following which a post-consultation policy, in consideration of consultation feedback, will be brought back to this committee for approval. prior to formal adoption by Full Council. Feedback from the consultation will be used to inform any changes which are warranted.
- 2.6 The Licensing Team licence in the region of 550 Hackney Carriage and Private Hire Vehicles per year and 675 drivers every three years in accordance with the existing policy. It is a particularly busy area of the service which is disproportionately large compared with even the larger authorities in Surrey.
- 2.7 The need to bring the existing policy up to date with respect to the statutory standards will clearly help reduce the risk of harm, and these changes to the draft policy in Appendix 1 should be implemented without unnecessary delay. Once the revised policy is adopted it is intended that options for more general policy changes will be explored as part of a further update to the policy. Such future policy options may involve measures to support an increase of the numbers of Hackney Carriages (which have been particularly affected by a combination of Covid-19 and the presence of Uber and other equivalent operators) and increase the incentives for using less polluting vehicles.
- 2.8 The proposed consultation document will be designed both to fulfil the requirements to consult on the changes before the committee and to provide a basis for future policy work as described above.

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3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 An equalities impact assessment will be prepared when the final, post consultation document appears before the committee.

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

3.5.1 None identified

4 Financial Implications

4.1 None identified for the purposes of this report.

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 national 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.

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- 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 The Licensing team have reviewed the Council's current policy against the Department for Transport's Standards and the result of this review is the draft set out in Appendix 1 to this report.
- 5.4 **Legal Officer's comments:** none other than those outlined above

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged: 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 identified
- 6.4 **Sustainability Policy & Community Safety Implications:** No sustainability implications. The 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 Minutes January 25 2018

Other papers:

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- Statutory taxi and private hire vehicle standards
[www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards] accessed 7/3/22