



REPORT of DIRECTOR OF SERVICE DELIVERY

**to
COUNCIL
2 SEPTEMBER 2021**

TAXI AND PRIVATE HIRE POLICY

1. PURPOSE OF THE REPORT

- 1.1 To introduce an overarching taxi and private hire policy based on recommendations in the Department for Transport's (DfT) statutory guidance, pulling together all the Council's policies, conditions, byelaws and procedures into one document.
- 1.2 To amend existing Council policy and conditions to reflect the recommendations made by the DfT.
- 1.3 To outline the consultation process with stakeholders, including the taxi and private hire trade.

2. RECOMMENDATIONS

- (i) that the draft overarching policy on taxi and private hire be approved;
- (ii) that the amendments to existing policy and licensing conditions be approved;
- (iii) that the consultation process be approved.

3. SUMMARY OF KEY ISSUES

- 3.1 In July 2020, the Department for Transport (DfT) issued guidance in respect of licensed taxis and private hire in the light of the Bradford enquiry. As the guidance is statutory, licensing authorities must have regard to it. Although the guidance, 'Statutory Taxi and Private Hire Standards', focuses on safeguarding of children and vulnerable adults, all passengers will benefit from the recommendations contained within it. The recommendations follow detailed discussion with the trade, regulators and safety campaign groups. The Department, therefore, expects these recommendations to be implemented unless there is a compelling reason not to.
- 3.2 In the interest of transparency, all licensing authorities are being asked to publish their consideration of the measures contained within the statutory standards and the policies and delivery plans that stem from these. The DfT will be monitoring what the Council does and there is an expectation that an overarching policy will be in place by December 2021.
- 3.3 The guidance recommends a cohesive policy document bringing together all the Council's procedures on taxi and private hire licensing such as the criminal convictions policy, licensing conditions and procedures. This policy should be reviewed at least every five years.

- 3.4 To comply with the DfT's recommendations, it is proposed that the Council:
- amends the following taxi and private hire policies, guidance and conditions to bring them up to date and to reflect the recommendations contained within the DfT's statutory guidance: -
 - Criminal Convictions Policy dated January 2018;
 - Medical Exemption Policy dated January 2018;
 - Pre-Licensing and Licensing Conditions for Hackney Carriage Drivers and Vehicles;
 - Pre-Licensing and Licensing Conditions for Private Hire Drivers, Vehicles and Operators.

- 3.5 The main changes to policy and licensing conditions are as follows: -
- the Council to provide information to the national anti-fraud network NR3 register where appropriate and undertake driver checks through the register;
 - a decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult will be referred to the Disclosure and Baring Service (DBS);
 - basic DBS checks to be undertaken annually on private hire operators and vehicle proprietors;
 - enhanced DBS and barred list checks for drivers to be undertaken every 6 months rather than on application only (usually every 3 years) - to facilitate these checks, introducing a licensing condition whereby drivers must subscribe to the DBS update service;
 - making safeguarding training compulsory for all taxi and private hire drivers – existing drivers to be given a 3-year lead in period – changing licensing conditions to reflect this;
 - enabling authorised officers of other licensing authorities to request appropriate information and documents of license holders allowing cross border and 'county lines' enforcement by amending existing conditions;
 - new licensing condition on how to make a complaint to be displayed in all licensed vehicles;
 - new licensing conditions for private hire operators to: -
 - keep registers of all staff that take bookings or dispatch vehicles
 - undertake basic DBS checks for these staff
 - require staff to report convictions
 - have an ex-offenders' policy
 - enhance their record-keeping
 - updates the taxi and private hire vehicle licensing conditions to reflect Members' decision following the air quality consultation.

- 3.6 It is proposed that the Council consults with stakeholders on the changes as recommended in the DfT's statutory guidance. It is recommended that the following bodies are consulted:
- taxi and private hire trade by writing to all drivers and private hire operators;

- Chamber of Commerce;
- safety campaign groups;
- women's groups;
- local traders;
- customers, including groups that represent the disabled;
- organisations with a wider transport interest;
- multi-agency safeguarding arrangements.

3.7 It is proposed that the Council consults:

- by publishing the consultation on the website in the usual way;
- writing to all licensed drivers and private hire operators; and
- writing to other interested stakeholders.

3.8 It is proposed that the consultation is open for one month. Following the consultation, another report will be submitted to Members advising of the outcome of the consultation and any proposed amendments based on responses received.

4. CONCLUSION

4.1 The new policy and amendments to existing policy, licensing conditions and procedures will strengthen the licensing regime. It puts safeguarding at the core of the decision-making process, thereby protecting children and vulnerable adults and consequently, better protect passengers and the public.

5. IMPACT ON STRATEGIC THEMES

5.1 Improvements to the licensing regime will better protect local communities.

6. IMPLICATIONS

- (i) **Impact on Customers** – an overarching policy drawing together all the Council's policy, byelaws, conditions and procedures into one document will provide clarity to applicants and the public. As safeguarding is core to the policy and amendments to licensing conditions and procedures, the licensing regime will better protect children and vulnerable adults, and consequently protect all passengers and the public.
- (ii) **Impact on Equalities** – The new policy and procedures, especially around the training of taxi and private hire drivers, will bring greater awareness of equality legislation to provide more accessible and better services for disabled people.
- (iii) **Impact on Risk** – The Council could be challenged for not implementing recommendations in the DfT's statutory guidance, thereby failing in its safeguarding role and bringing the licensing regime into disrepute.
- (iv) **Impact on Resources (financial)** – Currently £1,600 for annual membership of the antifraud network which gives access to the NR3 register to check that

applicants for a taxi or private hire driver's licence meet the 'fit and proper person' test. Driver and Vehicle Licensing Agency (DVLA) checks are also undertaken for each driver, currently £4 per applicant. All these charges are recouped through the licensing fees.

- (v) **Impact on Resources (human)** – None, the licensing regime will be administered through existing resources.
- (vi) **Impact on the Environment** – By ensuring new and replacement taxis and private hire vehicles are to Euro VI standard or better from 2022 will help improve air quality.
- (vii) **Impact on Strengthening Communities** – Improving the licensing regime to protect children and vulnerable adults will help protect local communities. Working with the trade and other agencies will strengthen local communities and bring better protection to them.

Background Papers:

DfT statutory guidance, see

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf

Criminal Convictions Policy and current licensing conditions, see website and click on relevant links, [Dual driver licences | Dual driver licences | Maldon District Council](#)

Medical exemption policy, see website and click on relevant link, [Wheelchair accessible vehicles | Wheelchair accessible vehicles | Maldon District Council](#)

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