



REPORT of DIRECTOR OF SERVICE DELIVERY

**to
COUNCIL
24 FEBRUARY 2022**

TAXI AND PRIVATE HIRE POLICY AND LICENSING CONDITIONS

1. PURPOSE OF THE REPORT

- 1.1 To provide feedback following consultation with the taxi trade and other stakeholders on the proposed Taxi and Private Hire Policy (the Policy) and licensing conditions. This Policy is based on the Department of Transport's (DfT) statutory guidance issued in 2020. The main purpose of the Policy and new licensing conditions is to enhance safeguarding measures to better protect children and vulnerable adults.
- 1.2 The Policy, licensing conditions and proposed consultation were considered by the Council on 2 September 2021, Minute No. 240 who resolved: -
 - (i) that subject to the minor amendments, 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.
- 1.3 To propose amendments to the licensing conditions based on trade feedback.

2. RECOMMENDATIONS

- (i) that the amendments to the licensing conditions (**APPENDICES 2 and 3**) be approved;
- (ii) that the Taxi and Private Hire Policy (**APPENDIX 4**) be approved.

3. SUMMARY OF KEY ISSUES

- 3.1 A letter advising of the consultation was sent to stakeholders, including all taxi and private hire drivers, proprietors and private hire operators licensed by Maldon District Council. The consultation was announced in a news release and details were provided on the Council's website. The consultation was open from 14 October to 30 November 2021.
- 3.2 Stakeholders were able to complete an online questionnaire relating to the main changes. There were four online responses: two from residents; one from another public agency; and one from a member of the trade. A member of the trade responded directly to the Senior Specialist by email.

- 3.3 The online responses can be seen in **APPENDIX 1** – certain details, such as names, addresses and telephone numbers, have been removed as these are data protected and to provide anonymity for the responders.
- 3.4 Overall, responders agreed with the proposed changes to policy and conditions to improve safeguarding measures. Only one responder was not in agreement with the questions. A member of the trade disagreed with the following three questions.
- a) Do you agree that the Council should undertake more stringent checks on licence holders?
 - b) Do you agree that the Council should provide other agencies with relevant information on the criminality or suitability of individuals involved in the taxi and private hire licensing process?
 - c) Do you agree that authorised officers from other Licensing Authorities (outside the Maldon District) should be able to request information from licensed drivers operating within their area?

3.4.1 In response:

- a) The more stringent checks primarily relate to:
 - the frequency of enhanced Disclosure and Barring (DBS) checks on drivers (every six months rather than every three years as is current practice);
 - undertaking annual basic DBS checks on vehicle proprietors and private hire operators (currently not undertaken at all); and
 - placing licensing conditions on private hire operators to undertake DBS checks on all staff involved in bookings and dispatch of vehicles.

These proposed checks follow recommendations made in the DfT's statutory guidance to improve safeguarding measures within the licensing regime. As such, it is recommended that these checks are approved and implemented.

3.4.2 In response:

- b) The sharing of information with other agencies relates to: -
 - putting information on the national NR3 register (hosted by the anti-fraud network) so that other licensing authorities can check to see if an applicant for a driver's licence has ever had a licence revoked or refused and providing further information to that authority if requested; and
 - referring information to the DBS service where an applicant has had a licence refused or revoked as the individual is thought to present a safeguarding risk.

This proposed sharing of information follows recommendations made in the DfT's statutory guidance to improve safeguarding measures within the licensing regime. As such, it is recommended that the proposed sharing of information is approved and implemented.

3.4.3 In response:

- c) Giving taxi and private hire licensing officers authority to request appropriate documents and information from licensees when operating within their local authority districts (outside the Maldon District).

This allows cross border and 'county lines' enforcement and follows recommendations made in the DfT's statutory guidance to improve safeguarding measures within the licensing regime. As such, it is recommended that authorised licensing officers are enabled to ask for appropriate documents and information when Maldon licensees are operating within their areas. Issues can also be fed back to the Council to help inform decisions about licensees: whether further action is required and if licensees meet the fit and proper person test.

- 3.5 Email correspondence from a member of the taxi trade on the licensing conditions was constructive, although most related to existing conditions rather than the proposed changes. Amendments to the licensing conditions are proposed based on this feedback. For details of the proposed amendments, please refer to **APPENDIX 2** Hackney Carriage Licensing Conditions and **APPENDIX 3** Private Hire Licensing Conditions – reasons for the amendments have been indicated in italics and will not form part of the final approved licensing conditions.
- 3.6 There was no specific feedback in relation to the overall policy. There is one material change to the policy to reflect a change in the licensing conditions as the Council no longer requires mandates to check driver licences as this is now done by other means. The final version of the Policy may be viewed in **APPENDIX 4**.
- 3.7 If the Policy and licensing conditions are agreed, it is proposed that these changes take effect from 1 April 2022. This will allow time for the trade to be notified by letter that these changes are taking place and all applications received after this date and all licence holders will need to meet the standards set out in the new Policy and conditions.

4. CONCLUSION

- 4.1 Feedback on the consultation was limited, however, based on the responses received, there is general agreement that the proposed changes are required to improve safeguarding measures through the licensing regime. The only descension came from a member of the trade, however, the proposals follow recommendations made by the DfT and the Council would require compelling reasons not to follow the statutory guidance.
- 4.2 Amendments to the licensing conditions are proposed based on constructive feedback from the trade. As no feedback was received in relation to the overall policy, only a minor amendment is proposed to reflect the change in the licensing conditions. It is proposed that the Policy and licensing conditions are effective from 1 April 2022, and the trade will be notified of the implementation date.
- 4.3 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 protects all passengers and the public.

5. IMPACT ON STRATEGIC THEMES

- 5.1 Improvements to the licensing regime, in particularly around safeguarding measures, 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 provides clarity to applicants and the public. As safeguarding is core to the Policy and licensing conditions, the licensing regime will better protect children and vulnerable adults, and consequently protects 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, providing 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 Anti-Fraud Network which gives access to the National Register of Taxi and Private Hire Licence Revocations and Refusals (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, this 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 for 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

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