

Date of Meeting 17 February 2021

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The Statutory Taxi and Private Hire Vehicle Standards

Report summary:

To inform members of the Licensing Committee of updates and the progress concerning new 'Statutory Taxi and Private Hire Vehicle Standards.'

Recommendation:

That the report be noted.

Officer: Steve Saunders, Licensing Manager (ssaunders@eastdevon.gov.uk)

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

Significant Officer time updating policies and records with the administration of DBS checks and Training for Licence Holders. Potential sanctions from Government if the draft standards have not been implemented. Other Financial costs have also been included within the body of the report.

Legal implications:

The legal implications are explained within the body of the report

Equalities impact Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

Climate change Low Impact

Risk: Choose a risk level; Low

Links to background information Previous Reports to Licensing & Enforcement Committee September 2019, October 2019, February 2020 and November 2020

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities

- Outstanding Economic Growth, Productivity, and Prosperity
 - Outstanding Council and Council Services
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Report in full

1. This report provides an update on the Department for Transport's (DofT) expectation that all licensing authorities will implement 'Statutory Standards' Taxi and Private Hire licences. The new measures set-out a range of robust standards to protect passengers that licensing authorities should implement unless there is a compelling local reason for not doing so.
2. The last meeting of this Committee resolved to adopt the Statutory Standards in two phases with changes to the frequency of Disclosure and Barring Service (DBS) checks now being adopted in the Council's Taxi and Private Hire policy at the end of last year. The second phase now requires a detailed review of the Statutory Standards in conjunction with our policy before consulting licensees and stakeholders ahead of implementation in 2022.
3. It was considered appropriate to adopt the Statutory Standards within the policy as authorities not adopting them will need to provide a rationale for failing to act to protect passengers. The measured approach being taken by this licensing authority was reinforced by a national lead in the field of Taxi and Private Hire licensing at the recent meeting of the south west region of the Institute of Licensing. This Council starts from a positive position having introduced a comprehensive policy in 2017 that followed an eight week consultation before adoption.

Contact from central government

4. In December, the Minister for Roads, Buses and Places, Baroness Vere, wrote to all Council Leaders expressing the expectation to signing up to the national taxi refusal database known as NR3 (**Appendix A**). The Licensing Manager made contact with the specified point of contact and further details were received at the end of January outlining the arrangements and costs to take this forward. Although the letter refers to this Council being in a minority of those that have not yet signed up, no other Devon authorities have yet signed up and it is understood that many Councils are exploring the requirements currently.
5. On 27 January an email request was sent to all licensing authorities by the DofT seeking a response on the timescales to implement the Statutory Standards. It was previously known that this request would be made and the Licensing Manager responded with the details and timescales approved by this Committee. It is now a matter of officers moving forward with key areas to revise the Council's Taxi and Private Hire policy and this report is to inform members to this point in time.

Progress and the next steps

6. To assist the Committee today here is a summary of the key areas that require progression in the months ahead along with updates that have already been provided.
 - a) Signing up to the national licensing database that allows secure information sharing on revoked or refused licences referred to as the '**NR3 Database**' requires a detailed examination of the costs and work involved with the response from the DofT, provided days before completion of this report. It is clear that work will be necessary with the EDDC Data Protection officer for a Memorandum of Understanding under a Membership Agreement. The Licensing Authority will need to specify a Data Controller and there will be extensive work in preparing policy together with need to contact all licensees, including those previously subject of refusal or revocation. Updating our forms and preparing IT compliance with Strata will be necessary. There are costs to join as a new member of between £130 and £265 and then with an annual membership fee of £1600 per year. Costs per check have been specified too once membership has been obtained, ranging from 0.70 pence to £26.50 for the most enhanced enquiry. Clearly

those costs are not factored in budget presently and that, together with the delivery of this aspect needs further and detailed assessment over the course of this year.

b) Driver criminality checks will require Disclosure and Barring Service (**DBS**) checks every six months being far more frequent than currently with an impact on officer time and licence holders has been introduced in policy under the first phase.

c) **Safeguarding Awareness** briefing for licence holders; already being mandatory in our policy, the Covid-19 situation requires new procedures for remote, virtual sessions and being explored by all Devon authorities. There is a suitable trainer that may be available to provide a presentation for this Committee in the future to consider the input before delivery. Officers have commenced the possibility of also collaborating with Devon County Council Transport team as many of our licensed driver undertake educational work for the County Council and attended safeguarding sessions. Both options will be reported to this Committee when it meets in April.

d) DBS checking and increased frequencies for Private Hire despatch staff will require the progression on renewal or when new licences are received. This will form part of the work being factored in for the new administrator post.

e) **CCTV** and audio recording assessment and whether it is necessary in this district. Potential costs for licence holders will be necessary to purchase audio/visual units that still needs to be assessed against whether there is a specific need for mandating all licensed vehicles. The mandatory approach will place liabilities on the licensing authority by being a Data Controller and this area is also under review.

f) **Joint enforcement** powers for officers with/from other districts and cities. This too has been previously assessed by this Committee and may be more appropriate on the basis of when a need arises. The arrangements and communication between the Devon licensing authorities works effectively although there are gaps with South Somerset and the new Dorset Council licensing authorities which will require contact between officers in the forthcoming period.

g) That 'no licence will be issued to any individual that appears on either the children or adult barred lists.' This would be a current requirement given the risks of otherwise doing so. This will be a policy addition.

h) Policy be amended to require a basic disclosure from the DBS and that a check is undertaken annually for private hire operators, coming into effect for all new applications and for licence and DBS renewals from January 2021 and all existing operators by 31 March 2022. This will be a policy addition under the next phase of implementation.

i) Policy be amended to require Private Hire Operators to hold a register of all the staff that will take bookings or dispatch vehicles to come into effect for all operators from 31 March 2022. That Private Hire Operators collect the following information as part of their records; the name of the driver; the name of any individual that responded to the booking request and the name of any individual that dispatched the vehicle. This will also be progressed under the phase 2.

K) Policy be amended to require Private Hire Operators to conduct DBS checks on all call handling and dispatching staff as well as to have a policy on employing ex-offenders. All records must also be made available to the Licensing Authority upon request. It is proposed these conditions be progressed under phase 2 to come into effect in policy from 31 March 2022.

Financial implications including resources.

7. All officer time undertaken in this review in the months ahead will need to be evaluated and costed for consideration of the fees set by the Council to deliver the Taxi and Private Hire licensing regime. The additional costs arising from this work will be reported in more detail. Knowing that signing up to the NR3 Register, introducing virtual Safeguarding awareness sessions and the potential for adopting CCTV in licensed vehicles, all has implications for future licence fee setting once costed.

8. HMRC is currently completing scoping work following the government announcement in 2020 to introduce a tax registration check linked to licence processes specifically for taxi and private hire licences. Although in the early stage of review, it is anticipated that HMRC will focus on licensing authorities for providing support with tax registration checks when administering licences.

9. The increase of mandatory checking and processing will increase the work of licensing staff and the so previous approval for an additional staff administrator post has already been factored in. A separate report today concerning pavement licences deals with that in more detail.

10. The approach that has been adopted by this Committee for a gradual, comprehensive review to fully revise the Taxi and Private Hire policy will enable it to properly cost, evaluate and consult stakeholders going forward to introduce the Statutory Standards.