

Report to: **Licensing and Enforcement Committee**



Date of Meeting: 3rd September 2020

Public Document: Yes

Exemption: None

Review date for release None

Subject: Statutory Taxi and Private Hire Vehicle Standards to licensing authorities

Purpose of report: To inform the Licensing and Enforcement Committee on recent government guidance issued in July 2020 ahead of full implementation.

Recommendation: **That the Committee notes the new statutory guidance which the Licensing Authority will have regard to until it is fully incorporated into the councils Taxi Licensing Policy**

Reason for recommendation: The Department for Transport will monitor licensing authorities' responses to the Statutory Standards and all authorities are expected to provide an update by 31st January 2021 in developing the standards

Officer: Steve Saunders, Licensing Manager (Governance and Licensing)

Portfolio Holder: Portfolio Holder Coast, Country and Environment

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.

Legal implications: There are no legal implications requiring comment.

Equalities impact: Low Impact

Climate change: Low Impact

Comments

Risk: Low Risk

[Click here to enter text on risk considerations relating to your report.](#)

Links to background information:

- Local Government (Miscellaneous Provisions) Act 1976
- www.gov.uk/statutory-taxi-and-private-hire-vehicle-standards.
- [Eastdevon/Taxi and private hire licensing policy](#)

Link to [Council Plan](#): Choose Priorities and delete what not appropriate.
Outstanding Place and Environment

Report in full

1 Main Body of the Report

- 1.1 The Secretary of State for Transport has issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities in July 2020 which are aimed at safeguarding children and vulnerable adults. The Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. There is now an expectation that government and licensing authorities must work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe.
- 1.2 The Department for Transport stated that it will monitor licensing authorities' responses to the Statutory Standards. The Department is aware of the challenges caused by the current coronavirus pandemic and is mindful of this although The Secretary of State is asking all licensing authorities to provide an update to the Department of their consideration of the Standards six months after their publication, so by the end of January 2021. Therefore it expects these recommendations to be implemented unless there is a compelling local reason for not doing so.
- 1.3 Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards. It has been declared that in the interests of transparency, all licensing authorities should publish their consideration of the measures contained in the Standards and the policies and to outline delivery plans that stem from these. The update will enable government bodies to engage with those authorities that do not adopt the Standards and to seek from them a rationale for failing to act to protect passengers.
- 1.4 The Statutory Standards are seen nationally an important first step in reforming the way the taxi and private hire vehicle sector is regulated and the should ensure consistent standards between licensing authorities. The Department for Transport fully expects licensing authorities to implement these measures as soon as possible and it is for that reason this initial briefing is provided to this committee to allow a timeline to take this forward.
- 1.5 The Government will later this year consult on revised best practice guidance that will reflect the enormous changes that the industry has undergone in recent years and make clear recommendations on the measures licensing authorities should consider to enable the trade to react to the demands of passengers.

2 Interim Assessment

- 2.1 The Statutory Taxi and Private Hire Vehicle Standards document sets out a framework of policies that, under section 177(4), licensing authorities must have regard to when exercising their functions. Officers have had the opportunity to complete an interim assessment of the Statutory Standards despite the short period of time since being received and a summary of the full document that was circulated is provided in **Appendix A**.

2.2 The assessment outlines measures and steps that have already been taken by this licensing authority that are relevant to the proposed Standards. This council adopted its existing taxi and private hire policy in 2017 and regularly reviews that policy which already addresses many of the requirements outlined as being Statutory Standards. There are no Statutory Standards that have not yet been considered in the current taxi and private hire policy or by this committee previously.

2.3 There are twenty key points as Statutory Standards for all licensing authorities to address with six that require further examination and review by this council in the months ahead. To assist members today, Appendix A lists key headings raised as the Statutory Standards with a commentary added for each. A brief summary has been included with regard to the present situation for this licensing authority that will require review in the months ahead.

2.4 To summarise the points in Appendix A that require further consideration by this authority are:

- a) Signing up to a national licensing database to share information on revoked or refused licence referred to as the 'NR3 Database' (under point 7),
- b) Driver criminality checks will require DBS checking every six months being far more frequent than currently with an impact on officers and licence holders (point 13),
- c) Safeguarding Awareness session for licence holders; already a policy requirement, the Covid-19 situation now requires new procedures for remote, virtual sessions currently being explored by all Devon authorities (under point 14),
- d) DBS checking and increased frequencies for private hire despatch staff (under point 16),
- e) CCTV and audio recording assessment and whether it is necessary in this district; this authority has been awaiting national guidance to this point. Prohibitive costs for licence holders need to be assessed against a specific need for mandating all vehicles (under point 17), and
- 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 and will be progressed by the Devon Licensing Officer Group (under point 19).

2.5 The committee is therefore asked from this point forward to have regard to the Statutory Taxi and Private Hire Vehicle Standards.

2.6 It is proposed that officers will develop the proposals and actions required under Appendix A, in order to fully brief this committee when it next meets in November. That course of action will meet the requirements under point 1.2 of this report to allow the necessary update to be provided to the Department of Transport on this council's plans by 31st January 2021.