

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Licensing and Public Protection Committee
12 October 2020

Report Title: Statutory Taxi and Private Hire Standards & Policy

Submitted by: Head of Environmental Health

Portfolios: Finance & Efficiency

Ward(s) affected: All

Purpose of the Report

To advise members of Statutory Taxi and Private Hire Standards introduced by Government and present for discussion amendments to the Council's Taxi Licensing Policy 2019-2021 which flow from them.

Recommendation

That

1. Members consider Statutory Taxi and Private Hire Standards introduced by Government in July 2020.
2. Members consider amendments proposed to the Taxi Licensing policy 2019-2021 arising from the statutory standards.
3. Members consider minor amends to the Taxi Licensing Policy 2019-2021 arising from typographical errors and member feedback for Public Protection sub-committees
4. Members approve a consultation period appropriate for the proposed amendments to allow for feedback from interested parties.
5. Members receive a further report detailing any feedback, requesting approval of the 2021-2023 Taxi Licensing Policy and agreeing a date for implementation.

Reasons

In July 2020, following a number of high profile enquiries into criminal offences involving taxi drivers, the Secretary of State for Transport issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities aimed at safeguarding children and vulnerable adults. The Standards set-out a range of measures to protect taxi and private hire vehicle passengers and the Department for Transport will require an update from each licensing authority by January 2021 of their response to the Standards and of actions taken as a result of them.

Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards, and are expected to publish their consideration of the measures contained in the Standards and changes to policies and procedures that stem from these.

1. **Background**

- 1.1 In July 2020 Government published new Statutory Guidance regarding Taxi and Private Hire Vehicle licensing.

Further details can be seen here:

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

- 1.2 The new guidance followed a number of high profile enquiries into serious sexual offences facilitated, and in some cases perpetrated by, the taxi trade and research into

data regarding abuse and exploitation of children and vulnerable adults and the taxi industry.

- 1.3 Licensing authorities are under a legal duty to have regard to the new guidance and to reflect it in their taxi licensing policies and procedures.
- 1.4 Additional guidance is expected to follow these new standards in time, to reflect changes in technology and how many of the public now interact with the licensed taxi trade.
- 1.5 The Council's current taxi policy, implemented on 1st November 2019, compares well to the new Statutory Guidance such that only a few changes are necessary to align with the standards expected by Government.
- 1.6 Members attending Public Protection Sub-committees have identified some minor inconsistencies within the policy, there are also some typographical and cross-referencing amendments along with changes due to alteration in the administration process which could be considered alongside the statutory guidance changes. These changes are shown as tracked changes in Appendix 1.

2. Issues

- 2.1 Adopting the new guidance and minor amendments into the current taxi licensing policy requires the changes outlined in the table below together with the page number for the new/amended text indicated in blue in the amended policy attached as Appendix 1.

Proposed change	Page number in amended policy
a) Confirmation that the policy adheres to the Statutory Guidance	5
b) Amendment to policy further detailed	7*
c) Highlight that the Council's Whistleblowing policy as the means for licensing staff to raise concerns that the policy isn't being correctly applied.	12
d) Include details on rejecting applications	13*
e) Confirm the workforce and job role permitted on DBS certificates	14
f) Commit the Council to make use of the DBS service multi status check facility to periodically check batches of DBS certificates for recent changes.	14
g) Emphasis that applicants who have spent significant periods of time overseas must provide criminal record details or credible certificates of good character.	14
h) Formalise the two-way exchange of information with the DBS service, local police, National Anti-fraud network, MASH, neighbouring councils and other partners.	14/15
i) Amendment to DBS requirements to include standard/enhanced DBS and referencing	21 & 28 & 34*
j) Inclusion of time period for testing	22 and 29*

k) Extend Private Hire Operator records to include details of which staff took a customer service request and dispatched a vehicle.	33 and 75
l) Require Private Hire Operators to ensure they have seen a basic DBS certificate for all staff dealing with customer requests and dispatching vehicles.	34
m) Require Private Hire Operators to provide details of their policy regarding the employment of ex-offenders.	34
n) Addition that licence holders must comply with requests from officers of other local authorities, and comply with relevant statutory requirements. To aid consistency	37, 49, 60, 68
o) Clarify how complaints are used to target compliance and enforcement work.	37
p) Inclusion of failure to notify as an example for warnings	39*
q) Distinguish between motoring offences and those involving harassment, sex or violence, dishonesty or fraud.	46
r) Introducing a shorter notification period for questioning, arrest and release, interviewing voluntarily under caution, charging by the Police or conviction of a criminal offence regarding harassment, sexual offences, violent offences, dishonesty or fraud.	46
s) Amendment of timescale for consistency	53*
t) Amendment to cross referencing	65*

* indicates amendment not required by statutory guidance

2.2 Changes to the taxi policy normally involve a period of consultation with trade representatives and other interested parties. However in this instance the majority of changes proposed are required by Government who expect them to be implemented in full unless there are compelling local reasons not to do so. The other change to the policy are not considered to be to the detriment to applicants however is it recommended that there is a short period of consultation to allow interested parties, including trade representatives, to feedback on the proposals.

2.3 Officers cannot envisage any compelling local reasons and it is therefore suggested that, given the circumstances the period of consultation should be no longer than 4 weeks.

3. **Proposal**

3.1 That Members consider Statutory Taxi and Private Hire Standards introduced by Government in July 2020.

3.2 That Members consider the amendments proposed in Appendix 1 to the Taxi Licensing policy 2019-2021 arising from the statutory standards.

3.3 That Members consider minor amends to the Taxi Licensing Policy 2019-2021 arising from typographical and member feedback for Public Protection sub-committees.

- 3.4 That Members approve a consultation period appropriate for the proposed amendments to allow for feedback from interested parties. Officer recommendation is that the period should be no longer than 4 weeks.
- 3.5 That Members receive a further report detailing any feedback, requesting approval of the 2021-2023 Taxi Licensing Policy and agreeing a date for implementation.
4. **Reasons for Proposed Solution**
- 4.1 Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards, and are expected to adopt them unless there are compelling local reasons not to.
5. **Options Considered**
- 5.1 To amend the authority's Taxi Licensing Policy to reflect the new statutory guidance **(RECOMMENDED)**.
6. **Legal and Statutory Implications**
- 6.1 Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards.
7. **Equality Impact Assessment**
- 7.1 EIA was considered by Government in formulating the statutory guidance.
8. **Financial and Resource Implications**
- 8.1 There are no financial or resource impacts identified arising from this report.
9. **Major Risks**
- 9.1 The authority must report to the Department of Transport in January 2021 on its actions to consider and implement the statutory guidance.
10. **Sustainability and Climate Change Implications**
- 10.1 There are no impacts identified arising from this report.
11. **Key Decision Information**
- 11.1 This is not a key decision.
12. **Earlier Cabinet/Committee Resolutions**
- 12.1 Public Protection Committee, 20th August 2019 – adoption of the Taxi Licensing Policy 2019-2021
13. **List of Appendices**
- 13.1 Appendix 1 – draft version 10 NUL Taxi Policy Sept 2020.

14. **Background Papers**

14.1 Statutory Taxi & Private Hire Vehicle Standards – Department of Transport – July 2020