

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Licensing and Public Protection Committee
26 January 2021

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 review the consultation response received in respect of the draft taxi policy and to discuss and agree any amendments to the proposed new Taxi and Private Hire Licensing Policy following the consultation period.

Recommendation

That

1. the contents of the report are noted;
2. the response received during the consultation period is considered and the proposed additional amendment to the policy as detailed in this report is approved;
3. the Taxi Licensing Policy 2021-2025 is approved;
4. the Taxi Licensing Policy 2021-2025 is implemented from 1st April 2021.

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.

At the October 2020 meeting Members agreed to consult for a period of four weeks on the proposed implementation of the Statutory Standards, and several minor other amendments to improve the overall policy.

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 At the October 2020 meeting Members agreed to consult for a period of four weeks on the proposed implementation of the Statutory Standards, several minor other amendments to improve the overall policy and to amend some typographical errors.

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*
u) Amendment to booking requirements following consultation	33 and 75*

* indicates amendment not required by statutory guidance

2.2 The Council consulted upon the proposed changes for a period of four weeks. 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 changes to the policy, highlighted in the table above, were not considered to be to the detriment to applicants.

2.3 During the consultation period the Council received one representation to the proposed amendments from Uber who are a licensed private hire operator. A copy of the representation is attached as **Appendix 2**. Uber's response requests that para 3.5.9 of the policy and "*Appendix 1 – Private Hire Operator conditions*" should be amended to reflect that the requirement to keep a record of the individual that took the booking only applies when the booking is made in person and not via a computerised system. Given the advances in technology and that many operators now wholly or partly take bookings via computerised methods, Officers agree with the suggestion, have amended the proposed policy document at Appendix 1 to reflect that and included in bold font in the table above.

3. **Proposal**

3.1 That Members note the contents of the report when considering 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, typographical and member feedback.

3.3 That Members consider minor amends to the Taxi Licensing Policy 2019-2021 arising from the consultation response received attached as Appendix 2.

3.4 That Members approve the document at Appendix 1 to be the final policy document.

3.5 That Members agree to the implementation date of 1st April 2021.

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, minor amendments and consultation response received, and set an implementation date.

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 The proposed changes will have an impact on resources to deliver some of these changes, such as the additional DBS checks proposed. There are no financial 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

12.2 Public Protection Committee, 12 October 2020 – adoption of the Taxi Licensing Policy 2021-2025

13. **List of Appendices**

13.1 Appendix 1 – Version 11 NUL Taxi Policy 2021-2025.

13.2 Appendix 2 - Consultation response.

14. **Background Papers**

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