



REPORT TO:	LICENSING COMMITTEE
DATE:	12 OCTOBER 2021
SUBJECT:	STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS
KEY DECISION:	N/A
PORTFOLIO HOLDER:	COUNCILLOR PAUL SKINNER
REPORT AUTHOR:	SHAUN SHARP, LAND CHARGES & LICENSING OFFICER
WARD(S) AFFECTED:	ALL
EXEMPT REPORT?	NO

SUMMARY

Under the terms of the Policing and Crime Act 2017 the Department for Transport (DfT) has introduced minimum licensing standards for hackney carriages (taxis) and private hire vehicles. The standards were published in July 2020. The Council has a legal duty to have regard to the minimum standards when undertaking its taxi and private hire vehicle licensing function. This report forms part of a series of reports looking at the requirements of the minimum standards.

RECOMMENDATIONS

1. That the Committee consider the Statutory Taxi and Private Hire Vehicle Standards shown as **APPENDIX 1**;
2. That the Committee consider the proposed amendments and recommendations shown in the Assessment document at **APPENDIX 2** produced by Licensing Officers to identify the areas requiring further work.

REASONS FOR RECOMMENDATIONS

The statutory minimum standards set out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. Government advice is that Licensing Authorities must work to ensure that, above all else, the taxi and private hire vehicle services the public use are safe. The Government fully expects Licensing Authorities to implement the measures, within the standards, as soon as possible.

OTHER OPTIONS CONSIDERED

Under the terms of the Policing and Crime Act 2017 the Department of Transport has introduced minimum licensing standards for taxis and private hire vehicles. This Council has a legal duty to review its licensing standards in line with the new legal minimum standards. There is no other option but to undertake the review of the Council's licensing standards.

REPORT

- 1.1** Under the terms of Section 177 of the Policing and Crime Act 2017 the Department for Transport (DfT) has introduced minimum licensing standards for hackney carriages (taxis) and private hire vehicles. A copy of the document can be found at Appendix 1 or via the link below:

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

The document sets a minimum standard for licensing - but Licensing Authorities can raise the bar at a local level where it is considered appropriate or necessary to do so.

- 1.2** The minimum licensing standards were published on 21 July 2020 and became immediately operative. Licensing Authorities have a legal duty to have regard to the standards – this means that the Authority must take the standards into account and must give clear reasons for any departure from them. Departure must be the exception rather than the norm.
- 1.3** The DfT indicated that by the end of January 2021 it expected each Licensing Authority to have reported back to the DfT on how it had considered and implemented the standards. There was no specific requirement for the Council to have implemented all of the minimum standards by the end of January 2021 but the Authority must have reported back to the DfT, on the steps it had taken, by that date. A DfT on-line survey was completed in December 2020 by the Licensing and Land Charges Manager – it was indicated within the survey that this Authority would be considering the guidance document from Quarter 3 of this financial year.
- 1.4** Licensing Officers have produced an Assessment document (this can be found at APPENDIX 2) which lists each individual measure within the Statutory Guidance and shows whether the Authority complies, part complies or does not comply (by the use of red, amber and green) and includes officer comments on each area. Officers would like to work with the Committee in how and when they would like each section to be looked at. Some of these will require consultations with the taxi trade before being put into place.

CONCLUSION

The Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. Government advice is that Licensing Authorities must work to ensure that, above all else, the taxi and private hire vehicle services the public use are safe. The Government fully expects Licensing Authorities to implement the measures, within the standards, as soon as possible.

FINANCIAL IMPLICATIONS

This policy review is being undertaken as part of the normal duties carried out by the Licensing Team with no additional costs involved.

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters. There is also the risk of judicial review if the Council's licensing policy and procedures are found not to comply with the requirements of licensing legislation and the associated regulations and guidance.

LEGAL IMPLICATIONS

Section 177 of the Policing and Crime Act 2017 enables the Secretary of State to issue guidance to Licensing Authorities as to how their taxi and private hire vehicle licensing functions may be exercised so as to protect children and vulnerable adults and requires authorities exercising their licensing functions to have regard to it. Licensing Authorities have a legal duty to have regard to the minimum standards – this means that the Authority must take the standards into account and must give clear reasons for any departure from them.

RISK IMPLICATIONS

None.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Licensing Officers are currently working with the Council's Environmental Health Team to include an Air Quality Management section within the updated Licensing Policy. More information will be available to Members throughout this project.

EQUALITY AND SAFEGUARDING IMPLICATIONS

Equality Implications: There are no equality implications arising from the recommendations of this Report.

Safeguarding Implications: The DfT minimum licensing standards contain specific and detailed safeguarding implications – which relate to both children and vulnerable adults. The Council has a duty to provide the public with a safe and secure taxi and private hire vehicle service within the District.

OTHER IMPLICATIONS

Human Rights: The Licensing Authority must ensure that its decisions and policies can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action / policy proportionate to what it wishes to achieve, or, colloquially does the end justify the means.

Crime & Disorder Implications: The DfT minimum licensing standards contain specific and detailed crime and disorder implications. The Council has a duty to provide the public with a safe and secure taxi and private hire vehicle service within the District.

Corporate Considerations: The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the District's residents, visitors, and business community. Effective implementation of an appropriate licensing regime should help to promote the local economy.

CONSULTATION

Portfolio Holder – Councillor Paul Skinner

APPENDICES

Appendices are listed below and attached to the back of the report: -

APPENDIX 1	Department of Transport - Statutory Taxi & Private Hire Vehicle Standards
APPENDIX 2	Boston Borough Council – Assessment Document

BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
Department of Transport – Statutory Taxi and Private Hire Vehicle Standards – July 2020	https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards
Policing and Crime Act 2017 (Section 177)	https://www.legislation.gov.uk/ukpga/2017/3/section/177

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.

REPORT APPROVAL

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