



REPORT TO:	LICENSING COMMITTEE
DATE:	19 JULY 2022
SUBJECT:	DEPARTMENT FOR TRANSPORT - STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS
PURPOSE:	TO CONSIDER THE RESPONSE TO CONSULTATION REGARDING THE AMENDMENTS TO THE HACKNEY CARRIAGE DRIVER, VEHICLE AND PROPRIETOR & PRIVATE HIRE DRIVER, VEHICLE AND OPERATOR POLICY AND GUIDANCE.
KEY DECISION:	NO
PORTFOLIO HOLDER:	COUNCILLOR PAUL SKINNER
REPORT OF:	SENIOR LICENSING OFFICER
REPORT AUTHOR:	ANNA MCDOWELL
WARD(S) AFFECTED:	ALL
EXEMPT REPORT?	NO

SUMMARY

Under the terms of the Policing and Crime Act 2017 the Department for Transport has introduced minimum licensing standards for hackney carriages 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.

Following a Licensing Committee held on the 15 March 2022 Members determined that the amendments proposed in the draft Policy and Guidance be consulted on and that the results of that consultation be returned to Licensing Committee for consideration.

This report includes all relevant details of the consultation exercise.

RECOMMENDATIONS

That the Committee determine to recommend adoption and publication of the policy and guidance documents to Full Council.

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 provided to the public are safe. The Government fully expects Licensing Authorities to implement the measures, within the standards, as soon as possible.

OTHER OPTIONS CONSIDERED

None

REPORT

1.1 On 21 July 2020, the Department for Transport published the Statutory Taxi & Private Hire Vehicle Standards and the standards became effective immediately. Licensing Authorities have a legal duty to have regard to the standards and must give clear reasons for any departure from them.

1.2 In response to the publication of the Minimum Standards, the Licensing Section proposed amendments to their current policies and guidance in respect of Hackney Carriage and Private Hire licences. A copy of the policies and proposed amendments is attached at **Appendix 1**.

2. CONSULTATION

2.1 Following a meeting of the Licensing Committee on 15 March 2022 an open consultation was undertaken.

2.2 The consultation period ran for 4 weeks, commencing on 01 April 2022 and ending on 29 April 2022.

2.3 The consultation was undertaken in collaboration with the SELCP Consultation Officer and advertised on the Council's website. Additionally, all relevant persons of the hackney carriage and private hire trade were sent a direct link to the consultation via the Licensing Sections Newzapp mailing system.

2.4 Following the closure of the consultation period the Senior Licensing Officer received confirmation from the Consultation Officer that the exercise had not elicited any responses from the public or the trade.

3. CONCLUSION

3.1 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.

3.2 Taking into consideration that no objections or comments were received relating to the proposed amendments, it would now be appropriate to refer the policies and guidance to Full Council with a recommendation to adopt and publish.

EXPECTED BENEFITS TO THE PARTNERSHIP

By working together as a partnership the three sovereign councils benefit from the learning and experience of each other and also the trade benefits from a consistency and uniformity of approach from the Licensing service across the sub-region.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

Whilst the policies that Members are seeking to approve are Boston policies, Members can be assured that collaboration with other Council's in the Partnership has taken place to ensure, as far as possible, that there is consistency in the policy proposals, whilst respecting the unique character of each locality, and best practice has been employed in the development of the policy proposals.

CORPORATE PRIORITIES

This work contributes to two Priority areas in the Boston Borough Council Corporate Strategy 2020 to 2024; Priority One. **People Focussed**: Make Boston as healthy and safe place to work. Priority Four. **Delivering high quality services and maximising use of technology to support residents**: Make better use of technology and data to reduce costs and improve performance and efficiency.

STAFFING

There are no direct implications in terms of staffing, however; the alignment and development of policy so that it is fit for purpose will help the Council to become more efficient in terms of processing Licences.

DATA PROTECTION

Consultation has taken place with the Data Protection Officer and there are no direct implications.

FINANCIAL

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

RISK MANAGEMENT

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.

STAKEHOLDER / CONSULTATION / TIMESCALES

Portfolio Holder – Councillor Paul Skinner

Data Protection Officer – Richard Steele

REPUTATION

There is a risk that the Council's reputation could be damaged if Licensing Policies are not up to date and consistent with national guidance and standards. This paper seeks to bring the Council's policies into line with the latest national requirements.

CONTRACTS

None

CRIME AND DISORDER

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

EQUALITY AND DIVERSITY / HUMAN RIGHTS / SAFEGUARDING

Equality Implications: This report seeks to bring the Council's policies and procedures up to date and into line with the latest equality and diversity standards.

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 do the ends justify the means.

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 Borough that is consistent with prevailing national guidance and standards.

HEALTH AND WELL BEING

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the borough's residents, visitors, and business community. Effective implementation of a fair, proportionate and consistent licensing regime should help to promote the local economy.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no specific policy adjustments that will impact either positively or negatively with our climate change and environmental implications. The work plan for this committee 2022/23 will propose policy changes that seek to improve the air quality in the local area by reducing harmful vehicle emissions.

ACRONYMS

DfT – Department for Transport

APPENDICES

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

Appendix 1

Draft - A Guide for Hackney Carriage Drivers and Proprietors
Draft – A Guide for Private Hire Drivers, Proprietors and Operators
Wheelchair Accessible Vehicle Policy

CHRONOLOGICAL HISTORY OF THIS REPORT

Licensing Committee	12 October 2021
Licensing Working Group	10 December 2021
Licensing Working Group	25 January 2022
Licensing Committee	15 March 2022

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

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