



<b>REPORT TO:</b>	FULL COUNCIL
<b>DATE:</b>	26 SEPTEMBER 2022
<b>SUBJECT:</b>	REVIEW OF THE POLICY DOCUMENTS FOR PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES, PROPRIETORS, OPERATORS AND DRIVERS
<b>PURPOSE:</b>	TO REQUEST THE ADOPTION OF THE AMENDED POLICIES AND GUIDANCE
<b>KEY DECISION:</b>	YES
<b>PORTFOLIO HOLDER:</b>	COUNCILLOR PAUL SKINNER
<b>REPORT OF:</b>	SENIOR LICENSING OFFICER
<b>REPORT AUTHOR:</b>	ANNA MCDOWELL
<b>WARD(S) AFFECTED:</b>	ALL
<b>EXEMPT REPORT?</b>	NO

### **SUMMARY**

Under the terms of the Policing and Crime Act 2017 the Department for Transport has introduced minimum licensing standards for hackney carriage and private hire vehicles, drivers, operators and proprietors. The standards were published in July 2020. The Council has a legal duty to have regard to the minimum standards when undertaking its hackney carriage and private hire licensing functions.

Following a Licensing Committee held on the 02 August 2022, Members determined that the amendments proposed in the draft Policy and Guidance documents be referred to Council to request their adoption.

### **RECOMMENDATIONS**

It is recommended that Council adopt and publish the policy and guidance documents.

## **REASONS FOR RECOMMENDATIONS**

The Department for Transport Statutory Taxi & Private Hire Vehicle 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

### **1. 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 Standards, the Licensing Section proposed amendments to their current policies and guidance in respect of Hackney Carriage and Private Hire licences.
- 1.3 The proposed amendments were presented to two working groups of the Licensing Committee held on 10 December 2021 and 25 January 2022. Following these sub groups, each policy document was updated and the draft policies were referred to the Licensing Committee for consideration.
- 1.4 On 15 March 2022 the Licensing Committee determined that the draft policies should be opened for consultation.
- 1.5 The policy consultation period ran for 4 weeks, commencing on 01 April 2022 and ending on 29 April 2022. Following the closure of the consultation period the Senior Licensing Officer received confirmation from the Authority's Consultation Officer that the exercise had not elicited any responses from the public or the trade.
- 1.6 On 02 August 2022 a meeting of the Licensing Committee was held and it was reported that there were no comments of either a positive or a negative nature received regarding the draft policies. The Licensing Committee determined that the policies should be finalised and referred to Full Council for adoption. A copy of the finalised policies can be found at **APPENDIX 1**.
- 1.7 The Licensing Committee also determined that the policies would be called in for review no later than five years from the date of adoption.

### **2. CONCLUSION**

- 2.1 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.

- 2.2 The Licensing Authority have a duty to ensure their policies promote the measures set out in the Department for Transport Statutory Standards and that their primary objective is ensure the safety of passengers using taxi and private hire services.
- 2.3 Taking into consideration that no objections or comments were received relating to the proposed amendments, it is now requested that Council determine to adopt and publish the policies and guidance.

## **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**

None

## APPENDICES

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

Appendix 1	Hackney Carriage Drivers and Proprietors Policy and Guidance Private Hire Drivers, Proprietors and Operators Policy and guidance Wheelchair Accessible Vehicle Policy
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## 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
Licensing Committee	02 August 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	<a href="https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards">https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards</a>
Policing and Crime Act 2017 (Section 177)	<a href="https://www.legislation.gov.uk/ukpga/2017/3/section/177">https://www.legislation.gov.uk/ukpga/2017/3/section/177</a>

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