

<b>TITLE</b>	<b>Statutory Taxi &amp; Private Hire Vehicle Standards Report</b>
<b>FOR CONSIDERATION BY</b>	Licensing and Appeals Committee 6 October 2020
<b>WARD</b>	Non-specific
<b>DIRECTOR</b>	Sean Murphy - Public Protection Manager

## **OUTCOME / BENEFITS TO THE COMMUNITY**

The Statutory Standards published on 21 July 2020 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 together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe.

The Department for Transport will monitor licensing authorities' responses to the Statutory Standards and all authorities are expected to provide an update by 31<sup>st</sup> January 2021 in developing the standards

## **RECOMMENDATION**

(1) Members note the content of the statutory standards

(2) Members agree to further reports detailing changes to conditions contained in the Hackney Carriage and Private Hire Policy and School and Community Services Policy to comply with the statutory standards

## **SUMMARY OF REPORT**

To inform members of the recently published 'Statutory Taxi & Private Hire Vehicle Standards' issued by the Department for Transport (DfT).

To set out the work required to be completed in regards the Hackney Carriage and Private Hire Policy and School and Community Services Policy in line with recommendations made by the Statutory Taxi and Private Hire Vehicle Standards to be then considered by the Licensing and Appeals Committee.

## **Background**

### **Introduction/Background**

1.1 On 21 July 2020, the Department of Transport issued Statutory Taxi & Private Hire Vehicle Standards for the first time which replaced the Department's 2010 Best Practice Guidance.

1.2 Under the Policing and Crime Act 2017 the Secretary of State for Transport is enabled to issue statutory guidance on the exercising of taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services.

1.3 The Guidance is the result of extensive consultation with the police, the trade, the Institute of Licensing and others and sets out the approach that Licensing Authorities must adopt when carrying out their functions.

1.4 This authority has already previously implemented a number of the recommendations on its own volition but the guidance provides the opportunity to further tighten the current licensing scheme. The report below sets out the major changes to the licensing regimes.

## **2 New Standards**

2.0 The main areas of the statutory standards cover the following;

2.1. Licensing policy. Authorities should produce a 'cohesive policy document' that brings all procedures together (including a convictions policy). When formulating policies, the overriding objective must be to protect the public. Policies should be reviewed every five years.

2.2 Fit and proper test. Until now there has been no statutory definition of what amounts to a 'fit and proper' person for the purposes of the legislation. Now this should be based on a balance of probabilities basis and be proportionate. Applicants should not be 'given the benefit of the doubt' and if the panel is only "50/50" as to whether the applicant is 'fit and proper' they should not be given a licence. This is a lower threshold than for criminal convictions and can therefore include information that goes beyond criminal convictions.

2.3 Administration. There should be sufficient training and adequate resource for all those involved with making licensing decisions. Any functions that are delegated should be set out in a clear scheme of delegation and it is suggested that less contentious matters can be resolved by authorised officers. It is recommended that more serious matters are dealt with by committee.

2.4 Whistleblowing. It is recommended that authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly.

2.5 DBS checks. Subscription to the DBS Update Service by drivers and operators at their own expense. This will enable the Authority to review the DBS record of a driver or operator at any time, but it is recommended that the records should be reviewed every six months as a minimum. In addition there is a new requirement that all Booking and Dispatch staff should be subject to a basic DBS check and it will be mandatory for operators to keep records of any individual that responded to the booking request and/or despatched a vehicle to the booking request.

2.6 Overseas convictions. DBS cannot access criminal records held overseas – certificates of good character should be obtained where an applicant has

previously lived outside the UK for a period of more than 3 continuous months.

2.7 Convictions policies. All authorities should have a clear policy that takes a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.

2.8 Common Law Police disclosures. These should also be considered as part of the 'fit and proper' test. This replaced the previous Notifiable Occupations Scheme.

2.9 Multi-agency Safeguarding Hub (MASH). Authorities should establish a means to facilitate the objectives of the local MASH. It highlights obstacles in sharing information as a barrier to effective safeguarding.

2.10 Complaints against licensees. All authorities should have robust complaint recording systems and take action if necessary. Authorities should produce guidance for passengers on how to make complaints. Operators should be able to share concerns regarding drivers with the local authority.

2.11 Mandatory safeguarding awareness training for all drivers. Authorities should provide safeguarding advice and guidance and explain to drivers how to respond and report concerns and where to get advice. Training should include 'County Lines' drug trafficking awareness.

2.12 All licence holders to demonstrate proficiency in English language. All drivers should be able to converse with passengers to understand destination, estimates of time along with other common passenger requests. Drivers should be able to provide correct change and produce a legibly written receipt upon request.

2.13 Enforcement. Joint authority agreements between authorities are encouraged. Drivers should be made aware of relevant policies and repercussions.

2.14 Suspension and revocation of driver licences. The guidance clarifies situations in which revocations and suspensions may be used.

2.15 Private hire operators and criminal record checks. All operators should be subject to an annual basic DBS check. Ancillary staff that have access to booking records should also be DBS checked.

2.16 Record keeping. The guidance suggests minimum information that should be recorded when accepting a booking.

2.17 CCTV in vehicles. Local consultation to determine if mandatory CCTV would have a positive or negative on the safety of passengers.

2.18 Local consultation. It suggests it is good practice to consult when proposing significant changes in local licensing rules. Consultation should include passengers and trade groups.

2.19 Changes to policies – should apply to all licence holders (so any changes would be retrospective).

2.20 Criminality checks for vehicle proprietors. Basic disclosure undertaken annually.

2.21 Stretched Limousines. Consideration should be given to their licensing

### 3 Assessment of Previous Convictions

3.1 The standards suggest a range of recommendations relating to all taxi licensing convictions policies.

### 4 Conclusion

4.1 Members are requested to consider the new standards and recommended changes. Further reports will be presented in order to implement changes to current conditions and policies and these will then be subject to wider consultation including the trade.

### Analysis of Issues

There are no implications arising from the recommendation in this report.

### FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

### Other financial information relevant to the Recommendation/Decision

None

### Cross-Council Implications

There are no implications arising from the recommendation in this report.

### List of Background Papers

Statutory Taxi and Private Hire Vehicle Standards

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