
MISCELLANEOUS TAXI LICENSING POLICY AMENDMENTS

COMMITTEE: LICENSING COMMITTEE

DATE: 14 OCTOBER 2020

AUTHOR: SENIOR LICENSING OFFICER

1.0 PURPOSE OF REPORT

- 1.1 To inform Members of the salient points of the Government's new Statutory Guidance for Taxis published on 21 July 2020.
- 1.2 To ask Members to approve minor amendments to the existing Private Hire and Hackney Carriage Licensing Policy to align the policy with the new Statutory Guidance mentioned in point 1.1 above.

2.0 RECOMMENDATION(S)

- 2.1 That Members:
 - i) note the existence of the new Statutory Guidance for Taxis published on 21 July 2020, and the procedural changes mentioned in this report
 - ii) approve the minor amendments to the Private Hire and Hackney Carriage Licensing Policy shown in table 1 below and as tracked changes in Appendix 1 to this report, to come into effect immediately.
 - iii) Instruct officers to consult to identify if there are any local circumstances which indicate whether introducing CCTV in vehicles would have a positive or negative impact.

3.0 BACKGROUND

- 3.1 For a number of years various key stakeholders have been calling for the Government to overhaul the outdated legislation controlling the Hackney Carriage and Private Hire trade, but unfortunately despite various working parties and reviews, this has not yet happened. Alongside the request to update the legislation was a call for more consistency in the licensing of drivers, vehicles and operators, especially when it comes to the issue of whether someone is "fit and proper", or as it's now becoming known "safe and suitable", to hold a licence or work in a licensed area, such as an operator base.
- 3.2 As Members will no doubt recall serious incidents of sexual exploitation have occurred in numerous districts across the UK, and this has not only caused great physical and mental harm to those directly involved, but it has also

damaged the reputation of those authorities whose systems were insufficient in this regard.

- 3.3 When Members approved a new hackney carriage and private hire licensing policy in 2017 which came into effect on 1 January 2018, a number of improvements were made, and these were added to when Members approved a number of minor amendments to the policy in 2019.
- 3.4 Due to these measures taken in 2017 and 2019, which included compulsory safeguarding training and DBS update service membership, and our own internal procedures being updated to ensure that we used the newly created NR3 (National Revocation and Refusals Register) when determining all new and renewal applications, the amendments required of us now to comply with the newly released Statutory Guidance are negligible.
- 3.5 In addition to items that need to be placed in our policy, the guidance also covers procedural matters. Whilst procedural matters do not need to be placed in the policy, this report highlights these to assure Members that these matters will also be taken forward.

4.0 SUMMARY

- 4.1 Table 1 (below) lists the requirements of the new Statutory Guidance in the first column, and the second column confirms whether this is already in place, or a change needs to be made to our policy or procedures.
- 4.2 Where an amendment is required to the Policy, this can found as tracked changes in the Council's Hackney Carriage and Private Hire Licensing Policy in Appendix 1.

Table 1

Requirement	Action required	Tracked change location in appendix 1
Whistleblowing scheme	Already in place	N/A
Changes to policy should be retrospective	Already in place	N/A
Use of common law Police disclosure	Already in place	N/A
DBS checks to be conducted every 6 months	Amendment required, currently every 3 years	3.7.1(ii) pg 21
Convictions to be notified within 48 hours.	Amendment required, currently 72 hours	3.9.2 to 3.9.4 pg 22 20.1 pg 48 5.1 pg 65
Referrals to DBS if licence holder thought to pose a risk	Already in place	
NR3 to be used	Already in place	N/A
Complaint system to ensure licence holder history is mapped	Already in place	N/A

Member training on safeguarding, disability and equality, licensing, natural justice, and making difficult decisions	Training required	N/A
Membership of the DBS update service to be maintained throughout the period of licensing.	Already in place	N/A
No licence to anyone on a barred list	Already in place, but to be made clearer in the policy	Appendix L, pg85
Compulsory Safeguarding training for all drivers	Already in place for drivers and operators	N/A
Testing of drivers should cover their proficiency with both oral and written skills	Already in place, but needs to be made clearer in the policy	Appendix K, pg83
DBS checks on vehicle proprietors	Amendment required, not currently required	26.1 pg 59
Licensing Authority should consult to identify if there are any local circumstances which indicate whether introducing CCTV in vehicles would have a positive or negative impact	Consultation needs to be held as soon as resources permit	N/A
Annual Operator DBS check	Amendment required, currently every 3 years	26.1 pg 66
New Operator condition requiring Operator to maintain a register of all staff who take bookings and dispatch vehicles	Amendment required	4.13.1 pg 29
New Operator conditions requiring Operator to check a recent basic DBS for any staff on the register	Amendment required	4.13.2 pg 29
New Operator conditions requiring all staff on the register to notify the operator if they are convicted	Amendment required	4.13.3 pg 29
New Operator condition requiring all Operators to evidence that comparable safeguards are in place if they sub-contract work.	Amendment required	4.13.4 pg 29 24 pg69
Additional bookings records to be kept	Amendment required	6.1 pg66
New Operator condition requiring Operators to obtain informed consent from the customer if they intend to fulfil the booking by means of a PSV vehicle and PCV licence holder	Amendment required	25 pg66

Joint authorisations with neighbouring authorities to enable cross border enforcement	Process needs formalising	N/A
Revised assessment of previous convictions appendix	Amendment required.	

5.0 **IMPLICATIONS**

- 5.1 Whilst it is not a legal requirement to amend our policy to reflect the new Statutory Guidance, the Licensing Authority must have regard to the new Statutory Guidance when determining all applications and dealing with any enforcement issues. Due to this it makes sense to align the two documents to avoid confusion for all parties.
- 5.2 The changes being recommended will have minor implications for the trade, but as they are necessary to reflect the new guidance, it is not considered necessary to consult with the trade on these matters.

6.0 **REPORT CONCLUSION**

- 6.1 Approving the amendments to the Hackney Carriage and Private Hire Licensing Policy contained in this report will align our policy with the national Statutory Guidance. This will provide clear information to all parties, and will further boost our ability to promote our primary objectives which are to protect public safety, and maintain a professional taxi trade.

7.0 **APPENDICES**

- 7.1 Appendix 1 Hackney Carriage and Private Hire Licensing Policy

Background Documents

Department for Transport:
Statutory Taxi and Private Hire
Standards

Location

Room SF208
The Grange,
Ely

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