

Report to:	Licensing and Regulatory Committee	Date of Meeting:	Monday 7 September 2020
Subject:	Statutory Taxi Licensing Standards for Licensing Authorities		
Report of:	Head of Highways and Public Protection	Wards Affected:	
Portfolio:			
Is this a Key Decision:	N	Included in Forward Plan:	No
Exempt / Confidential Report:	N		

Summary:

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

Recommendation(s):

- (1) Members note the content of the statutory standards
- (2) Members agree to further reports detailing changes to conditions to comply with the statutory standards

Reasons for the Recommendation(s):

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 together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe.

Alternative Options Considered and Rejected: (including any Risk Implications)

Government fully expects licensing authorities to implement these measures as soon as possible

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs - none

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): The cost of the service is wholly recovered from the ring-fenced Taxi Licensing Trade Account (Revenue Budget BD12).
Legal Implications:
Equality Implications: There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: The guidance is intended to strengthen policies in relation to safeguarding issues.
Facilitate confident and resilient communities:
Commission, broker and provide core services: Improvement to current conditions in line with Government guidance
Place – leadership and influencer:
Drivers of change and reform:
Facilitate sustainable economic prosperity:
Greater income for social investment:
Cleaner Greener

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director Corporate Resources and Customer Services (FD6108/20) has been consulted and notes the report indicates no direct financial implications for the Council. The Chief Legal & Democratic Officer (LD 4300/20) has been consulted and has no comments on the report

(B) External Consultations

Consultation will take place with taxi trade representatives through the established working groups.

Implementation Date for the Decision

January 2021

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Appendices:

1 Statutory & Private Hire Vehicle Standards

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 Members will recall the previous report on 'Draft Statutory Guidance for Local Authorities' in relation to taxi licensing at the 18 March 2019 meeting.
- 1.2 The committee considered the Government draft statutory guidance for licensing authorities in relation to taxi licensing.
- 1.3 Following a consultation process, on 21 July 2020, the Secretary of State for Transport issued a set of statutory standards in relation to taxi licensing.

2 New Standards

- 2.1 The main areas of the statutory standards cover the following;
 - a. 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.
 - b. Fit and proper test. 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.
 - c. Administration. There should be sufficient training and adequate resources 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.
 - d. 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.
 - e. DBS checks. Subscription to the DBS Update Service allowing checks at any time and at least every six months.
 - f. 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.
 - g. 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.
 - h. Common Law Police disclosures. These should also be considered as part of the 'fit and proper' test. This replaced the previous Notifiable Occupations Scheme.

- i. 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.
- j. 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.
- k. 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.
- l. 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.
- m. Enforcement. Joint authority agreements between authorities are encouraged. Drivers should be made aware of relevant policies and repercussions.
- n. Suspension and revocation of driver licences. The guidance clarifies situations in which revocations and suspensions may be used.
- o. 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.
- p. Record keeping. The guidance suggests minimum information that should be recorded when accepting a booking.
- q. CCTV in vehicles. Local consultation to determine if mandatory CCTV would have a positive or negative on the safety of passengers.
- r. 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.
- s. Changes to policies – should apply to all licence holders (so any changes would be retrospective).
- t. Criminality checks for vehicle proprietors. Basic disclosure undertaken annually.
- u. 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 following trade consultation.