

LICENSING COMMITTEE (NON-LICENSING ACT 2003 FUNCTIONS)

Agenda Item 17

Brighton & Hove City Council

| | | |
|-------------------------|--|---------------------|
| Subject: | Statutory Taxi & Private Hire Vehicle Standards | |
| Date of Meeting: | 26 November 2020 | |
| Report of: | Interim Executive Director of Housing, Neighbourhoods & Communities | |
| Contact Officer: | Name: <i>Martin Seymour</i> | Tel: 29-6659 |
| | E-mail: martin.seymour@brighton-hove.gcsx.gov.uk | |
| Wards Affected: | All | |

FOR GENERAL RELEASE

SUMMARY AND POLICY CONTEXT:

1.1 It is proposed that the council implement the Statutory Taxi and Private Hire Vehicle Standards as soon as practicable.

2. RECOMMENDATIONS:

2.1 That the Council adopts the Statutory and Private Hire Vehicle Standards and Officers implement the Standards as soon as practicable.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 In July the Government published the Statutory Taxi and Private Hire Vehicle Standards (see appendix A). These Standards were published as there is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue.

3.2 The Council already has many of the standards incorporated into the current Blue Book for Hackney Carriage & Private Hire, Drivers, Vehicles and Operators. The council plans to consult on any proposed changes to licensing policies and conditions and Officers are working on a new version (6Th Edition) of the Blue Book. Many of the recommendations are already in place, and may need refining, so consultation may

not be required. However, significant proposed changes to policies or new policies will require consultation.

- 3.3 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. The document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes.
- 3.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.
- 3.4 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department’s Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure.
- 3.5 A major change is the frequency of DBS checks which are currently only carried out every 3 years. The Statutory Standard states; Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS. All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 3.6 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime. Enhanced DBS and barred list checks are not available for vehicle licensing. Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing

authorities should consider whether an applicant or licence holder with a conviction for offences meet the 'fit and proper' threshold.

- 3.7 Similarly, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime. Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder, meet the 'fit and proper' threshold.
- 3.8 In determining an application or taking action against a licence, decisions are investigated by officers and a recommendation is made to a manager who makes the decision in consultation with a lawyer. In addition, the most difficult matters would come to the Chair and to the two lead members for discussion and in some cases, applications are brought before a licensing panel.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

None

5. COMMUNITY ENGAGEMENT AND CONSULTATION

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

6. CONCLUSION

The draft statutory guidance is an attempt to formulate national minimum standards and the Government has encouraged all licensing authorities to publish their consideration of the recommendations.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

The costs in respect of officer time will be met from within the approved staffing budget and are covered by the relevant fee charged to the taxi trade.

Finance Officer Consulted: Name Michael Bentley Date: 29/09/20

7.2 Legal Implications: These are within the body of the report. If the Council wishes to depart from the standards it may do so provided there is justification which is set out and explained

Lawyer Consulted: Name Rebecca Sidell Date: 15/10/2020

7.3 Equalities Implications:

There are no impact assessments associated with this report.
The aim of any new policies would be to reduce the risk posed by licence holders to the travelling public, and to increase the confidence of the public that their taxi and private hire drivers can be trusted. Safeguarding children and adults at risk. Amongst the proposals are mandatory disability awareness, equality training and CSE safeguarding training for drivers.

7.4 Sustainability Implications:

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses boosting the local economy.

7.5 Any Other Significant Implications:

None

SUPPORTING DOCUMENTATION

Departments for Transports (DfT) recently published “Statutory Taxi and Private Hire Vehicle Standards