

<b>SUBJECT:</b>	<b>STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS REPORT</b>
<b>DIRECTORATE:</b>	<b>DIRECTORATE OF COMMUNITIES AND ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>IAN CULLEN, LICENSING TEAM LEADER</b>

## **1. Purpose of Report**

- 1.1** To seek approval for the implementation of the statutory taxi and private hire vehicle standards and how the standards operate in the Council.

## **2. Executive Summary**

- 2.1** On the 21 July 2020 the Department for Transport (DfT) published new Statutory Taxi and Private Hire Vehicle Standards (the Standards) to all licensing authorities. The Standards are aimed at safeguarding children and vulnerable adults. A copy of the Standards being found at **Appendix A**.
- 2.2** This report sets out a proposal for the way in which the Standards are going to be implemented by the Council.

## **3. Background**

- 3.1** On the 21 July 2020 the Secretary of State for Transport published new Statutory Taxi and Private Hire Vehicle Standards to all licensing authorities. The Standards are aimed at safeguarding children and vulnerable adults.
- 3.2** The Standards were developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable.
- 3.3** The Standards are the result of extensive consultation with the police, the trade, the Institute of Licensing and others and sets out the approach that Licensing Authorities should adopt when carrying out their functions. Whilst the Standards are guidance and not compulsory, the DfT expects the recommendations laid out to be implemented by licensing authorities unless there is a compelling local reason not to do so.
- 3.4** This authority has already previously implemented a number of the recommendations of its own volition, but the guidance provides the opportunity to consider further changes.
- 3.5** Unlike the Licensing Act 2003 and the Gambling Act 2005, the legislation that specifically controls the licensing of hackney carriages and private hire vehicles,

drivers and operators, does not contain provisions that directly require the Council to prepare and publish a hackney carriage and private hire licensing policy in a particular manner.

- 3.6 It is the intention that a full review of the Council's current Hackney Carriage & Private Hire Licensing Policy will be undertaken later this year, to be concluded by early 2023. However, it is felt that the implementation of the new standards should not wait until this has been completed.
- 3.7 There is already clear alignment between the Council's Policy and the majority of the requirements set out in the Standards. Nevertheless, for the purposes of decision making, where any anomalies exist between the Policy and the Standards, the requirements of the Standards should take precedence over the requirements set out in the Council's Policy. Each application and review of an existing licence will continue to be determined on their own merits.
- 3.8 A working party of members and officers was created to analyse the statutory standards document and to identify areas within the guidance that differed from the Council's current policy and procedures. It was identified that many standards suggested by the DfT were already within City of Lincoln Council policy and only a few changes were required to be completed.
- 3.9 Following the analysis of the Standards a consultation document was produced covering 14 standards which the Council would need to consider adopting to meet the DfT standards. This document together with the working party recommendations can be found at **Appendix B**.
- 3.10 Appendix B includes proposed timescales for implementation as suggested by officers. The majority of the criteria will be in place within 6 months, with some standards able to be implemented far sooner. This gives officers time to amend application forms, formulate conditions and allow ample time to notify operators, drivers and proprietors of the changes to policy and procedure.

#### **4. Consultation**

- 4.1 A consultation was held from 17<sup>th</sup> January 2022 to 21<sup>st</sup> February 2022, requesting feedback from members of the trade, stakeholders and members of the public regarding the proposed changes to policy, conditions and procedures. A survey document was produced and circulated to all Private Hire operators, PH/HC proprietors and PH/HC drivers as well as other key stakeholders. In total over 500 different individuals and bodies were consulted. The consultation was also posted on the Council website.
- 4.2 The Council received 2 responses to this consultation exercise. One from a Lincoln licensed Hackney carriage driver and one from a Lincoln licensed Private hire driver. Their responses can be seen at **Appendices C and D** respectively.
- 4.3 The consultation responses and comments were considered by the Licensing Team Leader and Licensing Officers. Comments received and results presented did not provide a compelling or strong reason as to why the Council should not implement the proposed changes.

## **5. Strategic Priorities**

No impact on any priorities

## **6. Organisational Impacts**

### **6.1 Finance (including whole life costs where applicable)**

The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the exercise. These costs are recovered through the licensing fees.

### **6.2 Legal Implications including Procurement Rules**

Section 177 of the Policing and Crime Act 2017 enables the Secretary of State to issue guidance to Licensing Authorities as to how their taxi and private hire vehicle licensing functions may be exercised so as to protect children and vulnerable adults and requires authorities exercising their licensing functions to have regard to it. Licensing Authorities have a legal duty to have regard to the minimum standards – this means that the Authority must take the standards into account and must give clear reasons for any departure from them.

### **6.3 Equality, Diversity and Human Rights**

**The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.**

**It requires that public bodies have due regard to the need to:**

- **Eliminate discrimination**
- **Advance equality of opportunity**
- **Foster good relations between different people when carrying out their activities**

There are no equality implications arising from the recommendations of this Report.

## **7. Risk Implications**

### **7.1 (i) Options Explored**

Whether or not to implement the recommended standards as set out by DfT.

### **7.2 (ii) Key risks associated with the preferred approach**

None. By considering and adopting the DfT standards the Council has met its legal obligation to have regard of the standards.

## 8. Recommendations

- 8.1 Members are recommended to approve the new standards as agreed by the working party. These to become new licence conditions, policy requirements and application procedures as proposed in Appendix B
- 8.2 Members are recommended to approve the proposed implementation time scales, as detailed in Appendix B.
- 8.3 Members to agree that for the purposes of process and decision making, where any anomalies exist between the Standards and the Councils Hackney Carriage and Private Hire Licensing Policy, unless there are exceptional circumstances, the requirements of the Standards will take precedence.

**Is this a key decision?** No

**Do the exempt information categories apply?** No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?** No

**How many appendices does the report contain?** 4

**List of Background Papers:** Appendix A - Statutory Taxi & Private Hire Vehicle Standards  
Appendix B – Consultation document with proposed changes  
Appendix C – Consultation response from Hackney Carriage Driver  
Appendix D – Consultation response from Private Hire Driver

**Lead Officer:** Ian Cullen, Licensing Team Leader  
Telephone (01522) 873714  
Email address: [ian.cullen@lincoln.gov.uk](mailto:ian.cullen@lincoln.gov.uk)

**Please read the frequently asked questions sheet which accompanies this report template in authority wide in the committee report template folder for further information relating to this document and report writing in general.**