


REPORT TO CABINET

9 December 2020

Subject:	Statutory Taxi and Private Hire Vehicle Standards
Presenting Cabinet Member:	Cabinet Member for Inclusive Economic Growth – Councillor Danny Millard
Director:	Director – Prevention and Protection Neil Cox
Contribution towards Vision 2030:	
Key Decision:	Yes
Cabinet Member Approval and Date:	Yes
Director Approval:	Yes
Reason for Urgency:	Urgency provisions do not apply
Exempt Information Ref:	Exemption provisions do not apply
Ward Councillor (s) Consulted (if applicable):	Boroughwide
Scrutiny Consultation Considered?	Scrutiny has not been consulted
Contact Officer(s):	Nicola Plant – Service manager Regulated Services and Transformation Tracy Hubball – Operations Manager

DECISION RECOMMENDATIONS

That Cabinet:

1. Authorise the Director – Prevention and Protection to undertake a consultation process on the Statutory Taxi and Private Hire Vehicle Standards published by the Department for Transport (DfT) and the changes that would be required to Sandwell's Private Hire and Hackney Carriage Licensing policy should these be adopted.
2. Authorise the Director – Prevention and Protection submit a further report to Cabinet following the consultation referred to in (1) above to

consider the outcomes of this and any changes to be made to Sandwell's Private Hire and Hackney Carriage Licensing Policy.

1 PURPOSE OF THE REPORT

To seek approval to undertake a consultation on the proposed Statutory Taxi and Private Hire Vehicle Standards published by the DfT on 21 July 2020, and the changes that would be required to Sandwell's Private Hire and Hackney Carriage Licensing policy should these be adopted.

2 IMPLICATION FOR VISION 2030

- 2.1 Ambition 2 – Sandwell is a place where we live healthy lives and live them for longer, and where those of us who are vulnerable feel respected and cared for.
- 2.2 Ambition 5 – Our Communities are built on mutual respect and taking care of each other, supported by all agencies that ensure that we feel safe and protected in our homes and local neighbourhoods.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 On 21 July, 2020, the Secretary of State for Transport issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities. They are designed to improve consistency in the licensing system and reducing the risk of harm posed to children and vulnerable passengers.
- 3.2 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.
- 3.3 Licensing authorities are under a legal duty under Section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards which means they should be rigorously considered in formulating policy.
- 3.4 There is an expectation from the Department for Transport that these standards will be implemented unless there is a compelling local reason not to.

- 3.5 It is recognised that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, however it should be noted that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice.
- 3.6 The Standards state that in the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.
- 3.7 The Secretary of State is asking all licensing authorities to provide an update to the Department of their consideration of the Standards by the end of January 2021.
- 3.8 In accordance with the Standards' guidance it is proposed to undertake a consultation on the areas where implementing the Standards would require changes to the council's current Private Hire and Hackney Carriage Licensing Policy. This consultation would include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers.
- 3.9 Following the consultation a further report will be presented following discussions with the Licensing Committee with the outcomes of the consultation together with any recommended changes to the council's Private Hire and Hackney Carriage Licensing Policy.
- 3.10 A copy of the Statutory Taxi and Private Hire Vehicle Standards is attached at [Appendix 1](#)

4 THE CURRENT POSITION

- 4.1 The current Private Hire and Hackney Carriage Licensing Policy, was approved in August 2018. The policy must be reviewed every five years as a minimum and the next full review was due by 2023 at the latest.
- 4.2 However, the new Statutory Taxi and Private Hire Standards issued by the Department for Transport in July 2020 requires the council as the Licensing Authority to have regard to these.
- 4.3 To consider inclusion of the new Standards into the council's Private Hire and Hackney Carriage Licensing Policy a consultation is proposed with key stakeholders.
- 4.4 The chair and vice chairs of the Licensing Committee have been consulted and support the proposals in this report.

- 4.5 A copy of the current Private Hire and Hackney Carriage Licensing Policy is attached at [Appendix 2](#)

5 **CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 The Statutory Taxi and Private Hire Vehicle Standards require consultation is undertaken with the taxi and private hire trade, and groups who are likely to be their customers such as groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest and other transport providers, women's groups, local traders and local multi-agency safeguarding groups. It also suggests that consideration be given to night-time economy groups if the trade is an important element of dispersal from local night-time economy.
- 5.2 Any decision taken to alter the licensing regime is likely to impact on the operation of the taxi and private hire sector in neighbouring areas and licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.
- 5.3 The governing principle for the Public Law Duty to Consult is proportionality of the type and scale of consultation to the potential impacts. Having taken account of the range of consultees and the scope of potential changes it is proposed that a 12 week consultation is undertaken. Following this, a further report will be presented to Cabinet following discussions with the Licensing Committee with the outcomes of the consultation together with any recommended changes to the council's Private Hire and Hackney Carriage Licensing Policy.

6 **ALTERNATIVE OPTIONS**

- 6.1 Licensing authorities are under a legal duty under Section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards. The council is also required to follow the principles under the Public Law Duty to Consult in determining the requirement to consult. As such there is no alternative option to undertaking a consultation.

7 **STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 There are no staffing implications associated with the proposals contained within this report.
- 7.2 Any costs associated with the consultation will be met from the taxi licensing service budget.

7.3 There are currently no known implications for the council's material asset.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 Taxi and Private Hire Vehicle (PHV) legislation is primarily concentrated in the Town Police Clauses Act 1847 (the 1847 Act) and the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). The legislation provides a broad framework for the licensing of drivers, vehicles and operators but the detail of how this is done, including standards and conditions, is the responsibility of individual councils ('licensing authorities').

8.2 Licensing authorities are under a legal duty under Section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards.

8.3 The council is required to apply the principles within the Public Law Duty to Consult in consideration of the requirement to consult prior to taking decisions.

9 EQUALITY IMPACT ASSESSMENT

9.1 An initial equality screening has been undertaken and no adverse impact on protected groups has been identified.

9.2 The Standards have a focus to support reducing the risk of harm posed to children and vulnerable passengers. 'Vulnerable passengers' for the purposes of the Standards are defined as vulnerable adults under section 42 of the Care Act 2014. Therefore, the proposal may have a positive impact on some individuals within the Disability protected characteristic.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 A Data Protection Impact Assessment is not required as the proposals do not include processing of data that is likely to result in a high risk to the rights and freedoms of individuals. The proposals do not include processing of sensitive data.

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 There are no risks identified in relation into crime and disorder from these recommendations. The statutory standards have a focus to support reducing the risk of harm posed to children and vulnerable passengers but will also benefit all passenger and contribute to public safety.

11.2 A risk assessment has been undertaken in relation to the recommendations in this report and there are no significant risks to report.

12 SUSTAINABILITY OF PROPOSALS

12.1 The proposals in this report are sustainable and respond to a requirement to consider statutory standards.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 The new Statutory Taxi and Private Hire Vehicle Standards are designed to improve consistency in the licensing system, reducing the risk of harm posed to children and vulnerable passengers. Whilst the focus of these Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations.

13.2 Improving public safety will contribute to a positive impact on health and wellbeing of the population.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 There are no implications in this report for council asset management, land or property.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 It is recommended that the council runs a consultation with key stakeholders to seek views on the Statutory Taxi and Private Hire Vehicle Standards. This is proposed in compliance with the council's legal duty under Section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards, which means they should be rigorously considered in formulating policy

16 BACKGROUND PAPERS

16.1 Statutory Taxi and Private Hire Vehicle Standards

16.2 Private Hire and Hackney Carriage Licensing Policy

17 APPENDICES:

Appendix 1 – Statutory Taxi and Private Hire Vehicle Standards

Appendix 2 - Private Hire and Hackney Carriage Licensing Policy