

General Licensing Committee Meeting	
Meeting Date	21 January 2021
Report Title	DfT Statutory Taxi and Private Hire Vehicle Standards
Cabinet Member	Cllr Richard Palmer, Cabinet Member for Communities
SMT Lead	Nick Vickers, Chief Financial Officer
Head of Service	Della Fackrell, Resilience & Licensing Manager
Lead Officer	Christina Hills, Licensing Officer
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Members note the new statutory guidance which the Licensing Authority will have regard to until it is fully incorporated into the councils Hackney Carriage and Private Hire Licensing Policy. 2. Members to consider the draft revisions to the Hackney Carriage and Private Hire Licensing Policy to be implemented before a more extensive revision to the policy later in 2021. 3. Members to note the policy consultation process as outlined and provide any comments in respect of the same.

1 Purpose of Report and Executive Summary

- 1.1 To inform Members of the new Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards ahead of full implementation within current Swale Hackney Carriage and Private Hire Licensing Policy 2018-2021.

2 Background

- 2.1 The Secretary of State for Transport issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities in July 2020 which are aimed at safeguarding children and vulnerable adults. The Statutory Standards set out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. There is now an expectation that government and licensing authorities must work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe. The Statutory Standards are shown at **Appendix I**.
- 2.2 The DfT stated that it will monitor licensing authorities' responses to the Statutory Standards. The Department is aware of the challenges caused by the current

coronavirus pandemic and is mindful of this although the Secretary of State is asking that all licensing authorities provide an update to the Department of their consideration of the standards by 31 January 2021. Therefore, it expects these recommendations to be implemented unless there is a compelling local reason for not doing so.

- 2.3 Licensing authorities have a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards. It has been declared that in the interests of transparency, all licensing authorities should publish their consideration of the measures contained in the Standards and their policies. The update will enable government bodies to engage with those authorities that do not adopt the Standards and seek from them a rationale for failing to act to protect passengers.
- 2.4 The Government will shortly consult on revised best practice guidance that will reflect the enormous changes that the industry has undergone in recent years and make clear recommendations on the measures licensing authorities should consider to enable the trade to react to the demands of passengers. If time frames permit this will be incorporated into Swale BC's taxi policy which will be subject to a thorough revision later in 2021.

3 Proposals

- 3.1 Officers have had the opportunity to complete an assessment of the Statutory Standards and a summary of the full document is shown as **Appendix II**.
- 3.2 The assessment outlines the key points included within the Statutory Standards, the council's current position regarding these points and identifies the changes that will need to be made to the current taxi policy.
- 3.3 The proposed changes to the current policy are shown as **Appendix III** and it is these changes that will require consultation. It is proposed that Swale BC incorporates them into the current taxi policy. This course of action will meet the requirements for an update to be provided to the DfT by 31st January 2021.

4 Alternative Options

- 4.1 An alternative option would be to continue to rely on the current Hackney Carriage and Private Hire Licensing Policy; however this does not incorporate the Statutory Taxi and Private Hire Vehicle Standards which the DfT expect all local authorities to have regard of.

5 Consultation Undertaken or Proposed

- 5.1 A consultation of at least four weeks is proposed. Methods of consultation will be via the council's website, by direct email and mail shots and in the case of Swale licensed drivers and operators by Survey Monkey.

5.2 It is proposed to consult with the following:

- All current hackney carriage/private hire driver licence holders
- All current private hire operator licence holders
- Kent Police
- Swale Community Safety Unit
- KCC Schools Contracts Department
- Borough Councillors
- Parish Councillors
- Members of the public

5.3 All incoming responses will be collated and entered onto a grid for consideration.

5.4 The Resilience and Licensing Manager in consultation with licensing officers will conduct an evaluation of each response and give a recommendation as to whether or not to amend the policy statement and, if so, to what extent.

5.5 The grid and recommendations will be put before a future meeting of the General Licensing Committee for consideration and inclusion of any amendments within the existing Swale BC Hackney Carriage and Private Hire Licensing Policy 2018 – 2021.

6 Implications

Issue	Implications
Corporate Plan	The service is an important regulatory function undertaken to ensure safety of the private hire and hackney carriage vehicles used in the Borough and supports the achievement of corporate priorities, including “A council to be proud of”.
Financial, Resource and Property	The cost of consultation and publishing an updated policy will be met from within existing budgets. The Hackney Carriage and Private Hire Licensing Policy is not envisaged to place any new financial pressures on the Council although there are implications for extra work within the licensing team.
Legal and Statutory	There is no legal requirement for a policy, however it is best practice. This is different to other licensing regimes where a policy is a legal requirement. Rights of appeal are granted to all applicants and licensees who are aggrieved by any licensing decisions. Under the Human Rights Act 1998 Members must consider the hackney carriage and private hire drivers’ ‘enjoyment of possession’ under Article 1 of the First Protocol – Protection of

	<p>Property and in determining a policy regarding the licensing of these individuals must balance this right with the need to protect the public.</p> <p>The authority must report to the Department of Transport by 31 January 2021 on its actions to consider and implement the statutory guidance.</p>
Crime and Disorder	There are obvious links to community safety in ensuring an adequate supply of properly licensed taxis as a safe mode of transport for the public, particularly when other public transport is unavailable and ensuring the safety of drivers and the trade.
Environmental Sustainability	No implications have been identified
Health and Wellbeing	No implications have been identified
Risk Management and Health and Safety	Whilst each individual application will be judged on its own merits, a documented policy ensures a transparent and consistent approach to licensing that reduces the opportunity for challenge through the Courts. Challengers to a particular decision are more likely to fail if the Council can demonstrate that it has adhered to its published policy and there was no reason to depart from it. Any departure from the policy will be based on material evidence and will be documented giving clear and compelling reasons for such departure.
Equality and Diversity	The hackney carriage and private hire licensing policy affects all persons equally
Privacy and Data Protection	No implications have been identified

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards
 - Appendix II: Summary of assessment of the Statutory Standards
 - Appendix III: Proposed changes to the current Swale BC Hackney Carriage and Private Hire Licensing Policy 2018 - 2021

8 Background Papers

None

