



North Devon Council

Report Date: 7th February 2022

Topic: Hackney Carriage and Private Hire Policy – The Statutory Taxi and Private Hire Vehicle Standards.

Report by: Katy Nicholls, Public Protection Manager

1. INTRODUCTION

- 1.1. This report seeks adoption of a draft revision to the North Devon Council's Hackney Carriage and Private Hire Licensing Policy (the 'policy') (found at **Appendix A**) to bring the policy in line with the Department for Transport Taxi and Private Hire Vehicle Standards (the 'standards') found at **Appendix B**.
- 1.2. Approval for consultation on the proposals for amendment was given at a meeting of Licensing and Community Safety Committee on the 13th October 2020, with a consultation running from 14th December 2020 to 8th February 2021.
- 1.3. Consideration of consultation responses and refinement of the proposed amendments was made by Licensing and Community Safety Committee during its meeting of the 18 January 2022.
- 1.4. It is worthwhile to note that the policy is undergoing a further review to consider updates to other areas, for example maximum vehicle age, CCTV provision in vehicles, and environmental standards. This will be subject to a separate report in the early part of 2022.

2. RECOMMENDATIONS

- 2.1. It is recommended that Strategy and Resources
 - 2.1.1. Approve the proposed draft North Devon Council Hackney Carriage and Private Hire Licensing Policy found within **Appendix A**, as per the recommendation of Licensing and Community Safety Committee on the 18 January 2021.
 - 2.1.2. Approve a nominal fee of £10 for taxi and private hire driver safeguarding training, if there is a need for the Council, to book such training on behalf of a driver. This fee is proposed in order that the Council may recover its costs appropriately.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure the Council's policies are regularly reviewed and kept up to date.
- 3.2. To increase the robustness of the Council's approach and procedures in respect of protecting children and vulnerable adults.
- 3.3. To meet the Department for Transport request of considering the measures contained within the 'Department for Transport Taxi and Private Hire Vehicle Standards' (the 'standards').
- 3.4. The standards necessitate drivers undertaking safeguarding training. Arrangements are being made to either signpost drivers to appropriate courses, or to administer a course being provided in a virtual manner. The costs of this are not currently encompassed in the hackney carriage fees and therefore it is suggested that if the Council administers a course an additional nominal fee of £10 will enable the Council to appropriately recover its costs.

4. REPORT

- 4.1. North Devon Council (NDC) approved the policy and associated conditions of licence for the Hackney Carriage and Private Hire trades in August 2016.
- 4.2. Section 177 of 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.
- 4.3. Following consultation with trade, regulators and safety campaign groups, the Department for Transport on 20th July 2020 issued the document entitled "Statutory Taxi and Private Hire Vehicle Standards. The focus of these minimum standards is on protecting children and vulnerable adults however all passengers will benefit from the recommendations, which aim to better regulate the hackney carriage and private hire sector. To a large extent, consideration and implementation of the Standards replaces the need to consider taxi standards on a local basis.
- 4.4. This authority is expected to publish its consideration of the recommendations and measures in the standards, and 'must have regard' to the Standards when exercising Taxi Licensing functions. The Department of Transport will be monitoring all authorities and expects all the recommendations and measures to be implemented unless there is a compelling local reason not to. The Licensing and Community Safety Committee considered it's response to the DFT Standards at the meeting on 13th October 2020 including the authorisation of the above public consultation into proposed changes.

4.5. An assessment was previously made listing and categorising all the recommendations and measures and whether or not this council's current policy met them by indicating:

4.5.1 fully meets (green)

4.5.2 partially meets (amber), and

4.5.3 does not meet (red).

This assessment has been updated to reflect progress made on these matters and is reproduced below.

4.6. At a meeting on 13 October 2020 the LCSC discussed the assessment and resolved –

- to agree to the proposed timescales, review and consultation processes for considering the measures and recommendations as outlined in the Department for Transport Statutory Taxi and Private Hire Vehicle Standards documents submitted to that meeting.
- A proposed policy (with changes) to be brought back to the LCSC as a result of the consultation.

4.7. A summary of the Department for Transport Standards, the current Council position, and the proposed actions and timescales is found at **Appendix D**.

4.8. During its meeting of the 18 January 2021, Licensing and Community Safety Committee considered consultation responses and refinements to the policy, resulting in the recommendation at 2.1.1.

5. RESOURCE IMPLICATIONS

5.1. Any financial costs which are reduced or incurred through the consideration process of implementing the measures and considerations in the standards will be taken into account when calculating fees for taxi and private hire related licences.

5.2. Costs for subscription to the DBS update service will be borne by licence holders (currently £13 per year).

5.3. A nominal £10 fee to recover any costs associated with administration of taxi and private driver safeguarding training is proposed as part of the report at the recommendation 2.1.2.

6. EQUALITIES ASSESSMENT

6.1. There are no perceived equalities implications anticipated as a result of this report.

7. ENVIRONMENTAL ASSESSMENT

7.1. No environmental implications arose from the completed Environmental Assessment checklist. This report is neutral and does not cover the environmental objectives cited, albeit that the ability for taxi and private hire drivers to sit a virtual safeguarding training session is a positive impact, when compared to the need to travel to a place of study.

8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda: neutral

8.1.2. Improving customer focus: neutral, whilst some aspects of implementation of the driver standards, could be cited by drivers to be an additional 'hindrance' which may impact driver applications, the policy amends seek to promote public safety which is of customer and wider economic benefit.

8.1.3. Regeneration or economic development: neutral, whilst some aspects of implementation of the driver standards, could be cited by drivers to be an additional 'hindrance' which may impact driver applications, the policy amends seek to promote public safety which is of customer and wider economic benefit.

9. CONSTITUTIONAL CONTEXT

9.1. Article of Part 3 Annexe 1 paragraph: 4(b)

9.2. Referred or delegated power? Delegated.

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report:
(The background papers are available for inspection and kept by the author of the report).

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- North Devon Council Hackney Carriage and Private Hire Licensing Policy.
- Department for Transport Statutory Taxi & Private Hire Vehicle Standards.
- The Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades

12. STATEMENT OF INTERNAL ADVICE

12.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:

Katy Nicholls, Public Protection Manager

Date 20.01.22