



**LICENSING & APPEALS  
COMMITTEE:**

**2 APRIL 2019**

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**Report of: Director of Leisure and Environment**

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**SUBJECT: DEPARTMENT FOR TRANSPORT - TAXI AND PRIVATE HIRE VEHICLE  
LICENSING: PROTECTING USERS CONSULTATION ON STATUTORY GUIDANCE  
FOR LICENSING AUTHORITIES**

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Wards affected: Borough wide

**1.0 PURPOSE OF REPORT**

1.1 To inform Members of a Department for Transport consultation to provide Statutory Taxi and Private Hire Guidance for Licensing Authorities.

**2.0 RECOMMENDATIONS**

2.1 That the consultation response provided at Appendix 4 to this report be approved for submission to the Department for Transport before the consultation deadline of 22 April 2019.

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**3.0 BACKGROUND**

3.1 Members will be aware of an increase in national activity aimed to develop a consistent approach to the licensing of taxi drivers, vehicles and operators. The Institute of Licensing (IoL) issued guidance in 2018 on the determination of the suitability of applicants and licensees in the Hackney Carriage (HC) and Private Hire (PH) trades, in response to which, this Committee amended the Convictions Policy contained in Appendix S of the Council's Hackney Carriage and Private Hire Statement of Licensing Policy 2018 (the 2018 Policy). The IoL document also prompted a review of the content of the 2018 Policy, which has recently been subject to consultation. The resultant proposed changes (the 2019 Policy) are due to be presented to this Committee at the June meeting.

- 3.2 The Department for Transport (DfT) has also issued the Government response to the Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing, which is attached for Members information at Appendix 2 to this report.
- 3.3 Whilst this Government response is likely to result in an update to the DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (last published in March 2010), without any prior indication, the DfT has also published draft Statutory Guidance aimed at protecting users of HC and PH services. The DfT is therefore conducting a consultation exercise on the content of the draft Guidance.

#### **4.0 ISSUES**

- 4.1 A full copy of the draft Statutory Guidance is provided at Appendix 3 to this report. It is important to note the statutory status of the Guidance and that the DfT will expect local authorities to implement the content, unless there is a compelling local reason not to do so. Accordingly, the majority of the consultation document is consistent with the 2018 Policy and/or the [to be proposed] 2019 Policy. However, there would be some policy and administrative implications for the Council, particularly in relation to the licensing committee structure.
- 4.2 In order for the Council to contribute to the debate, the consultation questions and proposed responses are provided at Appendix 4 to this report. Members' approval is sought so that this response can be submitted DfT before the consultation deadline of 22 April 2019.
- 4.3 The DfT have given no indication as to when the Statutory Guidance would be published, other than stating that a summary of the consultation responses, including the next steps, will be published within 3 months of the consultation closing date. Members will be kept informed as more information becomes available.

#### **5.0 SUSTAINABILITY IMPLICATIONS**

- 5.1 The proposals have the potential to impact upon many areas within the Community, particularly upon taxi services directly and the Council's ongoing safeguarding responsibilities to the public within West Lancashire.

#### **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 There are no financial implications associated with this report.

#### **7.0 RISK ASSESSMENT**

- 7.1 Officers are supportive of national guidance to assist in the determination of HC and PH licences and would seek to contribute to the DfT consultation. When the Statutory Guidance is formally published, this will be presented to Members as a means to ensure the Policy is consistent national guidance.
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### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

None.

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

1. Equality Impact Assessment.
2. Department for Transport - Government Response: Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing. February 2019
3. Department for Transport - Taxi and Private Hire Vehicle Licensing: Protecting Users Consultation on Statutory Guidance for Licensing Authorities. Consultation Version February 2019
4. Proposed consultation response from West Lancashire Borough Council

## Appendix 1

# Equality Impact Assessment Form



Directorate: Leisure and Environment	Service: Licensing
Completed by: Paul Charlson	Date: 02/04/19
Subject Title: DEPARTMENT FOR TRANSPORT -TAXI AND PRIVATE HIRE VEHICLE LICENSING: PROTECTING USERS CONSULTATION ON STATUTORY GUIDANCE FOR LICENSING AUTHORITIES	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	No <i>*delete as appropriate</i>
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No
Details of the matter under consideration:	
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i></p> <p><i>If you answered <b>No</b> to all the above please complete Section 2</i></p>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No <i>*delete as appropriate</i>
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to Section 3</i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Licensing Authorities, service users, members of the public.
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public and businesses use or operate the licences outlined in this report.

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All sections of the public and businesses use or operate the licences outlined in this report.
What will the impact of the work being carried out be on usage/the stakeholders?	Consultation responses will help shape the guidance issued by the DfT. The Council will consider this guidance when available.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The DfT is conducting this public consultation and so the Council is not currently seeking public views.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The DfT is conducting this public consultation. This report seeks to provide comment to the consultation and so the policies of the Council are not being changed.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions  <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will	Consultation responses will help shape the

review it?

guidance issued by the DfT. The Council will consider this guidance when available.

