



**LICENSING & APPEALS
COMMITTEE:**

7 December 2021

Report of: Corporate Director of Place and Community

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SUBJECT: AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To approve the draft Hackney Carriage and Private Hire Licensing Policy prior to public consultation.

2.0 RECOMMENDATIONS

2.1 That the draft Hackney Carriage and Private Hire Licensing Policy attached at Appendix 2 to this report be approved.

2.2 That the Corporate Director of Place and Community be given delegated authority to subject the draft Hackney Carriage and Private Hire Licensing Policy to a period of public consultation before returning the document to the Licensing and Appeals Committee for final approval.

2.3 That further to the recommendation at 2.2, the Corporate Director of Place and Community be given delegated authority to carry out a period of public consultation to identify if there are local circumstances which indicate that the installation of CCTV in licensed vehicles would have either a positive or an adverse net effect on the safety of hackney carriage and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

3.0 BACKGROUND

3.1 The Council's Hackney Carriage and Private Hire Policy (the Policy) has been reviewed regularly since it came into force in 2010; most recently in June 2019. However, the implementation of the Department for Transport (DfT) Statutory

Taxi & Private Hire Vehicle Standards (the Standards) necessitate that the Policy be updated accordingly.

4.0 ISSUES

4.1 The draft Policy is attached at Appendix 2 to this report. For ease of reference, all proposed amendments are highlighted; however, Members' attention is drawn to the following:

- A set frequency of 6 months established for DBS monitoring of licensed drivers through the DBS update service.
- An updated 'comments, complements, complaints' process to ensure anyone has the means to report concerns about licensed (or unlicensed) drivers, vehicles or operators. This will include enhanced information in all licensed vehicles and a reemphasis that vehicle plates must be secured to vehicles.
- The time limit for existing licence holders to report offences incurred during the period of licence to the Council is reduced from 7 days to 48 hours.
- Updated safeguarding and public safety statements.
- Changes to the licensing processes for licensed operators to include a requirement that an up-to-date basic DBS check is carried out on all booking and dispatch staff and operate a policy on the employment of ex-offenders.
- Updated medical checks process to clarify the approach when applicants are unable to attend their own general practitioner.
- Changes to vehicle specifications to further support the use of hybrid / electric vehicles where this impacts on the layout and the available space for passengers.
- [From 4 April 2022, for Hackney Carriage and Private Hire drivers and operators] a requirement that applicants confirm their tax responsibilities if applying for a licence for the first time or applying for a licence already held but has not been valid for over a year. This will include the provision of a tax check code to confirm the completion of a tax check if renewing a licence, applying for the same type of licence previously held that ceased to be valid less than a year ago or applying for the same type of licence already held with another licensing authority.
- Miscellaneous amendments.

4.2 If Members approved the draft Policy, it is proposed that the document be subject to public consultation for a minimum of 12 weeks commencing early in 2022. During this time, all licensed drivers, vehicle owners and operators will be contacted to make them aware of the amendments and of the need to submit any comments. In addition, information will be posted on the Council's website, which will include a dedicated consultation page, and updates using social media.

CCTV provision

4.3 The Standards also make the case for the mandatory installation of CCTV into licenced vehicles but stops short of making this a formal requirement. It also states that the imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review.

- 4.4 The Standards therefore state that the Council should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and considering potential privacy issues.
- 4.5 If Members are supportive of this approach, a consultation on the mandatory provision of CCTV in licensed vehicles will be carried out at the same time as the consultation for the proposed amendments to the draft Policy. Any comments received during the consultation period in respect of the provision of CCTV and/or draft Policy will be assessed and brought back to this Committee for determination.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 The legislation and Policy has the potential to impact upon many areas within the Community, particularly upon the travelling public of West Lancashire. The Policy also addresses crime or the fear of crime through the proactive controls in the licence process and the regulation of any potential offences associated with the relevant legislation.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 No additional financial or other resources are required.

7.0 RISK ASSESSMENT

- 7.1 The Council has a legal duty to administer the Hackney Carriage and Private Hire licensing regime, but not to prepare and operate a Policy document. However, given the complexity of the licensing regime, the DfT supports the good practice that the Council formulate and publish relevant policies and standards. Given that Members have already approved the existing Policy, a failure to improve and maintain the requirements of the Policy could result in criticism from the community including statutory bodies, the taxi trade, the travelling public and other interested parties.

8.0 HEALTH AND WELLBEING IMPLICATIONS

- 8.1 By providing suitable, safe and effective local transport, the operation of taxis within the Borough help to increase people's independence throughout their life course and their ability to lead full active lives. The Policy provides specific safeguarding controls that are designed to ensure licensees are fit and proper to hold the respective licence and thereby reduce the associated risks to the public.

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. Draft Hackney Carriage and Private Hire Statement of Licensing Policy 2022

Appendix 1

Equality Impact Assessment Form



Directorate: Housing and Regulatory Services

Service: Licensing

Completed by: Paul Charlson

Date: 17/11/21

Subject Title: REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

1. DESCRIPTION

Is a policy or strategy being produced or revised:	Yes	<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 (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No	
Details of the matter under consideration:		

*If you answered **Yes** to any of the above **go straight to Section 3***

*If you answered **No** to all the above **please complete Section 2***

2. RELEVANCE

Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No	<i>*delete as appropriate</i>
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>		
If you answered No 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>		

3. EVIDENCE COLLECTION

Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All licensed HC & PH drivers and operators.
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 used licensed HC & PH vehicles, this report relates to the Council's implementation of relevant licensing legislation.
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
4. DATA ANALYSIS	
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 licensed HC & PH drivers and operators.
What will the impact of the work being carried out be on usage/the stakeholders?	Revised licence requirements and procedures.
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 proposed Policy will be subject to public consultation. Any objections will be brought back to this Committee.
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 proposed Policy will be subject to public consultation. Any objections will be brought back to this Committee.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
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>
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	The proposed Policy will be subject to public consultation. Any objections will be brought back to this Committee.