



**LICENSING & APPEALS
COMMITTEE:**

26 July 2022

Report of: Corporate Director of Place and Community

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SUBJECT: APPROVAL OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2022

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To approve the Hackney Carriage and Private Hire Licensing Policy 2022 following public consultation and revised Department for Transport Guidance.

2.0 RECOMMENDATIONS

2.1 That having regard to the matters contained in this report and the responses to the public consultation, the Hackney Carriage and Private Hire Licensing Policy 2022 attached at Appendix 2 to this report be approved for use with effect from 1 October 2022.

3.0 BACKGROUND

3.1 Members will recall the report of 7 December 2021 which contained proposed changes to the Hackney Carriage and Private Hire Licensing Policy (the Policy). These changes included:

- 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 [to be provided during 2022/23] 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.
- A specific consultation on the potential to mandate CCTV in licensed vehicles.
- Miscellaneous amendments.

3.2 These changes principally addressed the Department for Transport (DfT) Statutory Taxi & Private Hire Vehicle Standards (the Standards) that necessitated the Policy be updated accordingly.

3.3 Following Member approval, the draft Policy was subject to public consultation between 3 February 2022 and 28 April 2022. During this time, details of the draft Policy were made available through the Council's consultation web platform and supported by media releases to raise awareness of the consultation. All licensed drivers, vehicle owners and operators were also contacted directly to make them aware of the amendments and of the need to submit any comments during the consultation period.

4.0 ISSUES

4.1 Of the 126 visits to the consultation web page, 19 responses were received during the consultation period. The anonymised summarised content of these responses and relevant analysis is provided in Appendix 3 to this report. This includes responses to the specific consultation as to the potential to mandate CCTV in licensed vehicles.

4.2 Members will note broad support for most of the proposals. However, as most of the proposed changes to the Policy are in line with the Standards or additional Government requirements, any negative comments are for information only, and the Policy has therefore not been amended as a result.

4.3 Comments in response to the initial consultation regarding the potential provision of CCTV in licensed vehicles are more polarised. The majority support the principal of CCTV for safeguarding purposes, but query its impact, use and cost. Given there is no overwhelming support for CCTV and Officers are not aware of any compelling evidence to support its use currently, it would be difficult to argue that the provision of CCTV is proportionate at this time. Accordingly, no

suggested amendments have been made to the Policy, but the data has been provided for Members' information.

Additional policy matters

4.4 Notwithstanding the above information, during the time the Policy has been prepared for Members' approval, the Government has issued further legislation relating to safeguarding / road safety and accessibility and the details need to be incorporated into the Policy.

Safeguarding / road safety

4.5 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent on 31 March 2022. Accordingly, from 31 May 2022, if any Licensing Authority in England has information about a HC or PH driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area, it must share that information with the authority that issued that driver's licence.

4.6 Accordingly, when any Licensing Authority provided with such information by another authority must consider whether to suspend or revoke the driver's licence and inform the authority that shared the information of its decision.

4.7 The above-mentioned Act will also require Licensing Authorities in England to input, into a central database, instances where the authority has refused, suspended, chosen not to renew or revoked a HC or PH driver's licence based wholly or in part on information relating to the driver concerning safeguarding or road safety. Accordingly, before a Licensing Authority in England decides whether to grant or renew a driver licence, it must search the database for any entry relating to the applicant. If there is a relevant entry, the Authority must contact the recording Authority to request the relevant information. The decision-making Licensing Authority must then have regard to the information provided when making their decision.

4.8 At time of writing, no details are available from Government as to the format and use of the database. A further report will be submitted to Members once this information is made available.

Safeguarding training

4.9 Members will recall that training for the above became part of the 2019 Policy. At that time, the training included safeguarding matters and dementia awareness, which was presented in person to drivers. The provision of such training stopped during the pandemic and is available again, but in online format only and only in relation to safeguarding. The Policy has been amended to reflect this change, and if approved, Officers seek to implement the training accordingly.

Accessibility

4.10 On 28 June 2022, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 will take effect in England, Scotland, and Wales. It will amend the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and HC and PH vehicle drivers and operators. This Act aims to ensure that disabled people can use HC and PH vehicle services with confidence that they will not be discriminated against.

- 4.11 All licensing authorities will be statutorily required to maintain and publish a list of licensed HC and PH vehicles they designate as being wheelchair accessible. The Council has long maintained such a list and so no changes are proposed to the Policy in this regard.
- 4.12 The 2022 Act creates new duties [in addition to those existing] for all HC and PH drivers and PH operators. In summary, these duties are to:
- Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger;
 - Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.
- 4.13 Existing exemption criteria is also amended so all HC and HC vehicle drivers may apply for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties at sections 164a and 165 (as added/amended by the 2022 Act). However, both existing and new exemption notices, when displayed correctly, will exempt a driver only from the mobility assistance duties at Sections 164a and 165 – meaning, for example, that a driver’s medical condition can no longer be used as a justification for charging a disabled person more than a non-disabled person.

Policy implications

- 4.14 The Policy attached at Appendix 2 to this report has therefore been amended to take account of the above matters. These have not been subject to consultation but, given that these matters implement Government guidance and/or statute, it is proposed that a further consultation is unnecessary. The Policy also incorporates the content of Appendix 3 and is presented to Members for approval. Any amendments made to the Policy resulting from the consultation or the above new requirements are highlighted.

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 specific 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 approved previous versions of the 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. Hackney Carriage and Private Hire Statement of Licensing Policy 2022
3. Public consultation responses and analysis

Appendix 1

Equality Impact Assessment Form



Directorate: Housing and Regulatory Services

Service: Licensing

Completed by: Paul Charlson

Date: 26/07/22

Subject Title: REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

1. DESCRIPTION

Is a policy or strategy being produced or revised:

Yes

**delete as appropriate*

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

**delete as appropriate*

If **Yes**, provide details of how this impacts on service users, staff or Councillors (stakeholders):

*If you answered **Yes** go to **Section 3***

If you answered **No** to both Sections 1 and 2 provide details of why there is no impact on these three groups:

You do not need to complete the rest of this form.

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?

**delete as appropriate*

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 has been subject to public consultation.
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 has been subject to public consultation.
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 has been subject to public consultation.