

Committee: Planning and Licensing Committee	Date: 10 February 2021
Subject: National Standards and Taxi Policy	Wards affected: All
Report of: Paul Adams, Licensing Manager	Public
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Summary

The DFT have published the Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing, this report considers these standards and brings together the Council's policies and procedures into one policy document, reviewing areas of our existing policy to ensure that the minimum standards are met, ready for consultation with the taxi trade and stakeholders.

Recommendations

Members are asked to:

- R1. Note the DFT Statutory and Private Hire Vehicle Standards.
- R2. Consider the revised policy and any changes that the Statutory Taxi and Private Hire Vehicle Standards have required.
- R3. Agree that the revised policy go out for consultation, with any consultation responses being reported back to this committee for further consideration.

Main Report

Introduction and Background

1. July 2020 the Department for Transport Published its Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing, and is attached as **Appendix A**.

The main aspects of the standards are:

- Administering the licensing regime including a local licensing policy.
- Decision making including training of decision makers.

- Gathering and sharing information. Including the use of the Disclosure and Barring Service (DBS) checking process, and sharing of information with other licensing authorities
 - Fit and proper test including relevance of criminal convictions
 - Minimum requirements for driver licensing.
 - Criminality checks for vehicle licence holders
 - CCTV in vehicles
 - Criminality checks for operator licences
 - Operator record keeping requirements
2. Brentwood Borough Council has a number of policies, procedures and conditions that relate to the licensing of Hackney Carriage Vehicles and Drivers, Private Hire Vehicles, Drivers and Operators.
 3. In order to meet the recommendation that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on Taxi and Private Hire vehicle licensing. A single policy document titled Hackney Carriage and Private Hire Licensing Policy has been created, attached as **Appendix B**, which has incorporated the below existing documentation. A summary of the changes to the existing documents is also provided.
 4. **Appendix C**, Statements of Policy relating to the relevance of Convictions. This Policy has been replaced by the assessment of previous convictions provided in the standards. The motoring convictions standard has been expanded to give more definition, which is in line with the Institute of Licensing guidance on previous convictions as well as the inclusion of convictions that are relevant to taxi licensing offences.
 5. **Appendix D**, Private Hire Driver pre licensing Conditions and Hackney Carriage Bylaws. The conditions have been updated to reflect the timeframe and scope that notifications of convictions etc. need to be made to Council. The driver dress code has also been updated.
 6. The additional pre licensing requirements have been added which is in line with the standards:
 - Sign up to the DBS update service (after the initial DBS check has been completed).
 - The requirement for a Certificate of Good Conduct has been updated to be in line with the national standards.
 - Have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of hackney carriage and private hire licence.
 - Have met the Council's Language proficiency requirements.
 - Pass a PATS training course.
 - Undertaken the Council's CSE and safeguarding training.

7. Consideration of the method of assessment for language proficiency is still being investigated. It is proposed that people that hold a recognised qualification that has been taught in English will meet this standard. For those that do not have a qualification, they will need to participate in an assessment process via an approved assessment centre subject to local availability.
8. **Appendix E**, Private Hire Operator Conditions. These conditions have been updated to reflect the revised records that need to be kept and the requirement to check the suitability of employees against the council's suitability criteria.
9. The Private Hire Operator pre licensing requirements also now includes the requirement to provide a basic disclosure from the DBS (unless the applicant is also a licensed driver with Brentwood Council), with a fit and proper test being applied to the applicant.
10. **Appendix F**, Hackney Carriage and Private Hire Vehicle specification and licence conditions remains unchanged at this time. A full review of this section of the policy will be undertaken this year, with consideration being given around the promotion of the use of electric and hybrid vehicles.
11. The vehicle proprietor pre licensing requirements now includes the requirement to provide a basic disclosure from the DBS (unless the applicant is also a licensed driver with Brentwood Council), with a fit and proper test being applied to the applicant.
12. As part of this review interested parties will be consulted with including licence holders and their representatives, and the public.

Issue, Options and Analysis of Options

13. The Council as a Licensing Authority must comply with the National Standards unless it has good reason not to do so. In order to meet the recommendation that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing the existing policies and procedures have been updated to reflect the requirements of the national standard.
14. Changes to Council policy will come into immediate effect for new licence applicants once the policy is adopted. Changes to suitability criteria around criminal convictions will also be applied with immediate effect to existing licence holders. Changes around training requirements and record keeping will be applied to existing licence holders, with a reasonable period for implementation relevant to the requirements imposed.

Reasons for Recommendation

15. This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have an opportunity to consider those before adoption.

Consultation

16. Consultation on the draft policy will be undertaken. All licence holders will be written to inviting them to view the draft policy, and to make any comments in writing to the Licensing Department.

17. Consultation will also be undertaken with other stakeholders such as disability access groups, safeguarding and transport professionals.

18. The draft policy will also be published on the Council's website for comments.

19. The consultation period will run for 6 weeks. Any relevant representations made will be reported to this committee to consider those before referral to Full Council for adoption

References to Corporate Plan

20. There are no references to the corporate plan.

Implications

Financial Implications

Name & Title: Louise Moss, Senior Accountant

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21. There are no financial implications for Brentwood Council.

Legal Implications

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22. The granting of Licences is a legal function of the authority and the introduction of the national standards by the Department of Transport must be applied to the Council's policies and procedures unless there is good reason not to do so.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

23. The revision of the policy has been required by the Department for Transport national standards. A revised Community and Equality Impact Assessment should be undertaken before the final policy is published. There are no Diversity and Equality Implications at this stage.

Background Papers (include their location and identify whether any are exempt or protected by copyright)

- Statutory Taxi and Private Hire Standards.
- IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

Appendices to this report

- **Appendix A** - Department for Transport, Statutory Taxi and Private Hire Vehicle Standards.
- **Appendix B** – Draft Hackney Carriage and Private Hire Licensing Policy.
- **Appendix C** – Statements of Policy relating to the relevance of Convictions.
- **Appendix D** - Private Hire Driver pre licensing Conditions and Hackney Carriage Bylaws
- **Appendix E** – Private Hire Operator Conditions and Pre Licence Requirements.
- **Appendix F** - Hackney Carriage and Private Hire Vehicle specification and licence conditions.