

Committee(s): Licensing Committee	Date: 20 December 2022
Subject: Taxi Licensing Policy	Wards Affected: All
Report of: Paul Adams – Licensing Manager	Public
Report Author/s: Name: Paul Adams, Licensing Manager Telephone: 01277312503 E-mail: paul.adams@brentwood.gov.uk	For Decision

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. A policy has been developed that brings together the Council's existing policies and procedures into one policy document, reviewing areas of existing policy to ensure that the minimum standards are met. This report considers the consultation responses and proposes a final policy version ready for adoption.

Recommendation(s)

Members are asked to:

- R1. Considers the consultations response as in Appendix B along with the officer comments in Appendix C; and**
- R2. Agrees the Taxi Licensing Policy as attached at Appendix A be adopted and to come into effect from the 1st February 2023.**

Main Report

1. Introduction and Background.

1.1. In 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.

1.2. 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
- 1.3. Brentwood Borough Council has several policies, procedures and conditions that relate to the licensing of Hackney Carriage Vehicles and Drivers, Private Hire Vehicles, Drivers and Operators.
- 1.4. 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 A**.
- 1.5. This policy updates the existing Driver Pre-Licensing Conditions, Hackney Carriage and Private Hire Licence Conditions, Policy Statement on the Processing of Applications for Combined Hackney Carriage and Private Hire Vehicle Drivers Licences, Policy Statement regarding the relevance of convictions, and Operator Licence Conditions.
- 1.6. This policy incorporates the existing vehicle licence conditions which will be subject to a further review next year after the expected publication of further DFT national guidance which was consulted on earlier this year.

2. **Issue, Options and Analysis of Options**

- 2.1. 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.
- 2.2. 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.
- 2.3. Following consultation, one response was received which is attached as **Appendix B** for consideration.

- 2.4. Consideration of the representation has been given by officers and amendments have been made to the policy based on the comments received. **Appendix C** details the officer response to each of the points made.

3. Reasons for Recommendation

- 3.1. The Policy has been revised by officers following the comments received.
- 3.2. After consideration of the consultation comments, the policy may be amended if the committee feels necessary.

4. Consultation

- 4.1. Consultation on the proposed policy has been undertaken. All Hackney Carriage and Private Hire Drivers, Proprietors and Operators licensed by Brentwood Borough Council have been written to inviting them to view the draft policy, and to make any comments.
- 4.2. The draft policy has also been published on the Council's website.
- 4.3. The consultation period ran for 6 weeks and concluded on the 16 September 2022.

5. References to Corporate Plan

- 5.1. None.

Implications

Financial Implications

Name/Title: Tim Willis, Interim Director of Resources

Tel/Email: 01277 312500/tim.willis@brentwood.rochford.gov.uk

There are no direct financial implications for Brentwood Council arising from this report.

Legal Implications

Name & Title: Andrew Hunkin, Interim Director of People & Governance and Monitoring Officer

Tel & Email: 01277 312500/andrew.hunkin@brentwood.rochford.gov.uk

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 no to do so.

Economic Implications

Name/Title: Phil Drane, Director of Place

Tel/Email: 01277 312610/phil.drane@brentwood.rochford.gov.uk

There are no direct financial implications for Brentwood Borough Council arising from this report.

Equality and Diversity Implications

Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager

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The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

Health & Wellbeing Implications

Name/Title: Jo Cory, Corporate Health & Wellbeing Officer

Tel/Email: 01277 312500/jo.corey@brentwood.gov.uk

There are no direct Health or Wellbeing implications arising from this report.

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

None.

Background Papers

None.

Appendices to this report

Appendix A – Taxi Licensing Policy

Appendix B – Consultation response

Appendix C – Officer response to consultation comments.