

<b>Report of:</b>	Executive Member for Adult Social Care, Public Health, Public Protection and Digital Inclusion Director of Adult Social Care and Health Integration
<b>Submitted to:</b>	Executive
<b>Date:</b>	8 November 2022
<b>Title:</b>	Approval of the Taxi Licensing Policy 2022
<b>Report for:</b>	Decision
<b>Status:</b>	Public
<b>Strategic priority:</b>	Crime and anti-social behaviour, Children and Young People
<b>Key decision:</b>	Yes
<b>Why:</b>	Decision(s) will have a significant impact in two or more wards
<b>Urgent:</b>	No
<b>Why:</b>	Not Applicable

**Executive summary**

The purpose of this report is to seek approval for the Taxi Licensing Policy 2022. Each local authority is required to set the standards it requires of its hackney carriage and private hire drivers, vehicles and operators by imposing local policies and conditions. A review of the current policy has been undertaken in line with the new Statutory Taxi and Private Hire Vehicle Standards recommended by the Department of Transport. These standards are designed to improve consistency in the taxi licensing system across local authorities and to reduce the risk of harm to all passengers, particularly focussing on those presented to children and vulnerable passengers.

In addition, several additional changes have been made to the Policy which were requested by the Taxi Trade. These changes relate to streamlining the application process, reducing costs and to align the Council's processes with other local authorities.

## **Purpose**

1. To seek Executive approval for the Taxi Licensing Policy 2022.

## **Background and relevant information**

2. Taxi legislation allows each local authority to set the standards it requires of its drivers, vehicles and operators by imposing local policies and conditions. Therefore, standards can and do vary considerably across England depending on the needs of each district.
3. For many years there has been a consensus that common core minimum standards were required to better regulate the taxi and private hire vehicle sector. As a result of detailed discussions with the trade, regulators and safety campaign groups the Department of Transport published the Statutory Taxi and Private Hire Vehicle Standards in 2020.
4. This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5). The document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard to” when exercising their functions. These functions include developing, implementing and reviewing taxi and private hire vehicle licensing regimes.
5. It is expected that following consultation with the trade the statutory standards should be incorporated into local taxi policies, unless there is a compelling local reason not to do so.
6. The 2020 Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the Department’s Best Practice Guidance was published in 2010. The most significant changes to Middlesbrough’s Taxi Policy as a result of the 2020 Standards relate to:
  - checking the suitability of individuals and operators to be licensed;
  - safeguarding children and vulnerable adults, and
  - the Immigration Act 2016 which governs the prevention of illegal migrant working in the UK and requires applicants to prove that they have been granted leave to enter or remain in the UK and have a right to work in the UK before being considered for a licence., and
  - Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
7. In addition, the policy changes requested by the taxi trade relate to:
  - Removal of practical driving assessment
  - Removal of local area knowledge assessment for private hire drivers (with the addition of a new requirement that all drivers have the use of a fully operation satellite navigation or similar device)
8. The policy has also been amended to reflect the scheme of delegation in relation to the functions of Licensing Committee and Officers, namely in relation to the ability of officers to suspend or revoke hackney carriage and private hire vehicle driver’s licences. The amendments have been made post consultation and Legal Services have advised that no further consultation is required as the changes simply reflect the delegations that have previously been made.

9. Officers do not expect there to be any significant adverse effect from the policy changes requested by the trade. In relation to the removal of practical driving assessment, this is not a requirement of other local authorities whose drivers and vehicles operate in the Middlesbrough area. Officers also believe that any examples of persistent poor driving can be properly address by the disciplinary process which can include referral of drivers to the Driver Improvement Scheme.
10. In relation to the removal of the local area knowledge assessment, this will have limited impact on the travelling public as all private hire drivers will be required to have access to a fully operation sat nav or similar device. Most Private Hire Vehicle Operators already operate their vehicles through comprehensive data systems which include sat nav functionality. In addition, the requirement for a local knowledge test is not consistent with other local authorities' policies whose drivers and vehicles operate in the Middlesbrough area.
11. A copy of the proposed Taxi Licensing Policy 2022 is attached at Appendix 1. The full details of all the changes to the current taxi licensing policy are shown in Appendix 2.

### **Consultation**

12. In accordance with the statutory requirements, a consultation exercise was carried out between 11 May 2022 and 31 July 2022 with the taxi trade and other relevant stakeholders. A list of the consultees is attached at Appendix 3.
13. Following the consultation only one response was received. This response with Officer's comments is attached at Appendix 4.

### **What decision(s) are being recommended?**

13. That Executive approve the Taxi Licensing Policy 2022.

### **Rationale for the recommended decision(s)**

14. Licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters, in light of the relevant law. However, the Statutory Taxi and Private Hire Vehicle Standards may be drawn upon in any legal challenge to the Council's practice and any failure to adhere to the standards, without sufficient justification, could be detrimental to the authority's defence.

### **Other potential decision(s) and why these have not been recommended**

15. A decision could be made not to amend the current Taxi Licensing policy as proposed and the existing policy would remain in place. This is not recommended. The Department of Transport 's Statutory Standards improve consistency in the taxi licensing system across local authorities and reduce the risk of harm to all passengers particularly focussing safeguarding of young people and vulnerable passengers. There is a potential risk of legal challenge and reputational damage to the authority if the standards are not adopted. The additional policy changes proposed by the taxi trade will streamline the application process, reduce costs and align the Council's processes with other local authorities.

## Impact(s) of the recommended decision(s)

### Legal

16. The Council adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A) as amended on 6 February 1979. This legislation, together with the provisions of The Town Police Clauses Act 1847 (TPCA), places on the Council the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. The Taxi Licensing Policy sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.
17. As the changes to the Policy mostly relate to the recommendations made in the Statutory Taxi and Private Hire Vehicle Standards or have been requested by the trade, a period of consultation has been undertaken and responses have been considered, a legal challenge is unlikely.

### Strategic priorities and risks

18. Taxi legislation allows each Local Authority to set the standards it requires of its drivers, vehicles and operators by imposing local policies and conditions. These policies and conditions are reviewed periodically to ensure they are kept up to date and reflect national guidance and any local needs.

### Human Rights, Equality and Data Protection

19. An Equality Impact Assessment has been completed and is attached to this report (Appendix 5). Whilst there is evidence that a large percentage of the Taxi Trade in Middlesbrough are from ethnic minority groups there will be no negative, differential impact on any of the diverse groups and communities associated with this report.

### Financial

20. The Taxi Licensing function is self-financing and is sustained by the ring fenced income from the licence fees from Private Hire Operators, Vehicles and Drivers. The proposed amendments are unlikely to have any negative financial impact on the Council.

## Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
The amended Policy will be applied to all new vehicle, driver and operator licence applications and existing licence renewals from the date of approval.	Tim Hodgkinson	28 days from the date of approval

## Appendices

1	Draft Taxi Licensing Policy
2	Summary of proposed changes
3	List of consultees
4	Consultation responses and officer comments
5	Equality Impact Assessment

## Background papers

Body	Report title	Date
Council	Current Taxi Licensing Policy	November 2019
Department of Transport	Statutory Taxi and Private Hire Vehicle Standards	2020
Finance Act 2021	Tax conditionality	April 2022

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