

Meeting of:	<b>Public Protection Licensing Committee</b>
Date of Meeting:	<b>Tuesday, 27 April 2021</b>
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Vale of Glamorgan's Statement of Licensing Policy relating to Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators
Purpose of Report:	To consider creating a Statement of Licensing Policy relating to Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators
Report Owner:	Director of Environment & Housing
Responsible Officer:	Director of Environment & Housing
Elected Member and Officer Consultation:	None
Policy Framework:	This is a matter for the Public Protection Licensing Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• This report details statutory standards published by the Department for Transport (DfT), along with recommendations published by the Welsh Government in relation to Taxi and Private Hire Licensing.</li> <li>• The report seeks approval to create a Statement of Licensing Policy relating to Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators incorporating the statutory standards and recommendations published by DfT and Welsh Government.</li> <li>• The report also details the need to consult on a draft Statement of Licensing Policy with the trade and the wider public.</li> </ul>	

## **Recommendations**

1. It is recommended that the Committee:
  - (i) Take note of the statutory standards published by the Department for Transport (DfT) as well as the recommendations published by Welsh Government in relation to Taxi and Private Hire Vehicle licensing.
  - (ii) Approve the need to create an all-encompassing Statement of Licensing Policy relating to Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators incorporating the aforementioned standards and recommendations.
  - (iii) Approve a 4 week consultation with the trade and the wider public (including relevant local organisations for example, accessibility groups) on the proposed changes to policy which would be included in draft Statement of Licensing Policy.

## **Reasons for Recommendations**

1. (i) To make members aware that the aim of the statutory standards and recommendations is to improve public safety, increase consistency and improve customer service across taxi and private hire licensing.
  - (ii) To improve public safety and customer service across taxi licensing and to also simplify matters for applicants and licensees by having all the necessary policies and conditions in one place.
  - (iii) To seek the views of the trade and wider public on the changes to current policy/conditions brought about by the DfT and Welsh Government statutory standards and recommendations which will be included in a draft Statement of Licensing Policy.

## **1. Background**

- 1.1 In July 2020 the Department for Transport (DfT) published Statutory Taxi & Private Hire Vehicle Standards with the focus on protection children and vulnerable adults. The DfT state that following a detailed consultation it's clear there is a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector.
- 1.2 The DfT standards have effect in Wales even though responsibility for taxi and private hire vehicle policy has been devolved to the Welsh Assembly. However, should the Welsh Government introduce legislation to regulate on these matters, the DfT standards would cease to apply.
- 1.3 In March 2020, the Welsh Government published the Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales. This document follows the Welsh Government's white paper 'Improving Public Transport' published in 2018. The aim of the recommendations contained in the document is to provide 'quick fixes' to improve the consistency of licensing standards and increase public safety

across Wales. The recommendations form the basis for further development by Welsh Government into national standards.

- 1.4** There are 5 reasons outlined by Welsh Government to adopt the recommendations, public safety being the first. The public should be able to expect a licensed driver to be competent, honest, safe and trustworthy. There have been numerous reports in recent years involving child exploitation which have made it clear that weak and ineffective arrangements for taxi licensing in England and Wales left the public at risk; these new recommendations hope to rectify this by improving public safety across Wales. This also includes the safety of vehicles, along with improving the standards set for private hire operators.
- 1.5** Other reasons for adopting the recommendations include better consistency of standards across Wales, harmonised enforcement, increased accessibility of vehicles in Wales and better standards of customer service.

## **2. Key Issues for Consideration**

- 2.1** The DfT statutory standards and the Welsh Government's Taxi and Private Hire Vehicle Licensing guide will bring about many changes to our existing policies and conditions. In summary the main changes are as follows:

### Drivers

- Requirement for drivers to join the Disclosure & Barring Service (DBS) Update Service and have a DBS check every 6 months instead of every three years at present.
- Overseas criminal record check for drivers.
- To require all new applicants to undergo safeguarding training.
- Adopting the Welsh Government's Driver Code of Conduct.
- Updating the Private Hire Driver Conditions in line with the Welsh Government's Recommendations

### Vehicle

- Requirement for vehicle proprietors to have an annual DBS check
- Overseas criminal record check
- Adopting the Welsh Government's policy on CCTV and Video Point of Impact Systems (VIPS)/DASH Cams in taxis and private hire vehicles.
- Impose the Welsh Government's recommendations for accessibility conditions on vehicle proprietors of taxis and private hire vehicles.

## General

- To commit to reviewing Statement of Licensing Policy every 5 years in accordance with the DfT's Statutory Standards.

- 2.2 It is proposed that a Statement of Licensing Policy relating to Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators is created. This new document would not only incorporate all the recently published statutory standards and recommendations by the DfT and Welsh Government, but it would also encompass all the other supplementary policies and conditions that relate to taxi and private hire licensing. This will hopefully simplify matters for applicants and licensees as all the necessary documents will be available in once place.
- 2.3 It is envisaged that the Statement of Licensing Policy would detail all the taxi and private hire related policies as appendices making any required future changes easy to accommodate. It would mean that the Committee would be able to review an appendix rather than the whole document every time a change was required.
- 2.4 It is proposed that a 4 week consultation will take place on a draft Statement of Licensing Policy which will incorporate the new Statutory Standards published by the DfT and the recommendations set out by Welsh Government. The consultation would not look to seek views on policies or conditions that have already been adopted by the Vale of Glamorgan Council, only those policies/conditions that would be affected by any changes introduced through the new statutory standards and recommendations.
- 2.5 Responses from the consultation would be taken into consideration and the final policy along with any comments received put before the Public Protection Committee for approval.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1 The Well-Being of Future Generations Act 2015 ('the 2015 Act') sets out new ways of working - of planning and making decisions - for local authorities and other public bodies it lists. The proposal supports the well-being outcome of Support People at Home and in the Community as well as Prevention through the publication of a Statement of Licensing Policy to support public safety.

### **4. Resources and Legal Considerations**

#### **Financial**

- 4.1 There are no financial implications arising directly from this report.

#### **Employment**

- 4.2 None.

## **Legal (Including Equalities)**

**4.3** All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

**4.4** DfT's Statutory Taxi and Private Hire Vehicle Standards state:

"1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.

1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Police and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would cease, to apply.

3.5 Licensing Authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually."

**4.5** The Welsh Government's Taxi and Private Hire Vehicle Licensing Guidance states:

"6. The recommendations in Part II of this guide are seen as a starting point for change in order to address some of the existing problems, and improve standards and consistency. In order to achieve this it is strongly recommended that each local authority in Wales adopt these recommendations on a voluntary basis (where they are not already in place for the reasons outlined above."

**4.6** Equalities Act 2010

The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate

unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics.

## **5. Background Papers**

Department for Transport's (DfT's) Statutory Taxi and Private Hire Vehicle Standards:

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

Welsh Government's Taxi and Private Hire vehicles: licensing guidance

<https://gov.wales/taxi-and-private-hire-vehicles-licensing-guidance>