



Council

Thursday, 3 December 2020

**Revised Hackney Carriages and Private Hire Licensing
Policy 2020-2025**

Report of the Executive Manager – Neighbourhoods

Cabinet Portfolio Holder for Neighbourhoods, Councillor R Inglis

1. Purpose of report

- 1.1. This report seeks to review and update the Council's Hackney Carriages and Private Hire Licensing Policy considering recent legislative changes by the Department of Transport.
- 1.2. Council is requested to approve the Policy changes.

2. Recommendation

It is RECOMMENDED that Council approves:

- a) the Hackney Carriages and Private Hire Licensing Policy 2020-2025
- b) that the Executive Manager – Neighbourhoods be granted delegated authority to make minor variations to the Policy.

3. Reasons for Recommendation

The Department of Transport (DOT) has released a statutory Taxi and Private Hire Vehicle Standards report, the Government is expecting all councils to adopt the document by placing it in the Policy. The amendments further protect children and vulnerable adults using our licensed vehicles. The DOT require a report in January as to the measures the Council have put in place, and, if not, a satisfactory explanation must be provided.

4. Supporting Information

- 4.1. It is a legal requirement for the Council to have a policy for the licensing of Hackney carriages and private hire vehicles.
- 4.2. The proposed revised Policy has been updated to reflect new statutory vehicle standards as outlined in the DOT report. The Policy is shown at Appendix A.

4.3. Significant changes include:

4.3.1. **Section 5, page 8 and Appendix R, page 98**

New provisions relating to whistleblowing enabling Licensing officers to be confidentially informed of a safeguarding issue. The Government guidelines make the grounds for a robust policy, which is provided at Appendix R.

4.3.2. **Section 6, page 8**

New paragraph relating to the use of Common Law Police Disclosure to obtain details on an applicant if they have been arrested, bailed, not charged or suspected of being involved in an offence(previously the Notifiable Occupation Scheme). This is highlighted in paragraph 6.

4.3.3. **Section 6.1 page 9**

New provision for the inclusion of the “Harm Test” to identify whether an applicant has currently or previously been involved in violence where harm has been caused to a child or vulnerable adult.

4.3.4. **Section 6.5, page 12**

Amends existing requirements for all drivers to undertake a knowledge test orally / reading or other to show they can communicate with the passenger.

4.3.5. **Section 6.8, page 14**

Amends safeguarding requirements. All drivers must undergo Safeguarding Vulnerable Passengers training, which can be carried out by the Council or by an approved contractor. The Council are using a charity called the Blue Lamp trust who run this course at no charge to the authority. This training will be mandatory for all renewing drivers including disability awareness and training for the Hackney drivers on loading wheelchairs.

4.3.6. **Section 6.11, page 15**

New provision relating to a new code of conduct when working with vulnerable passengers.

4.3.7. **Section 7.1, page 18**

Broadens the types of vehicles that can be licensed to include stretch limousines and other adapted vehicles.

4.3.8. **Section 9.2, page 26**

Amends the requirements in respect of “fit and proper” persons.

4.3.9. **Section 9.3 and 9.4, pages 27-28**

This is a particularly helpful new provision relating to staff working on bookings and dispatch who are now required to be DBS checked if they come into contact with the public or over the phone. This is intended to prevent grooming of vulnerable persons or the sharing of

sensitive information to criminals. There are also new requirements for operators to keep records of bookings.

4.3.10. **Section 9.5, page 28**

New provision requiring operators to have a policy on the employment for ex-offenders specifically the type of work to be undertaken.

4.3.11. **General Comments Omission and Inclusions.**

The DOT is requesting councils give consideration to mandating the fitting of CCTV within all licensed vehicles. Currently, there are only two English councils who have mandated a CCTV system. This proposal was included in the consultation of this Policy.

4.4. Following endorsement of the draft Policy changes by the Licensing Committee on 12 October 2020, the Council undertook a consultation exercise on the revised Policy in November 2020, and received two responses both of which agreed that the policy changes meet the requirements to protect children and vulnerable adults. Both responses also favoured maintaining the current position on the optional use of CCTV in-cab requirements and, consequently, there is no proposal at this stage to incorporate this change.

4.5. Given the extensive breadth of the Policy, it is vital that the Policy is kept up to date with any changes to legislation and guidance, therefore delegation is sought for the Executive Manager Neighbourhoods to make minor amendments. To ensure transparency, all such minor variations to the Policy will be reported to the Licensing Committee on an annual basis.

5. Alternative options considered and reasons for rejection

5.1. No alternative options have been considered as the update to the Policy is required to comply with current legislation and guidance.

6. Risks and Uncertainties

6.1. Some of the proposed changes may impact on existing taxi / private hire operators and licence holders. However, it is considered unlikely that this will reduce the number of vehicles significantly as many of the changes seek to improve professional standards and public safety which the trade should support.

7. Implications

7.1. Financial Implications

It is anticipated that the changes to the Taxi and Private Hire Standards should not have a significant financial impact upon the Council. Third parties contractors may be engaged for certification purposes regards new reading, writing and oral checks, for which the applicant would pay a fee direct to the third party. Changes to demands on RBC licencing and administrative

workloads may attract minimal fee to licence applicants in order to maintain a cost neutral service.

7.2. Legal Implications

The Council adopted the Policy in December 2019 in accordance with its legal obligations. The Council is required to update and review the Policy from time to time particularly to ensure compliance with legislation.

7.3. Equalities Implications

An Equalities Impact Assessment has been undertaken which has identified no major or adverse impact has been noted. This is shown at Appendix B.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

This Policy supports the importance of ensuring strong public safety standards within the taxi and private hire trade.

8. Link to Corporate Priorities

Quality of Life	The implications of this amended Policy will further protect the public and users of licensed vehicles
Efficient Services	None
Sustainable Growth	None
The Environment	The implications of this Policy will impose improvements to licensed vehicles to reduce emissions to atmosphere and improve local air quality.

9. Recommendations

It is RECOMMENDED that Council approves:

- a) the Hackney Carriages and Private Hire Licensing Policy 2020-2025
- b) that the Executive Manager – Neighbourhoods be granted delegated authority to make minor variations to the Policy.

For more information contact:	Geoff Carpenter, Environmental Health Manager 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	Report to Licensing Committee 12 October 2020
List of appendices:	Appendix 1 - Hackney Carriage and Private Hire Licensing Policy 2020– 2025 Appendix 2 – Equality Impact Assessment