



**Report to: Licensing and Environmental Health Committee, 7<sup>th</sup> March 2022**

**Report of: Head of Worcestershire Regulatory Services on Behalf of Worcester City Council**

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**Subject: DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY REVIEW OF CONSULTATION RESPONSES**

**1. Recommendation**

**That Committee:**

- 1.1 Note the contents of this report, in particular the consultation feedback document at "Appendix 1".**
- 1.2 Approve the Draft Hackney Carriage and Private Hire Licensing Policy at "Appendix 2", to take effect on 1<sup>st</sup> September 2022**

**2. Background**

- 2.1 Section 177 of the Policing and Crime Act 2017 enabled the Secretary of State to issue statutory guidance to taxi and private hire licensing authorities as to how their licensing functions may be exercised so as to protect children and vulnerable individuals who are 18 and over from harm.
- 2.2 A public consultation on draft statutory guidance ran between 12 February 2019 and 22 April 2019. Following lengthy consideration of the consultation responses, the Department for Transport published guidance entitled Statutory Taxi & Private Hire Standards (hereafter referred to as "the Standards") on 21 July 2020.
- 2.3 The Standards contains a number of recommendations which were presented to Committee on 21<sup>st</sup> June.
- 2.4 The Statutory Standards state that: *"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."**

- 2.5 On 14th June 2021, Members of the Licensing and Environmental Health Committee were presented with a copy of a draft Hackney Carriage and Private Hire Licensing Policy for consideration. A copy of the draft policy can be seen at "**Appendix 2**".
- 2.6 The draft policy will provide a uniform approach across all six district Councils in Worcestershire. Implementation of these policies would be substantially similar to one another, particularly in relation to the licensing of hackney carriage and private hire drivers and private hire operators.
- 2.7 Whilst a large number of the recommendations set out in the statutory standards were already met within the Council's existing policies, the draft policy had been drafted so as to incorporate any of the recommendations that were not already being followed.
- 2.8 The creation of the draft policy also provided an opportunity to carry out consultation on some amendments to the Council's policy proposed at previous meetings of the Licensing Committee. These were:
- Updating the Hackney Carriage and Private hire penalty points scheme
  - The removal of the minimum vehicle engine CC capacity, to permit the licensing of electric vehicles
- 2.9 Committee resolved that officers should undertake consultation on the draft policy that was presented at the Licensing and Environmental health Committee meeting on 14<sup>th</sup> June 2021.

### **3. Consultation**

- 3.1 Consultation was undertaken over a 12-week period between 18<sup>th</sup> October 2021 and 7<sup>th</sup> January 2022. It took place via a survey that was available to complete online. Paper versions of the consultation survey were also made available for those that wished to respond in that way.
- 3.2 Information on the consultation, along with details on how to respond were sent directly to:
- Those licensed by Worcester City Council to drive or use a vehicle as a hackney carriage or private hire vehicle
  - Those licensed by Worcester City Council to operate private hire vehicles
  - The Worcester Taxi Association
  - National Private Hire and Taxi Association
  - Licensed Private Hire Car Association
  - West Mercia Police
  - Safer Roads Partnership
  - West Mercia Police and Crime Commissioner
  - Worcestershire County Council
  - Relevant contacts at Worcestershire County Council, including those responsible for safeguarding children and adults and arranging home to school transport
  - Relevant interest groups, including those that represent people with disabilities and the elderly
  - Relevant local business groups via the Worcester BID
  - Elected Members

- 3.3 The online consultation questionnaire was made available on the Council's website and was promoted via the Council's Communications Team, including via the Council's social media channels.
- 3.4 Details of the consultation were included in a Taxi Newsletter, circulated to licence holders in December 2021 and were also discussed in person with representatives of the Worcester Taxi Association and Worcester's taxi operators and business owners, during Worcester Taxi Forum meetings on 2<sup>nd</sup> November 2021 and also on 9<sup>th</sup> February 2022.
- 3.5 In total there were 46 individual responses to the consultation. Of those 14 indicated that they were holders of either driver, vehicle, or operator licences. In addition to these there was also a responses from West Mercia Police and Crime Commissioner, the Policy and Campaigns Manager (Regional) for Guide Dogs, an organisation working with People with a Learning Disability and members of the public who use hackney carriage and private hire vehicles.
- 3.6 In general, most respondents were supportive of the proposals being put forward in the consultation, stating that they had no evidence or compelling local reason why the Council should not adopt the revised policy. The questions asked in the online questionnaire and a summary of the responses received to each of these questions can be seen at "**Appendix 1**". A detailed written response was also received by post from the "Guide Dogs", in which they support the introduction of the new policy, particularly in relation to the improved safeguarding standards.
- 3.7 Officers having reviewed the responses and comments received to the consultation have taken the time to address several of the concerns which have been raised. A copy of Officers comments in reply to the consultation responses is attached at "**Appendix 3**".
- 3.8 Whilst it's acknowledged that the implementation of the new standard may have some impact on existing licence holders and also those applying for a new hackney carriage and private hire driver licence, this is some way mitigated by the of the following:
- Introduction of partial refunds to licence holders who surrender licences midterm
  - The removal of the current vehicle minimum engine cc restriction, allowing vehicle proprietors to licence both electric and more fuel-efficient vehicles.
  - A reduced financial outlay over a longer term in relation to DBS checks.
  - The acceptance of DBS certificates from those applicants already signed up to the DBS update service.
  - The introduction of a more efficient process to relicence suspended vehicles, where licences have expired due to being suspended past two months.
- 3.9 Therefore, having considered all the responses and points raised during the Consultation period, Officers are satisfied that there is no compelling reason why the recommendations and new draft policy cannot be implemented without amendment.

#### **4. Preferred Option**

- 4.1 Members are therefore asked to have regard to the responses received during this consultation exercise and to approve the draft Hackney Carriage and Private Hire Licensing Policy at **Appendix 2** to take effect on 1st September 2022.

#### **5. Alternative Options Considered**

- 5.1 Making no changes to the existing policy having had regard to the Statutory Standards was discounted. The Secretary of State and the DfT expects the recommendations in the Statutory Taxi and Private Hire Vehicle Standards to be implemented by Licensing Authorities unless there is a compelling local reason not to.

#### **6. Implications**

##### **Financial and Budgetary Implications**

- 6.1 The costs associated with carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.
- 6.2 The cost associated with the introduction of six-monthly DBS checks will be borne by licence holders, however as detailed in the report, this cost will be substantial lower than having to apply for a new DBS check every six months. This cost will also be lower than the existing process of licence holders having to undertake a DBS check every 3 years.
- 6.3 The cost associated with the enhanced safeguarding training requirements, will be met by new applicants only. Officers will also work any appointed training provider to ensure that these costs are kept to a minimum.

##### **Legal and Governance Implications**

- 6.4 The Statutory Taxi and Private Hire Standards have been published by the Department for Transport under the powers set out in section 177 of the Policing and Crime Act 2017.
- 6.5 Section 177(4) of the Policing and Crime Act 2017 states that any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section.

##### **Risk Implications**

- 6.6 Failure to have regard to the guidance issued under section 177 would leave the Council in breach of a legal duty to do so.
- 6.7 Although it remains the case that the Council must reach its own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the Standards without sufficient justification could be detrimental to the authority's defence.
- 6.8 The new standards may have some impact on existing licence holders and also those applying for a new hackney carriage and private hire driver licence, as detailed at 3.8 of this report and in Appendix 3, therefore officers have identified those risks and it is believed that they have been mitigated as much as is possible.

### **Corporate/Policy Implications**

- 6.9 All regulatory policies relating to Environmental Health and Licensing approved by Worcester City Council should comply with the Regulators Code. The Regulators Code is made under the provisions of the Legislative and Regulatory Reform Act 2006. It seeks to promote proportionate, consistent, and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate

### **Equality Implications**

- 6.10 The Licensing and Environmental Health Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity.
- 6.11 As part of the government consultation on the proposed standards a full Equalities Impact Assessment was undertaken. Whilst the Council recognises that many of its hackney carriage and private hire licence holders are from a predominately Asian background and heritage, this is not negatively impacted by the introduction of the proposed policy. The policy will impact all hackney carriage and private hire licence holders equally regardless of age, race or gender and this policy does not unfairly discriminate on any grounds cited in the EQIA.

### **Human Resources Implications**

- 6.12 No Human Resources Implications have been identified.

### **Health and Safety Implications**

- 6.13 It is anticipated that proposed changes to the Council's hackney carriage and private hire licensing policies and the adoption of the new taxi standards, including the introduction of enhanced safeguarding, customer care and Equality driver training, will go some way to improving the quality of the drivers who are licensed by the Council and the safety of those persons using hackney carriage and private hire services within the city.

### **Social, Environmental and Economic Implications**

- 6.14 Introduction of the revised policies and licence conditions in response to the publication of the governments statutory standards, will contribute to ensuring the protection of children, vulnerable adults and all other passengers using hackney carriage and private hire vehicles in Worcester City and will result in a consistent approach to safeguarding and taxi licensing across Worcestershire.
- 6.15 The new standards will further improve driver quality and result in an enhanced customer experience for all Worcester, hackney carriage, and private hire passengers.
- 6.16 Minor proposed amendments to the Council's various vehicle policies will permit a straightforward process of licensing of electric vehicles for both hackney carriage and private hire use.

**Ward(s):** All

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**Background Papers:** Department for Transport “Statutory Taxi & Private Hire Standards”

Licensing and Environmental Health Committee Report - 14<sup>th</sup> June 2021 – “Draft Hackney Carriage and Private Hire Licence Policy, Approval to Commence Consultation”