



| <u>Committee and Date</u> |
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| Strategic Licensing Committee |
| 9 July 2021 |

| <u>Item</u> |
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| <u>Public</u> |

Department for Transport – Statutory Taxi and Private Hire Vehicle Standards

Responsible Officer Mandy Beever, Transactional and Licensing – Team Manager
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1. Summary

- 1.1. On the 21 July 2020 the Secretary of State for Transport published new Statutory Taxi and Private Hire Vehicle Standards (the Standards) to all licensing authorities. The Standards are aimed at safeguarding children and vulnerable adults. Email notification of the implementation of the Standards can be found at **Appendix A** with a copy of the Standards being found at **Appendix B**.
- 1.2. This report sets out a proposal for the way in which the Standards are going to be implemented by the Council.

2. Recommendations

- 2.1. That the Strategic Licensing Committee agrees with the implementation of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards as detailed below:
 - a. Publicise the Standards on the Council's licensing webpages and in relevant correspondence
 - b. For the purposes of process and decision making, where any anomalies exist between the Standards and the Council's Hackney Carriage and Private Hire Licensing Policy 2019-2023, unless there are exceptional circumstances, the requirements of the Standards will take precedence
 - c. Incorporate the Standards within the revision process of the Hackney Carriage and Private Hire Licensing Policy 2023 to 2027

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1. The implementation of the Standards supports the Council's wider priorities and outcomes associated with keeping people from harm, promoting health, managing the environment and helping people to help themselves.

- 3.2. The Standards takes account of the Council's safeguarding responsibilities, particularly in relation to tackling child sexual exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults.
- 3.3. The current Policy along with the Standards significantly increases the criteria that must be satisfied before a person will be deemed a 'fit and proper person' to be a private hire operator or to hold a vehicle licence as a vehicle proprietor. Drivers of hackney carriage or private hire vehicles will continue to be required to meet the robust criteria that were implemented in 2019. The criteria continue to be set against the findings of the Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013 and now also take into account the wider implications of modern slavery, trafficking and exploitation.
- 3.4. An Equality and Social Inclusion Impact Assessment (ESIIA) has been undertaken, utilising evidence already held by the service area.
- 3.5. For all the Protected Characteristic groupings, the impact is rated as positive. The impact is also rated as 'medium positive' for people for whom there are or may be safeguarding concerns, given the greater ability of the Council to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults. There are also associated likely improvements overall to public safety under the proposed changes, bringing particular benefits for vulnerable households. This applies in particular to the categories of Age, Disability, and the tenth category we use in Shropshire of "social inclusion".
- 3.6. Actions to enhance the anticipated positive impact of the proposal, which in itself builds upon the robust arrangements and procedures already in place. will include ongoing dialogue with the trade, and a formal consultation, as well as ongoing dialogue with the Shropshire Children Safeguarding Board and the Keeping Adults Safe in Shropshire Board. Dialogue with West Mercia Police and those service areas within the Council that have particular responsibilities for the care of children and young people and adults with care and support needs will provide further opportunity to ensure that the Council and its partners are acting in the best interests of these vulnerable groupings in the community at all times. The full ESIIA document can be found at **Appendix C**

4. Financial Implications

- 4.1. The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the exercise. These costs are recovered through the licensing fees.

5. Climate Change Appraisal

- 5.1. The recommendations in this report have no direct effect on climate change

6. Background

- 6.1. The Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013 found that taxi and private hire drivers played a prominent role in being directly linked to children who were abused.ⁱ
- 6.2. It was identified that statutory standards were an important first step in reforming the way the taxi and private hire vehicle sector is regulated and to ensure consistent standards between licensing authorities.
- 6.3. On the 21 July 2020 the Secretary of State for Transport published new Statutory Taxi and Private Hire Vehicle Standards to all licensing authorities. The Standards are aimed at safeguarding children and vulnerable adults.
- 6.4. The Standards were developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable.
- 6.5. Shropshire Council is under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Standards. In the interests of transparency, all licensing authorities should publish their consideration of the measures contained in the Standards and the policies and delivery plans that stem from these.
- 6.6. A comparison has been drawn between the Standards and the criteria set out in the current Hackney Carriage and Private Hire Licensing Policy 2019 to 2023. The comparison can be found at **Appendix D**
- 6.7. Unlike the Licensing Act 2003 and the Gambling Act 2005, the legislation that specifically controls the licensing of hackney carriages and private hire vehicles, drivers and operators, does not contain provisions that directly require the Council to prepare and publish a hackney carriage and private hire licensing policy in a particular manner.
- 6.8. It is recognised that the Council must ensure that its Hackney Carriage and Private Hire Licensing Policy is aligned with the Standards in order to secure the safety of passengers. Since the introduction of the Standards in July 2020, officers have taken steps to review the Standards and to ensure they are taken into consideration alongside the current Council Policy. Whilst progress is made to fully embed the changes that are required into the Council's Policy, delegated decisions have and continue to be informed by the detail contained within the Standards.
- 6.9. The Department for Transport expects the review of the Standards to be completed before 31 December 2021; the outcome of the officer work in this regard is presented in this report. There is also an expectation that any changes to the Council's Policy that are required as a result of the review will be made and implemented as soon as possible in 2022. However, due to the next review date for the Council's current Policy, which is 1 April 2022 to 31 March 2023, it is proposed to combine the formal consultation and implementation of the changes that are required as a result of the Standards with the normal process to review the Council's Policy.

- 6.10. It is the intention that the full review will commence in the Autumn of 2021 and conclude in late 2022/early 2023 in readiness for full implementation on 1 April 2023. It is acknowledged that this means the Council will not meet the expectations of the DfT; however, steps are being taken to ensure that the hackney carriage and private hire trades are aware of the Standards and that they form part of the Council's decision making process. This includes information on the Council's taxi licensing webpage, reference in Licensing Panel correspondence informing applicants and existing licence holders that officers with delegated authority to determine hackney carriage and private hire licensing matters will take the Standards into consideration when making decisions, and, where any matters are referred to the Licensing and Safety Sub-committee, Members will also give due regard to the Standards.
- 6.11. In preparing and publishing the proposed Policy, the Council demonstrates that it takes its hackney carriage and private hire licensing role seriously. It creates transparency for all stakeholders providing the manner in which the Council intends to undertake its hackney carriage and private hire licensing responsibilities. Furthermore, it provides the Council with a basis for a robust defence to any challenges that may be encountered in respect of decisions made and enforcement action taken.
- 6.12. There is already clear alignment between the Council's Policy and the majority of the requirements set out in the Standards. Nevertheless, for the purposes of decision making, where any anomalies exist between the Policy and the Standards between now and the 31 March 2023, this will be highlighted in any decision notice and, unless there are extenuating circumstances, the requirements of the Standards will take precedence over the requirements set out in the Council's Policy. Each application and review of an existing licence will continue to be determined on their own merits.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Department for Transport – Statutory Taxi and Private Hire Standards July 2020

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

Hackney Carriage and Private Hire Licensing Policy 2019 to 2023

<https://shropshire.gov.uk/media/12328/hcph-licensing-policy-2019-2023.pdf>

Alexis Jay Report – Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 – 2013

<https://www.rotherham.gov.uk/downloads/file/279/independent-inquiry-into-child-sexual-exploitation-in-rotherham>

Cabinet Member (Portfolio Holder)

Councillor Dean Carroll Portfolio Holder for Adult Social Care, Public Health and Assets

Local Member

Cover all areas of Shropshire

Appendices

Appendix A - DfT Email – Statutory Taxi and Private Hire Vehicle Standards

Appendix B - Statutory Taxi and Private Hire Vehicle Standards

Appendix C - ESIIA DfT Statutory Taxi and Private Hire Vehicle Standards

Appendix D - Officers Comparison of DfT Statutory Taxi and Private Hire Vehicle Standards and Shropshire Council's Hackney Carriage and Private Hire Licensing Policy 2019 to 2023

ⁱ Alexis Jay Report – Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 – 2013
<https://www.rotherham.gov.uk/downloads/file/279/independent-inquiry-into-child-sexual-exploitation-in-rotherham>