

<b>Report to:</b>	Licensing Committee 8 February 2021
<b>Lead Cabinet Member:</b>	Lead Cabinet Member for Environmental Services and Licensing
<b>Lead Officer:</b>	Head of Environment and Waste

## Statutory Taxi & Private Hire Vehicle Standards

### Executive Summary

1. Under the powers given to South Cambridgeshire District Council under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended), South Cambridgeshire District Council has responsibility for licensing Hackney Carriage and Private Hire Drivers as well as vehicle proprietors and Private Hire Operators within the District.

This Licensing Authority seeks to carry out its licensing functions with a view to promoting the following objectives:

- The safety and protection of the public
- Vehicle safety, comfort and access
- The prevention of crime and disorder
- The promotion of environmental sustainability
- Protection of children and adults at risk from harm

As a Licensing Authority, South Cambridgeshire District Council will ensure all licensing activities are carried out in line with its policies.

The Hackney Carriage and Private Hire Licensing Policy was produced in order to inform and guide this Licensing Authority when administering its responsibilities and to provide, its officers, the trade and the public with appropriate guidelines that put the Council's licensing requirements into practice in a clear and transparent manner.

The primary focus when administering its functions are public safety, safeguarding and wellbeing. In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy

The current Hackney Carriage & Private Hire Licensing Policy applies to all drivers, vehicles and operators and was last updated in April 2020.

2. In July 2020, the Department for Transport (DfT) published its 'Statutory Taxi & Private Hire Vehicle Standards' guidance document. (**Appendix A**)

## Key Decision

3. Is this a Key decision? – No

## Recommendations

4. It is recommended that the Licensing Committee recommends that the Lead Cabinet Member for Environmental Services and Licensing approves the new standards, as written as licence conditions, policy requirements and procedures.

The Department for Transport expects these recommendations to be implemented unless there is a compelling local reason not to.

## Details

5. In July 2020, the Department for Transport (DfT) published its 'Statutory Taxi & Private Hire Vehicle Standards' guidance document. (**Appendix A**)

In the interest of transparency, the DfT has advised that all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards.

The DfT has outlined that there is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in the abuse and exploitation of children and vulnerable adults facilitated and, in some cases, perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from Greater Manchester and Merseyside suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported.

The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. The 'Standards' document sets out a framework of policies that licensing authorities must have regard to when exercising their functions. Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.

Whilst the focus on the standards is on protecting children and adults at risk from harm, all passengers will benefit from the recommendations contained within it.

There is consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector, and the recommendations contained in the 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 do so.

In response to the DfT standards guidance, this Licensing Authority looked to identify areas within the guidance that differed from its current policy and procedures. It was identified that many standards suggested by the DfT were already within the Hackney Carriage and Private Licensing Policy

A total of 9 standards were identified (**Appendix B**), in which this Licensing Authority would need to consider adopting to meet the DfT standards.

## Options

6. Members may agree one of the following options:
  - Recommend that the Lead Cabinet Member for Environmental Services and Licensing approves the Standards as recommended.
  - Recommend that the Lead Cabinet Member rejects the Standards.
  - Recommend that the Lead Cabinet Member approves the Standards with amendments.

## Implications

7. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

### Financial

8. The Taxi Licensing service is self-funding and the costs associated with the service are recovered from licence holder fees and charges.

### Legal

9. Licensing Authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Standards when exercising any function relating to their taxi and private hire functions.

## **Consultation responses**

10. The DfT has advised that Licensing Authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade.

Consultation was held from 11 December 2020 to 15 January 2021.

The consultation was advertised through a variety of means including;

- Email to license holders
- Taxi Trade Forum – 8 January 2021
- Email to the trade and Key stakeholders
- Publication on the City Council website

A total of 8 responses were received via an online E-Form survey and emails sent to [TaxiConsultation@scams.gov.uk](mailto:TaxiConsultation@scams.gov.uk) (**Appendices B, C, D and E**)

There have been several CCTV comments received during the consultation. Members are reminded that the requirement for installation of CCTV in all licensed vehicles is already in the Hackney Carriage and Private Hire Licensing Policy.

## **Background Papers**

- Local Government (Miscellaneous Provisions) Act 1976
- South Cambridgeshire Hackney Carriage and Private Hire Policy
- Police & Crime Act 2017 (section 177)

## **Appendices**

Appendix A: DfT Statutory Taxi & Private Hire Vehicle Standards

Appendix B: Summary of Proposals and Responses

Appendix C: Uber response

Appendix D: Email from South Cambridgeshire Executive Operators Group

Appendix E: General consultation comments from a licensed driver

## **Report Author:**

Jane Jackson – Technical Officer

Telephone: (01954) 71 3635