

CALDERDALE MBC

WARDS AFFECTED: ALL

LICENSING AND REGULATORY COMMITTEE

DATE 1st MARCH 2022

CHANGES TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – APPROVAL TO CONSULT

REPORT OF THE ASSISTANT DIRECTOR, NEIGHBOURHOODS

1. Reason for report

The purpose of this report is to update members on the review of the Calderdale Council Hackney Carriage and Private Hire Licensing Policy and seek approval from the Licensing and Regulatory Committee to consult on the changes to the policy.

2. Need for a Decision

At a meeting of the Licensing and Regulatory Committee on 1st March 2021 officers reported on the publication of Department for Transport Statutory Taxi and Private Hire Vehicle Standards had been issued to taxi and private hire licensing authorities to protect and safeguard children and vulnerable individuals using those services. On this basis; it was agreed by committee to commence a review of the Calderdale Council Hackney Carriage and Private Hire Licensing Policy.

3. Recommendation

It is recommended that members:

- 3.1 Note the report, the summary of the changes to the Calderdale Council Hackney Carriage and Private Hire Policy at Appendix 1, the draft policy at Appendix 2 and the Department for Statutory Taxi and Private Hire Vehicle Standards at Appendix 3.
- 3.2 Resolve that officers undertake a consultation of the proposed amendments to the policy.

4. Background

- 4.1 The Council is responsible for licensing hackney carriage and private hire drivers, vehicles and private hire operators. In undertaking these responsibilities, the Council must have regard to the legislation, relevant statutory guidance and best practice as well as its own policies and procedures.
- 4.2 On 21st July 2020 the Department for Transport (DfT) published its “Statutory Taxi and Private Hire Vehicle Standards.”
- 4.3 The Standards reflect the changes within the taxi and private hire industry in recent years as well as the lessons learned in respect of the safeguarding of children and vulnerable adults and in relation to the cases of child sexual abuse and exploitation.

- 4.4 A copy of the DfT Statutory Taxi and Private Hire Vehicle Standards are attached at Appendix 3.
- 4.5 At a meeting of the committee on 1st March 2021 it was resolved by members to commence a review of the Council's Hackney Carriage and Private Hire Licensing Policy in accordance with the Standards.
- 4.6 A review has taken place by officers to produce a "cohesive policy document" in line with the Standards (para 3.1-3.5).
- 4.7 In addition to the changes outlined by the Standards, officers took the opportunity to review vehicle compliance policy to bring it into line with the Council's aspirations to be a Net Zero authority in response to the Climate Emergency, improve policy and process to increase safety for licensees, applicants and the travelling public, and make the overall Policy easier to follow.

Overview of Standards

- 4.8 The standards cover a wide range of issues, including driver, vehicle and operator standards.
- 4.9 In addition to the changes to the policy, there are a number of areas of the Standards which are not proposed as changes to the policy:
- Decision Making (paras 5.6 – 5.11)
Currently the decision making in relation to the grant, refusal, suspension or revocation of hackney carriage and private hire licensing is delegated the Assistant Director for Neighbourhoods and officers. The guidance suggests that individual cases be considered by a panel of elected and suitably trained councillors.
 - In-vehicle visual and audio recording – CCTV (paras 7.7 – 7.13)
All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse effect on the safety of taxi and private hire vehicle users, considering potential privacy issues.
 - Stretched limousines (paras 7.14 – 7.15)
Small limousines (carrying fewer than 9 passengers any more than 8 passengers should not be licensed as private hire vehicles as they are outside the licensing regime) should be considered as it is the view of the DfT that excluding limousines by licensing authorities is not a legitimate course of action.
 - Enforcing and the licensing regime (paras 9.1 – 9.10)
Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement can be taken against licensees from outside their area. Drivers should be made aware of the relevant policies and repercussions.

Implementation

- 4.10 Members should note that in Section 2.8 of the Standards it states:

Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law it may be that the Statutory Private Hire Vehicle 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. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in the Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plan's that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adult (and by extension all passengers).

- 4.11 The full review of the current policies and procedures as recommended will allow Members to make a decision on which parts should be adopted. Section 2 of the Standards refers to the Legal Framework under which the standards are published. Please note Sections 2.5 and 2.9 and the definitions covering the term 'must have regard'.
- 4.12 It remains the decision of the Council as to whether some or all of these standards should be implemented, however, it is possible for the Council to depart from the new Statutory Standards providing there is clear justification for the decision.
- 4.13 It should be noted that the authority already achieves and even exceeds many of the recommendations in the Statutory Standards.

5. Consultation

No consultation has been carried out to date.

6. Financial Implications

None at this time.

7. Corporate Implications

None at this time.

8. Equality and Diversity

There are no specific equality implications in the context of this report, a full Equality Impact Assessment will be carried out as part of the review of the service's policies and procedures.

9. Conclusion

Members can Resolve to:

- i. Note the report, the summary of changes to the Calderdale Council Hackney Carriage and Private Hire Policy at **Appendix 1**, the draft Policy at **Appendix 2** and the Statutory Taxi and Private Hire Vehicle Standards at **Appendix 3**; and/or

- ii. Resolve that a three month public consultation be carried out on the draft Calderdale Council Hackney Carriage and Private Hire Policy at **Appendix 2**

10. Appendices

Appendix 1 – Summary of Changes to the Calderdale Council Hackney Carriage and Private Hire Policy

Appendix 2 – Draft Calderdale Council Hackney Carriage and Private Hire Licensing Policy

Appendix 3 – Statutory Taxi and Private Hire Vehicle Standards

FOR FURTHER INFORMATION ON THIS REPORT CONTACT:

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DOCUMENTS USED IN THE PREPARATION OF THE REPORT:

Department for Transport - Statutory Taxi and Private Hire Vehicle Standards (July 2020)

Calderdale Council Hackney Carriage and Private Hire Licensing Policy and Procedure adopted July 2006, amended August 2019.

DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:

Licensing Unit, Town Hall, Halifax. HX1 1UJ