

Department for Transport Consultation on Hackney Carriage and Private Hire Vehicle Drivers

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Purpose of the Report

To inform Members that the Department of Transport (DfT) are seeking views on proposed statutory guidance to taxi and private hire vehicle (PHV) licensing authorities on how to use their licensing powers to protect children and vulnerable adults.

Public Interest

The reason for the consultation is to introduce statutory guidance¹ to ensure that Licensing Authorities help to safeguard members of the public (especially those under 18 years and vulnerable adults) when using taxi or private hire vehicles. There are a number of measures in the draft guidance, which will increase the level of safety for the public.

The DfT expects the recommendations made in the final version of the statutory guidance to be implemented by licensing authorities unless there is compelling local reason not to, the Licensing Committee therefore need to make sure that the content of the guidance is appropriate.

Recommendations

- (1) Members participate in answering the 30 questions contained within the consultation.
- (2) Members agree that where there are opposing answers to the questions that the response to be given to the DfT will be that of the majority.
- (3) Members agree that their response to the consultation is sent to the Department of Transport by the closing date of 11:45 on 22 April 2019.
- (4) Members agree that the South Somerset District Council Taxi and Private Hire Policy is updated to reflect the new statutory guidance once the provision is known and any other changes in legislation, which may affect it.

Background

The DfT had consulted with stakeholders on the regulation of the taxi and private hire trades and there is a consensus of opinion that common core minimum standards are required to regulate this sector especially as there is evidence to support it is a high risk environment and a crime survey revealed the under reporting of crime could be as high as 83%².

Report

The consultation questions have been summarised and relate to the following areas for hackney carriage and private hire drivers and vehicles:

¹ Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance

² P5 para 2 Draft Statutory Guidance Taxi and Private Hire Vehicle Licensing: Protecting Users DfT published February 2019.

- Content of training for those that determine licensing matters
- A council structure for dealing with licensing matters
- A review of all issued licences
- All drivers to be subject to an enhanced Disclosure and Barring Service (DBS) with barred list checks
- All licence holders should be required to subscribe to the DBS update service
- DBS checks are conducted every six months
- Notification period regarding arrest and release, charge or conviction for motoring, dishonesty, indecency or violence offences
- Referrals to the DBS if thought applicant presents a potential risk of harm to the public
- Certificate of Good Character required where individual has spent 3 continuous months outside the UK when over the age of 18
- Applicants to disclose if they have licensed elsewhere, had application refused; licence suspended or revoked
- National register for taxi and private hire driver licence refusals and revocation and improved information sharing
- Consideration during determination of application for or renewal of a licence, previous applications refused, revoked or suspended elsewhere
- Establishment of multi-agency safeguarding hubs
- Guidance for passengers on making complaints directly to licensing authority and the information displayed in licensed vehicles
- All drivers to undertake safeguarding training
- Consideration of whether applicant is able to communicate both orally and in writing in English with their customers
- Officers to be authorised by other licensing authorities so that they can take compliance and enforcement action outside their Council area.
- Private Hire operators to be subject to a basic DBS
- Private Hire Operators to keep a register of all staff that take bookings or dispatch vehicles and have sight of a basic disclosure for those staff.
- Private Hire Operators to provide their policy to the Council on employing ex-offenders that will take bookings or dispatch vehicles
- Private Hire Operators not to use a driver who only has a public service vehicle licence
- Private Hire Operators to keep specified information in records
- Licensing Authorities to carefully consider potential public safety benefits and privacy issues if making it a requirement that taxi's and private hire vehicles must have CCTV installed
- Licensing Authorities to consider licensing vehicles with an individual vehicle approval certificate even if passenger capacity is unclear, providing no more than 8 passengers
- DfT to issue guidance on assessment of previous convictions
- Whether Annex A to the draft guidance provides enough detail for the 'fit and proper' test and should any offences be added
- Are Licensing Authorities prepared to share data of alleged offences committed in licensed vehicles either against or by passengers
- Any other comments or data

Financial Implications

Officer time in preparing updated policy and advertising it.

Council Plan Implications

- Economy – work with businesses and use our assets
- Health & Community – Work with partners to keep our communities safe

Carbon Emissions and Climate Change Implications

None

Equality and Diversity Implications

The Government carried out an impact assessment on 04 February 2019 a link to which is included in the background papers.

Background Papers

- Draft Statutory Guidance Taxi and Private Hire Vehicle Licensing: Protecting Users DfT published February 2019 and consultation questions
www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-licensing-protecting-users

- Government Impact Assessment

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/775978/taxi-phv-licensing-protecting-users-ia.pdf
