

Regulatory and Appeals Committee – 27 February 2023

Title of paper:	Hackney Carriage & Private Hire Licensing Policy & Procedures Manual	
Director:	Andrew Errington - Community Protection	Wards affected: All
Report author and contact details:	John Davis, Taxi Licensing Compliance Manager john.davis@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Ann Barrett - Team Leader, Legal Services Susan Turner, Senior Commercial Business Partner	
Date of consultation with Portfolio Holder	N/A	
Does this report contain any information that is exempt from publication? No		
Relevant Council Plan Key Outcome:		
Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input checked="" type="checkbox"/>	
Child-Friendly Nottingham	<input type="checkbox"/>	
Healthy and Inclusive	<input type="checkbox"/>	
Keeping Nottingham Moving	<input checked="" type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Financial Stability	<input type="checkbox"/>	
Serving People Well	<input type="checkbox"/>	
Summary of issues (including benefits to citizens/service users):		
<p>The Department for Transport 'Statutory Taxi & Private Hire Standards' published in July 2020 recommends that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing.</p> <p>The principal purpose of the Hackney Carriage and Private Hire Licensing Policy & Procedures Manual is to consolidate current policies and good practice guidance into a single document that aligns with the national standards and is easier to access so as to facilitate compliance. The aim is to emphasise the importance of the standards in underpinning safeguarding to protect the vulnerable and promote public safety.</p> <p>The Council will recognise the policy manual as a method to be clear about the standards the authority expects in carrying out its Hackney Carriage and Private Hire licensing function. The key issues that the policy manual promotes are:</p> <ul style="list-style-type: none"> • Protecting the public, safeguarding children / the vulnerable and prevention of crime / disorder; • The health and safety of the public and drivers; • Vehicle safety, comfort and access; • Encouraging environmental sustainability <p>In promoting the licensing aims and objectives, the Council expect to see all licence holders and applicants continuously demonstrate they meet or exceed the standards set by the Authority.</p>		

Recommendation:

1	It is recommended that the Policy and Procedures Manual (save for appendices A-B and I-Q, which reflect already adopted policies and procedures) be released for consultation.
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1. Reasons for recommendations

- 1.1 The Statutory Taxi & Private Hire Vehicle Standards (the Statutory Standards) state 'Whilst the focus of the Statutory & Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it.
- 1.2 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'.
- 1.3 The Hackney Carriage & Private Hire Licensing Policy and Procedures Manual (the Manual) brings the Council's current policies and good practice guidance into a single document as the Statutory Standards recommend. In bringing existing policies into one document it is not the intention that they are re-adopted hence the consultation process will only relate to those parts of the Manual which are new or where change is proposed.

2. Other options considered in making recommendations

- 2.1 None – the Department for Transport recommends all licensing authorities make publicly available a cohesive document that brings together all their procedures on taxi and private hire vehicle licensing unless there is a compelling local reason not to.

3. Consideration of Risk

- 3.1 The Taxi Licensing service is a statutory service bound by various codes of practice, laws and case law. Not meeting minimum service standards through adoption of relevant standards and policies could result in legal challenge or reputational/vicarious liability risk if citizens are harmed by the taxi trade that should have been regulated to a reasonable standard.

4. Background (including outcomes of consultation)

- 4.1 The Policing & Crime Act 2017 enabled the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable adults from harm.
- 4.2 On 21 July 2020, the Government introduced new standards for the taxi and private hire vehicle trades across England & Wales. This is the latest step to be taken by the Government to reduce the risk of harm to passengers and to help to improve consistency across local authorities and represents a significant step-change in the way in which local authorities will licence drivers, vehicles and operators.
- 4.3 The document sets out a framework of policies that licensing authorities must have regard to when exercising their functions. Licensing authorities are expected to implement the recommendations unless there is a compelling local reason not to.

The main highlights of the document include:

- Consolidating current policies and good practice guidance into a single document that aligns with the national standards and is easier to access so as to facilitate compliance.
- Ensuring a robust, user friendly reporting system for passenger complaints.
- Driver licensing – 6-monthly DBS checks, safeguarding awareness training and language proficiency testing.
- Vehicle licensing – DBS checks for vehicle proprietors, use of CCTV in vehicles.
- Private Hire Vehicle Operator licensing – DBS checks for operators, review conditions of licence.
- A clear whistleblowing procedure.

4.4 Taxis and Private Hire vehicles are considered a high-risk environment and complex licensing regulations have been devised and enforceable for many years to mitigate these risks. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and, in some cases, perpetrated by the trade and in the number of sexual crimes reported involving taxi and Private Hire vehicle drivers (Statutory Standards paragraph 1.1).

4.5 As a Council, we are already at the forefront with many of the suggested actions already being embedded within the existing processes and policies:

- In 2015, the Council introduced compulsory safeguarding training for all existing drivers and initial applicants. The training delivers a wide range of subjects and is not just limited to Child Sexual Exploitation but also raises awareness of other types of vulnerabilities and forms of exploitation which drivers may become aware of in their day to day contact with the public. Drivers are also provided with information on signposting information where they can register concerns.
- When a driver's licence is granted or renewed, an enhanced DBS check and a DVLA drivers record check are carried out and further checks are done every six months throughout the term of the licence. Where a driver has lived or worked outside the UK for an extended period, Certificates of Good Conduct are required.
- Applicants and drivers are checked to ensure that they have the right to work in the UK.
- Complaints can be made through the Council's 'Have Your Say' system and directly to Taxi Licensing. All complaints and results are recorded on the driver's record.
- The Council has signed cross border delegations with other licensing authorities in Nottinghamshire to allow enforcement action to be carried out on vehicles and drivers other than those licensed by Nottingham City Council.
- The Council has signed up to the NR3S national database which allows officers to carry out checks on drivers and initial applicants to see if they have had licences

suspended or revoked or applications refused by authorities elsewhere in the country.

- 4.6 A review has been carried out of the Council's policy documents, conditions, and procedures in light of the publication of the Statutory Standards and where those items are proposed to change (e.g. the Council's standard conditions of licence) it is proposed that those items go out to consultation along with the main text of the manual. Other Policies which will remain unchanged (such as the Council's hackney carriage and Private Hire vehicle age and specification policy) will not be the subject of consultation. The results of the consultation will be brought back to Committee for consideration before the Manual is adopted. It is proposed that the consultation will run for 8 weeks.
- 4.7 The appendices that are being consulted on are listed below. The proposed changes are highlighted in red in the relevant document:
- Appendix C – Enforcement, Convictions & Fitness policy. Amendments include additional offences to be taken into consideration when granting or reviewing a licence and an increase in some of the time scales before which a licence won't normally be granted upon completion of any sentence and/or licence period as per the recommendations of the Statutory Guidance.
 - Appendix D – Private Hire/Hackney Carriage driver conditions of licence. These have generally been updated. Amendments include the requirement not to smoke, vape or use e-cigarettes in a licensed vehicle, not to use a hand held electronic device whilst driving, dash badge to be displayed inside the vehicle, the driver to notify any changes in their medical condition, additional requirements in respect of convictions and the requirements to work for multiple operators.
 - Appendix E – Private Hire Vehicle conditions. These have generally been updated. - and additional requirements in respect of safeguarding passengers, convictions, and the fitting of CCTV to a vehicle have been added.
 - Appendix F – Hackney Carriage conditions of licence. These have generally been updated. and additional requirements when reporting convictions, the requirement for card payment machine to be fitted to the vehicle and the requirements if CCTV is to be fitted to a vehicle have been added.
 - Appendix G – Private Hire Operator conditions of licence. Change to the particulars required to be recorded when taking a booking, record of the details of drivers and vehicles that are to be kept by the operator, a basic DBS required for staff taking bookings and dispatching vehicles, additional safeguarding requirements, requirement to notify the Council of conviction, arrests etc. and the requirement to keep a record of complaints and when the licensing authority needs to be notified. The new conditions introduce recommendations from the Statutory Guidance.
 - Appendix H – Introduction of a Private Hire Operator applications procedure. Includes Statutory Guidance recommendations.
 - Appendix R – Technical specification and system requirements if CCTV is to be fitted to a vehicle. This will ensure that any CCTV fitted to a licensed vehicle will meet industry standards and will comply with GDPPR requirements.

5. Finance colleague comments (including implications and value for money)

- 5.1 This report seeks approval to progress with the adoption of a revised policy which is the consolidation of existing policy documents to ensure a clear single policy. There are no financial implications to this request as this does not affect the fee mechanisms but rather a centralisation of policy information. Any other general cost implications are expected to be met within the existing MTFP.

Susan Turner, Senior Commercial Business Partner, 14th Feb 2023

6. Legal colleague comments

- 6.1 As indicated in the main body of the report the Statutory Standards recommend that all of the Council's hackney carriage and private hire licensing policies and procedures are brought together in one document. The Manual represents that document. In bringing the policies and procedures together however it is not intended that existing policies be re-adopted or re-introduced hence consultation will not take place on the entire document only those parts of it which are new or where change is proposed.
- 6.2 As the recommendation is to enable the release of certain parts of the Policy and Procedures Manual for consultation then the risk of challenge is low at this stage. However should any new policies ultimately be adopted then they may be susceptible to Judicial review on the usual administrative law grounds and other changes (such as those proposed to conditions of licence,) may be challengeable by way of appeal to the magistrates court.

Ann Barrett, Team Leader Legal Services 13 February 2023

7. Other relevant comments

- 7.1 None.

8. Crime and Disorder Implications (If Applicable)

- 8.1 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.
- 8.2 The Statutory Taxi and Private Hire Vehicle Standards were issued in July 2020. The Standards document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5). Under section 177(4), licensing authorities "must have regard" to the Standard when exercising their functions.

9. Social value considerations (If Applicable)

- 9.1 N/A

10. Regard to the NHS Constitution (If Applicable)

- 10.1 N/A

11. Equality Impact Assessment (EIA)

11.1 HAn EIA is not required because the proposal, if introduced, would not impact on any particular group within the City.

12. Data Protection Impact Assessment (DPIA)

12.1 A DPIA is not required because there is no additional impact on the data protection requirements already in place. A DPIA was completed when the NR3S policy was introduced.

13. Carbon Impact Assessment (CIA)

13.1 A CIA is not required because this policy has no impact on the CIA.

14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

14.1 None.

15. Published documents referred to in this report

15.1 Department for Transport's Statutory Taxi & Private Hire Vehicle Standards.