

REGULATORY & APPEALS COMMITTEE – 27 November 2023

Title of paper:	Hackney Carriage & Private Hire Licensing Policy & Procedures Manual	
Director(s)/ Corporate Director(s):	Colin Wilderspin Director – Communities	Wards affected: All
Report author(s) and contact details:	John Davis – Taxi Licensing Compliance Manager 07572262275 john.davis@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Ann Barrett Team Leader, Planning Environment and Leisure Solicitors	
Date of consultation with Portfolio Holder(s) (if relevant)	N/A	
Does this report contain any information that is exempt from publication?		
No		
Relevant Council Plan Outcome:		
Green, Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input type="checkbox"/>	
Child-Friendly Nottingham	<input type="checkbox"/>	
Living Well in our Communities	<input type="checkbox"/>	
Keeping Nottingham Moving	<input checked="" type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<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 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 		

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.

On 27 February 2023, the Committee resolved to accept the recommendation 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. The consultation period was from 02 March to 27 April 2023.

Recommendation(s):

1	That Committee consider the appraisal of the consultation response at appendix 2
2	That the Policy and Procedures Manual attached at appendix 1 of this report be approved and (save for appendices A-B and I-Q which reflect policies and procedures which are already adopted and in force) be implemented from 01 January 2024. The revised conditions of licence will be attached to licences issued upon initial application or renewal from this date.
3	Power to maintain and update the Policy and Procedures Manual to reflect any future changes to Policy or Procedure as and when they occur be delegated to the Head of Environmental Health and Public Protection and the Licensing & Policy Manager

1. Reasons for recommendations

1.1 The Statutory Taxi & Private Hire Vehicle Standards (“the Statutory Standards”) states:-

‘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. 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’.

1.2 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 only related 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.

3. Consideration of Risk

See Legal Comments below

4. Background (including outcomes of consultation)

- 4.1 In July 2020 the Government introduced the Statutory Taxi & Private Hire Vehicle Standards which amongst other things set out an expectation that licensing authorities consolidate their 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.

A review was carried out of the Council's policy documents, conditions, and procedures in light of the publication of the Statutory Standards. On 27 February 2023 this Committee considered a report on a proposed Hackney Carriage & Private Hire Licensing Policy & Procedures Manual and resolved that (save for appendices A-B and I-Q which reflect already adopted policies and procedures) the proposed Manual be released for consultation.

- 4.2 The Manual was open to consultation for an 8-week period from 02 March 2023 to 27 April 2023. Only one consultation response was received, that being from the App Drivers & Couriers Union (ADCU) on behalf of 209 drivers.
- 4.3 The ADCU response commented on a number of matters which were outside of the scope of the consultation and which are not therefore addressed (or addressed in detail) in the Officer's appraisal of consultation comments. These included criticising the constitution of the Committee which agreed that the Manual be submitted for consultation. These comments are not considered to be relevant to the matters which were subject to the consultation nor are they considered to affect the ability of the Committee to further consider the adoption of the Manual. These matters are not therefore addressed in this report.

The ADCU response also focused on encouraging the Council to intervene in the relationship between an Operator and the drivers that they operate by imposing risk management processes. This is felt to go beyond the remit of the Licensing Authority as set out in the relevant legislation which directs that as long as the Council considers an operator to be a fit and proper person and that they are not otherwise disqualified then they must be granted an operator's licence.

Although "reasonably necessary" conditions may be attached to such a licence the relationship between an operator and those drivers who work for them is not a matter for the Council and is governed by employment and other legislation. It is not therefore felt that it would be either reasonable or necessary to take the interventionist approach suggested.

- 4.4 Officer's appraisal of the main recommendations put forward in the ADCU representation can be found at Appendix 2. Some changes have been made as a result of these comments and are noted in that Appendix. In addition, on further reviewing the Operator conditions of licence, it is felt appropriate to add a further condition at paragraph 5(b) and Appendix H point 2 to make it clear that where an Operator is a company, partnership or a group of individuals a basic DBS check is required for each director, partner or individual and not just the company, partnership or group.

It is now recommended that the Manual be approved and that going forward the Head of Environmental Health and Public Protection and the Licensing & Policy Manager be responsible for keeping the manual up to date in the event of any new policies or procedures being introduced in the future or any changes to policy/procedures being approved.

The Manual will be implemented from 01 January 2024 and available on the Council's website. The revised conditions of licence will be attached to licences issued upon initial application or renewal from this date.

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

- 5.1 This report seeks approval to progress with the adoption of the Policy and Procedures Manual following consultation to a consolidated clear single policy for the Council's hackney carriage and private hire licenses. There are no financial implications to this request as this does not affect the fee mechanisms but rather a centralisation of policy information. Any general cost implications are expected to be met within the existing MTFP.

Susan Turner – Senior Commercial Business Partner 31/10/2023

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 and the Manual represents that document. The Manual has been through a period of consultation as recommended by the Statutory Standards with only one response being received. The response raised several issues which were outside of the scope of the consultation including criticising the constitution of the Committee which originally resolved to release the Manual for Consultation. That Committee was however quorate and appropriately constituted and the resolution is considered to have been properly passed.
- 6.2 A number of minor amendments are proposed to the Manual arising either from the consultation response or as a matter of clarification. As indicated previously it is not the intention to re-adopt certain existing policies and procedures to be contained within the Manual. As with most local authority decisions potential exits for legal challenge, however the Manual is felt to comply with the Guidance set out in the Statutory Standards and to be reasonable with regard having been made to the relevant legislation.

Ann Barrett – Team Leader, Legal Services 09/11/2023

7. Other relevant comments

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 Standards 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 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:
(Please explain why an EIA is not necessary)

Yes

Attached as Appendix 3, and due regard will be given to any implications identified in it.

12. Data Protection Impact Assessment (DPIA)

12.1 Has the data protection impact of the proposals in this report been assessed?

No

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.

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

13. Carbon Impact Assessment (CIA)

13.1 Has the carbon impact of the proposals in this report been assessed?

No

A CIA is not required because this policy has no impact on carbon emissions.

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

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

None.

15. Published documents referred to in this report

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