

General Licensing Committee Meeting	
Meeting Date	11 th March 2021
Report Title	DfT Statutory Taxi and Private Hire Vehicle Standards
Cabinet Member	Cllr Richard Palmer, Cabinet Member for Community
SMT Lead	Nick Vickers, Chief Financial Officer
Head of Service	Della Fackrell, Resilience & Licensing Manager
Lead Officer	Christina Hills, Licensing Officer
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. Members to note that there were no responses to the public consultation on the draft revisions to be incorporated into the councils current Hackney Carriage and Private Hire Licensing Policy as required by the DfT Statutory Taxi and Private Hire Vehicle Standards 2. Members to approve the revisions to the policy to become effective as of 15th March 2021

1 Purpose of Report and Executive Summary

- 1.1 To feedback to Members regarding the public consultation on the draft revisions to the current Hackney Carriage and Private Hire Licensing Policy to incorporate requirements made necessary by the DfT Statutory Taxi and Private Hire Vehicle Standards.
- 1.2 Members are asked to approve the revisions to become effective as of 15th March 2021.

2 Background

- 2.1 The Secretary of State for Transport issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities in July 2020. The Statutory Standards set out a range of robust measures to protect taxi and private hire passengers with a particular aim of safeguarding children and vulnerable adults as well as the travelling public in general.
- 2.2 The DfT stated that it expected all licensing authorities to have considered the measures set out in the Statutory Standards by 31st January 2021 and to implement them as soon as possible unless there is a compelling local reason not to do so.

- 2.3 Licensing authorities have a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards. It has been declared that in the interests of transparency, all licensing authorities should publish their consideration of the measures contained in the Standards and their policies. This will enable government bodies to engage with those authorities that do not adopt the Standards and seek from them a rationale for failing to act to protect passengers.
- 2.4 The Statutory Standards and the council's current position regarding the points raised in them, that were either already part of the standard working practices of the licensing team or that would need to be addressed by implementing changes to the current Swale Hackney Carriage and Private Hire Licensing Policy were presented to a meeting of the General Licensing Committee on 21st January 2021.

3 Proposals

- 3.1 The proposed changes to the current Swale Hackney Carriage and Private Hire Licensing Policy are attached as **Appendix I**.

4 Alternative Options

- 4.1 An alternative option would be to continue to rely on the current Hackney Carriage and Private Hire Licensing Policy; however this does not incorporate the Statutory Taxi and Private Hire Vehicle Standards which the DfT expect all local authorities to have regard of.

5 Consultation Undertaken or Proposed

- 5.1 A consultation of 4 weeks was undertaken which started on 25th January 2021 and ended on 19th February 2021.
- 5.2 Consultees and consultation mechanisms were as previously outlined to the Committee.
- 5.3 No responses to the consultation were received. This may be that it was recognised that the DfT requirements contained within the Statutory Standards build upon the good practices already employed by Swale through the current taxi policy and give greater consumer confidence regarding the safeguarding of children and vulnerable adults.

6 Implications

Issue	Implications
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Corporate Plan	The service is an important regulatory function undertaken to ensure safety of the private hire and hackney carriage vehicles used in the Borough and supports the achievement of corporate priorities, including “A council to be proud of”.
Financial, Resource and Property	<p>The cost of consultation and publishing an updated policy will be met from within existing budgets.</p> <p>The Hackney Carriage and Private Hire Licensing Policy is not envisaged to place any new financial pressures on the Council although there are implications for extra work within the licensing team.</p>
Legal and Statutory	<p>There is no legal requirement for a policy, however it is best practice. This is different to other licensing regimes where a policy is a legal requirement.</p> <p>Rights of appeal are granted to all applicants and licensees who are aggrieved by any licensing decisions.</p> <p>Under the Human Rights Act 1998 Members must consider the hackney carriage and private hire drivers’ ‘enjoyment of possession’ under Article 1 of the First Protocol – Protection of Property and in determining a policy regarding the licensing of these individuals must balance this right with the need to protect the public.</p> <p>The authority was able to report to the Department of Transport by the deadline of 31 January 2021 on its actions in considering and implementing the statutory guidance as required.</p>
Crime and Disorder	There are obvious links to community safety in ensuring an adequate supply of properly licensed taxis as a safe mode of transport for the public, particularly when other public transport is unavailable and ensuring the safety of drivers and the trade.
Environmental Sustainability	No implications have been identified
Health and Wellbeing	No implications have been identified
Risk Management and Health and Safety	Whilst each individual application will be judged on its own merits, a documented policy ensures a transparent and consistent approach to licensing that reduces the opportunity for challenge through the Courts. Challengers to a particular decision are more likely to fail if the Council can demonstrate that it has adhered to its published policy and there was no reason to depart from it. Any departure from the policy will be based on material evidence and will be documented giving clear and compelling reasons for such departure.

Equality and Diversity	The hackney carriage and private hire licensing policy affects all persons equally
Privacy and Data Protection	No implications have been identified

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Proposed changes to the current Swale BC Hackney Carriage and Private Hire Licensing Policy 2018 -2021

8 Background Papers

None