

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

REPORT OF THE EXECUTIVE DIRECTOR CORE SERVICES TO CABINET, 26th January 2022

Public or Private Report: Public

TAXI AND PRIVATE HIRE LICENSING POLICY

1. PURPOSE OF REPORT

- 1.1 In July 2020 the Department for Transport issued Statutory Standards and recommended that all licensing authorities must have due regard for the standards and incorporate these into a publicly available cohesive policy document that brings together all their procedures on taxi and private hire licensing by January 2022. Taking the Statutory Standards into consideration a draft policy was written, and a public consultation was held to seek the views and opinions of all interested parties. The consultation period is now concluded, and the responses received have been considered by the Licensing Service, SMT and the General Licensing Regulatory Board.

2. RECOMMENDATIONS

2.1 That Cabinet recommends to the Full Council that:

- (i) The Hackney Carriage and Private Hire Licensing Policy appended to the report be published in accordance with the statutory requirements and adopted by the Council.
- (ii) That the Institute of Licensing Suitability Guidance be adopted in its entirety;
- (iii) That the requirement for a driver medical report to be produced every year from the age of 60 be retained;
- (iv) That the D4 medical reports from a company called 'Doctors on Wheels' be no longer accepted for the reasons detailed within the report;
- (v) That the application fee charged be non-refundable on the grounds that the Council is permitted to charge for the administration involved in the processing and granting of a licence; and
- (vi) That the topographical test be maintained as a means of ensuring that all licenced drivers have a good working knowledge of the area

3. INTRODUCTION

- 3.1 The Department for Transport has recommended that all licensing authorities make publicly available a comprehensive policy document that brings together all their procedures on taxi and private hire licensing. This should include policies on convictions, a 'fit and proper' person or 'suitability' test, conditions of licence and vehicle specifications and standards.

The primary and overriding objective of our taxi and private hire policy is to protect the public by ensuring that the licensing regime protects the vulnerable.

The attached draft Taxi and Private Hire Licensing Policy complies with the statutory guidance, whilst reflecting local circumstances and responses received to public consultation carried out prior to the final policy being determined.

4. PROPOSAL AND JUSTIFICATION

- 4.1 We have a statutory duty to have regard to and fully recognise the importance of the new statutory standards. The draft policy sets out the requirements and standards that must be met by those working within the trade as drivers, vehicle proprietors or operators.

Changes have been made to some of our existing conditions of licence to ensure they are accurate and reflect current practises and to ensure that we are applying consistent standards with the other Licensing Authorities in South Yorkshire.

In response to the DfT Guidance and the responses received as part of the statutory consultation the following points were discussed and approved by the General Licensing Regulatory Board on the 22nd December 2021:-

- The suitability policy and whether or not the Council should fully adopt the Institute of Licensing Suitability Guidance
- Medical requirements and whether or not medical reports should be provided every year from the age of 60
- Application fees and whether or not these should be refunded in the event that a licence was not granted
- The driver topographical/knowledge test and whether this should be retained

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed.

Whilst the focus of the Statutory Taxi and 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 the statutory standards document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department for Transport therefore expects these recommendations to be implemented unless there is a compelling local reason not to.

- 5.2 Whilst the Council could decide not to adopt a policy that complies with the statutory guidance, it would be failing to implement measures considered to provide the public with the best level of protection and would leave itself open to potential legal challenge.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 The principal purpose of taxi and private hire licensing is to protect the public and promote public safety.

This policy sets out the requirements and standards that must be met by those working within the trade as drivers, vehicle proprietors or operators.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no direct financial implications arising from the approval of this policy.

8. EMPLOYEE IMPLICATIONS

- 8.1 There are no specific employee implications in approving this policy.

9. LEGAL IMPLICATIONS

- 9.1 Adoption of the policy will meet the Council's obligations under the statutory guidance

10. CUSTOMER AND DIGITAL IMPLICATIONS

- 10.1 None arising directly from the adoption of the policy

11. COMMUNICATIONS IMPLICATIONS

- 11.1 The draft policy has been subject to a 10 week public consultation period and all stakeholders received notification of the consultation.

Once adopted the Policy will be published on the Councils website and will therefore be available to all interested parties.

12. CONSULTATIONS

- 12.1 In determining this policy statement, the Council has consulted with the following:

- The Police
- Elected members
- The Local Safeguarding Board
- Taxi and private hire licence holders (or their representatives)
- Representatives of local businesses and residents' organisations
- Public transport providers
- Local Chamber of Commerce / BID
- Local Authority Testing Stations
- Taxi Conversion Companies
- Home to School Transport
- Local Pubwatch Groups
- The public
- Public Health
- Minority Groups

The policy consultation ran for 10 weeks commencing on 25 June 2021 and finishing at 00:00 hours on 3 September 2021.

The views of all consultees were duly considered and given proper weight.

Four representations were received in total which are set out below, together with any action proposed by the Council in response

- 1) Cllr Sarah Jane Tattershall:-

The policy is detailed and well thought out. However I would like to see that car cameras that can record both internally and externally are fitted to all licenced Taxi vehicles across Barnsley and the country to protect the driver and passengers during the course of their journey and after drop-off.

this footage can then be reviewed by the licensing team or police if required to show any wrong-doing by ether party should it be requested. the driver does have a duty of care to all passengers to ensure they get from A to B and to C if required in a safe and comfortable manor. if anyone has cause for concern this should be reported as soon as possible so this issue can be looked into. Camera footage will be very beneficial to this process and will help with the enquiry.

as a member of the licensing panel, at present we only have the word of the driver and the passenger(s). dash cam footage would help all involved to determine the situation better and the outcome. it would also make passengers feel relaxed on their journey and give the driver, and their family confidence overall.

Presently it is not proposed to mandate CCTV in licensed vehicles, and to do so would require further consultation with the trade. However, the draft Policy was amended to include paragraph 2.110, which recognizes the importance of keeping this matter under active review during the currency of the policy.

2) Cllr Steve Hunt:-

I am supportive of the new policy but have one huge concern.

In 2019 the council declared a climate emergency. We should be ensuring that taxis and private hire vehicles are becoming greener. I appreciate that to move to electric vehicles overnight would not be achievable or give taxi drivers sufficient time to change their vehicles. However surely the policy should contain enforceable targets of reducing CO2 emissions in all vehicles over the period from now to (say) 2025.

This was outside the scope of the draft policy that went out for consultation. However, a note has been included in paragraph 2.121 which acknowledges the importance of identifying means by which the uptake of electric or hybrid vehicle by the trade can be encouraged.

3) Zahid Qureshie:-

Page 15 "Promoting Equality" - need to add the protected characteristic of "marriage and civil partnership"

This omission is now included in paragraph 2.106 of the Policy.

4) David Wilson – Licensing Consultant on behalf of Blueline taxis:-

A lengthy response to the consultation was received for consideration, the majority of which was agreed by amended wording or clarification to the draft policy document. A report to the General Licensing Regulatory Board on the 22nd December 2021 detailed all points that required Member recommendation.

The recommendations in paragraph 2.1 (ii) to (vi) are made as a result.

The consultation responses were reported to the General Licensing Regulatory Board on the 22nd December 2021 for consideration and recommendation to Cabinet and Council for final approval

13. EQUALITY IMPACT

The statutory guidance, upon which the draft policy is based has been subject to equality impact assessment by the DfT.

14. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

- 14.1 A modern, efficient and well-regulated taxi trade operating within a policy framework that recognises national standards and provides that all reasonable and proportionate steps are taken to ensure public safety and protect the vulnerable, contributes to a healthy and growing Barnsley where people are safe and feel safe and have a positive experience when using taxis to enjoy the town centre and principal towns as destinations for work, shopping, leisure and culture.

15. TACKLING THE IMPACT OF POVERTY

- 15.1 No impact

16. TACKLING HEALTH INEQUALITIES

- 16.1 No impact

17. REDUCTION OF CRIME AND DISORDER

- 17.1 Whilst the vast majority of people working in the taxi trade are honest, respectful and law abiding, it is unfortunately the case that some who are not will seek to enter the trade to abuse their position by taking advantage of the vulnerable. The measures set out in the policy will assist in guarding against such people entering the trade and, if they do, help to ensure that they are detected and dealt with robustly. This should have a positive impact on the reduction of crime.

18. RISK MANAGEMENT ISSUES

- 18.1 Failure to have a cohesive policy which has regard for the DfT statutory standards could result in legal challenges to the council's decisions.

19. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

- 19.1 Safety issues are identified within the body of the report

20. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

- 20.1 No Charter rights are infringed by the adoption of this policy

21. ENVIRONMENTAL IMPACT


21.1 Whilst not formally part of this Policy the Council will continuously explore any opportunities available through national or regional schemes and initiatives to encourage or incentivise the uptake of electric or hybrid vehicle by the trade, in support of the Councils 2040 carbon neutral target for the Borough. The government offers grants to support the wider use of electric and hybrid vehicles via the Office of Low Emission Vehicles (OLEV). Licensed drivers are encouraged to find out more on [GOV.UK electric vehicle grant scheme](#). Consideration will be given to the numbers and locations of charging points available to the trade. Any future targets for reducing CO2 emissions in licensed vehicles would be subject to further consultation.

22. LIST OF APPENDICES

Appendix 1: Draft Hackney Carriage and Private Hire Policy

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Report author: Debbie Bailey

Financial Implications/Consultation

 26.10.21

 (To be signed by senior Financial Services officer where no financial implications)