

Licensing Committee

Statutory Taxi & Private Hire Vehicle Standards

Report of Executive Member for Neighbourhoods & Culture

Officer contact: John Garforth – Trading Standards & Licensing Manager

Ext. 5026

3rd November 2020

Executive Summary

Following consultation, the Government have recently issued new statutory taxi and private hire vehicle standards which the Department for Transport expects to be implemented by Licensing Authorities unless there is a compelling reason not to.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Consider the implications of the report in future licensing decisions
-

Statutory Taxi and Private Hire Vehicle Standards

1. Purpose of the report

- 1.1 The purpose of this report is to inform Members of the issuing of statutory guidance by the Government relating to taxi and private hire vehicles.

2. Introduction

- 2.1 The reason for issuing of the guidance, as extracted from its introduction, is as follows:

There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. 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 the number of sexual crimes reported which involve taxi and private hire vehicle drivers.

Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from Greater Manchester and Merseyside suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the Crime Survey for England and Wales.

3. Focus of the Guidance

- 3.1 The Government intention behind issuing the guidance is to improve consistency of licensing policy and focuses attention on protecting children and vulnerable adults.

- 3.2 The guidance states:

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 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.

All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the Working Together to Safeguard Children statutory guidance.

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; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).

3.3 The main headings covered in the guidance include:

- Administering the licensing regime
- Gathering and sharing information
- Decision making
- Driver, Vehicle and Operator licensing; and
- Enforcement

4. **Implementation of the Guidance**

4.1 Officers across Greater Manchester have discussed the guidance and firmly believe that there is no compelling reason not to implement the recommendations within it.

4.2 The timing of its issue came just as the Greater Manchester Minimum Licensing Standards were being finalised so for the handful of areas that needed to be implemented these were included in the consultation document which is subject to discussion with Members on today's agenda.

4.3 A copy of the statutory guidance can found appended to this report at Appendix 1.

5 Legal Services Comments

- 5.1 Under S177 of the Policing and Crime Act 2017, the Secretary of State may issue guidance to local authorities as to how their licensing functions under taxi and private hire legislation may be exercised so as to protect children and vulnerable adults from harm. In accordance with S177(4), the Council must have regard to the guidance. (A Evans)

6 Co-operative Agenda

- 6.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

7 Environmental and Health & Safety Implications

- 7.1 None

8 Equality, community cohesion and crime implications

- 8.1 None

9 Equality Impact Assessment Completed?

- 9.1 No

10 Key Decision

- 10.1 No

11 Key Decision Reference

- 11.1 N/A

12 Background Papers - None

12.1 Appendices

Appendix 1 – Statutory Taxi & Private Hire Guidance