

**Committee: Planning, Regulatory and General Licensing Committee**

Date of meeting: 14<sup>th</sup> June 2021

Report Subject: Taxi Policy – Department for Transport Statutory Taxi and Private Hire Vehicle Standards

Portfolio Holder: Planning, Regulatory and General Licensing Committee

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Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Planning, Regulatory and General Licensing Committee
**								14/6/2021

**1. Purpose of the Report**

- 1.1 To inform Members of the ‘Statutory Taxi and Private Hire Vehicle Standards’ document, of July 2020, and the Welsh Government’s ‘Guide to Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales’ of March 2021 and how they affect the Council’s current Policy Relating to Hackney Carriage and Private Hire Vehicle Licences dated 1<sup>st</sup> September 2019.
- 1.2 To seek approval for a change to the Authority’s Policy Relating to Hackney Carriage and Private Hire Licences to allow for 6 monthly Disclosure and Barring Service (DBS) checks to take place.

**2. Scope and Background**

- 2.1 This report outlines the recommendations made by the Department for Transport in the Statutory Taxi and Private Hire Vehicle Standards, copy attached at **Appendix 1**, to reduce risks for children and vulnerable people in high risk

environments and taxi and private hire vehicles have been identified as such risk. In terms of risks to passengers, this can be seen in abuse and exploitation of these particular members of society and in some cases, perpetrated by this trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers.

- 2.2 Links between the taxi trade and child sexual exploitation and abuse have been established in many areas and investigations are ongoing. Data from reported cases in Manchester and Merseyside show that if similar patterns were applied across England, 623 sexual assaults carried out by taxi and private hire drivers would be reported per year.
- 2.3 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising licensing functions to protect children and vulnerable people.
- 2.4 Whilst the focus of the Statutory Taxi and Private Hire Standards is on children and vulnerable people, all passengers will benefit from the recommendations. There is consensus that common, core minimum standards are required to better regulate the taxi sector and the results of the document are a result of discussions and national consultation with the taxi trade, regulators and safety campaign groups. Therefore, the Department for Transport expects all local authorities to comply with the standards unless they have compelling reasons not to.
- 2.5 The Welsh Government's "Taxis and Private Hire Vehicles – Licensing Guidance", attached at **Appendix 2**, is non-statutory and aims to encourage a more consistent approach to taxi and PHV licensing across Wales with the main focus on promoting safety of the travelling public. Proposed recommendations include standardised licence conditions and collaboration on cross-border enforcement. The Written Statement issued by the Minister for Economy, Transport and North Wales is attached at **Appendix 3**.
- 2.6 The Guidance has been produced to address some of the problems highlighted in the consultation carried out by the Welsh Government in 2018 'Improving Public Transport' White Paper. The WG acknowledges that some issues will require new legislation and the guide is an important first step to

achieving a consistent approach to licensing standards across Wales.

- 2.7 Policing and crime is not devolved and the standards will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Government in 2018. Should WG introduce legislation to regulate on these issues, the Department for Transport standards would cease to apply.
- 2.8 Due to the overlap between the Standards and the WG Guidance, and as taxi regulation is devolved, the Secretary of State for Transport has confirmed he is content for Welsh Government to monitor compliance with the Department for Transport (DfT) Standards as part of the wider work with policy alignment recommendations.
- 2.9 In most instances, the Council is already practicing the methods identified by the Department for Transport, which have been strengthened by the WG Guide. The main recommendation is the need for more regular criminality checks and it is this element that Members are being asked to consider in this report in order to commence the rolling programme of implementation as soon as possible for safeguarding reasons. This approach is generally consistent with that of other Licensing Authorities in Gwent.
- 2.10 The Council currently expects licensed drivers to obtain an Enhanced Disclosure and Barring Services report (DBS) every three years at the licence holders expense at a cost of £50. The Standards suggest that these checks should be carried out every six months and that the licence holder signs up to the DBS Update Service. This is a 'rolling system' which allows the Council to check records without the need for the licence holder to make a new application. The cost to the licence holder for this system is £13 per year direct to the DBS. This eventually would result in a small saving to the licence holder but the benefit to the Council is that records can be checked instantly. This approach is also generally consistent with the intentions of other Licensing Authorities in Wales.
- 2.11 Although Blaenau Gwent licensed taxi drivers currently obtain an enhanced DBS every three years, not all DBS checks are

due at the same time. To allow drivers to sign up to the update service and the Council to check DBS records every six months, it is anticipated that a 'catch up' system will be in place over the next three years so that drivers would sign up to the Update service when their next DBS becomes due.

2.12 Additionally, the Standards also recommend that **vehicle proprietors and private hire vehicle operators** are checked on an annual basis to "Basic" standard. In most cases, these licence holders also hold a driver's licence so there is no expectation for them to sign up more than once. However, as only a basic report is required for these licences, the Council should only consider the information which would be supplied in a basic report when determining the suitability of a vehicle proprietor or operator. DBS certificates can only be used for the reason for which they are requested and for which the applicant/licence holder has given permission. The Authority would therefore need to ensure that 6 monthly Enhanced DBS checks are not used inappropriately for the purpose of licensing vehicle proprietors and private hire vehicle operators.

2.13 Consultation has been undertaken with the Blaenau Gwent Taxi Association on all of the proposed changes. This took place at a meeting online on 28th April 2021 and the Taxi Association were represented by their Chairperson. This was a positive discussion on the proposed changes which did not give rise to significant concerns from the trade. It is not considered necessary on this occasion to undertake full consultation with the wider trade and public with regard to the specific changes to the DBS procedure. If agreed, the DBS changes will take effect immediately and the wider ranging changes will be fully consulted in due course.

### 3. **Options for Recommendation**

#### 3.1 **Option 1 (preferred Option)**

Members are asked to approve the adoption of the DBS requirements of the Statutory Taxi and Private Hire Vehicle Standards, specifically with regard to :

- The implementation of 6 monthly checks, commencing with immediate effect, on a rolling programme as and when renewals are due and,
- That the Authority's Policy Relating to Hackney Carriage and Private Hire Licences be amended accordingly and that Members agree to a full consultation being carried out in respect of any remaining matters.

### 3.2 **Option 2**

Members reject the proposal to adopt 6 monthly DBS checks as outlined in 3.1.

## 4. **Evidence of how does this topic supports the achievement of the Corporate Plan/Statutory Responsibilities/Blaenau Gwent Well-being Plan**

4.1 This report relates to the statutory duties and responsibilities of the Authority. There are no direct links to this report .

## 5. **Implications Against Each Option**

5.1 This report reflects work carried out by the Licensing team within existing resources, and there are therefore no financial implications. All fees will be payable by the licence holder.

5.2 The main risk to the Authority is reputational should efficient and effective licensing enforcement not be delivered. It is therefore proposed that Option 1 is preferable in this regard.

5.3 This report relates to the statutory powers and responsibilities of the authority, and there is no significant legal impact identified. Option 1 offers the most effective proposal to protect public safety in the licensing regime.

5.4 There are no staffing/workforce implications associated with this proposal. Any additional staff time can be recovered in licence fees.

## 6. **Supporting Evidence**

6.1 See Back ground documents

## 7. **Monitoring Arrangements**

7.1 The are no specific monitoring requirements, however, a working party has been set up comprising Welsh Licensing Authorities to consider all of the recommendations and help to ensure a consistent approach. Whilst no completion date has been set for this, these matters will be kept subject to review and should further changes be identified, further reports to Members will be undertaken where necessary and as appropriate.

### Background Documents /Electronic Links

1. The Statutory Taxi and Private Hire Vehicle Licences Standards dated July 2020
2. Guide to Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales dated March 2021
3. The Written Statement issued by the Minister for Economy, Transport and North Wales