

Committee: General Licensing Committee

Date of meeting: 13th March 2023

Report Subject: Review of Policy Relating to Hackney Carriage and Private Hire Vehicle Licences following Welsh Government Guide and Department for Transport Statutory Taxi and Private Hire Vehicle Standards

Portfolio Holder: General Licensing Committee

Report Submitted by: Steve Osborne, Team Manager - Trading Standards and Licensing

Report Written by: Helen Jones- Senior Licensing Officer

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	General Licensing Committee
28.2.23	2.3.23							13.3.23

1. Purpose of the Report

- 1.1 To agree the Council's 'Policy Relating to Hackney Carriage and Private Hire Vehicle Licences' which has been reformatted in line with the Welsh Government's 'Guide to Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales' and the Department for Transport's 'Statutory Taxi and Private Hire Vehicle Standards'.

2. Scope and Background

- 2.1 The Planning, Regulatory and General Licensing Committee received a report on 14th June 2021 which outlined the recommendations made by the Department for Transport (DfT) in the 'Statutory Taxi and Private Hire Vehicle Standards' and the Welsh Government's 'Guide to Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales'. Some interim changes were approved to the Council's Policy in respect of DBS checking procedures at that time. Members were also informed that further changes would be required to bring the Policy in line

with the Welsh Government and DfT requirements and this work has now been completed.

- 2.2 In most instances, the Council was already practicing the methods identified by the Department for Transport, which have been strengthened by the WG Guide. The Policy has therefore mainly been required to be reformatted based upon the Welsh Government template which 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. Recommendations also included standardised licence conditions and collaboration on cross-border enforcement.
- 2.3 A copy of the final draft of the revised policy is attached at **Appendix 1**. In addition, a copy of the table highlighting the amendments is attached at **Appendix 2**. For reference, a copy of the existing policy, dated 1st July 2022 is attached at **Appendix 3**.
- 2.4 The most significant area of change in the revised Draft Policy has been inclusion of a voluntary Policy on the use of CCTV in taxi vehicles at the request of the Committee. This has been subject to a consultation response from the Council's Data Protection & Governance Officer dated 25th October 2022 and is shown in **Appendix 4**.
- 2.5 In addition, all Welsh licensing authorities were asked, via the Wales Licensing Expert Panel (LEP), what provisions they currently have or are considering implementing in respect of CCTV in taxis and eight authorities responded. In addition, the Welsh Government was asked what the intentions of the WG were when it recommended the CCTV requirement. A table of responses is attached at **Appendix 5**.
- 2.6 A local established taxi operator, who has CCTV installed in all, or most, of his licensed vehicles, has confirmed that the cost of a basic CCTV system, accepted by Gwent Police as usable as evidence, is around £35 to £40 from online shopping sites, such as Amazon and Ebay.
- 2.7 In light of the consultation response and responses from the Wales LEP, it recommended that the Policy is amended to *encourage* licensees to install CCTV voluntarily, without

mandating it at this stage. This is reflected at Page 33 of the draft Policy shown in **Appendix 1** (and its corresponding Appendix 16 of the Policy).

- 2.8 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 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.
- 2.9 The Welsh Government's 'Guide to Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales' 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.
- 2.10 The Guide 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.
- 2.11 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.
- 2.12 Due to the overlap between the Standards and the Guide, 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.

- 2.13 Consultation on the proposed changes has been undertaken with the taxi trade, elected members, the Data Protection & Governance Officer, the Council's Transport team and details were published on the Council's website. One response has been received-as detailed paragraph 2.4 above. This response is attached as **Appendix 4**.
- 2.14 In addition, since this consultation had concluded, a new request had been received from a member of the taxi trade, asking the Council to consider a further revision to the Policy in relation to Wheelchair Access Vehicles (WAV's). The requestor has submitted an email to explain that these vehicles are particularly expensive to purchase and the Council's age requirement for these vehicles exacerbates this cost. A copy of his submission is attached at **Appendix 6**. In addition, another member of the public, who is considering buying a WAV, has made similar comments regarding the costs and has been advised to submit a representation to the committee, however, to date, he has not done so.
- 2.15 The Council's current policy requires they must be *"first registered in the U.K, not more than five years before the date of commencement of the licence"*.
- 2.16 Instead, the Council is requested to relax this age requirement slightly which would bring down the cost of these vehicles for prospective purchasers and could potentially increase numbers of these licensed vehicles in Blaenau Gwent.
- 2.17 A change to the Policy is therefore suggested as follows:
- "Purpose built wheelchair accessible vehicles (WAVs) must be first registered in the UK not more than 10 years before the date of commencement of the licence. WAVs licensed or re-licensed after 10 years from the date of first registration will require an additional test during the period of the licence"*.
- This has already been incorporated into the policy documents, in the relevant sections, subject to approval by the committee.
- 2.18 The Council's Transport Manager has been consulted on this proposal and has raised no objections.

3. **Options for Recommendation**

3.1 **Option 1 (preferred Option)**

To approve the adoption of the revised 'Policy Relating to Hackney Carriage and Private Hire Vehicle Licences as shown in **Appendix 1**, incorporating the WG and DfT revisions and the proposed amendment to allow Wheelchair Access Vehicles to be licenced when first registered up to 10 years old.

3.2 **Option 2**

To not approve Appendix 1 and recommend further changes to the Policy for consideration.

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

4.1 The report relates to the statutory duties and responsibilities of the Authority which will help support the Corporate Plan objective in "Empowering and supporting communities to be safe, independent and resilient". The Policy proposes appropriate safeguards and standards in relation to Hackney Carriage and Private Hire Vehicles and Drivers.

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.

5.2 The main risk to the Authority is reputational should efficient and effective licensing enforcement not be delivered.

5.3 This report relates to the statutory powers and responsibilities of the authority, and there is no significant legal impact identified.

5.4 This report reflects work carried out by the Licensing team within existing resources, and there are therefore no staffing/workforce implications.

6. Supporting Evidence

6.1 There is no supporting evidence with this report.

6.2 Expected outcome for the public

The preferred Option will provide an appropriate Policy in line with Welsh Government and DfT standards.

6.3 Involvement (consultation, engagement, participation)

Consultation on the revised Policy has been carried out as stated in Paragraph 2.13 above.

6.4 Thinking for the Long term (forward planning)

The preferred Option will provide the Council with an appropriate Policy for the future.

6.5 Preventative Focus

The preferred Option seeks to improve standards and consistency in taxi licensing across Wales and to prevent criminality and inappropriate conduct in the taxi trade.

6.6 Collaboration / Partnership Working

The revised Policy had received input from Data Protection and Governance and is in line with partners across Wales based upon the WG and DfT requirements.

6.7 Integration (across service areas)

Proper licensing of taxi drivers helps ensure that other departments can rely on required standards being met for example in Social Services and Home to School Transport contracts using taxis.

6.8 Decarbonisation and Reducing Carbon Emissions

This Policy does not have a direct impact upon these matters however regular testing of taxi vehicles by the Council's

Transport team helps to ensure that vehicles are lawful and compliant with required standards. Additionally, the Authority is participating in a Welsh Government pilot scheme to allow use of electric taxis in Blaenau Gwent however this report does not impact upon this scheme.

- 6.9 An Integrated Impact Assessment (IAA) is provided with this report.

7. Monitoring Arrangements

- 7.1 There are no specific monitoring requirements however on-going monitoring of the effectiveness of the Licensing Policies takes place and periodic reviews maintained as necessary.

Background Documents /Electronic Links

Appendices:

1. Final draft version of 'Policy Relating to Hackney Carriage and Private Hire Vehicle Licences'
2. Table of changes to policy
3. Current policy dated 1st July 2022
4. Data Protection Officer recommendations relating to CCTV
5. Table of responses from Welsh Licensing Authorities relating to CCTV
6. Request from taxi operator to amend the age requirement for WAVs.