



## REGULATORY AND GENERAL PURPOSES COMMITTEE

15 SEPTEMBER 2021

<b>REPORT TITLE</b>	<b>TAXI AND PRIVATE HIRE LICENSING POLICY</b>
<b>REPORT OF</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

### REPORT SUMMARY

The purpose of this report is for the Committee to adopt a single cohesive Taxi and Private Hire Licensing Policy.

The term taxi is used in this report to refer to hackney carriages which can be hired immediately by hailing on the street or at a rank. Private hire vehicles must be pre booked via a licensed private hire vehicle operator.

This matter affects all Wards within the Borough.

### RECOMMENDATION/S

It is recommended that the Committee adopt the single cohesive Taxi and Private Hire Licensing Policy attached in Appendix 1 of this report.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 It is a recommendation of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards, attached in Appendix 2, that all Licensing Authorities bring together all their policies on taxi and private hire licensing into a cohesive policy document and that this document is made publicly available. This should include, but not be limited to, policies on convictions, a fit and proper persons test, licence conditions and vehicle standards.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 The Licensing Authority could continue to operate under the existing and separate policy documents relating to Taxi and Private Hire Functions.
- 2.2 The Department for Transport, however, expects all Licensing Authorities to implement the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards unless there is compelling local reason not to do so.
- 2.3 It is considered that there are no compelling local reasons not to adopt the recommendation.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Policing and Crime Act 2017 (the Act) enables the Secretary of State for Transport to issue Statutory Guidance on exercising Taxi and Private Hire licensing functions to protect children and vulnerable adults from harm when using these services. Section 177(4) of the Act places a statutory duty upon any public authority which has licensing functions under taxi and private hire vehicle legislation to have regard to any such guidance. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes.
- 3.2 In accordance with the provisions within the Act, the Department for Transport (DfT) published the final Statutory Taxi and Private Hire Vehicle Standards in July 2020. This document is attached in Appendix 2 to this report.
- 3.3 On 23 March 2021 a report was presented to this Committee which provided details of the full recommendations set out within the Statutory Taxi and Private Hire Vehicle Standards document and sought approval of proposed actions in response to the recommendations. It was resolved at that meeting that there should be a single and cohesive taxi and private hire licensing policy document.
- 3.4 The Licensing Manager has subsequently brought together the separate policies, criteria and conditions relating to taxi and private hire licensing into one policy document which is attached in Appendix 1 of this report. A list of the existing separate policies, criteria and conditions relating to Hackney Carriage and Private Hire Licensing is attached in Appendix 3 of this report.

3.5 The effect of the policy document attached in Appendix 1 of this report is to consolidate existing policy, criteria and conditions, it does not introduce any new requirements for hackney carriage or private hire trade.

3.6 The Committee is requested to adopt the policy document attached in Appendix 1 of this report.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific financial implications arising from this report.

#### **5.0 LEGAL IMPLICATIONS**

5.1 The Statutory Taxis and Private Hire Vehicles Standards have been issued under the Policing and Crime Act 2017 and came into effect on 20 July 2020.

5.2 The Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976 provide that a district council may set out criteria when undertaking their taxi and private hire licensing functions and may attach to the grant of a licence such conditions as they may consider reasonably necessary.

5.3 The Transport Act 1985 provides that the grant of a Hackney Carriage Licence may be refused for the purpose of limiting the number of Hackney Carriages in respect of which licences are granted if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet.

#### **6.0 RESOURCE IMPLICATONS: ICT, STAFFING AND ASSETS**

6.1 There are no specific implications arising from this report.

#### **7.0 RELEVANT RISKS**

7.1 The Department for Transport expects the recommendations within the Statutory Taxis and Private Hire Vehicle Standards to be implemented unless there is a compelling local reason not to. There is a risk that the Council could be open to challenge if the new statutory guidance is not followed without sufficient justification. Adhering to the new statutory guidance will mitigate against any challenge to the Council's licensing regime. Failure to adopt the recommendations without good reason could put public safety at risk and in particular it could put children and vulnerable adults at risk of harm should the Council not have in place a robust regime of testing the fitness and propriety of those working in the Hackney Carriage and Private Hire.

#### **8.0 ENGAGEMENT/CONSULTATION**

8.1 The guiding principles for a fair consultation can be summarised as follows:

- It should be at a time when proposals are at a formative stage;
- Must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response;
- Those consulted should be made aware of the factors that are of decisive relevance to the decision;
- Adequate time should be given for consideration and response;
- The product of the consultation should be conscientiously taken into account by the decision makers in finalising their statutory proposals when the ultimate decision is taken.

8.2 The one cohesive policy document consolidates existing policies, criteria and conditions that have previously been consulted upon where it has been necessary to do so. There are no new requirements introduced in this policy document.

## **9.0 EQUALITY IMPLICATIONS**

9.1 The Statutory Taxis and Private Hire Vehicle Standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area. The adoption of recommendations made in this document will therefore have a positive impact on equality and diversity specifically for vulnerable individuals and children. The bringing together of the policies, criteria and conditions relating to taxi and private hire licensing should improve accessibility and transparency in respect of the measures in place to protect the public.

9.2 Has the potential impact of your proposal(s) been reviewed with regard to equality?

Yes and the impact review is attached –

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 The operating of Taxis and Private Hire Vehicles does contribute to the emission of harmful tailpipe pollutants such as particulates (soot), volatile organic compounds, hydrocarbons, carbon monoxide, ozone, lead, and various oxides of nitrogen.

**REPORT AUTHOR:** Margaret O'Donnell  
*Licensing Manager*  
 telephone: (0151) 691 8606  
 email: [margaretodonnell@wirral.gov.uk](mailto:margaretodonnell@wirral.gov.uk)

## **APPENDICES**

Appendix 1 Taxi and Private Hire Licensing Policy

Appendix 2 Statutory Taxis and Private Hire Vehicle Standards

Appendix 3 A list of the existing separate policies, criteria and conditions relating to Hackney Carriage and Private Hire Licensing

## **BACKGROUND PAPERS**

Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Regulatory and General Purposes Committee	23 March 2021