

Licensing Committee Report  
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Report of Director of Service Delivery  
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## **Review of the Taxi and Private Hire Licensing Policy**

### **Executive Summary**

The Council in its role as the Licensing Authority for the hackney carriage and private hire vehicle trades has a paramount obligation to ensure the safety of the public. The current policy is due for review by January 2021 with the Committee having considered the strategic direction for the Policy review in November 2019. Following the recent publication of Statutory Standards, a draft updated Policy has been prepared for Committee to approve for full public consultation.

### **Recommendation to Committee**

That the Committee approves the draft Taxi and Private Hire Licensing Policy at Appendix A for Public consultation for a period of 12 weeks.

### Reason(s) for Recommendation:

To obtain the views of interested parties on the proposed updated Licensing Policy and use these views to formulate any changes to the draft prior to adoption.

### **Is the report (or part of it) exempt from publication?**

No

### **1. Purpose of Report**

1.1 The purpose of this report is to seek the Committee's approval to consult on the revisions to the Council's Taxi and Private Hire Licensing Policy.

### **2. Strategic Priorities**

The review of the Taxi and Private Hire Licensing Policy will contribute to our fundamental themes as follows:

- **Place making** – ensuring safe travel in the Borough through a well-regulated taxi and private hire service.
- **Innovation** – using new ways of working to improve efficiency.

### 3. Background

- 3.1 Taxi and Private Hire Vehicles are licensed by Local Authorities under powers arising from the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 The current Taxi and Private Hire Licensing Policy 2015-2020 adopted on the 9 December 2015 introduced positive changes to protect public safety by introducing livery for taxis, door signs for private hire vehicles and the requirement for drivers to complete the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver. The Policy was revised on 7 February 2018 to introduce a uniform ‘convictions Policy’ across Surrey, mandatory Safeguarding training for all licensed drivers, and a requirement for all hackney carriages to accept card payments.
- 3.3 On 27 November 2019 the Licensing Committee considered a report concerning the strategic direction for the Taxi and Private Hire Licensing Policy and recommended that Officers develop a Policy incorporating measures proposed under draft Guidance issued by the Secretary of State under section 177 of the Policing and Crime Act 2017 for consultation.
- 3.4 On 21 July 2020 the Department for Transport published Statutory Taxi and Private Hire Vehicle Standards, the final version of guidance issued by the Secretary of State under section 177 of the Policing and Crime Act 2017. This document follows the version consulted upon in 2019 following the publication of the Government’s response to the Task and Finish Group Report. The Task and Finish Group report, together with the Government response are linked in the background papers section of this report.
- 3.5 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in areas such as Rotherham since the 2010 version of the Department’s Best Practice Guidance
- 3.6 The document sets out a framework of standards which licensing authorities “must have regard” to when exercising their functions. The document defines that “Having regard” to the standards requires the Council, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.
- 3.7 The draft Taxi and Private Hire Licensing Policy at Appendix A has been developed following the publication of the Statutory Standards with the aim of setting a standard that is amongst the highest in the country with the intention of both protecting the public and building public confidence in the licensed trade.

- 3.8 The Department for Transport has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers) and expects that Licensing Authorities will have implemented the measures by January 2021.
- 3.9 The Council is also recommended to publish its consideration of the measures contained in the Statutory Standards, and the policies and delivery plans that stem from these. A consideration of the standards and the draft Policy is in section 5 of this report.

#### **4. Proposed Policy Changes**

- 4.1 The summary of the draft policy considers the following changes to the Council's Taxi and Private Hire Licensing Policy as follows:

Measures to improve driver standards through:

- requiring drivers to sign up to the Disclosure and Barring Service update service and a check every 6 months
- adopting a robust previous convictions policy
- a code of conduct for drivers

Measures to improve vehicle standards through:

- requiring CCTV in licensed vehicles
- emissions standards for licensed vehicles
- a suitability test for vehicle proprietors
- a transparent policy on executive hires

Measures to improve private hire operator standards through:

- a defined 'fit and proper' test for licensed operators
- Improved staff training and vetting
- Improved procedures for
  - vetting drivers/vehicles allocated bookings
  - advertising
  - sub-contracting
  - tariff display
  - pickup/drop off procedures

- 4.2 The summarised changes above are detailed as follows:

#### **4.3 Hackney Carriage and Private Hire Drivers**

Guildford has already adopted a number of measures outlined in the Standards, including requiring an enhanced Disclosure and Barring Service (DBS) certificate (a criminal records check) which checks the barred lists (list of individuals barred from working with adults and/or children), with a robust Policy on previous convictions; a test of the applicant's knowledge, including an understanding of English; safeguarding awareness training; a BTEC qualification which includes equality awareness and use of the NR3 register (National register of drivers whose licences have been refused/revoked by an authority).

Despite these existing measures, the Standards recommend that all drivers are required to subscribe to the DBS update service, and that Authorities check their criminal histories every 6 months. The Standards also recommend that drivers are required to 'self-report' any arrest, charges or conviction within 48 hours (we currently require notification within 7 days) and consequently it is proposed to include these measures in the Policy revision. Additionally, the previous convictions policy in Annexe A of the Statutory Guidance is included. A previous convictions Policy sets out the criteria to be considered by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person based upon any convictions they may hold. The Council is currently signed up to the Surrey-wide convictions policy, which provides a consistent framework across Surrey. The previous convictions template in the Standards is more stringent in some areas to the Surrey template, and it will be for the other Surrey Licensing Authorities to adopt this standard.

Both Private Hire Vehicle and Hackney Carriage drivers holding a dual licence are subject to the Council's Licence conditions with regard to their conduct. Despite this, the Council does receive complaints and occasionally has to take action against drivers who have fallen short of the standards expected to protect the public. As such, a code of conduct which sets out the standards expected would help improve standards and the professional image of the service and would be a more transparent method of taking action against a driver who falls short of the standards expected.

#### 4.4 CCTV in Licensed Vehicles

The Task and Finish Group recommended that all licensed vehicles are fitted with CCTV covering the inside of the vehicle in order to provide greater protection to customers and drivers. The Standards discuss the benefits and risks to using CCTV, concluding that while only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. It is also important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and PHVs will be responsible for the data. It is important that any decision to mandate CCTV fully considers concerns regarding privacy and how systems are configured.

#### 4.5 Licensed Vehicle Age/Emissions

Air quality and climate change has been of increased concern since the Policy was last reviewed and on 23 July 2019 the Council declared a 'Climate Change Emergency' and adopted an Air Quality Strategy, which has reviewing taxi and vehicle emissions standards within its action plan.

The Council currently does not have an emission standard for licensed vehicles, however, has an age limit which is as follows:

Up to five years for a new vehicle, up to a maximum age of 10 years (15 for wheelchair accessible type vehicles).

Whilst the proportion of licensed vehicles makes up a small percentage of traffic in and around Guildford at any one time, it is recognised that licensed vehicles

are used regularly throughout the day on multiple journeys. As such, the Committee are invited to consider any strategic direction for the Policy to improve air quality in the Borough.

Any radical measures to remove diesel vehicles or require a hybrid or electric fleet are considered premature due to the purchase cost of vehicles and lack of charging infrastructure being prohibitive. As such a two-stage policy is proposed:

- Vehicles licensed for the first time from 1 April 2021 (or date policy effective) and all renewal applications from 1 January 2025, must meet or exceed Euro 6 emission standards.
- From 1 January 2030 the Council will only licence hackney carriage and private hire vehicles (new and renewal) which are Ultra Low Emission Vehicles (ULEV).

#### 4.6 'Fit and Proper' Test for Vehicle Proprietors

There is focus in the Standards on the role of vehicle proprietors, who also have an important role in ensuring the safe maintenance of vehicles. Unfortunately, licensed vehicles are regularly presented for inspection in a defective and sometimes dangerous condition. As such officers recommend introducing a policy of allowing action to be taken against proprietors for continued non-compliance.

Additionally, as a licensed vehicle is the ideal cover for illegal activity such as moving vulnerable persons and contraband around in an inconspicuous manner the Standards recommend the introduction of a basic DBS for proprietors and previous convictions policy.

#### 4.7 Private Hire Operators

The Standards also recognises the important role that Private Hire Operators have in protecting the public. The Council already requires Private Hire Operator Licence holders to obtain a Basic DBS. The draft Policy also introduces a 'fit and proper' test for licensed operators, which reflects the important role Operator's have in terms of data protection, but also introduces an expectation that Operators licensed by the Council should utilise vehicles and drivers licensed by Guildford. This is so as to ensure that the licensed trade working in Guildford conform to the standards set by the Council and can be subject of local compliance.

The Standards also recommend that Licensing authorities should be satisfied that PHV operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Licensing authorities should request that, as a condition of granting an operator licence, a register of all staff that will take bookings or dispatch vehicles is kept. The operator should be required to evidence that they have had sight of a Basic DBS check on all individuals listed and produce a policy on employing staff with a relevant criminal record.

The Standards also recommend that Operators and their staff should receive similar training to that of drivers around safeguarding and equalities awareness, and that the use of a driver who holds a Public Carriage Vehicle (PCV) licence and the use of a public service vehicle (PSV) such as a minibus to undertake a PHV booking should not be permitted as a condition of the PHV operator's licence.

The Private Hire Operator market has also seen considerable changes since the Policy was last reviewed, with many smaller, local operators merging and the increased popularity of app-based operators. This has created local issues in terms of enforcement, with the current Operator licence conditions still based upon the 'traditional' telephone booking method of operation.

As such, in order to raise standards and improve enforcement, officers recommend the following changes for the Policy review:

#### Trading names:

Each operator licence can be linked to one trading name – the only exceptions are where all trading names clearly relate to the same business. Any mobile app, websites or advertising used by the operator should clearly give the registered operator name in any links, and Guildford Borough Council licence details must be clearly shown on the app, website or advert. This is so as to ensure that customers know exactly who their booking is with and will enable improved enforcement through preventing one operator having multiple trading names.

If more than one licence is held to accommodate different trading names, the records and contact details for each trading name must be kept separate, and any receipts or correspondence with the customer must clearly relate to the company the booking was made with.

#### Sub-contracting:

If an operator sub-contracts the booking, whether to another private hire operator or a hackney carriage vehicle, they should inform the customer and fix the price, and if using a hackney taking care not to charge more than the hackney carriage metered rate if the journey starts and ends in the relevant district. A clear record of the sub-contracting and when the customer was informed shall be kept.

#### Operator Staff:

All staff employed by the operator must be regularly vetted by the operator, and a record of this maintained for each employee. Vetting must include ensuring the staff are fit and proper persons with the right to live and work in the UK.

#### Operator Procedures:

The operator shall have procedures in place to ensure all drivers and vehicles used have the required licences and are complying with the relevant conditions of the licences. This should include a record of the regular checks done by the operator showing compliance on each licence.

The operator shall have procedures in place to ensure that no bookings are passed to a driver or vehicle without a valid licence, MOT or insurance.

The wording of Licence conditions will be improved to ensure any information a licensed operator is required to hold should be made available to an authorised officer.

#### Pick up and drop off locations

The operator shall have procedures in place to pick up and drop off customers from locations of safety. This is particularly relevant in the town centre as Officers regularly see drivers waiting for bookings and picking up/dropping off customers in unsuitable (including occasionally illegal and dangerous) locations. These procedures must be reviewed and amended at the request of an authorised officer.

#### Operator Tariff:

Traditionally operator's fares have matched the hackney carriage fares, until the fare reduction in 2017 when officers experienced a considerable workload in dealing with operator tariffs and questions about hackney carriages undertaking work for operators.

Whilst the Council regulates the fares for hackney carriages, we do not regulate fares for private hire vehicles or operators. Feedback from previous mystery shopping exercises cited confusion from operators who were asked to quote for a local journey, with the response that the journey would be 'on the meter'. This does not provide any clarity for customers about how much a journey may cost them. Additionally, there may be a temptation for a private hire driver to take a journey without a booking as it would be 'on the meter', rather than the customer booking and being quoted for a journey in advance.

Similarly, at every fare review officers experience a considerable increase in work through dealing with private hire vehicles with taxi meters fitted and private hire vehicles displaying the hackney carriage fare chart.

Consequently, it is recommended that in order to put the emphasis on operators to ensure customers are provided with a reliable quote for services in line with current licence conditions, it is recommended that Private Hire Vehicles are prohibited from having taxi meters. Vehicles may still be fitted with a mobile/PDA device which records the journey and generates a fare based upon time and distance, and operators may still use the hackney carriage fare tariff rates as their own tariff, however by removing taxi meters from private hire vehicles, customers are more likely to receive a more reliable quote for journeys and workload for officers would be reduced.

#### Executive hires:

The current policy allows some vehicles to be 'plate exempt' which means that they are not required to display the mandatory vehicle licence plates or door

signage. As not displaying a plate does not identify the vehicle as being licensed, this should be utilised in only the most discerning of cases, where the safety or integrity of the customer may be compromised by being seen in a licensed vehicle. The current policy should be tightened to reflect that 'plate exemptions' will only be granted in circumstances where the vehicle and client base are 'exceptional' (over and above purely executive specification) to improve decision making, enforcement and public safety.

## **5. Consideration of Statutory Taxi and Private Hire Vehicle Standards**

The Council is also recommended to publish its consideration of the measures contained in the Statutory Standards, and the policies and delivery plans that stem from these. A consideration of the standards and the draft Policy is below.

### **5.1 Administering the Licensing Regime**

#### Licensing Policy

Guildford has had one cohesive policy document for some time. Both the current policy and updated consultation draft emphasise the importance of the role of licensing in protecting the public. The Council has normally reviewed its licensing Policy every 5 years, with interim updates where appropriate.

#### Duration of Licences

The Council normally grants drivers' licences for the maximum 3 year and operators' licences for the maximum 5-year duration, unless there is a compelling reason not to, for example in cases where a licence holder has time limited right to work. The updated policy also sets out examples where operator's may be granted a shorter duration licence.

#### Whistleblowing

The Council has a Whistleblowing policy, which is referred to in the draft policy.

#### Consultation

See consultation below at section 6.

#### Changing Licensing Policy Requirements

The draft policy suggests what is considered to be a reasonable time period for implementing some of the suggested changes, particularly to vehicle specification.

Similarly, with respect to driver licensing, the policy sets out that each case will be considered on its own merits.

### **5.2 Gathering and Sharing Information**



### The Disclosure and Barring Service

The Council currently requires applicants for a driver's licence to provide an 'enhanced' Disclosure and Barring Service (DBS) certificate, including a check of the barred lists, and sets out that a licence will not be granted without sight of a DBS. The draft policy continues this requirement.

### The DBS update service

The draft policy requires licence holders to sign up and maintain subscription to the DBS update service as a condition of licence.

### Common law Police disclosure

The Council already maintains close links with Surrey Police with respect to the sharing of information, and has worked with the Force Advisor for CSE on the requirement for mandatory safeguarding training in 2018, and more recently on further improving the sharing of information following publication of the guidance in draft form.

### Licensee self-reporting

The Council currently requires licence holders to report arrest/convictions within 7 days. This has been updated to reporting within 48 hours as per the guidance.

### Referrals to the DBS and Police

The draft policy sets out that referrals will be made to the DBS and Police where appropriate.

### Working with Police

The Council already works with the Police in respect of action taken against licence holders. Officers attend the serious organised crime subgroup organised by the Police and relevant information to the licensed trade is shared.

### Sharing information with other licensing authorities

The Council already maintains close links with other licensing authorities with respect to the sharing of information. The Council already uses the NR3 database to record licence holder revocations and refusals.

The Council has already introduced a scheme of joint warranting across the Surrey Licensing Authorities, which most Surrey Authorities have agreed to sign up to and has approached Transport for London for this purpose.

### Multi Agency Safeguarding Hub (MASH)

The Council has the means to share information to facilitate the objectives of a MASH via the Surrey Information Sharing Protocol and its close links with the Police and other licensing authorities. Licensing is a key stakeholder in the JAG and Purple Flag. The Council has also sought to engage with the Surrey

Safeguarding Children's Board and Surrey Safeguarding Leads Group in order to further the importance of the licensing function and sharing of relevant information in order to ensure public safety through licensing decisions.

#### Complaints against licences

The Council's licensing database allows complaints about licence holders to be received and patterns to be identified.

The Council's website allows the public to make a complaint against a licensed driver, vehicle or operator. The current vehicle internal signage sets out where a complaint can be directed to.

The draft Policy improves on information displayed in the vehicle and the process of operator reporting of complaints received.

#### Overseas convictions

The current policy already requires applicants who have spent 6 months overseas to provide a certificate of good conduct.

The draft policy requires applicants who have spent 3 months overseas to provide a certificate and introduces a licence condition for licence holders who have spent 3 months overseas to notify the Council and provide a certificate of good conduct covering the relevant period.

### 5.3 Decision Making

#### Administration of the Licensing Framework

The Council has a clear scheme of delegation specifying which decisions may be taken by Regulatory sub-committees, and which by Officers.

The Council sets taxi and private hire vehicle licence fees to recover costs.

#### Training decision makers

Members of the Licensing Committee have the opportunity to receive training on the role of decision making in the taxi and private hire context. Refresher training is also provided, and professional updates are also regularly circulated.

Similarly, Licensing staff and Legal advisors all receive initial and refresher training, as well as CPD.

The Council also has hearing procedures for Regulatory Sub-Committee meetings allowing for a fair hearing.

#### The regulatory structure

The Council has a clear scheme of delegation specifying which decisions may be taken by Regulatory sub-committees, and which by Officers. The draft policy is updated to ensure separation between investigators and decision makers.

#### Fit and proper test

The draft policy has been updated to include the revised 'fit and proper' test for drivers.

#### Criminal convictions and rehabilitation

The draft policy has also been updated to include the revised policy on previous convictions.

#### Criminality checks for drivers

The Council currently requires applicants for a drivers licence to provide an 'enhanced' DBS certificate, including a check of the barred lists, and sets out that a licence will not be granted without sight of a DBS. The draft policy continues this requirement and places a new requirement to maintain subscription to the DBS update service.

#### Safeguarding awareness

The Council already requires licensed drivers to complete safeguarding awareness training. In addition, the BTEC qualification also covers vulnerable customers and customers who require assistance. Updates and awareness raising is included in the regular newsletter to the trade.

#### County lines exploitation

The Council already requires licensed drivers to complete safeguarding awareness training. In addition, the BTEC qualification also covers vulnerable customers and customers who require assistance. Updates and awareness raising is included in the regular newsletter to the trade.

#### Language proficiency

Licensed drivers must currently display a good command of the English language so as to complete the Council's knowledge test and BTEC qualification.

### 5.4 Vehicle Licensing

#### Criminality checks for vehicle proprietors

The recommendation to require a DBS check for vehicle proprietors has been included in the draft Policy, together with a 'suitability test' for proprietors.

#### In vehicle visual and audio recording – CCTV

CCTV is now a natural part of people's daily lives and any concerns about potential cost and privacy are far outweighed by the many benefits to both drivers and the travelling public which a system could have. Consequently, a recommendation for in vehicle CCTV is contained within the draft Policy for consultation.

#### Stretched limousines

The Council already considers that stretched limousines would fall into scope of PHV licensing and the current policy would not prohibit such a vehicle from being licensed. The updated draft policy continues this approach for limousines and other 'special event' vehicles.

### 5.5 Private Hire Vehicle Operator Licensing

#### Criminality checks for private hire operators

The current Policy already required a basic DBS check for private hire operators. The draft policy has been updated to include a requirement that a basic DBS is provided annually and a new 'fit and proper' test for operators.

#### Booking and dispatch staff

The recommendations to require operators to maintain a register of staff, including having sight of a basic DBS for staff, together with a policy on employment of ex-offenders has been included in the draft policy.

#### Record keeping

The current Policy already requires operators to maintain records. The draft Policy expands the record keeping requirement for operators with guidance on the format and retention of records, together with improved requirements of procedures expected of licensed operators.

#### Use of passenger carrying vehicles (PCV) licensed drivers

The recommendation to prohibit use of PCVs to fulfil private hire bookings has been included in the draft Policy.

### 5.6 Enforcing the Licensing Regime

#### Joint authorisation of enforcement officers

Guildford has already commenced a scheme of joint warranting across the Surrey Licensing Authorities for the purposes of taxi and private hire enforcement.

#### Setting expectations and monitoring

The current policy already sets out the expectations of licence holders, with the draft policy building on these expectations.

There is also a transparent method for the public to complain via the Council's website, with the Council's licensing database set up to record all complaints and evidence to enable monitoring of patterns to facilitate licensing decisions.

### Suspension and revocations of driver licences

Both the current and draft policy set out circumstances surrounding the suspension or revocation of drivers' licences.

#### 5.7 Summary

Guilford already complies with a significant amount of the new Statutory Standards and all other areas are included in the draft policy so we can fully meet requirements.

Work is continuing to improve information sharing with the Police, and to progress Joint Warranting with all Surrey Licensing Authorities and Transport for London.

## **6. Consultations**

- 6.1 This report seeks the Committee's approval to undertake a three-month public consultation exercise on the draft Taxi and Private Hire Licensing Policy. Consultation will be critical to ensure any changes to the Taxi and Private Hire Licensing Policy are clear and transparent for licence holders and the travelling public.
- 6.2 Section 3.12 of the Statutory Standards suggests Licensing authorities should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers in consultation. Examples include groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women's groups, local traders, and the local multi-agency safeguarding arrangements. The standards also suggest consultation with night-time economy groups (such as Pubwatch) as the Taxi and Private Hire trade is an important element of dispersal from the local night-time economy's activities.
- 6.3 Full, formal consultation will take place with members of the public, community stakeholders, specific groups and individuals as identified in Appendix B. It is envisaged that a consultation webpage with questionnaire will be set up facilitating the capturing of responses, with this being promoted to the public via the Council's Communications team.
- 6.4 Following the consultation exercise, the views of all these bodies will be presented to Licensing Committee on 24 March 2021. At this meeting, Licensing Committee will be invited to consider the results of the consultation and

recommend adoption of the Policy, along with any amendments arising from the consultation, by Full Council on 13 April 2021.

## **7. Key Risks**

- 7.1 The Statutory Standards represent a radical change in approach to taxi and private hire vehicle licensing from the current (2010) Best Practice guidance. The Standards emphasise that the taxi industry is a 'high risk' environment, with the overriding element of the role of the Council being public protection, whereas the Best Practice guidance sought to 'balance' public protection against an individual's right to hold a licence.
- 7.2 This approach, focused on public protection, is to be welcomed by the public who use taxis and those members of the trade who currently do their utmost to look after their passengers. However, it will take some time for others involved in both the trade itself and decision makers to adjust to. Support will be offered to members of the trade via our newsletters and TAG meetings. Officers and Members will also be offered any additional training and supervision.
- 7.3 The Department for Transport has set out that it expects Licensing Authorities to "have regard" to the guidance and adopt the standards unless there is a compelling reason not to. As such, there is a risk that if the Council does not adopt the guidance then there will be a risk of challenge. The Department has requested that Licensing Authorities provide an update on their considerations of the guidance by January 2021. Considering the above timescales and pending any results from the public consultation, it is envisaged that the recommendations will be adopted by April 2021.
- 7.4 The Committee will be aware of the legal challenges which followed the Policy update in 2015. The legal challenges were not a direct challenge to the Policy itself but centred around the decision to adopt a livery for hackney carriages and apply a condition to a vehicle licence requiring livery. Considerable resources were required not only to successfully defend these challenges, but also implement the livery and other requirements of the Policy as Officers spent considerable time advising licence holders on all elements of the Policy, including livery, PHV signage and driver training. There is a risk that some of the measures may be challenged by the licensed trade, by challenging the policy itself or appealing a decision based on the policy, particularly at a time when many businesses are trying to recover from the coronavirus pandemic.
- 7.5 The most notable changes to the Policy are CCTV in licensed vehicles, an emissions standard for licensed vehicles and higher standards for Private Hire Operators. The benefits of CCTV in licensed vehicles are clear to both drivers and passengers. Many of the licensed trade have already installed CCTV and it is envisaged that should the decision to adopt CCTV be made, that the Council would have to undergo a procurement exercise for an approved system and then allow a reasonable transition period. This will take officer time. Similarly, with respect of vehicle emissions, the current age policy means that many vehicles will currently meet Euro 6 emissions standards, with what is considered to be a reasonable adjustment period to meet the low emission criteria in future. With

respect to standards for Private Hire Operators, there are a number of measures proposed which will require some operators to improve standards, with the risk of possible action taken against those that do not meet the new standards following a reasonable period of adjustment.

## **8. Financial Implications**

- 8.1 The Council keeps the fees and charges under review annually and aims to recover as much of the cost of regulating taxi and private hire licensing services as we are legally able, through fees and charges paid by applicants and licence holders.
- 8.2 Any costs associated with preparing and consulting on this policy will be met from existing taxi and private hire licensing budgets. Any additional costs arising from implementing and enforcing this policy will, where possible, be met through changes to taxi and private hire licence fees and charges.
- 8.3 The previous policy review utilised an unmet demand survey, a company to conduct a survey with the citizens panel and sessions with the trade. It is envisaged that these measures will not be used for this review in order to keep costs down.
- 8.4 However, the Council has seen a decline in numbers of licence holders due to the popularity of competitors to the local trade which are not licensed by the Council. The coronavirus pandemic may have also seen numbers of licence holders leave the profession, and as such any officer time spent on developing and adopting the policy will be divided over a smaller number of licence holders with a subsequent increase in this element of the licence fee.
- 8.5 It is hoped however, that the measures proposed for licensed operators, together with the publication of National Standards will require other Licensing Authorities who have historically had lower standards than Guildford to implement measures which Guildford has done for some time, meaning there is less need for 'licence shopping' amongst the licensed trade.
- 8.6 Any decision to adopt CCTV in licensed vehicles may require the Council to undertake a procurement exercise. Whilst it is proposed that licence holders themselves pay for the system, the system will need to be of an approved type which satisfies data protection requirements, meaning that only the Council has access to the recording and as such it is envisaged that the trade will be directed to one supplier nominated following a procurement process.

## **9. Legal Implications**

- 9.1 A Taxi and Private Hire Licensing Policy provides the framework in which the licensing function is administered and sets out the Council's approach to assist with consistent decision-making. However, a Policy does not preclude an applicant who may not meet the criteria from making an application and each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.

- 9.2 The Licensing Authority must now have regard to the Statutory guidance issued under section 177 of the Policing and Crime Act 2017 when drafting its Policy. The Council is also encouraged to publish its consideration of the guidance, which is considered in this report, and its Policy stemming from this. The draft Policy and considerations in this report are Officer's recommendations of the measures which the Council should introduce in its Licensing Policy.

## **10. Human Resource Implications**

- 10.1 Work to review the Taxi and Private Hire Licensing Policy, together with the implementation of the measures approved following consultation will take considerable officer time. It can be managed from within the current licensing resource, although it is recognised that the work is taking place during the Future Guildford review and during the Council's response to the coronavirus pandemic, which has seen implications for other areas of Licensing, including relaxations to alcohol licensing restrictions.
- 10.2 Paragraph 5.2 of the Statutory Guidance requires that Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

## **11. Equality and Diversity Implications**

- 11.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 11.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 11.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty. The implications of changes to the policy will be assessed when along with consultation feedback received from stakeholder during the consultation on the draft policy.
- 11.4 The draft Policy proposes a number of measures which improve safety and standards in the taxi and private hire trades and which would improve access to the service for customers from all groups.



## **12. Climate Change/Sustainability Implications**

- 12.1 The draft Policy considers the introduction of emission standards for licensed vehicles in order to improve air quality. The proposed introduction of vehicle licence plates without expiration dates will also reduce the amount of single use plastic.

## **13. Summary of Options**

- 13.1 After considering the report, the Committee may either:
- Approve the draft Policy at Appendix A for public consultation, or
  - Approve the draft with amendments for consultation

## **14. Conclusion**

- 14.1 The aim of Taxi and Private Hire Licensing is to protect the travelling public, and to ensure that the highest standards within the professional licensed taxi trade are maintained so that the public have confidence to use the service.
- 14.2 The Council's current Policy is due for review. Following publication of Statutory Standards in July 2020, the Council is required to have regard to the Statutory Guidance issued under s.177 of the Policing and Crime Act 2017 when considering any changes.
- 14.3 This report considers the recommendations contained in the Standards and a draft Policy for consultation incorporating the measures is included as Appendix A.
- 14.4 Following the consultation exercise, the views of all those responding will be presented to Licensing Committee on 24 March 2021. At this meeting, Licensing Committee will be invited to consider the results of the consultation and recommend adoption of the Policy, along with any amendments arising out of the consultation, by Full Council on 13 April 2020.

## **15. Background Papers**

[Taxi and Private Hire Licensing Policy 2015-2020](#)

[Statutory Taxi and Private Hire Vehicle Standards \(Department for Transport, 2020\)](#)

[Taxi and Private Hire Vehicle Licensing – Steps towards a safer and more robust system \(Task and Finish Group, 2018\)](#)

[Government Response to the Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing \(Department for Transport, 2019\)](#)

[Taxi and Private Hire Vehicle Licensing: Best Practice \(Department for Transport, 2010\)](#)

[Taxi and Private Hire Vehicle Licensing: Councillor Handbook \(Local Government Association, 2017\)](#)

[Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades \(Institute of Licensing, 2018\)](#)

[Minutes of Licensing Committee held 27 November 2019](#)

## 16. Appendices

Appendix A – Draft Hackney Carriage and Private Hire Vehicle Licensing Policy

Appendix B – List of Consultees

Please ensure the following service areas have signed off your report. Please complete this box and do not delete.

<b>Service</b>	<b>Sign off date</b>
<i>Finance / S.151 Officer</i>	<i>18 August 2020</i>
<i>Legal / Governance</i>	<i>10 August 2020</i>
<i>HR</i>	<i>07 August 2020</i>
<i>Equalities</i>	<i>07 August 2020</i>
<i>Lead Councillor</i>	<i>28 August 2020</i>
<i>CMT</i>	<i>1 September 2020</i>
<i>Committee Services</i>	<i>28 August 2020</i>