

DEPARTMENT OF ENVIRONMENT AND LEISURE

ORIGINATING SECTION: **PUBLIC PROTECTION UNIT**

REPORT TO: **LICENSING COMMITTEE - 18 October 2022**

TITLE: Statutory Taxi and Private Hire Vehicle Standards – Review of the Council’s Hackney Carriage and Private Hire Licensing Policy

1. PURPOSE

The purpose of this report is to present a revised draft policy for members to consider and amend as necessary (**Appendix 1**). Officers will then undertake consultation with the trade and other relevant stakeholders.

2. RECOMMENDATIONS

- 2.1 That members consider and agree the contents of the draft policy as presented or with amendments.
- 2.2 That the Principal Licensing Officer is directed to undertake an eight week public consultation exercise.
- 2.3 That the outcome of the consultation exercise is reported back to the next scheduled meeting of the Licensing Committee.

3. KEY ISSUES

- 3.1 The Department for Transport published its' [Statutory Standards for Private Hire and Hackney Carriage Vehicles](#) in the summer of 2020 and the expectations of the Government were emphasised throughout the document in bold.
 - 1.3 “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.”**
 - 2.6 The document sets out a framework of policies that, under section 177(4), of the Policing and Crime Act 2017, licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.

2.7 “Having regard” to these standards requires public authorities, 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.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.

- 3.3 Blackburn with Darwen’s current policy was last reviewed in 2016/17 with some additions in 2019.
- 3.4 Where the revised draft policy differs materially from the Council’s existing policy and procedures, the relevant sections have been highlighted. To assist members further **Appendix 2** is a list of these changes, along with the reasons why they have been proposed for inclusion in this policy revision.

4. POLICY IMPLICATIONS

Once adopted, members and the Courts must have regard to the revised policy when determining private hire and hackney carriage applications, reviews and appeals.

5. FINANCIAL IMPLICATIONS

The costs incurred as part of the consultation process are accounted for in the discretionary fees charged for driver licences.

6. LEGAL IMPLICATIONS

The Department for Transport published the Statutory Standards in 2020 with a requirement to review and revise policies and practices to implement the new standards unless there is a compelling local reason not to. However, the revised policy is not immutable, and every case must be considered on its own merits.

7. RESOURCE IMPLICATIONS

Existing staff in the Public Protection Service will implement the revised policy once it has been approved for adoption.

8. CONSULTATIONS

Consultation on the approved draft policy will be undertaken with existing licence holders and other stakeholders representing user groups.

9. CONTACT OFFICER

Niky Barrett, Principal Officer – Licensing