

DEPARTMENT OF ENVIRONMENT AND OPERATIONS

ORIGINATING SECTION: Public Protection Unit

REPORT TO: Licensing Committee – 24 January 2023

TITLE: Revised Hackney Carriage and Private Hire Licensing Policy consultation responses

1. PURPOSE

The purpose of this report is to present the outcome of the recent consultation with the trade and other stakeholders on the proposed Hackney Carriage and Private Hire Licensing revised policy, for members to consider.

2. RECOMMENDATIONS

- 2.1 That members reconsider the contents of the draft policy in light of the consultation responses and decide if they wish to amend the draft policy (**Appendix 1**).
- 2.2 That members recommend the final revised policy be presented to the next available Council Forum for adoption

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. The Government emphasised its expectations throughout the document in bold.
- 3.2 The following paragraphs are particularly relevant.

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 minor amendments in 2019.

3.4 Where the revised draft policy differs materially from the Council's existing policy and procedures, the proposed changes and any feedback from the trade are detailed in **Appendix 2**.

4. POLICY IMPLICATIONS

Once adopted, officers, 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.

The Functions and Responsibility's Regulations 2000 split the responsibility for taxi licensing between Council and the Executive.

Decisions relating to the power to inspect and test licensed vehicles (s.50 LGMPA '76), the power to create hackney carriage stands (s.63 LGMPA '76) and the power to fix hackney carriage fares (s.65 LGMPA '76) are all Executive functions.

The remaining powers to consider, grant, impose conditions and charge fees for drivers, vehicles and operators are all Council functions and the Council has delegated these powers to the Licensing Committee and officers.

In the absence of a delegation to Licensing Committee to create and adopt policies covering these elements, that function remains with Council Forum.

7. RESOURCE IMPLICATIONS

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

8. CONSULTATIONS

An eight week public consultation was undertaken with the trade and other stakeholders on the proposed changes.

The draft policy was published on the Council's website inviting feedback or comments throughout the consultation period.

The Licensing Service made direct contact by email or text with licensed drivers and licensed private hire operators, and the 3 trade associations that have active memberships in the Borough.

The proposals were discussed at the Taxi Forum on 4 November 2022 and further meetings were held between officers and representatives of the trade associations in December.

The Hackney Drivers Association Ltd presented copies of 3 responses they had received from their members to officers during the consultation meeting on the 8 December 2022 (**Appendix 3**).

On 14 December 2022 the Private Hire Drivers Association (PHDA) presented a 63 page document containing the signatures of 546 drivers with their formal response to the consultation, to the Executive Member for Environment & Operations. 22 drivers have also emailed Licensing service directly nominating the PHDA to act on their behalf. The Association's formal response can be found at **Appendix 4**.

On 31 December a response was submitted by one of the Private Hire Operators on behalf of 29 drivers which is included as **Appendix 5**.

Four other individual responses have been emailed directly to the Licensing Service which are reproduced in **Appendix 6**.

9. CONTACT OFFICER

Niky Barrett, Principal Officer – Licensing