



**REPORT OF: EXECUTIVE MEMBER FOR ENVIRONMENTAL SERVICES**

**TO: COUNCIL FORUM**

**ON: 23 March 2023**

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**SUBJECT: REVISED HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY**

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**1. PURPOSE OF THE REPORT**

To present a revised policy for adoption (**Appendix 1**).

**2. RECOMMENDATIONS**

1. The Council adopts the revised policy as presented, effective from 1 May 2023.
2. The Council delegates the power to agree and adopt future revisions of taxi licensing policies that inform non-Executive functions, to the Licensing Committee.

**3. BACKGROUND**

The Council has a policy which provides guidance to the trade and other interested parties on the way that Blackburn with Darwen Council regulates the Private Hire and Hackney Carriage industry within the Borough. The current policy was last comprehensively reviewed in 2016/17.

The Department for Transport published the Government's Statutory Standards for Private Hire and Hackney Carriage Vehicles in the summer of 2020, which included recommendations on the assessment of previous convictions. The expectation of the Government was emphasised throughout the document in bold.<sup>1</sup>

The Standards state at 1.3 that "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.**"

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<sup>1</sup> <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

2.6 The document set 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.

The Statutory Standards clarify at 5.17 that the suggested timescales for offences “should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department for Transport’s view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence”.

The Council’s existing policies were completely redrafted to reflect the minimum standards contained in the Statutory Guidance and the Institute of Licensing’s Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.<sup>2</sup>

The Licensing Committee considered a proposed draft policy on convictions and other relevant matters on 26 April 2022 and resolved to undertake a comprehensive 8 week long public consultation exercise. The Committee then considered the very limited response to that consultation exercise at their meeting on 3 August 2022.

On 18 October 2022 the Licensing Committee considered the redrafted Hackney Carriage and Private Hire Vehicle Licensing policy, which incorporated the draft convictions policy, vehicle standards and licence conditions, as appendices, and resolved to carry out a further 8 week full consultation exercise. The Licensing Committee considered the responses to this consultation on 24 January 2023 and agreed several amendments to the draft policy and its appendices and recommended the amended version be formally adopted.

#### 4. RATIONALE

Adopting the revised policies, as presented will embed the Government’s published minimum standards for driver’s and provide assurance to members of the council and the public, that Blackburn with Darwen Council has a robust approach to determining the fitness of individual applicants and licensed drivers in order to safeguard the public who use taxi and private hire services.

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<sup>2</sup> <https://instituteoflicensing.org/media/judpoccw/guidance-on-suitability-online-pdf-2.pdf>

## **5. POLICY IMPLICATIONS**

Once adopted this policy will supersede the current version and be applicable to all applications and reviews commenced after its implementation.

## **6. FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from this policy revision.

## **7. LEGAL IMPLICATIONS**

Members and officers of the Licensing Authority must have regard to the revised policy when determining private hire and hackney carriage applications and reviews. However, the revised policy is not immutable, and every case must be considered on its own merits.

The Magistrates Court and Crown Court must also have regard to the policy when determining appeals against the Council's decision.

## **8. RESOURCE IMPLICATIONS**

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

## **9. EQUALITY IMPLICATIONS**

An Equality Impact Assessment (EIA) checklist has been completed and an EIA is not required.

## **10. CONSULTATIONS**

A public consultation on the convictions policy (Appendix 1 to the main policy) was undertaken between 25 May 2022 and 1 July 2022.

Direct contact was made with 1435 stakeholders including licensed drivers, private hire operators and their local trade organisations, local community centre contacts, over 90 voluntary sector groups, businesses in the Blackburn BID, Darwen Pubwatch members, each Lancashire Licensing Authority and all elected members of Blackburn with Darwen Council.

At the close of the consultation period only one response had been submitted endorsing the proposed convictions policy.

A further full public consultation exercise was undertaken between 24 October 2022 and 31 December 2022 during which feedback and comments were invited on all elements of the redrafted policy and its appendices via the Council's website.

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

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

**Chief Officer/Member**      Martin Eden, Strategic Director, Environment & Operations  
Contact Officer:              Niky Barrett, Principal Officer - Licensing  
Date:                              20 February 2023  
Background Papers:         DfT Statutory Taxi & Private Hire Vehicle Standards  
   Institute of Licensing guidance on the suitability of applicants

Background documents are any files, guidance or other materials that have been relied upon in producing the paper. Any background documents listed must be available for public inspection upon request.

*Form Reference Standard Committee Report Template May 2012 1.0*