

ADMINISTRATION COMMITTEE

Monday, 19 July 2021

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AND CONDITIONS

Report of the Head of Legal Services (Acting)

Recommendations

It is recommended that:

- (1) the Committee approve the draft Statement of Taxi Licensing Policy and appendices to go out to consultation for a period of three months
 - (2) the Committee delegate authority to the Head of Legal Services **(Acting)** to agree appropriate questions to be used in the consultation correspondence.
-

Summary

Eastleigh Borough Council's policies and conditions for Hackney Carriages and Private Hire trades have been reviewed and updated to address additional areas in the Department for Transport Statutory Taxi and Private Hire Standards document and to address some areas of concern raised by the taxi trades in Eastleigh.

Statutory Powers

Town Police Clauses Act 1847 (Hackney Carriages) and The Local Government (Miscellaneous Provisions) Act 1976 (Private Hire Vehicles).

Strategic Implications

1. This report relates to the Council's regulatory duties, in this case recommendations to be implemented in line with the Department for Transport statutory guidance unless there are compelling local reasons not to. To not consider changes or a review of the current policy is contrary to the Department for Transport statutory guidance and will leave the authority at risk of challenge and reputational damage.

The Council's regulatory role serves to promote a level playing field for businesses in the transport sector, promote economic development and

provide protections for the safety, health and wellbeing of business owners, employees and the travelling public.

Introduction

2. In July 2020 the Department for Transport (DfT) published their Statutory Taxi and Private Hire Standards document which requires the licensing authority to publish a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing, **Appendix 1**.
3. Eastleigh Borough Council currently has one handbook covering the policy and conditions set for the Hackney Carriage & Private Hire trades licensed by Eastleigh Borough Council. For ease of reference the information has been separated into individual documents for each area of taxi licensing. This layout will make the handbook easier to navigate for the required documents and will ensure future policy & condition changes will be easier to update.
4. A new Hackney Carriage and Private Hire Policy Statement has been drafted, see **Appendix 2**. This is an overarching policy statement with appendices detailing the policy and conditions for the five strands of taxi licensing:
 - Hackney Carriages
 - Hackney Carriage Drivers
 - Private hire vehicles
 - Private hire drivers
 - Private hire operators.

It should be noted it is not lawful to impose conditions on hackney carriage drivers. To address this imbalance the policy includes a driver code of conduct.

There are other appendices covering:

- Taxi trade consultation group code of conduct
 - Suitability guidance for determining hackney carriage and private hire licences
 - Medical standards for drivers
 - **Medical exemptions under the Equality Act**
5. A list of the changes to current policies are attached at **Appendix 3**.
 6. The revised driver policy and conditions reflect changes to legislation, administration process changes and the new guidance. The most significant change is a requirement for drivers to be subject to a 6 monthly enhanced DBS (Disclosure and Barring Service – formerly known as a Criminal Records Bureau or CRB) check, currently it is every three years. This change is in line with the recommendations in the DfT document.
 7. **There are significant additions to the vehicle conditions.**

- a requirement for proprietors to undertake DBS checks
- demonstrate they are a safe and suitable person to hold such a licence
- a requirement to produce documents when asked
- requirement to notify licensing authority of any conviction
- requirement to display identification signage on both sides of the vehicle
- no smoking in the vehicle.

These bring the policy in line with the DfT Standards.

8. There are additional conditions for the operator licences as well

- Provide a DBS certificate
- Maintain a register of staff working with sensitive data
- Provide a policy on dealing with ex-offenders
- To require employees to undergo DBS checks
- Detailed booking records
- Restrictions on the use of Passenger Carrying Vehicles (**PCV's**).

These bring the policy in line with the DfT Standards.

9. It is anticipated the formal consultation process will start in August 2021 for a period of 3 months. Staff will then consider the responses and prepare a report to be submitted back to the Administration Committee during November 2021.

Financial Implications

10. There are no financial implications, significant or long-term resource or capital implications to the proposal to consult on these changes.

Risk Assessment

11. The assessment of the risk is low.
- This report does not impact on service delivery and there is no financial impact for the authority, hence there is little to no risk in these areas.
12. The DfT surveyed all licensing authorities on their progress in January 2021, Eastleigh Borough Council informed DfT we were preparing to go out to consultation on a new policy with the standards document in mind.

Equality and Diversity Implications

13. After due consideration, the issues raised in this report do not warrant a full Equalities Impact Assessment because the decision does not relate to eliminating discrimination, advancing equality of opportunity or fostering good relations between different people.

Therefore it is considered that for this decision the Equality Duty does not need to be addressed and an Equality Impact Assessment (EqIA) has not been carried out.

14. **Climate Change and Environmental Implications**

It is considered there will be no negative implications to the environment or climate change as the proposed policy and conditions for vehicles is promoting cleaner, less polluting diesel engines from 1 January 2022.

Conclusion

15. It is recommended that the Committee approves the draft Statement of Taxi Licensing Policy and appendices for consultation for a period of three months.
16. It is also recommended that the committee delegate authority to the Head of Legal Services to agree appropriate questions to be used in the consultation correspondence.

NICKI MOORHOUSE FCILEX
HEAD OF LEGAL SERVICES (Acting)

Date: 21st June 2021
Contact Officer: Nicki Moorhouse /Andy Jeffery
Tel No:
e-mail: nicki.moorhouse@eastleigh.gov.uk
andy.jeffery@southampton.gov.uk
Appendices Attached: 3

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

* List Background Papers – Statutory Taxi and Private Hire Standards.