

LICENSING COMMITTEE

25th June 2021



Report of: Assistant Director (Regulatory Services)

Subject: TAXI LICENSING POLICY

1. PURPOSE OF REPORT

1.1 To consider amendments to the Council's Taxi Licensing Policy.

2. BACKGROUND

2.1 Hartlepool Borough Council is the statutory licensing authority for hackney carriage and private hire vehicles, drivers and operators that work within the borough.

2.2 The Council has a policy (a Taxi Licensing Policy) that details the standards that are expected of drivers, vehicles and operators in order to ensure the safety and comfort of the travelling public.

2.3 National developments have made it necessary to consider amending the current policy and the proposed new draft policy is attached as Appendix 1.

2.4 For the first time, the Government has published statutory standards for the hackney carriage and private hire trade (hereafter referred to as the 'taxi trade'). It expects licensing authorities to have incorporated these standards into their Taxi Licensing Policies by no later than December 2021.

2.5 Prior to this it has been for each licensing authority to determine how best to license its taxi trade within the very broad legal framework contained in legislation.

2.6 The Government has stated that there is evidence to support the view that hackney carriages and private hire vehicles are a 'high risk' environment and has produced national standards to 'protect children and vulnerable adults'.

2.7 The national standards are contained within a 40 page document and, although Hartlepool already complies with most of the requirements, there are a number of amendments that must be made in order to comply with them all.

3. PROPOSALS

3.1 The changes needed to be introduced to Hartlepool's Taxi Licensing Policy in order to comply with the Government's new standards are detailed below: -

3.2 Criminal Record Checks - Drivers

3.3 Until 2019, taxi drivers were required to provide an Enhanced *Disclosure & Barring Service* (DBS) check to the Licensing Team every three years. This was standard practice around the country but in Hartlepool it changed to annual checks in 2019 as a consequence of changes to the way in which Cleveland Police passed on details about recent crimes involving taxi drivers.

3.4 As the cost of a DBS check is £44, it was recognised that this move to annual checks would create a significant additional financial burden for drivers and, as such, they were encouraged (but not compelled) to enrol on the DBS 'Update Service'.

3.5 The Update Services allows for drivers to pay the DBS an annual fee of £13 and for which, in return, their DBS history can be viewed at any time, on line, by the Council, for no additional cost.

3.6 The new national standard expects all licensing authorities to now check a driver's criminal record **every six months** and, to make this both practical and affordable, membership of the DBS Update Service should be mandatory for all licensed drivers.

3.7 Where, for whatever reason, a driver does not enrol onto the Update Service, or fails to remain enrolled, there will still be a requirement for a DBS check to be completed every six months (at a cost of £44 for each check...payable by the driver).

3.8 Whilst the introduction of this requirement will place additional burdens on the Licensing Team who must now undertake criminal records checks on drivers twice as often as they used to (and six times as often as they used to prior to 2019), the low cost of the update service (£13 per year) should not result in additional financial burdens for the taxi trade.

3.9 Criminal Records checks – Vehicle Owners

3.10 Criminal records checks have never previously been required in Hartlepool for the owner(s) of a licensed vehicle but the new national standards will require it.

3.11 Unlike drivers, where an Enhanced DBS check is required, vehicle owners will only be required to provide a Basic check and this would be on an annual basis. Only a Basic check can be required as there are restrictions on what professions or activities can be made subject to Enhanced DBS checks and being the owner of a licensed vehicle is not one of these.

- 3.12 Members will wish to note that the majority of licensed vehicles in Hartlepool are either owned by a company (such as 23 Taxis) or by licensed drivers themselves. As drivers will already be providing an Enhanced DBS check (see above) there will be no additional burden placed on them regarding this new requirement relating to vehicles. Private hire operators, who also own many vehicles, are already required to provide a Basic DBS disclosure (see below).
- 3.13 Criminal Records checks – Private Hire Operators
- 3.14 Whilst private hire operators have been required to provide a Basic DBS check to the Council prior to being initially licensed, there has been no ongoing requirement for further periodic checks.
- 3.15 The new national guidance now expects licensing authorities to require private hire operators to submit a new Basic DBS certificate every 12 months for every owner/director.
- 3.16 In addition to the above there will also be a new requirement that private hire operators maintain a register of those they employ in call handling or despatch roles and that these people must provide to their employer a Basic DBS check at the time of appointment to that role.
- 3.17 This register must be available for inspection by the Council's Licensing Officers.
- 3.18 Use of Non-licensed Drivers
- 3.19 The Licensing Committee has previously been informed of the flaw in licensing law whereby only drivers of passenger vehicles capable of carrying eight passengers or fewer fell within the licensing regime of local licensing authorities.
- 3.20 Anyone driving larger passenger vehicles (Public Carrying Vehicles – PCV's) are 'licensed' by other bodies and are not subject to the same rigorous checks to ensure they are 'fit and proper' to carry the public. The rationale for this being that driving larger vehicles does not pose the same level of risk as driving smaller vehicles as the driver and passenger are less likely to find themselves alone with each other.
- 3.21 There is nothing to prevent private hire operators from using both small and large vehicles as part of their fleet and therefore they may employ both licensed taxi drivers and PCV drivers.
- 3.22 It is therefore entirely possible for members of the public to call a private hire operator and be sent either a hackney carriage, private hire vehicle or PCV. Due to the differences in licensing requirements this could mean that a member of public could be sent a PCV that is being driven by a driver who

has not been required to undertake and pass the stringent standards set by the local authority for taxi drivers.

3.23 The Government has now recognised this issue and the new national standards require private hire operators to notify any customer when a PCV will be sent and that it may be driven by a driver who has not been vetted to the same high standard as a taxi driver. This would, in theory, allow a customer to choose to refuse the offer and either request a smaller vehicle, driven by a taxi driver, or cancel the booking.

3.24 Consultation

3.25 It is proposed that the draft policy contained in Appendix 1 be published for consultation with a closing date of Friday 3rd September. This will allow for responses to be collated and a further report brought to the Licensing Committee at its meeting on 1st October 2021.

4. STAFF IMPLICATIONS

4.1 Some of the amendments to the Policy will create an increase in staff workload but it is expected that continued efforts to improve the efficiency of the team will result in this being managed within current staffing levels.

5. RISK IMPLICATIONS

5.1 There are no risks associated with this report.

6. LEGAL CONSIDERATIONS

6.1 There are no legal considerations associated with this report.

7. RECOMMENDATIONS

7.1 That Members instruct officers to begin a consultation process for the draft Taxi Licensing Policy attached as Appendix 1.

8. REASONS FOR RECOMMENDATIONS

8.1 Consultation is necessary before the Council's new Taxi Licensing Policy can be adopted.

9. BACKGROUND PAPERS

9.1 There are no background papers to accompany this report.

10. CONTACT OFFICER

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