

**TELFORD & WREKIN COUNCIL
LICENSING COMMITTEE – 16 March 2021**

**REVIEW OF THE COUNCIL'S HACKNEY CARRIAGE & PRIVATE HIRE
POLICIES AND CONDITIONS OF LICENCE**

REPORT OF ANITA HUNT PUBLIC PROTECTION MANAGER

LEAD CABINET MEMBER – CLLR RICHARD OVERTON

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 In July 2020, the Department for Transport (DfT) published its Statutory Taxi and Private Hire Vehicle Standards (the Standards) which is aimed at safeguarding children and vulnerable adults. Whilst the focus of the Standards is on protecting children and vulnerable adults, it is intended that all passengers will benefit from the recommendations contained within it.
- 1.2 The Council has identified 31 key areas of the Standards that Councils are required to action or to make improvements in their current taxi and private hire policies. Telford & Wrekin Council has already implemented 20 of those areas within its current policies. The following remaining areas have been addressed and included in the amendments to the draft policy document attached to this report.
- Publish a cohesive policy document and the Council's considerations of the Standards
 - Time frames in which licence holders are required to notify the Council of arrest and release, charge and conviction of offences
 - Disclosure and Barring Service (DBS) changes relating to frequency of checks, who requires a check, requirement to use the update service and disclosure by the Council to the DBS for certain offences
 - Consult widely on the installation of CCTV in licensed vehicles
 - Private Hire Operators required to keep a register of staff and to have a policy in place for employing ex offenders
 - Revocation of licence for immigration penalties or offences

- 1.2 As a result of the publication of the Standards, Telford & Wrekin Council have undertaken a comprehensive review of its Hackney Carriage and Private Hire licensing policies and conditions to include the incorporation of the Statutory Standards.
- 1.3 Members of the Licensing Committee are requested to approve the Council's revised Hackney Carriage & Private Hire Licensing Policy as set out in appendix A.

2. RECOMMENDATIONS

- 2.1 It is recommended that Licensing Committee, in considering the content of this report, approve the revised Hackney Carriage & Private Hire Licensing Policy.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<p>Every child, young person and adult lives well in their community All neighbourhoods are a great place to live Everyone benefits from a thriving economy A community-focussed innovative council providing efficient, effective and quality services</p>
	Will the proposals impact on specific groups of people?	
	Yes	<p>A 4 week consultation was carried out between 18th January 2021 and 15th February 2021 with the taxi trade, partner organisations, Councillors, Town & Parish Councils and via the Council's online consultation library. In addition the consultation was published on the Council's website.</p> <p>The positive impact for all members of the community but in particular to vulnerable and disabled members of the community, will be maximised by keeping the policy and conditions under review and responding to any comments received from licence holders and/or service users.</p> <p>The above actions will foster good relations between different groups because the written policy aims to clearly state to licence holders and members of the community the standards expected of hackney carriage and private hire drivers, vehicles and operators.</p>
TARGET COMPLETION/DELIVERY DATE	1 April 2021	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The responsibility for the installation of CCTV devices in hackney carriages and private hire vehicles is

		<p>that of the vehicle owners who will also pay directly for costs incurred. There is a small cost to the Council in respect of the purchase of equipment required to view the CCTV images however this will be met from within existing budgets.</p> <p>The new Statutory Standards require licensing authorities to undertake DBS checks for Drivers every six months and annually for Operators instead of every 3 years. This will be additional work for the licensing team but will be managed within existing resources.</p> <p>MLB 01.03.2021</p>
LEGAL ISSUES	Yes	<p>Under the Policing and Crime Act 2017, the Secretary of State has the power to issue statutory guidance to local authorities on licensing taxi and private hire vehicles so as to protect children and vulnerable adults from harm. There is an expectation that the licensing authority will follow the statutory guidance unless there is a compelling local reason not to do so.</p> <p>This report sets out the steps the Council is taking to ensure that it complies with the requirements of the statutory guidance in respect of licensing standards for taxi and private hire vehicles. ACL 8.03.2021</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<p>The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.</p> <p>i)The Financial risks to the Council in the event of a legal challenge to the change in Policy and or Conditions.</p>
IMPACT ON SPECIFIC WARDS	Yes	<p>This report has implications for all wards in the Borough.</p>

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 Licensing authorities have a legal duty to have regard to the Statutory Standards relating to Hackney Carriage and Private Hire licensing.
- 4.2 Telford & Wrekin Council is committed to creating a better borough and the main consideration, when reviewing the Council's policies and conditions of licence, remains ensuring public safety.
- 4.3 Telford & Wrekin Council undertook comprehensive consultation on the revised Policy between 18 January 2021 - 15 February 2021. A summary of the representations received is attached at Appendix B.
- 4.4 The Standards do not mandate the requirement of CCTV in vehicles but the Council encourages drivers and operators to install it on a voluntary basis. In updating the current CCTV policy the Council has stated that the Licencing Authority will be the Data Controller responsible for managing data in compliance with requirements set by the Information Commissioners Office (ICO) The Standards state that CCTV can:
- deter and prevent the occurrence of crime;
 - reduce the fear of crime;
 - assist the police in investigating incidents of crime;
 - assist motor insurance companies in investigating motor vehicle accidents
- 4.5 If approved by committee, a condition will be imposed upon private hire vehicle and hackney carriage licences issued by the Council to ensure that the CCTV, installed on a voluntary basis, complies with the Council's CCTV policy in licensed vehicles and access to it must be made readily available to an authorised officer.
- 4.6 The Council has considered the representations made regarding the data controller for the CCTV system in vehicles. In considering the representations, the updated Policy places Telford & Wrekin Council as the Data Controller to ensure a common set of policies and procedures are in place to meet the Information Commissioners Office (ICO) and (Surveillance Camera Commissioner) SCCs requirements. By being the Data Controller, the Council provides impartial oversight of data management and it reduces the burden on operators and drivers in relation to time and expenditure.

- 4.7 The revised Policy incorporates changes following the Council's consultation and the publication of the Standards which, for ease of reference, are shown in colour in the attached Policy. In considering the content of this report, it is recommended that Licensing Committee approves the revised Hackney Carriage & Private Hire Licensing Policy as set out in appendix A. If approved, this new Policy will become effective from 1 April 2021.

5. **IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

None

6. **PREVIOUS MINUTES**

There are no previous Minutes.

7. **BACKGROUND PAPERS**

- [Department for Transport – Statutory Taxi & Private Hire Vehicle Standards](#)
- Local Government (Miscellaneous Provisions) Act 1976.
- Town Police Clauses Act 1847
- Data Protection Act 2018
- Article 8 of the European Convention on Human Rights – right to private and family life.
- [Information Commissioner Office - A data protection code of practice for surveillance cameras and personal information](#)
- [Home Office - Surveillance Camera Code of Practice](#)
- [Surveillance Camera Commissioner Code of Practice – A guide to the 12 principles](#)
- [Local Government Association – Developing an approach to mandatory CCTV in taxis and PHVs](#)

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