



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Miscellaneous Licensing Sub-Committee: Thursday 9 September 2021
Report Number	Agenda Item No. 5
Subject	Hackney Carriage and Private Hire Licensing Policy Review
Wards affected	All
Accountable member	Councillor Norman MacRae, Cabinet Member for Environment Email: norman.macrae@westoxon.gov.uk
Accountable officer	Michelle Bignell, Service Leader (Licensing and Business Support) Tel: 01285 623000 Email: michelle.bignell@publicagroup.uk
Summary	To provide the Sub-Committee with an opportunity to review the Draft Hackney Carriage and Private Hire Licensing Policy and to seek approval
Annexes	Annex A – Draft West Oxfordshire District Council’s current Hackney Carriage and Private Hire Licensing Policy Annex B – Department for Transport (DfT) Statutory Taxi and Private Hire Standards Annex C – Copy of Oxfordshire’s Joint Operating Framework (JOF) Annex D – Table showing a comparison between current requirements and the proposed requirements to ensure that the District meets the requirements from the DfT Statutory Standards Annex E – Draft Conviction policy, enforcements and complaints policy and table of delegations Annex F – the Council’s current Hackney Carriage and Private Hire Licensing Policy (April 2018) Annex G – Institute of Licensing’s Guide to determining suitability of applicants and licensees in the hackney and private hire trades Annex H – Copy of consultation responses and Officer appraisal
Recommendations	a) <i>That the Sub-Committee considers the revised Hackney Carriage and Private Hire Licensing Policy in ‘Annex A’; and</i> b) <i>subject to any further amendments approves the document to come into effect from 1 October 2021.</i>
Corporate priorities	A Vibrant District Economy Strong Local Communities

Key Decision	N/A
Exempt	No
Consultees/ Consultation	12 week consultation with various bodies as detailed in this report

I. BACKGROUND

- 1.1. In July 2020, the Department for Transport (DfT) published updated guidance for local councils on their approach to their taxi/private hire licensing function. The Statutory Taxi and Private Hire Vehicle Standards guidance is attached at **Annex B**.
- 1.2. The DfT recommended that Licensing Authorities should have reviewed their current policies against the document by January 2021 and have a plan to implement the Standards.
- 1.3. The DfT Standards raises the Council's standards even higher and focusses on the safeguarding of travelling passengers including children and vulnerable individuals who are over 18 from harm when using these services.

2. MAIN POINTS

Joint approach

- 2.1. West Oxfordshire District Council's licensing team already works closely with the other licensing authorities in Oxfordshire and are fully committed to the Joint Operating Framework (JOF). This framework was introduced following several safeguarding cases across the Country and in Oxford ('Bullfinch'). A copy is attached at **Annex C**.
- 2.2. The JOF ensures that we already meet the majority of the DfT Standards.
- 2.3. The standards which are missing are covered in the comparison table in **Annex D**. This is accompanied by an updated criminal conviction policy, enforcement complaints policy and table of delegations at **Annex E**.
- 2.4. A copy of our current Hackney Carriage and Private Hire Licensing Policy is attached at **Annex F**.

Diabetics

- 2.5. The County Licensing Officers Group has been working closely with Oxford Health NHS Foundation Trust to agree a robust procedure for any drivers with diabetes managed by insulin, a sulphonylurea or a glinide to undergo an annual medical by a diabetes specialist.
- 2.6. Diabetes controlled by these drugs poses a significant risk and requires satisfactory monitoring to ensure that there is no risk to public safety.

Convictions Policy

- 2.7. Following discussions with other licensing professionals across the Country, it is felt that the assessment of previous convictions in the DfT document is too grey and would not offer adequate guidance to Members, applicants and licence holders when faced with an application or review of a licence due to convictions.
- 2.8. The draft convictions policy included in **Annex E** has taken the proposed standards in the DfT document, the Institute of Licensing's 'Guidance on determining suitability of applicants and licensees in the hackney and private hire trades' (copy attached at **Annex G**) and West Oxfordshire's current policy and drafted a widespread document so that Members have extensive guidance to make decisions. It also lays out clear guidelines to licence holders and applicants and minimises the risk of deviating from the policy and facing appeals.

Consultation

- 2.9. The Sub-Committee determined to commence a consultation on the proposed standards at its meeting in March 2021.
- 2.10. A 12 week consultation has been carried out with the following parties:
 - All current licence holders (drivers, operators and vehicles)
 - Ward members

- Town/Parish Councils
- Trade customers
- Trade associations

- 2.11. A copy of all responses is attached at **Annex H**.
- 2.12. Following an appraisal of the comments, it was felt that no amendments were considered necessary.
- 2.13. The current policy has been updated to reflect these changes. This document will be formatted in accordance with the Council's style guide prior to publishing on the website.

CCTV

- 2.14. At present, CCTV is permitted in licensed vehicles as long as the licence holder complies with other data protection legal requirements.
- 2.15. The DfT document also states that '*licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues*'.
- 2.16. At this point it is proposed to ask a question within the consultation as to whether the trade and other bodies feel that there is a need to implement mandatory CCTV. This piece of work will follow at a later date.
- 2.17. This review is concentrating on the driver standards in the District. It is proposed that a second piece of work in 2021/22 will look at the vehicle part of the Council's Policy and review in line with the Council's climate change priorities.
- 2.18. A question was asked within the consultation whether there was a need to make CCTV a mandatory requirement. The responses are contained within **Annex H**.

Joint Authorisations

- 2.19. Paragraph 9.2 of the DfT Standards suggests that '*Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area*'.
- 2.20. Joint authorisations will be looked at as a future piece of work between the Oxfordshire Licensing Authorities.

3. FINANCIAL IMPLICATIONS

- 3.1. There will be a financial impact as a result of these changes. Private Hire Operators will incur increased costs due to additional DBS checks upon staff.
- 3.2. The Council will face an increase in work to comply with the Statutory Standards. The cost of this work will be absorbed in the fee setting process in 2021/22.

4. LEGAL IMPLICATIONS

- 4.1. Licensing should consult on any changes to the licensing rules or its policy that might affect passengers or trade. Such consultations should include not only the taxi and private hire trades but also groups likely to be the trade's customers. In accordance with section 177(4) of the Policing and Crime Act 2017, licensing authorities must have regard to the DfT 2020 guidance when exercising their functions.

- 4.2. Privacy notices on the application forms will need to be reviewed to ensure that the changes proposed under the DfT 2020 guidance are reflected.
- 4.3. There are data protection implications arising from adopting the National Register of Taxi Licence Revocations & Refusals (NR3). Licensing has been working closely with the Data Protection Officer to ensure that the Council is fully compliant and follows the LGA Guidance on adopting the National Register of Taxi Licence Revocations & Refusals (NR3).

5. ALTERNATIVE OPTIONS

- 5.1. No alternative options are proposed.