**Report of Licensing Team Leader**

**To**

**Licensing Committee**

**14th January 2021**

**Revised Hackney Carriage and Private Hire Policy**

1. **SUMMARY:**

1.1 The Department for Transport (DFT) has released the Statutory Taxi & Private Hire Vehicles Standards. The Standards are a recommended minimum standard that the DFT expects Licensing Authorities to adopt by updating their Licensing Policy unless there are compelling reasons not to. The Standards are focused on protecting children and vulnerable adults.

1. **RECOMMENDATION(S)**

2.1 That the Licensing Committee note the proposed policy changes outlined within this report and approve the commencement of the consultation process.

1. **BACKGROUND INFORMATION**

3.1 In July 2020 the DFT published the Statutory Taxi & Private Hire Vehicles standards. The guidance is issued under S177 of the Policing and Crime Act 2017.

3.2 In response to this guidance, the following changes are proposed to Mansfield District Council’s Licensing Policy. The proposals listed are a summary of the full content of the proposed changes to the Hackney Carriage and Private Hire Vehicle Policy appended to the report.

**Proposal**

 **Section 3, page 9 Licensing Aims and Objectives appendix J**

* This is a new provision relating to whistleblowing, giving drivers and staff a mechanism to Whistleblow safely and anonymously. This will allow licensing officers to be confidentially informed of a safeguarding issue.

 **Section 4.4, page 13**

* Common Law Police Disclosure (CLPD) which replaced the Notifiable Occupation Scheme in 2015. CLPD can be used to gain details of a driver if they have been arrested, bailed, not charged or suspected of being involved in an offence.

 **Appendix B Standards, page 52 Conditions – Drivers**

* Licensed drivers will be required to notify the licensing authority within 48 hours of arrest and release, charge or conviction of any sexual offence, offences involving dishonesty or any motoring offences.

 **Section 4.5, DBS page 13**

* In some circumstances it will be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the licensing authority to make a referral to the DBS, if the authority believes that someone poses a safeguarding risk to a child or vulnerable adult.

 **Section 4.4, page 13**

* The authority will consider any entries on the NR3 NAFN data base. NR3 is a shared service which supports authorities to share information and intelligence to tackle fraud and share intelligence.

 **Appendix B Standards, page 52 Conditions – Drivers**

* To ensure that passengers know how to complain about drivers, the complaints procedure must be displayed in the vehicle.

 **Section 4.5, page 13**

* Licensees must subscribe to the update service. The update service is an online subscription service that allows people to keep their standard and enhanced DBS up-to-date and allows employers and authorities to check a certificate online.

 **Section 7.14, page 32**

* Stretch limousines may be licensed as private hire vehicles for up to 8 passengers. The authority already licenses limousines for up to 8 passengers, the change is to allow the authority to inspect larger vehicles for a licence to carry up-to 8 passengers.

 **Section 7.2, page 28-29**

* A new provision relating to staff working for operators on bookings and dispatch who are required to have a DBS check if they come into contact with the public.

 **Section 7.3, page 29**

* Operators must have a policy for employing ex-offenders.

 **Section 7.15, page 34**

* Where a private hire vehicle is unsuitable and a larger vehicle is needed the booker should be informed that the driver is subject to different checks and as such may not have had an enhanced DBS check.

 **Section 10.1 page 37**

* Joint enforcement with other partners. This allows enforcement and compliance of vehicles that are licensed out of the district that are operating in the area.

3.3In line with statutory requirements, the council will run a 28 day consultation exercise on the proposed changes. The consultation will be sent to interested parties, drivers and operators.

**4. OPTIONS AVAILABLE**

(a) Members may choose to approve the recommendation.

(b) Members may choose to reject the recommendation.

(c) Members may choose to propose an alternative amendment to the policy to be consulted upon.

**5. RISK ASSESSMENT OF RECOMMENDATIONS AND OPTIONS**

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk**  | **Risk Assessment**  | **Risk Level**  | **Risk Management**  |
| Reputational - Approve Proposal within the report. | The changes proposed are set by the DFT and they are expected to form part of the policy. | High | Accept the changes to policy. |
| Reputational - Reject the Proposal within the report. | The standards are proposed by the DfT as national standards | High | If the standards are not accepted the DfT requires compelling evidence. |

**6. ALIGNMENT TO COUNCIL PRIORITIES**

6.1 The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report. This aligns with the Councils commitment to safeguarding and vulnerability.

**7. IMPLICATIONS**

**(a) Relevant Legislation**

No implications

**(b) Human Rights**

No implications.

**(c) Equality and Diversity**

 No implications.

**(d) Climate Change and Environmental Sustainability**

No implications.

**(e) Crime and Disorder**

No implications.

**(f) Budget/Resource**

No implications

**8. COMMENTS OF STATUTORY OFFICERS**

**(a) Monitoring Officer –** Legal advice will be sought on the consultation process to ensure it is conducted in compliance with the legislation.

**(b) Section 151 Officer**

No specific comments.

**9. CONSULTATION**

9.1 Head of Health & Communities; Legal Services

**10. BACKGROUND PAPERS**

10.1 Statutory Taxi & Private Hire Vehicles standards.

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