

SUBJECT:	<i>Taxi Licensing Update and Consultation on Statutory Guidance</i>
RESPONSIBLE OFFICER	<i>Martin Holt - Head of Healthy Communities</i>
REPORT AUTHOR	<i>Charlie Robinson – Licensing Manager</i>
WARD/S AFFECTED	<i>All Wards</i>

1. Purpose of Report

- 1.1 To inform Members of a consultation exercise undertaken by the Department for Transport, regarding Hackney Carriage and Private Hire statutory guidance, and to seek approval for the proposed Chiltern District Council response to the consultation.

RECOMMENDATIONS

- 1. Members note the content of the Department for Transport consultation relating to taxi and private hire licensing.**
- 2. Members approve officer's provisional response to be submitted to the Department of Transport as attached at Appendix 4 and direct officers to confirm that the provisional response can now be deemed final.**

2. Reasons for Recommendations

- 2.1 Responding to consultations of this nature allows the Council to feedback its views in relation to important matters and changes that could affect the service that it delivers.

3. Content of Report

3.1. Task and Finish Group

- 3.1.1 The Task and Finish Group (TFG) on Taxi and Private Hire Vehicle Licensing was established in September 2017. The group's remit was to consider evidence relating to the adequacy of current Taxi and Private Hire vehicle (PHV) licensing authority powers, as set out in legislation and guidance, and to make recommendations for actions to address any priority issues identified; specifically:

- Identifying the current priority concerns regarding the regulation of the sector, based on evidence of impact and scale across England;
- Considering, in particular, the adequacy of measures in the licensing system to address those issues;

- Considering whether it would advise the Government to accept the recommendations made in the Law Commission's May 2014 report on Taxi and PHV legislative reform relevant to the issues, and;
- Making specific and prioritised recommendations, legislative and non-legislative, for action to address identified and evidenced issues.

3.1.2 In September of 2018, the TFG published their findings in a report titled 'Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system' (full report available at Appendix 1). The report set out 34 recommendations, some of which were suggested to be already possible and should be implemented immediately, whilst others required further legislation.

3.1.3 One of the key recommendations was number 16:

'The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.'

3.1.4 On 12th February 2019, the Government issued its response to the report of the TFG (Appendix 2).

3.2 The DfT first issued Best Practice Guidance to assist licensing authorities in England and Wales that have responsibility for the regulation of the Taxi and Private Hire vehicle (PHV) trades in 2006. Following consultation with stakeholders, taking into account their feedback on the original version, the Guidance was revised and updated in 2010.

3.3 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue Statutory Guidance on exercising Taxi and PHV licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. On 12th February 2019 the government launched a consultation on the statutory guidance, the consultation version of the 'Taxi and Private Hire vehicle licensing - protecting users: statutory guidance for licensing authorities' is attached to the report at Appendix 3.

3.4 The government are now asking for local authorities to complete a consultation document which contains a number of questions specific to key parts of the draft guidance. Officers have prepared a response to the consultation which is available at Appendix 4.

7. Corporate Implications

7.1 At this early stage of the review process it is too early to be able to say what the resource implications or risks of these proposals might be. However, it is noted that there is likely to be resource implications whilst implementing and maintaining the changes that could result from the guidance.

8. Links to Council Policy Objectives

8.1 The implementation of this guidance would support the Council's objectives of working towards safe and healthier local communities and striving to conserve the environment and promote sustainability.

9. Next Steps

9.1 The next steps will be as stated in the recommendations.

Background Papers:	None other than those referred to in this report
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