

PUBLIC PROTECTION COMMITTEE: 11 MAY 2021

Report of the Head of Shared Regulatory Services

Review of Cardiff Council's Statement of Licensing Policy relating to Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators

1. Background

- 1.1 Cardiff Council's current Statement of Licensing Policy relating to Hackney Carriage (taxi) and Private Hire Vehicles, Drivers and Operators has been in place since 2008. With new statutory standards published by the Department for Transport (DfT) along with new recommendations published by the Welsh Government it is proposed that Cardiff Council review its policy to incorporate these new standards and recommendations.
- 1.2 In July 2020 the Department for Transport (DfT) published Statutory Taxi & Private Hire Vehicle Standards with the focus on protecting children and vulnerable adults. The DfT state that following a detailed consultation it's clear there is a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector.
- 1.3 The DfT standards have effect in Wales even though responsibility for taxi and private hire vehicle policy has been devolved to the Welsh Assembly. However, should the Welsh Government introduce legislation to regulate on these matters, the DfT standards would cease to apply.
- 1.4 In March 2020, the Welsh Government published the Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales. This document follows the Welsh Government's white paper 'Improving Public Transport' published in 2018. The aim of the recommendations contained in the document is to provide 'quick fixes' to improve the consistency of licensing standards and increase public safety across Wales. The recommendations form the basis for further development by Welsh Government into national standards.
- 1.5 There are 5 reasons outlined by Welsh Government to adopt the recommendations, public safety being the first. The public should be able to

expect a licensed driver to be competent, honest, safe and trustworthy. There have been numerous reports in recent years involving child exploitation which have made it clear that weak and ineffective arrangements for taxi licensing in England and Wales left the public at risk; these new recommendations hope to rectify this by improving public safety across Wales. This also includes the safety of vehicles, along with improving the standards set for private hire operators.

- 1.6 Other reasons for adopting the recommendations include better consistency of standards across Wales, harmonised enforcement, increased accessibility of vehicles in Wales and better standards of customer service.

2. Changes to Statement of Licensing Policy

- 2.1 It is proposed that the Statement of Licensing Policy becomes one large document encompassing all the other supplementary policies and conditions that relate to taxi and private hire licensing. This will hopefully simplify matters for applicants and licensees as all the necessary documents will be available in one place.
- 2.2 The DfT statutory standards and the Welsh Government's Harmonisation of Taxi and Private Hire Vehicle Licensing recommendations will bring about many changes to our current Statement of Licensing Policy. In summary, the main changes are as follows:

Drivers

- Requirement for drivers to join the Disclosure & Barring Service (DBS) Update Service and have a DBS check every 6 months.
- Overseas criminal record check for drivers.
- Adopting the Welsh Government's Driver Code of Conduct.
- Updating the Private Hire Driver Conditions in line with the Welsh Government's Recommendations

Vehicle

- Requirement for vehicle proprietors to have an annual DBS check.
- Overseas criminal record check.

- Adopting the Welsh Government's policy on CCTV and Video Point of Impact Systems (VIPs)/Dash Cams in taxis and private hire vehicles.
- Impose the Welsh Government's recommendations for accessibility conditions on vehicle proprietors of taxis and private hire vehicles.

General

- To commit to reviewing Statement of Licensing Policy every 5 years in accordance with the DfT's Statutory Standards.

3. Consultation

- 3.1 It is proposed that a 4 week consultation will take place on a draft Statement of Licensing Policy which incorporates the new Statutory Standards published by the DfT and the recommendations set out by Welsh Government.
- 3.2 Responses from the consultation will be taken into consideration and the final policy along with any comments received will be put before the Public Protection Committee for approval.

4. Achievability

- 4.1 This report contains no equality personnel or property implications.

5. Legal Implications

- 5.1 All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.
- 5.3 The DfT Statutory Taxi & Private Hire Vehicle Standards state:

"1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.

1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Police and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would cease, to apply.

3.5 Licensing Authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually."

- 5.4 The Welsh Government's Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales document states:

"6. The recommendations in Part II of this guide are seen as a starting point for change in order to address some of the existing problems, and improve standards and consistency. In order to achieve this it is strongly recommended that each local authority in Wales adopt these recommendations on a voluntary basis (where they are not already in place) for the reasons outlined above)."

6. Financial Implications

- 6.1 There are no financial implications arising directly from this report.

7. Recommendation

7.1 It is recommended that the Committee consider the contents of the report and resolve to:

- a) Approve the review of its Statement of Licensing Policy relating to the Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators in line with the new DfT Statutory Standards and the Welsh Government's Harmonisation of Taxi and Private Hire Vehicle Licensing Recommendations.
- b) Approve the need to consult with the trade and the wider public (including relevant local organisations for example; accessibility groups) on a draft Statement of Licensing Policy.

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

1 April 2021

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background papers:

Department for Transport, Taxi and Private Hire Licensing Guide: Best Practice Guide

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf

Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales

[Taxi and private hire vehicles: licensing guidance | GOV.WALES](#)