

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT:	Review of Hackney Carriage and Private Hire Policy and Conditions
DIRECTORATE:	Social Care, Safeguarding and Health
MEETING:	Licensing and Regulatory Committee
Date to be considered:	18th May 2021
DIVISION/WARDS AFFECTED:	All Wards

1. PURPOSE:

- 1.1 To inform Members of the requirements of the Department for Transport (DfT) Statutory Taxi and Private Hire Standards and Welsh Governments Harmonisation Guidance on Taxi and Private Hire Vehicle Licensing in Wales.

2. RECOMMENDATIONS:

- 2.1 That Members note the content of the report and the need to review our existing requirements, policies and conditions of licence in order to comply with Statutory Standards and Welsh Government Guidance.
- 2.2 To approve the consultation process with the licensed trade on the proposed changes prior to submission of detailed reports to the Licensing and Regulatory Committee for their consideration.

KEY ISSUES

- 3.1 At the Licensing and Regulatory Committee on 23rd February 2021, Members were made aware of the Department for Transport (DfT) Taxi and Private Hire Vehicle Standards published in July 2020. The standards focus on protecting children and vulnerable adults. The DfT state that following a detailed consultation it is clear there is a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector.
- 3.2 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. Monmouthshire County Council and all other licensing authorities in the UK will be expected to meet the minimum requirements of the DfT Statutory & Best Practice for taxi and private hire licensing or explain why they do not.
- 3.3 In March 2021, 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 the public safety across Wales. The recommendations form the basis for further development by Welsh Government into national standards. This non-statutory guidance has been produced jointly between Welsh Government, the Welsh Local Government Association (WLGGA) and representatives of local authorities across Wales via the Directors of Public Protection Wales.
- 3.4 Due to the overlap between the Standards and the Guide, and as taxi regulation is devolved, the Secretary of State for Transport has confirmed he is content for

Welsh Government to monitor compliance with the Department of Transport (DfT) Standards as part of their wider work with policy alignment recommendations.

3.5 Adopting the recommendations will lead to increased public safety, consistency of standards across Wales, harmonised enforcement, increased accessibility of vehicles and better standards of customer service.

3.6 In summary, the main changes for consideration 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 Licensing Policies every 5 years in accordance with the DfT's Statutory Standards.

3.7 Some of the practices that are referred to in both documents have already been implemented into Monmouthshire County Council's procedures / policies either in respect of our driver/operator policy or vehicle specification. Examples include the National Register for Revocations and Refusals (NR3) and the driver and operator suitability policy. However, some of the proposed changes will require our existing policies to be subject to amendment. This is being undertaken to bring about greater consistency amongst licensing authorities.

3.8 Some of the matters referred to in the harmonisation document will have implications for the taxi trade in the County. One of the significant changes that are proposed relate to the requirement for 6 monthly Disclosure and Barring (DBS) checks for drivers, primarily via the DBS Update Service. Another change relates to increased criminality checks for Private Hire Operators and their staff, along with vehicle proprietors. Our requirements for Group 2 Medicals will also require minor amendment to enable certification from the applicants own GP or other Doctors with access to medical records.

3.9 It is proposed that consultation will take place with the trade and stakeholders on the various changes recommended in the guidance and that Welsh Authorities will work towards a generic policy, with adjustments to that policy if local measures need to be applied.

- 3.10 This report proposes that Monmouthshire will start this review process in consultation with the licensed trade and relevant stakeholders with the DBS requirements and the minor modifications to the Group 2 medical requirements.
- 3.11 The consultation on DBS requirements will be done with the view that this Authority will be undertaking enhanced DBS every 6 months after the granting of new drivers licences. New drivers will be required to undertake an enhanced DBS check upon application. Those currently licensed by this Authority will be required to do a DBS check upon renewal of their licence and then every 6 months after renewal. This procedure will be the same for Private Hire Operators. However Operators will be required to conduct a basic DBS and they will not be required to have a check if they already do so as they are a driver. The trade will also be consulted on the requirements for Operators to carry out checks on their booking and dispatch staff and for vehicle proprietors to also carry out DBS checks. It is recommended that a 12 week consultation should run until 31st August 2021, with a view to this Authority commencing such checks from 1st October 2021. This will allow for the Licensing and Regulatory Committee to consider responses to the consultation before it is finalised to commence on 1st October 2021.
- 3.12 A further report will be submitted to the Licensing and Regulatory Committee on 14th September 2021 following the consultation. The amendment to Monmouthshire County Council's policy for licences for taxis and private hire to accommodate this change will be in line with the DfT requirements and the Welsh Governments guidance. Further reports will be submitted to the Licensing and Regulatory Committee as changes to the Policy evolves in line with other Welsh Authorities when introducing the required Standards.
- 3.13 Consultation at an early stage with the trade and advising them when this Authority will commence the process mentioned in 3.10 and 3.11 above, will also allow those to consider changing to the DBS update service in readiness for such changes and will familiarise them of this element of the required standards. Both the DfT and the Welsh Government Harmonised standard have already been circulated to drivers, vehicle proprietors and operators licensed by Monmouthshire.
- 3.14 The licence holder can sign up to the DBS update service within one month of their DBS check. The DBS update service is a 'rolling system' which allows the Council to check records without the need for the licence holder to make a new DBS application (currently £50 for an enhanced check, £23 for a basic check). The cost to the licence holder for the update service is £13 per year, so this eventually would result in a small saving to the licence holder who would otherwise have to pay the new DBS application fee every 6 months. Signing up to the DBS update service benefits the Council as records can be checked instantly and further benefits the licence holder as to the time taken to process a check. Currently there is a requirement for a 3 year DBS check.

4 REASONS

- 4.1 The report informs Members to have regard to the Department of Transport's Statutory Taxi and Private Hire Vehicle Standards dated July 2020.

5. RESOURCE IMPLICATIONS:

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS:

6.1 Not required as the report is for information only.

7. CONSULTEES:

None

8. 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](#)

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