

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Taxi and Private Hire Policy and Conditions 2022
DIRECTORATE: Social Care, Safeguarding and Health
MEETING: Licensing and Regulatory Committee
Date to be considered: 13 th September 2022
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 Government's Harmonisation Guidance on Taxi and Private Hire Vehicle Licensing in Wales. Both necessitate a review of Monmouthshire's Hackney Carriage and Private Hire Policy and Conditions.

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 during the period 19th September – 31st October 2022, and agree to a further report being submitted to the Licensing and Regulatory Committee on 8th November 2022 for consideration.

KEY ISSUES

- 3.1 At the Licensing and Regulatory Committee on 23rd February 2021 and 18th May 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 (WLGA) 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 were already being implemented into Monmouthshire County Council's procedures and 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. It was recommended by Welsh Government that a staged approach of changes be adopted with a view to national standards. On 14th September 2021 Licensing and Regulatory Committee agreed to introduce the requirement for 6 monthly Disclosure and Barring (DBS) checks for drivers, primarily via the DBS Update Service. To increase criminality checks for Private Hire Operators and their staff, along with vehicle proprietors. Minor amendments on Group 2 Medicals for to enable certification from the applicants own GP or other Doctors with access to medical records. This came into force on 1st October 2021.
- 3.8 Following the first phase of changes to the policy on 1st October 2021, Welsh Government submitted a recommended template, which is attached to this report as Appendix A, for Local Authorities to use. Which will formulate the next step of working towards national standards within Wales.
- 3.9 As such, Monmouthshire's Taxi and Private Hire Policy and Conditions has been amended in line with the template recommendations referred to in 3.8 above for

consideration by Members. The amended policy is attached to this report as Appendix B. The layout has changed along with additional requirements recommended to the existing policy, which is highlighted in red.

- 3.10 Both the Dft and the Welsh Government Harmonised standard have already been circulated to drivers, vehicle proprietors and operators licensed by Monmouthshire. They were also consulted upon when the first phase of changes were introduced on 1st October 2021, as 3.7 above. They were made aware, at that time, that the policy would change with a view to implementing national standards. However, it is recommended that consultation take place on the newly formulated Taxi and Private Hire Policy and Conditions 2022 (attached as Appendix B) during the period 19th September – 31st October 2022.

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. The report highlights the requirement to amend Monmouthshire County Council's existing Taxi and Private Hire Policy and Conditions. These changes form the basis for further development by Welsh Government into national standards.

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 The 'Future Generations' template is attached as Appendix C.

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

<https://gov.wales/taxi-and-private-hire-vehicles-licensing-guidance-html>

9. AUTHOR:

Linda O'Gorman Principal Licensing Officer

CONTACT DETAILS: Tel: 01633 644214
Email: lindaogorman@monmouthshire.gov.uk