



## **TAXI AND GENERAL COMMITTEE – 27TH MAY 2021**

**SUBJECT: FUTURE REVIEW OF THE COUNCIL'S LICENSING REQUIREMENTS FOR HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE VEHICLES, DRIVERS AND OPERATORS**

**REPORT BY: CORPORATE DIRECTOR, ECONOMY AND ENVIRONMENT**

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### **1. PURPOSE OF REPORT**

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

### **2. SUMMARY**

- 2.1 The Department of Transport (DfT) and Welsh Government agree there is a need for common core minimum standards for the taxi and private hire vehicle sector in order to improve public safety and standardisation. The Licensing Authority is required to review its current requirements in line with statutory Standards and Welsh Government's recommended harmonisation guidance.

### **3. RECOMMENDATIONS**

- 3.1 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.
- 3.2 To approve a consultation process with the licensed trade on the proposed changes prior to submission of detailed reports to this Committee for their consideration.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To improve public safety, clarity for the licensed trade and consistency and standardisation across Wales.
- 4.2 To comply with DFT Statutory Standards.

## **5. THE REPORT**

- 5.1 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 is clear there is a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector.
- 5.2 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. Caerphilly CBC 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.
- 5.3 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 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 the Welsh Government, the Welsh Local Government Association (WLGA) and representatives of local authorities across Wales via the Directors of Public Protection Wales.
- 5.4 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 for Transport (DfT) Standards as part of their wider work with policy alignment recommendations.
- 5.5 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.
- 5.6 Changes to existing requirements**
- 5.6.1 Some of the practices that are referred to in both documents have already been implemented into Caerphilly CBC procedures / policies either in respect of our driver policy or vehicle specification. Examples include the usage of the National Register for Revocations and Refusals (NR3) and 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.
- 5.6.2 Some of the matters referred to in the harmonisation document will have implications for the taxi trade in the borough. One of the significant changes that are proposed relate to a 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. 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 their medical records.
- 5.6.3 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.

5.7 It is proposed that consultation will take place with the trade and stakeholders on the various changes recommended in the guidance document prior to submission of further more detailed reports to this Committee for your consideration. Both the DfT and Welsh Government Harmonised Standards have already been circulated to drivers, vehicle proprietors and operators where the e-mail addresses are held for their information. The documents have also been forwarded to representatives of the Caerphilly County Borough Taxi Driver Association (CCBTDA)

## 5.8 **Conclusion**

5.9 The Authority is required to review its compliance with the Statutory Standards and Harmonisation Guidance and implement any required changes or publish reasons why it has decided not to do so. Licensing Officers will start the review process in consultation with the licensed trade and relevant stakeholders starting with the changes to Disclosure and Barring requirements and the minor modifications to the Group 2 Medical requirements.

## 6. **ASSUMPTIONS**

6.1 No assumptions have been made or were thought necessary.

## 7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

7.1 The report is for information purposes only so an Integrated Impact Assessment has not been undertaken.

## **8. FINANCIAL IMPLICATIONS**

8.1 There are no financial implications associated with this report.

## **9. PERSONNEL IMPLICATIONS**

9.1 There are no personnel implications associated with this report.

## **10. CONSULTATIONS**

10.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report. As detailed in 5.7 above, the information has also been circulated via e-mail to drivers, vehicle proprietors and operators where an e-mail address is held.

## **11. STATUTORY POWER**

11.1 Policing and Crime Act 2017, Local Government Miscellaneous Provisions Act 1976, Town Police Clauses Act 1847

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Consultees: Cllr Julian Simmonds, Chair, Taxi & General Licensing Committee  
Cllr, Walter Williams, Vice Chair, Taxi & General Licensing Committee  
Cllr Nigel George, Cabinet Member for Waste and Public Protection  
Mark S. Williams, Corporate Director Economy and Environment  
Robert Hartshorn, Head of Public Protection, Community and Leisure Services  
Robert Tranter, Head of Legal Services and Monitoring Officer  
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager  
Steve Harris, Head of Corporate Finance, S.151 Officer  
Paul Adams, Senior Assistant Accountant  
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)  
Shaun Watkins, HR Manager

Background Papers:

[Department for Transport, Taxi and Private Hire Licensing Guide: Best Practice Guide](#)

Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales –  
[Taxi and private hire vehicles: licensing guidance | GOV.WALES](#)