



TAXI AND GENERAL COMMITTEE – 28TH SEPTEMBER 2022

SUBJECT: 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

1. PURPOSE OF REPORT

- 1.1 To outline proposed changes to the council's policy and Licensing Requirements for Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators following the publication 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.
- 1.2 To seek Members' approval of the proposed changes following a period of consultation in respect of Disclosure and Barring Service requirements affecting drivers, vehicle proprietors and Private Hire Vehicle Operators and changes to medical requirements for licensed drivers.

2. SUMMARY

- 2.1 The Licensing Authority is required to review its current requirements in line with statutory Standards and Welsh Government's recommended harmonisation guidance. This report deals with proposals connected to Disclosure and Barring Service requirements affecting drivers, vehicle proprietors and Private Hire Vehicle Operators and changes to medical requirements for licensed drivers.

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 That Members approve the changes set out in this report to the Council's policy in relation to Disclosure and Barring Service requirements affecting drivers, vehicle proprietors and Private Hire Vehicle Operators and changes to medical requirements for licensed drivers. The changes to become effective for applications received on or after the 29th September 2022.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To improve public safety, and provide clarity for the licensed trade and consistency and standardisation across Wales.
- 4.2 To comply with Department for Transport (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 Welsh Government. 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 are 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 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.
- 5.5 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 consultation and amendment.
- 5.6 DfT and Welsh Government Harmonised Standards had already been circulated to drivers, vehicle proprietors and operators and to the Caerphilly County Borough Taxi Driver Association in March and April 2021 to provide an insight into proposals.
- 5.7 A formal 4 week consultation exercise was undertaken in relation to matters concerned with changes to Disclosure & Barring Service requirements and changes to Medicals between the 11th May 2022 and 11th June 2022. The subjected matters consulted upon and proposed revisions related to the following:

- A 6 monthly DBS requirement for drivers (DBS to be specifically for the role of a taxi / private hire vehicle driver)
- Basic disclosure requirement for vehicle proprietors.
- Holders of Private Hire Vehicle Operator licences to undertake basic disclosures of staff who have access to booking records or dispatch vehicles.
- Overseas Criminal Record Checks for applicants for Vehicle Licences & private hire vehicle operator's licence.
- Group 2 Medical undertaken by the applicant's own general practitioner (GP) or another GP at the applicant's registered practice that has full access to their medical records. (In exceptional circumstances, and only with prior agreement from the Licensing authority, a medical assessment may be carried out by another registered GP practice as long as the applicant's full medical history has been viewed and assessed by that GP.)
- Group 2 Medical to be required as follows: Upon application, every 5 years between the ages of 45 and 65. Every year when the driver is aged 65 years or over. Or anytime as required by the licensing authority or the medical practitioner.
- The medical will be valid for 4 months from the date the examining doctor, optician or optometrist signs it.

The Consultation document circulated to drivers, vehicle proprietors and Private Hire Operators is reproduced as information as **Appendix 1**. The following questions were posed to licence holders.

Do you agree or disagree that all local authorities in Wales should have a standard approach to taxi and private hire licensing?

Please give reasons for your answer.

Do you have concerns about any of the above proposals put forward by Welsh Government / Department for Transport?

If yes, please tell us which proposals you are concerned about and why?

- 5.8 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 which will require drivers to take positive action to sign up to the Update Service at next renewal of their licence. Provision is also catered for drivers who are unable to join the Update service. In such instances, drivers will have to provide an enhanced DBS check specifically required for the role of a taxi driver every 6 months. Drivers that fail to do so will have their licences suspended and will not be able to drive a licensed vehicle. The proposed amendment to the policy will mean that drivers will no longer be able to undertake their Enhanced DBS check via the Integrated Transport Unit.
- 5.9 A new proposal will require applicants for hackney carriage and private hire vehicle licences to provide a basic Disclosure and Barring Service check as part of their application to assess their fitness and suitability.
- 5.10 A new proposal will require holders of Private Hire Vehicle Operator licences to undertake basic disclosures of staff who have access to booking records or dispatch vehicles. Currently no such measures exist in relation to persons handling sensitive and personal information about travel arrangements.
- 5.11 New Applicants and existing licensed drivers will be required to undertake Group 2 Medicals in line with the requirements detailed in Paragraph 5.7 above. The existing discretion afforded to holders of PSV Licences not to provide a medical on grant of licence a hackney carriage / private hire vehicle drivers licence or during the period of licence will be removed.

- 5.12 There were no responses to the consultation exercise undertaken.
- 5.13 A revised Caerphilly County Borough Council Hackney Carriage and Private Hire Vehicle Drivers Policy and Conditions containing the proposed amendments covered by this consultation is reproduced for Members' information as **Appendix 2**.
- 5.14 Future changes to legislation and guidance may have an impact on this policy and licensing requirements. It is proposed that officers review the policy regularly and amend as required for minor administrative purposes or to comply with changes in legislation or statutory guidance. Any significant changes will be brought before this committee for Member consideration.
- 5.15 A further consultation exercise will be undertaken with licence holders in relation to additional matters detailed within the DfT statutory guidance and Welsh Government Harmonised Standards. This will include items such as licensee self-reporting requirements, cross border enforcement and requirements placed on proprietors of Wheel Chair Accessible vehicles to ensure drivers can assist a passenger in a wheelchair into and out of the vehicle and correctly secure the wheelchair in the vehicle.

5.16 **Conclusion**

Members are asked to consider the comments above and to approve the changes to the council's policy for Hackney carriage / Private hire drivers, Vehicle proprietors and Private Hire Vehicle Operators. Members are directed to the Taxi and Private Guidance issued by Welsh Government and Statutory and best practice DfT Guidance as to the basis when considering the proposals. Determination of these proposed amendments rests with the Taxi and General Licensing Sub-Committee.

6. **ASSUMPTIONS**

- 6.1 No assumptions have been made in the preparation of this report.

7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 This report seeks to propose amendments to the Council's policy for Hackney Carriage / Private Hire Vehicle Driver, Vehicle Proprietor and Private Hire Vehicle Operator licensing in respect of Disclosure and Barring Service requirements (DBS) and Medical requirements for drivers.

The proposed changes are sought to bring about harmonisation of licensing policies across Wales and to have regard to the DfT Standards, the council's existing licensed driver policy and conditions of licence will need to be revised to incorporate the proposed changes. The changes recommended by both Welsh Government and the DfT are to improve public safety, consistency of standards, harmonised enforcement, increased accessibility of vehicles and better standards of customer service.

[Link to Integrated Impact Assessment](#)

8. **FINANCIAL IMPLICATIONS**

- 8.1 There will be no financial implications to the council.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications.

10. CONSULTATIONS

10.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10.2 A consultation exercise was also undertaken with the taxi/private hire trade in the borough in May and June 2022, however no responses were received.

11. STATUTORY POWER

11.1 Local Government (Miscellaneous Provisions) Act 1976

Author: Lee Morgan Licensing Manager – morgal16@caerphilly.gov.uk

Date: 9th August 2022

Consultees: Cllr Walter Williams, Chair, Taxi & General Licensing Committee
Cllr, Mike Adams, Vice Chair, Taxi & General Licensing Committee
Cllr Philippa Leonard, Cabinet Member for Planning and Public Protection
Mark S. Williams, Corporate Director Economy and Environment
willims@caerphilly.gov.uk
Robert Hartshorn, Head of Public Protection, Community and Leisure Services
Hartsr@caerphilly.gov.uk
Robert Tranter, Head of Legal Services and Monitoring Officer
Trantrj@caerphilly.gov.uk
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Morgaj4@caerphilly.gov.uk
Steve Harris, Head of Financial Services and S151 Officer,
harrisr@caerphilly.gov.uk
Lynne Donovan, Head of People Services
Donovl@caerphilly.gov.uk
Clive Campbell, Transportation Engineering Manager
campbc@caerphilly.gov.uk

Appendices:

Appendix 1 Consultation document circulated to drivers, vehicle proprietors and Private Hire Operators

Appendix 2 Revised Caerphilly County Borough Council Hackney Carriage and Private Hire Vehicle Drivers Policy and Conditions

Background Papers:

Taxi & General Committee 27th May 2021 [Future Review of the Councils Licensing Requirements for HC Taxi and PHV Drivers and Operators.pdf \(caerphilly.gov.uk\)](#)

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

[Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](#)