

**REPORT:** Regulatory Committee

**DATE:** 2<sup>nd</sup> September 2020

**REPORTING OFFICER:** Strategic Director Enterprise, Community and Resources

**PORTFOLIO:** Resources

**SUBJECT:** Statutory Taxi & Private Hire Vehicle Standards

**WARDS:** Borough-wide

## **1. PURPOSE OF REPORT**

To update the Committee on the Statutory Taxi & Private Hire Vehicle Standards and to make a recommendation to the Executive Board on the assessment of previous convictions.

## **2. RECOMMENDED: That**

- 1. the Report be endorsed;**
- 2. further reports be submitted at the earliest opportunity; and**
- 3. the Executive Board be recommended to resolve as follows:**
  - “(1) The Assessment of Previous Convictions provisions in the Statutory Taxi & Private Hire Vehicle Standards (July 2020) be adopted a Council Policy in respect of its taxi and private hire jurisdiction;**
  - (2) All existing Relevance of Convictions Policies be revoked”.**

## **3. SUPPORTING INFORMATION**

- 3.1 In February 2019 the Department for Transport issued a consultation draft version of a document entitled ‘Taxi and Private Hire Licensing: Protecting Users’.
- 3.2 The final version was issued in July 2020. This is entitled ‘Statutory Taxi & Private Hire Standards’ (“the 2020 Standards”).
- 3.3 The draft version was reported to the Committee and the section in the draft relating to the treatment of convictions was adopted by the Committee on an interim unofficial basis alongside the existing Relevance of Convictions Policy.
- 3.4 The following link is to the full text of the 2020 Standards: <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 3.5 The 2020 Standards have been issued under section

177 Policing and Crime Act 2017. This means that the Council is required to 'have regard' to the document when exercising its taxi and private hire licensing functions.

- 3.6 It should be noted that 'have regard' to does not mean 'follow' (as with an Act of Parliament). Where there is sufficient justification the Council may depart from the 2020 Standards. In other words, local conditions can require alternative approaches.
- 3.7 Fortunately, the Council has adopted procedures over many years which coincide with most of the provisions within the 2020 Standards.
- 3.8 **Appendix 1** to this report sets out a detailed response to the 2020 Standards.

#### **4. RESPONSE TO THE 2020 STANDARDS**

- 4.1 The 2020 Standards have a number of implications for both the Regulatory Committee and the Executive Board.
- 4.2 The Regulatory Committee has jurisdiction over individual applications (non-executive functions) and the Executive Board has jurisdiction over the adoption of policies (executive functions).
- 4.3 The 2020 Standards make recommendations which affect: policies; individual applications; office procedures; decision making; training; and public information.
- 4.4 Taking policies by way of example, the central recommendation is to have a single policy document dealing with taxi and private hire matters. Historically, the Council has had a number of policies on different elements of its taxi and private hire functions. Ultimately, this is a presentational issue since it has nothing to say about content. Work will be undertaken to establish which is the more efficient approach. It will be noted that one of the recommendations in this report is to introduce a new *ad hoc* policy dealing with assessment of convictions. This demonstrates that the introduction of a single policy document may be some way off.
- 4.5 It is regrettable that the 2020 Standards have nothing to say about resources available to local authorities and how this can impact on the review of existing policies etc. The Council will undertake its approach having regard to the resources available to it. The impact will be on the time required to complete this process rather than on seeking further financial or personnel resources.
- 4.6 At the earliest opportunity further reports will be made

on different aspects of the 2020 Standards.

4.7 In the meantime two specific matters can be dealt with:

4.7.1 The first matter is that a statement will be put on the Council's web site corresponding with the fourth Annex to the 2020 Standards (Staying Safe: Guidance for Passengers).

4.7.2 The second matter relates to the first Annex (Assessment of Previous Convictions). The Regulatory Committee has adopted the equivalent content from the 2019 draft for the purposes of individual hearings. It is now appropriate to formally revoke existing Relevance of Convictions Policies and recommend the adoption of a new policy based on that Annex and associated provisions of the 2020 Standards. The full text of the new proposed policy is set out at **Appendix 2** to this report.

## **5. POLICY IMPLICATIONS**

A central part of the 2020 Standards is the review of existing policies.

## **6. FINANCIAL CONSIDERATIONS**

The approach will be to act within existing resources but this will impact on the speed of implementation.

## **7. IMPLICATIONS FOR THE COUNCILS PRIORITIES**

### **7.1 Children and Young People in Halton**

See Appendix

### **7.2 Employment Learning and Skills in Halton**

N/A

### **7.3 Healthy Halton**

See Appendix

### **7.4 A Safer Halton**

See Appendix

### **7.5 Halton's Urban Renewal**

N/A

## **8. RISK ANALYSIS**

None

## **9. EQUALITY AND DIVERSITY ISSUES**

See Appendix

**10. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Executive Board Report/Minutes	Halton Borough Council	Kay Cleary
Regulatory C/ee Reports/ Minutes	Website	Nick Wheeler