

# Regulatory Committee report



28 October 2020

## AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING PROCEDURES AND CONDITIONS DOCUMENT

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Exempt / confidential / not  
for publication

**No**

### Executive Summary

In July 2020 the Department for Transport (DfT) published its report on Taxi and Private Hire Vehicle Standards. The report set out recommendations to improve the suitability of individuals and operators to be licensed and to safeguard children and vulnerable adults. Council officers have considered these recommendations and propose that the Regulatory Committee approve them for inclusion into the Council's (1) Hackney Carriage and Private Hire Licensing Policy (Taxi Policy) and (2) Hackney Carriage and Private Hire Licensing Procedures and Conditions (Procedure and Conditions) document. Council Officers believe that the implementation of these recommendations will improve public safety; safeguard children and vulnerable adults; and help create national standards across the industry.

1. Recommendation(s)
  - 1.1 That the amendments to the Hackney Carriage and Private Hire Licensing Procedures and Conditions (Procedure and Conditions) document, attached at **Annex A** to the report, be approved and come into effect once Cabinet has approved the Hackney Carriage and Private Hire Licensing Policy (Taxi Policy).

1.2 That Cabinet be recommended to approve the amendments to the Hackney Carriage and Private Hire Licensing Policy (Taxi Policy), attached at **Annex B** to the report.

## 2. Issues

2.1 In July 2020 the Department for Transport (DfT) published 41 recommendations in its document on Statutory Taxi and Private Hire Vehicle Standards. The recommendations were designed to improve a Council's ability to:

- (a) Check the suitability of individuals and operators to be licensed.
- (b) Safeguard children and vulnerable adults.
- (c) Interpret and implement the Immigration Act 2016.
- (d) Interpret and implement Common Law Police Disclosure.

2.2 The DfT has recommended new conviction guidelines for the granting of driver licences and should all Council's adopt these guidelines then this will create a national standard across the industry in England and Wales. The creation of a national standard for the licensing of drivers will significantly reduce the risk of applicants simply applying to multiple Councils until they eventually get a licence. Should all Councils adopt the same standard(s) then this will not be possible.

2.3 The DfT consulted with licensed trade, regulators and safety campaign groups across England and Wales in preparing these recommendations. Milton Keynes Council actively took part in this consultation process. MK public (via website), local MK Taxi / Private Hire trade, and MK Together (LCSB/MASH) have been made aware of the DfT report.

2.4 The Council has a legal duty, under section 177 of the Police and Crime Act 2017, to have regard for DfT recommendations. The DfT expects its recommendations to be implemented unless Local Authorities have compelling reasons not to do so. The Council must provide an update to DfT on their consideration of these recommendation by January 2021.

2.5 The DfT recommendations are set out in **Annex A** for Regulatory Committee approval and **Annex B** for Cabinet approval. Those recommendations that have been shaded represent major changes to existing policy, conditions and practice. Some of these major changes will significantly impact on the Taxi Licensing Service and this is noted at the bottom of each recommendation. Those recommendations that are unshaded already form part of existing policy, conditions and practice and has simply been updated. Of the 41 recommendations made 18 are new to the Council.

2.6 The approval provisions for **Annexes A and B** are set in accordance with the Local Government Regulations 2000 and the Council’s Constitution.

3. Options

3.1 That the Committee:

- (a) approve **Annex A** to be included in the Procedure and Conditions document;
- (b) do not approve **Annex A** to be included in the Procedure and Conditions document and leave it unchanged. Without compelling reasons to do so this is not advisable and may undermine public safety and create a reputational risk for the Council;
- (c) recommend to Cabinet that **Annex B** be approved for inclusion into the Taxi Policy; or
- (d) do not recommend to Cabinet that it approve **Annex B** for inclusion into the Taxi Policy and leave it unchanged. Without compelling reasons to do so this is not advisable and may undermine public safety and create a reputational risk for the Council. Council officers would be duty-bound to recommend to Cabinet that Annex B be approved.

4. Implications

4.1 Policy / Procedure document

The Council’s Taxi Policy and Procedure and Conditions document will need to be updated should **Annexes A and B** be approved.

4.2 Resource and Risk

N	Capital	N	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

4.3 Carbon and Energy Management

None.

4.4 Legal

- (a) Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to attach conditions to licences that it may consider reasonably necessary. How this function is delegated is set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Schedule 1 of the Regulations makes it clear that the

imposition of conditions cannot be carried out by the Executive. Milton Keynes Council has therefore delegated this authority to the Regulatory Committee and its officers. Recommendations 1, 2, 4, 7, 8 and 9 will require licences to be given additional conditions which can be appealed by the licence holder. Council officers believe that these conditions are reasonably necessary.

- (b) Interest parties have three months to challenge Council policy and procedure and this can be done via a Judicial Review application to the High Court. After that the routes of appeal are permitted against specific decisions (refuse, revoke, suspend, challenge a condition) and the applicant/licence holder has 21 days to appeal from the date in which they are notified of the decision.
- (c) If an interested party wants to challenge the Council’s policy and procedure after three months they would need to ask the Council to amend the policy (and set out reasons why they think it should be amended) and if the Council refused then they (interested party) would have three months to make a Judicial Review application challenging the Council’s decision.

## 5. Other Implications

N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	Y	Stakeholders	Y	Crime and Disorder

## List of Annexes

Annex A Hackney Carriage and Private Hire Licensing Procedures and Conditions (Procedure and Conditions)

Annex B Hackney Carriage and Private Hire Licensing Policy (Taxi Policy)

## Background Papers

Department for Transport - Taxi and Private Hire Vehicle Standards 2020  
[www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards](http://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards)

Council Taxi Policy, Condition and Procedure document  
[www.milton-keynes.gov.uk/environmental-health-and-trading-standards/licensing/hackney-carriage-private-hire/taxi-licensing-policy-annual-report-public-registers](http://www.milton-keynes.gov.uk/environmental-health-and-trading-standards/licensing/hackney-carriage-private-hire/taxi-licensing-policy-annual-report-public-registers)