



**Report of the Licensing and
Food & Safety Manager
General Licensing Committee
12th November 2021**

Harmonisation of Taxi and Private Hire Licensing in Wales

Purpose of the report

1. This report is for information and provides details for Members on new statutory standards for taxi and private hire services which have been issued under the provisions of the Policing and Crime Act 2017 and published by the Department for Transport (DfT). Details on the recommendations published by Welsh Government are also provided and it is proposed that the standards contained in this documentation will be used to develop a new Statement of Principles for Taxi and Private Hire Licensing for the Authority.

Background

2. In July 2020, the DfT published the Statutory Taxi & Private Hire Vehicle Standards, which focus on protecting children and vulnerable adults but acknowledges that all passengers will benefit from the recommendations. The DfT states that following a detailed consultation with interested parties and stakeholders it is clear that there is a consensus that common, core, minimum standards are required to better regulate the taxi and private hire vehicle sector. **A copy of these standards is attached at Appendix A to this report.**
3. Policing and criminal justice is not devolved so the DfT standards apply in Wales. Responsibility for taxi and private hire vehicle licensing policy was however devolved to the Welsh Assembly in April 2018, therefore should Welsh Government introduce legislation to regulate these matters, the DfT standards will cease to apply.
4. In March 2021, Welsh Government published taxi and private hire vehicle licensing guidance for local authorities, a '*Guide to Harmonisation of Taxi and Private Hire Vehicle Licensing in Wales*' which was produced jointly between Welsh Government, the Welsh Local Government Association (WLGA) and representatives of local authorities across Wales via Public Protection Board Wales and acknowledges that there are a number of problems associated with current licensing legislation. To address this, Welsh Government is developing

new legislation and will engage with key stakeholders to achieve this but as new legislation will take time to develop, in the meantime has developed some short term recommendations to help to better manage the sector between now and when the new legislation is in place.

5. The recommendations in the guidance have identified areas that could improve public safety consistently across Wales, prior to new legislation being enacted and all local authorities are being encouraged to adopt these recommendations, without amendment, as a priority, as they do not require a legislative change. **A copy of the Harmonisation document is attached at Appendix B to this report.**
6. Within the document, Welsh Government has outlined 5 reasons local authorities should adopt the recommendations. The first is public safety, as the main purpose of licensing is to protect the public and it aims to ensure that drivers, operators and vehicles are safe and suitable to transport the public.
7. The public should be able to expect a licensed driver to be competent, honest, safe and trustworthy. There have been numerous reports in recent years involving child exploitation, which have identified that weak and ineffective arrangements for taxi licensing in England and Wales left the public at risk. The new recommendations hope to rectify this by improving public safety across Wales, including the safety of vehicles and improving the standards set for private hire operators.
8. The other reasons for adopting the recommendations include better consistency of standards across Wales, harmonised enforcement, increased accessibility of vehicles in Wales and better standards of customer service.
9. The DfT statutory standards and Welsh Government recommendations will require a number of changes to be made to existing standards. Each of the changes will need detailed consideration prior to implementation and to ensure this is achieved, it is proposed to undertake a phased review of existing standards. This will allow officers to consider the full implications of each of the changes proposed, refer the proposed changes to Licensing Committee for consideration, undertake relevant consultations and prepare the necessary changes and additions to processes and procedures.
10. A number of the recommendations contained within the DfT and Welsh Government documents are already in place in Swansea. The main changes for this Authority to consider are outlined in the following paragraphs.
11. **Drivers:**
 - Implementation and use of the NR3 National refusal/revocation register;
 - Requirement for drivers to join the Disclosure & Barring Service (DBS) Update Service and have a DBS check every 6 months;

- Update the requirements for overseas criminal record checks/Certificates of Good Conduct for drivers.
- Update current Safeguarding Training
- Adoption of the Welsh Government's Driver Code of Conduct/Dress Code.
- Update the Private Hire Driver Conditions in line with the Welsh Government's Recommendations

12. Vehicles:

- Requirement for vehicle proprietors to have an annual basic DBS check where they are not already a driver.
- Requirement for Overseas criminal record check/Certificate of Good conduct where they are not already a driver.
- Adoption of the Welsh Government's policy on CCTV and Video Point of Impact Systems (VIPS)/Dash Cams in taxis and private hire vehicles.
- Implement the Welsh Government's recommendations for accessibility conditions on vehicle proprietors of taxis and private hire vehicles.

13. Operator:

- Update current Safeguarding Training
- Update the Private Hire Operator Conditions in line with the Welsh Government's Recommendations

14. Overview

The DfT recommends that all licensing authorities produce a taxi and private hire Statement of Principles bringing together all taxi and private hire licensing procedures. The primary and overriding objective of the Statement is the protection of the public, it is to be made available to the public and it is to be reviewed every 5 years to ensure it reflects changes in the industry both locally and nationally.

15. In summary, to achieve the outstanding changes that will be required to existing standards and to introduce a comprehensive taxi and private hire Statement of Principles, it will be necessary to adopt a phased approach. This will allow both officers and Members to give detailed consideration to each of the changes required and the full implications of the changes proposed. The outstanding recommendations will each be considered by officers and further reports presented to Members either for decision or information.

Background Papers: Licence Applications
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