

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Non-Statutory Licensing Committee

20 March 2019

<b>Report title</b>	Update – Government Response to the Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Ross Cook, Service Director of City Environment	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee(s)</b>	Chris Howell	Licensing Manager
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<b>Report to be/has been considered by</b>	None	

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## Recommendations for noting:

The Non-Statutory Licensing Committee is asked to:

1. Note the content of the report.
2. Note that the Licensing Services Manager, in consultation with the Chair of Licensing, will respond to the consultation on behalf of the Licensing Authority.

## 1.0 Purpose

- 1.1 To provide an initial overview of the DfT's draft statutory guidance to licensing authorities in England published on 12 February 2019 and the potential impacts of the guidance on the Council's licensing functions.

## 2.0 Background

- 2.1 A Task and Finish Group on Taxi and Private Hire Vehicle Licensing was established in September 2017. The remit was to gather evidence relating to issues related to licensing authority powers, as set out in legislation and guidance, and make recommendations to Government.
- 2.2 The Task and Finish Group submitted its report to the Secretary of State for Transport on 9 July 2018 and made 34 recommendations. The full report is attached at Appendix 1
- 2.3 The Department for Transport released its response in February 2019. The full response is attached at Appendix 2.

## 3.0 Draft Statutory Guidance

- 3.1 The Department for Transport commenced a consultation exercise following the release of draft Statutory Guidance to licensing authorities. The consultation closes on 22 April 2019. The consultation document is attached at Appendix 3
- 3.2 The table below sets out the main points and compares them with our current practice.

<b>Guidance topics and commentary</b>	<b>Initial assessment of local impact</b>
<b>A single Licensing Policy outlining the licensing authority's approach</b>	Currently we have two main documents that outline our approach, one our drivers policy and another for vehicles, these could easily be merged and presented to Licensing Committee as a single policy.
<b>Requirement for enhanced DBS checks</b>	This is our current policy.
<b>Requirement for certificate of good citizenship where an individual has lived outside of the UK in the last five years</b>	This is our current policy.
<b>Government support the use of the DBS Update Service</b>	Not our current policy as we have concerns about the system requiring drivers to keep up direct debit payments to the DBS, we are in discussions about whether we can make these payments instead and recover costs through fees.

<b>Governance structures. Government suggest that Licensing Committee should determine reviews and applications, save for those deemed 'urgent'.</b>	Not our current approach and we do not believe this is appropriate. It dilutes the important policy development role of Councillors and slows the process. We will obtain Counsel's opinion on deviating from this recommendation.
<b>Government encourages CCTV in licensed vehicles</b>	No suggestion they will mandate CCTV in vehicles. Despite this we are actively exploring introducing this to our fleet.
<b>DBS checks for PH Operators</b>	This is our current policy.
<b>DBS checks for PH Operator base staff</b>	This is our current policy.
<b>Working with Multi Agency Safeguarding Hubs (MASHs)</b>	This is our current policy and the MASH are currently recruiting to post funded through licensing.
<b>Cross Border Enforcement – Local protocols and signage in/on vehicle</b>	We are already working with several other areas on local enforcement protocols.  Our vehicle livery requirements need to be reviewed as a result on the guidance.
<b>Two-tier working - review the effectiveness of current arrangements</b>	Not applicable to CWC.
<b>Safeguarding awareness training for all drivers</b>	This is our current policy.
<b>Language proficiency tests for all drivers</b>	This is our current policy. However, we are aware of several, primarily hackney carriage, drivers that have been with the authority for 25+ years that this will impact on if the Government make it a requirement to apply retrospectively, although this may require primary legislation.
<b>Convictions Policy</b>	No significant deviation in the proposed policy from our current guidelines.

## 4.0 Summary

4.1 Whilst the draft guidance, if agreed as is, will require some local revisions to our current processes there are no major deviations from our existing model.

4.2 Whilst the majority of the recommendations are covered in the proposed statutory guidance, one key issue that is not is the proposal to introduce a requirement that journeys begin and end in the same licensing authority area the licence was issued. The Government have said they will explore this issue further, no formal proposal is included on this issue. The introduction of such a measure would, we believe, require primary legislation and take two to three years to implement.

## **5.0 Financial implications**

5.1 There are no direct financial implications arising from this report. [MK/08032019/V]

## **6.0 Legal implications**

6.1 There are no direct legal implication arising from this report. [SH/07032019/B]

## **7.0 Equalities implications**

7.1 There are no direct equalities implications arising from this report.

## **8.0 Environmental implications**

8.1 There are no direct environmental implications arising from this report.

## **9.0 Schedule of background papers**

9.1 None.