

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

12 March 2019

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Matters for Information

1 PROPOSED NEW TAXI LEGISLATION CONSULTATION

1.1 Introduction

1.1.1 In February 2019 the Government has announced its plans to introduce new Taxi legislation which will give Licensing Authorities greater power to enforce standards against "out of Town" vehicles and drivers operating in their areas.

1.1.2 The Government is seeking views on proposed recommendations contained in draft statutory guidance to taxi and private hire (PHV) Licensing Authorities on how their licensing powers can be exercised in order to safeguard children and vulnerable adults.

1.1.3 A copy of the proposed statutory guidance for Licensing Authorities is shown at **Annex 1**

1.1.4 The consultation will close at 11:45 on the 22 April 2019.

1.1.5 The consultation questions and response for are at:

<https://www.smartsurvey.co.uk/s/taxis-licence/>

1.1.6 The draft guidance contains the following proposals:

- A single "fit and proper" test
- The applicant/licence holder should not be given the benefit of the doubt when making decisions about their suitability
- A self-reporting requirement where the licence holder is arrested, charged or convicted of any motoring, dishonesty, indecent or violent offence – triggering an automatic review of their suitability to hold a licence
- Duty to refer applicants/licence holders to the DBS where they have been refused a licence, or had their licence revoked, due to safeguarding concerns

- Mandatory safeguarding awareness training
- Support for in-vehicle CCTV (para 2.104) – but caution about making it a mandatory condition in all cases
- Guidance on length of time following conviction for offences before a new licence can be granted

1.2 Governments published response to the report of the Chair of the Task and Finish Group

1.2.1 The Government set up a “Task and Finish” group in September 2017

1.2.2 The group's remit was to consider evidence relating to the adequacy of current taxi and private hire vehicle (PHV) licensing authority powers, as set out in legislation and guidance, and to make recommendations for actions to address any priority issues identified; specifically:

- Identifying the current priority concerns regarding the regulation of the sector, based on evidence of impact and scale across England;
- Considering, in particular, the adequacy of measures in the licensing system to address those issues;
- Considering whether it would advise the Government to accept the recommendations made in the Law Commission’s May 2014 report on taxi and PHV legislative reform relevant to the issues, and;
- Making specific and prioritised recommendations, legislative and non-legislative, for action to address identified and evidenced issues.

1.2.3 The Government has published its response to the groups 34 specific recommendations.

1.2.4 The Governments headline reforms are:

- National minimum standards to ensure greater consistency between licensing authorities.
- Enforcement powers against any vehicle or driver operating in a licensing authority's area, regardless of where they are licensed.
- A national database, established by law, containing details of all licensed vehicles, drivers and operators.

1.2.5 A copy of the Government response is shown at **Annex 2**

1.3 Legal Implications

1.3.1 N/A for this information report

1.4 Financial and Value for Money Considerations

1.4.1 Fee levels for taxi licences (including enforcement) are set by the Licensing Authority

1.5 Equality Impact Assessment

1.5.1 There is no perceived impact on the end users

1.6 Recommendations

1.6.1 The report to be noted and Members feedback to be incorporated into consultation return.

Background papers:

contact: Anthony Garnett

Department for Transport

Adrian Stanfield

Director of Central Services and Monitoring Officer