

Report to: Licensing Committee

Date: 7 July 2022

Title: Amendments to the Hackney Carriage and Private Hire Licensing Guidance April 2022

Report of: Tim Whelan – Director for Service Delivery

Ward(s): All

Purpose of report: To agree the changes to the Hackney Carriage and Private Hire Licensing Guidance

Officer recommendation(s): The Committees review the changes proposed Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance.

Reasons for recommendations: The changes seek to update the Guidance to include measures to protect passenger safety

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1 Introduction

- 1.1 Section 177 of the Policing and Crime Act 2017 enables the Secretary of State for Transport to issue Statutory Guidance on exercising Taxi and PHV licensing functions to protect children and vulnerable individuals from harm when using these services.
- 1.2 The Eastbourne Borough Council’s Licensing Committee agreed to implement changes to its Guidance, as a result of The Department for Transport (DfT) Statutory Guidance titled ‘Statutory Taxi and Private Hire Vehicle Standards, on 24 May 2021.
- 1.3 The proposed amendments address consideration of passenger safety measures and further clarification over back seat dimensions.
- 1.4 Members are asked to note that when considering both of the above amendments the Council’s role in safeguarding and protecting the travelling public cannot be overstated, and that strong measures to improve standards in the trade should be built upon and not diluted.

2 Changes to the Guidance

- 2.1 a) Mandatory use of 'How Did I Do' internal stickers for customers to be given the opportunity to give feedback on the service received. See **Appendix 1** for sticker design.

The Standards, under the heading Complaints about Licensees, states at para. 4.31 that "Ways to make complaint to the authority should be displayed in all licensed vehicles". At para. 4.32 it is suggested that having signage in the vehicle would assist in the directing of complaints about drivers who may be carrying passengers outside of the area in which they are licensed to the correct licensing authority.

- 2.2 A draft of the new amended Guidance is attached to this report at **Appendix 2** with the proposed amendment highlighted in blue.
- 2.3 Minor amendments to this Guidance required, for example, by virtue of legislative change or administrative procedural change may be made by the Functional Lead - Quality Environment in consultation with the Chair of the Licensing Committee.
- 2.4 Significant amendments to the Guidance will require a full public consultation prior to consideration by the full Licensing Committee. Significant amendments include those that will have a significant procedural or financial impact on applicants, licence holders or the public and those which are inconsistent with the Guidance objectives.
- 2.5 These are seen as minor amendments and the Chair considers these amendments are more appropriately decided on by the Licensing Committee.

3 Financial Impact

- 3.1 The Taxi Licensing Service is self-financing, and the costs associated with the service are recovered from fees and charges associated with the taxi licensing regime. The amendments to the Hackney Carriage and Private Hire Licensing Guidance may have financial implications for the Private Hire and Hackney Carriage Vehicle owners, but a minimal cost in producing the mandatory 'How Did I Do' internal sign.

4 Legal implications

- 4.1 This Report was considered by the Legal Section on 17 May 2022 (IKEN 11056-EBC-MW).

5 Risk Management Implications

- 5.1 In accordance with the Council's Risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. Although it remains the case that licensing authorities must reach their own decisions, both on overall Guidance and on individual licensing matters, in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an

authority's practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the Council's defence.

6 Equality Analysis

- 6.1 There are no equalities implications associated with these amendments to the Guidance

7 Environmental sustainability implications

- 7.1 There are no sustainability and/or carbon reduction implications associated with this Report.

8 Appendices

- 8.1 Appendix 1 - Proposed headrest stickers
Appendix 2 - Proposed amended Guidance

9 Background papers

[Statutory Taxi & Private Hire Vehicle Standards](#)