



## Report to Policy Committee

**Author/Lead Officer of Report:** Craig Harper,  
Licensing Strategy and Policy Officer

**Report of:** Executive Director Operational Services

**Report to:** Waste and Street Scene Regulation Committee

**Date of Decision:** 28<sup>th</sup> September 2022

**Subject:** Review of the Hackney Carriage and Private Hire Driver's Licence Policy

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given?	Ref: 1192			
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below.				
"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."				

### Purpose of Report:

The Licensing Authority is seeking approval of the revised Hackney Carriage and Private Hire Driver's Licence Policy.

First published in 2016, the policy provides information and guidance on:

- applications
- decision-making
- enforcement

In providing a publicly available document, it allows:

- transparency
- accountability
- consistency

## Recommendations

That Members of the Committee approve the revised Hackney Carriage & Private Hire Drivers Licence Policy to come in to force on 1<sup>st</sup> November 2022.

## Background Papers:

There are no background papers associated with this report.

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: James Lyon
		Legal: Samantha Bond and David Hollis
		Equalities & Consultation: Annemarie Johnston
		Climate: N/A
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>SLB member who approved submission:</b>	Ajman Ali
3	<b>Committee Chair consulted:</b>	Councillor Joe Otten
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> Craig Harper	<b>Job Title:</b> Licensing Strategy and Policy Officer
	<b>Date: 28<sup>th</sup> September 2022</b>	

## 1. PROPOSAL

- 1.1 The licensing authority is responsible for the regulation of hackney carriage and private hire drivers licensed in the district of Sheffield.
- 1.2 Primary legislation regulates the industry, namely:
- Town Police Clauses Act 1847
  - Local Government (Miscellaneous Provisions) Act 1976
- 1.3 More recently, the Policing and Crime Act 2017 enabled the Secretary of State for Transport to issue statutory guidance in exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using such services.
- 1.4 In July 2020, the Department for Transport therefore issued Statutory Taxi and Private Hire Vehicle Standards and it is a requirement for authorities to implement the recommendations contained within unless there is a compelling reason not to. A copy of the Standards can be found at Appendix A.
- 1.5 The licensing authority already has in place a publicly available Hackney Carriage and Private Hire Driver's Licence Policy, first published in 2016.
- 1.6 The authority has now reviewed the policy and in doing so considered the recommendations in the Statutory Standards as well as other strategies, guidance, and legislation relevant to the licensing regime.
- 1.7 The policy is designed to:
- Provide individuals with a clear, consistent basis for submitting applications
  - Provide a clear, consistent basis for determining licence applications
  - Provide licensees with information on licensing requirements throughout the time they are licensed
- 1.8 The licensing authority has always sought to set some of highest standards in the country and be recognised for delivering best practice. The review continues to assert this position and further enhances the requirements first developed in 2016. The primary focus is the protection of the public, but in particular, safeguarding children and protecting the vulnerable.
- 1.9 Users of such transport should be assured that licensees are

appropriately trained and vetted and are held to account for their performance – this policy aims to achieve that assurance.

1.10 This report seeks the approval of the revised policy.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

2.1 The policy is designed to:

Provide individuals with clear, consistent, and concise guidance to all those who need to use it:

- Licensing Authority Officers in processing applications
- Applicants when making an application

Provide a clear, consistent basis for determining licence applications:

- Allowing structured and evidenced-based decision making for Officers and Councillors

Achieve compliance with legislative, statutory, and local standards:

- Supporting wider strategies and initiatives specific to driver licensing, including safeguarding of children and vulnerable adults

2.2 The policy will positively assist the Council to deliver and achieve its aims and visions for the City: To be successful and safe to all who choose to enjoy, live, work, and study in Sheffield.

## **3. HAS THERE BEEN ANY CONSULTATION?**

3.1 A formal 10-week consultation was undertaken, beginning 6<sup>th</sup> December 2021, with the following organisations invited to make comment:

- Licensees
- Elected Members
- Local Members of Parliament
- Sheffield City Council Transport Services
- Sheffield Disability Groups
- Sheffield Safeguarding Children's Board
- South Yorkshire Police
- Neighbouring Local Authorities
- Institute of Licensing
- Chambers of Commerce

- Sheffield Public Health Service
- Local Licensees
- Campaign for Better Transport
- National Association of Licensing and Enforcement Officers
- Pubwatch

- 3.2 A total of 171 responses were received, 136 of which were Sheffield licensees. A copy of the responses can be found at Appendix D.
- 3.3 Responses were received by email, directly to the Licensing Service and through the council's consultation hub, Citizen Space.
- 3.4 Citizen Space asked a number of specific questions to help inform the policy. A report, detailing the results can be found at Appendix C.
- 3.5 Waste and Street Scene Committee deferred the approval of the policy at its meeting 22nd June 2022, to first seek views of the Licensing Committee.
- 3.6 A briefing was undertaken with the Licensing Committee, 9th August 2022, to gain input and views. Two issues were raised:
- Overcharging and refusal of fares – what more can be done
  - The timeframe for undertaking Disability Awareness training
- 3.7 The draft policy which was consulted upon can be found at Appendix F.
- 3.8 Amendments made post consultation can be found at Appendix E.
- 3.9 A copy of the policy with tracked changed amendments post consultation can be found at Appendix G; a copy without tracked changes (for ease of reading) can be found at Appendix H.

#### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

##### **4.1 Equality Implications**

- 4.1.1 An Equality Impact Assessment was undertaken at the outset of the process and has been under review throughout. A copy is attached at Appendix B.

##### **4.2 Financial and Commercial Implications**

- 4.2.1 Although there are no direct financial implications arising as a result of the Hackney Carriage and Private Hire Driver's Licence Policy, there is a risk that staff and processing costs may increase. However, there will be opportunity to mitigate any additional cost in the forthcoming fees and charges review.

#### 4.3 Legal Implications

4.3.1 S177 Policing and Crime Act 2017 states any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section. The guidance issued is the Statutory Taxi & Private Hire Vehicle Standards issued in 2020. Therefore, as setting this policy will impact how the Council exercises those functions in setting this policy regard must be had to the statutory guidance.

4.3.2 Although the Council does not have to have a policy it is a clear recommendation of the statutory guidance that 'all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards. The statutory guidance requires when formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public.

4.3.3 It should be reviewed every five years. Interim reviews should be considered where significant issues have arisen.

4.3.4 This report and appendices set out how that is achieved.

4.3.5 In setting this policy the Council should intend that the Licensing Committee who will deal with a large number of cases, ensure that cases will be dealt with in a standard way: applying the same criteria and attaching the same weight in each case, and so ensuring consistency and administrative efficiency. Whilst it is lawful and essential for fairness and consistency in decision making for decision makers to have a policy each case will have to be decided on its particular facts and is particularly important in taxi licensing cases involving human rights. The Council can be challenged for both failing to depart from policy in a case where its aims are not undermined by the departure; or for departing from policy in cases where it should be applied to maintain its aims of protecting the public.

#### 4.4 Climate Implications

4.4.1 There are no climate implications as a result of implementing this policy.

#### 4.4 Other Implications

4.4.1 There are no other implications as a result of implementing the policy.

### **5. ALTERNATIVE OPTIONS CONSIDERED**

5.1 There are no alternative options under consideration.

## 6. REASONS FOR RECOMMENDATIONS

6.1 The Department for Transport recommends that licensing authorities make publicly available a cohesive policy document and to review this document every five years.

6.2 The licensing authority already has in place a *Hackney Carriage and Private Hire Driver's Licence Policy* document which has now been reviewed to take into account the recommendations in the Department for Transport *Statutory Taxi and Private Hire Vehicle Standards*.

6.3 The document is designed to:

- Provide individuals with a clear, consistent basis for submitting applications
- Provide a clear, consistent basis for determining licence applications
- Provide licensees with information on licensing requirements throughout the time they are licensed

6.4 It is recommended that Members approve the policy in order for the updated recommendations be implemented.

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