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**TITLE: TAXI AND PRIVATE HIRE – DfT CONSULTATION**

**COMMITTEE: LICENSING COMMITTEE**

**DATE: 27 MARCH 2019**

**AUTHOR: SENIOR LICENSING OFFICER**

[T226]

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1.0 PURPOSE OF REPORT

1.1 To inform Members of the current Department for Transport (DfT) “Taxi and Private Hire Vehicle Licensing: Protecting Users” consultation document, and to receive Member’s comments on the official Licensing Authority response to this consultation.

2.0 RECOMMENDATION(S)

2.1 That Members consider the proposed response, and instruct officers to return the consultation response, subject to any amendments they wish to see.

3.0 BACKGROUND

3.1. The Secretary of State for Transport was given the power via the Policing and Crime Act 2017 to issue Statutory Guidance on exercising Hackney Carriage and Private Hire licensing functions to protect children and vulnerable adults from harm whilst using these services.

3.2 As a result of receiving this power, the DfT has produced a draft document with the title “Taxi and Private Hire Vehicle Licensing: Protecting Users”, and they are seeking opinions from all interested parties.

3.3 The consultation runs until 11:45pm on 22 April 2019.

4.0 PROPOSED CONSULTATION RESONSE

4.1 Appendix 1 contains the consultation response template which has been completed by officers for Member comments.

5.0 IMPLICATIONS

5.1 Once the DfT implement their proposed statutory guidance it will need to be followed by all Councils unless there are reasonable grounds not to do so. Members and Officers will not be able to depart from following the guidance just because they consider it desirable to do so; any decision to depart from statutory guidance is not to be taken lightly, and must be backed by very good reasons. If the decision to depart is taken, and is successfully challenged by an

applicant or licence holder, the Court is likely to be critical of the Council, especially if the reasoning is not sound.

## 6.0 CONCLUSION

6.1 Taxi and Private Hire licensing remains the single largest regulatory sector that the Council deals with in terms of resources used. Therefore, any legal changes will have an impact on a large part of the Licensing Authorities day to day workload. Whilst large parts of the document are very well conceived, Officers do not believe it is without flaws. It is for this reason that Officers believe it is vital that the Council's thoughts are submitted during this consultation period in the hope that the DfT will make suitable amendments before publishing the final version.

## 6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications associated with this consultation, other than officer and Member time, which are already factored into the general licensing budget.

## 7.0 APPENDICES

8.1 Appendix 1 Draft Taxi and Private Hire licensing: Protecting Users consultation response document.

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### Background Documents

Taxi and Private Hire Vehicle Licensing: Protecting Users – Statutory Guidance consultation document.

### Location

Room SF208  
The Grange,  
Ely

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