

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **25 July 2022**

Report of: **Head of Environmental Health**

Subject: **REVIEW OF TAXI AND PRIVATE HIRE LICENSING
REQUIREMENTS**

SUMMARY

In line with the Department for Transport's Statutory Guidance for taxi and private hire vehicle standards publication in July 2020, as well as a trade and public consultation within the Borough during June 2022, we propose updates to the Taxi and Private Hire Licensing requirements.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee:

- (a) considers the following proposed amendments to the Taxi and Private Hire Licensing requirements:
 - i. the introduction of 6 monthly DBS checks via the update service;
 - ii. the introduction of drug testing for new applicants and randomly for licensed drivers;
 - iii. an amendment to documentation to include Tax checks;
 - iv. an amendment to documentation to start using the National Database of Refusals and Revocations (NR3);
 - v. a requirement that vehicle age when first plating must be less than 5 years old; and
- (b) subject to any further requirements from the Committee, to delegate authority to the Head of Environmental Health to redraft and publish the document to reflect these changes.

INTRODUCTION

1. As the licensing authority for Hackney Carriage and Private Hire drivers and vehicles, this Council can apply reasonable requirements in its licensing process to driver, vehicle and operators to ensure public safety.
2. The operation of a successful hackney carriage and private hire vehicle service is essential to the economic well-being of the Borough. It is equally important that the service provided by the Trade be properly regulated to instil confidence in the travelling public who wish to use the service. The overriding objective is to ensure Public Safety.
3. There are currently 287 licenced drivers, 262 licensed vehicles and 19 licensed operators with Fareham Borough Council.
4. The proposed new Taxi and Private Hire Licensing Conditions of Licencing, with the accompanying Handbook are at Appendix A.
5. The results of the Licence Holder Consultation responses can be found at Appendix B and the results of the Public Consultation responses can be found at Appendix C.
6. A summary of the proposed amendments is given below.

DBS CHECKS

7. We are proposing to change the Disclosure and Barring Service (DBS) check from every 3 years to 6 monthly. The Government recommends that taxi and private hire drivers carry out a DBS check every 6 months. The cost to the driver for this service is £39, as opposed to the current DBS paper system which costs £38 per check. The Council is proposing to make it mandatory for license holders to be on the DBS Update Service. This will allow the licensing team to carry out the check with minimal disruption to the driver.

(Criminality Checks for Vehicle Drivers: Section 6.1 – 6.4 of the Statutory Taxi & Private Hire Vehicle Standards.)

8. We believe that this will ensure that criminal records are as up to date as possible with the licensing authority and to demonstrate to the public that they are safe with licensed drivers.
9. Feedback from consultation evidenced that 64% (50 Respondents) of the licence holders support mandating the Update Service, with 88% (84 respondents) of the public also in agreement.

INTRODUCTION OF MANDATORY CCTV

10. To protect both public safety and that of licensed drivers, we are proposing that CCTV systems inside taxis / private hire vehicles will become a requirement of vehicle licensing conditions. This would apply to all current and new licensed vehicles.
11. The Statutory guidance states that “All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account

potential privacy issues”.

(In-vehicle visual and audio recording – CCTV: Section 7.7 – 7.13 of the statutory Taxi & Private Hire Vehicle Standards.)

12. Feedback from the consultation informed us that 41% of respondents (31 vehicles) currently have CCTV fitted. Only 26% of respondents (20 respondents) of licence holders wish CCTV to become mandatory, whilst 61% (57 respondents) of the public are in support.
13. A summary of complaints received over the last 5 years where CCTV inside a taxi/private Hire vehicle may have assisted the investigation is shown below: -
 - 2016/17 -4 complaints – Racial abuse, dangerous driving, harassment, child not secured
 - 2017/18 - 7 complaints – 2 x driving whilst on mobile phone, 2 x aggressive behaviour, harassment, bad driving, wheelchair user didn't feel secure.
 - 2018/19 – 2 complaints - sexual assault, argument over fare.
 - 2019/20 – 3 complaints – 2 x argument over fare, transphobic remark.
 - 2020/21 – 0 complaints
 - 2021/22 – 2 complaints - 1 assault, 1 overcharging
14. The Statutory Guidance also states that “While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the Crime Survey for England and Wales only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles”.
15. The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.
16. Feedback from the consultation informed us that 41% (31) of licence holders currently have CCTV fitted in their vehicles. 26% (20) of licence holders wish CCTV to become mandatory, whilst 61% (57) of the public are in support.
17. 13% (12) of the public have been threatened or been made upset when using a taxi in Fareham. Whilst 31% (24) of licence holders have had their vehicles damaged or threatened to be damaged. 66% (50) of licence holders have had fares refused and 44% (34) of drivers have felt threatened or been made upset whilst working in Fareham.
18. 74% of the public declared they would feel safer in a vehicle fitted with CCTV. 68% (52) of the trade are not in support of CCTV becoming mandatory.

19. In summary the level of complaints reported are low, although occasionally a serious complaint does arise, if CCTV were to be installed it has to be fitted with an off switch, so arguably any driver with bad intent would switch off the CCTV.
20. There probably isn't currently the evidence base to support the mandating of CCTV in Fareham taxis and private hire vehicles and therefore it shouldn't be introduced at this time.

INTRODUCTION OF DRUG TESTING FOR LICENCE HOLDERS

21. To further protect public safety, we are proposing that drivers undertake a self-administered drug test when applying for a taxi or private hire licence. In addition, drivers would become subject to random testing.
22. We believe by introducing drug testing, this will increase public safety, which is the main overriding objective of the Taxi Licensing Policy.
23. Feedback from the consultation showed 82% of the public supported this proposal, along with 68% of the licence holders.

TAX CONDITIONALITY CHECKS

24. In line with Government guidance introduced on 4 April 2022, we have already started to check all licences are registered for tax, if required, upon initial application and on renewal.
25. This update will now be included in the reviewed Taxi and Private Hire Licensing Conditions of Licencing.

NR3 DATABASE

26. The National Database of Refusals and Revocations (NR3) contains information relating to any refusal to grant, or revocation of, a taxi or private hire driver's licence. This information is important in the context of a subsequent application to another authority for a driver's licence by a person who has had their licence refused or revoked in the past.
27. We propose to check all new applicants against NR3 as well as uploading any applicant who is refused, or a licensee who is revoked. This is in line with the Statutory Taxi & Private Hire Vehicle Standards.

(Sharing licensing information with other licensing authorities 4.21 of the statutory Taxi & Private Hire Vehicle Standards.)

VEHICLE AGE ON FIRST REGISTRATION

28. In 2017 Fareham Borough Council was served an Air Quality Direction in respect of predicted exceedances of Nitrogen Dioxide. As a result of this in June 2018 this Committee agreed that instead of vehicles being a maximum of 5 years old on first registration that diesel vehicles must be at least Euro 6 standard, petrol vehicles must be at least Euro 4 standard. Ultra-Low Emission Vehicles (ULEV) are acceptable as well as hybrid vehicles which are at least Euro 5. This applies to new vehicles and transfers. All vehicles that are 5 years old or newer are now Euro 6, however we currently have no set age limit at first registration, prior to the Air quality issue, vehicles had to be at least

5 years old on first registration and transfers newer than the vehicle that a plate was transferred from. Wheelchair accessible vehicles currently can be up to 10 years old.

29. Now that 5-year-old vehicles are no longer among the most polluting, the 5-year age limit for new Hackney Carriages and Private Hire vehicles' can be restored, without any Euro standard limitations.

RISK ASSESSMENT

30. There are no significant risk considerations in relation to this report

CONCLUSION

31. Members are asked to review the information contained above and, in the appendices, and consider whether to recommend the proposed changes.

APPENDICES:

Appendix A – Proposed new Taxi and Private Hire Licensing Conditions and Hand Book

Appendix B – Results of Licence Holder Consultation Responses

Appendix C – Results of Public Consultation Responses

Background Papers: None

Reference Papers: None

Enquiries:

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