

WELWYN HATFIELD BOROUGH COUNCIL  
LICENSING COMMITTEE – 25 NOVEMBER 2021  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

PRIVATE HIRE OPERATOR POLICY

**1 Executive Summary**

- 1.1 The Statutory Taxi and Private Hire Vehicle Standards (the Standards) include national guidance in relation to Private Hire Operators. (See Appendix 1) The Hackney Carriage team have now reviewed and amended the current Operator application pack, procedure and standard conditions, to include changes which incorporate the recommended guidance given by the Department of Transport (DOT).
- 1.2 A consultation for the proposed changes took place in June of this year.

**2 Recommendation(s)**

- 2.1 For the committee to note the revised guidance from the DoT, the results of the consultation exercise and the proposed revised operator application pack shown in appendix 4.
- 2.2 For the committee to consider and agree that the revised operator application pack, procedure and standard conditions for private hire operators is adopted and comes into effect on 1 December 2021.

**3 Explanation**

- 3.1 On 21 July 2020 the Department of Transport issued the national Statutory Taxi and Private Hire vehicles standards which for the first time put the safeguarding of children and vulnerable people right at the heart of the taxi licensing system.
- 3.2 The founding instrument of the Standards is section 177 of the Policing and Crime Act 2017, which enables the Secretary of State to issue guidance to authorities as to how their taxi and Private Hire Vehicles (PVH) licensing functions may be exercised to protect children and vulnerable people and then requires authorities exercising their licensing functions to have regard to it.
- 3.3 The Hackney Carriage team have reviewed and amended the current Operator policy to include changes which incorporate the recommended guidance given by the Department of Transport.
- 3.4 The proposed changes were consulted on with all licensed operators in the Welwyn Hatfield borough. These are the only parties to be affected by any changes made to the current policy. The consultation was open for comments and responses from 21 May to 30 June 2021.

- 3.5 By the close of the consultation period the Hackney Carriage Team received a total of two responses from the licensed operators. (See Appendix 2)
- 3.6 The responses have been considered by the Hackney Carriage Team and overall, there are no major objections or negative comments to the proposed changes to the operator policy and questions that have been raised can be answered.
- 3.7 Most changes are in respect of the need for public protection and safeguarding with main changes to the Disclosure and Barring Service (DBS) checks being undertaken on a more regular basis and to include operator staff and any other parties subcontracted by the operator. This applies not only to staff with direct contact but also staff that have access to information and records regarding the public and their whereabouts.
- 3.8 There is also the proposal that vehicle proprietors are also covered by more regular DBS checks which is not currently a condition, this would apply to those who currently do not hold an operators or driver licence with Welwyn Hatfield Borough Council (WHBC).
- 3.9 Following the recommendations and guidance the Hackney Carriage Team have drawn up an amended operator policy to reflect the above (Appendix 4). The current operator policy is also available with this report (Appendix 3).

## **Implications**

### **Legal Implication(s)**

- 4.1 Any proposed revised terms and conditions is a decision for the designated Council committee to approve.
- 4.2 The proposed conditions will carry the risk of legal action that any person aggrieved may appeal to the magistrate's court. Any judicial review challenge in relation to the decision making process must also be considered as a risk.

## **4 Financial Implication(s)**

- 4.1 Legal costs may arise should any person launch a legal challenge on the consultation process or amended policy.

## **5 Risk Management Implications**

- 6.1 The risks related to this proposal are any legal challenge which may arise in relation to the validity of the proposed conditions or validity of the decision-making process.
- 6.2 Likelihood of any risks of challenge are minimal as this has been introduced by the Department of Transport as guidance for all authorities to consider.

## **6 Security and Terrorism Implication(s)**

- 6.1 No risk of security or terrorism.

## **7 Procurement Implication(s)**

- 7.1 No procurement implications

## **8 Climate Change Implication(s)**

8.1 No implications under climate change.

## **9 Human Resources Implication(s)**

9.1 No implications to human resources.

## **10 Health and Wellbeing Implication(s)**

10.1 The safety of public users is paramount and must be considered.

## **11 Communication and Engagement Implication(s)**

11.1 Once the revised terms and conditions have been approved there will need to be a communications plan to ensure all parties are aware of the changes.

## **12 Link to Corporate Priorities**

12.1 The subject of this report is linked to the Council's Corporate Priority (Maintain a safe and healthy community), and specifically to the achievement of improve and maintain the health and wellbeing of residents.

## **13 Equality and Diversity**

13.1 An EqlA was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

Name of author	Cheryl Bridges
Title	<i>Regulatory Support Officer</i>
Date	October 2021

### **Background papers**

- Statutory Taxi & Private Hire Vehicle Standards  
[www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards](http://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards)

### **Appendices to be listed**

- Appendix 1 - Part 8 Private Hire Vehicle Operator Licensing, Statutory Taxi & Private Hire Vehicle Standards
- Appendix 2 – Operator Response to Consultation
- Appendix 3 – Operator Application Pack (Current policy)
- Appendix 4 – Proposed Operator Policy Conditions for Welwyn Hatfield Borough Council