



Department
for Transport

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Our Ref: 397325
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DATE

Shaun Rackley

Dear Shaun,

Torbay Council Taxi Policy Consultation

Thank you for your email of 11 April to the Department for Transport about Torbay Council's consultation on its taxi licensing policy. Your enquiry was passed to the Taxi and Private Hire Vehicle team and I have been asked to reply.

As you will be aware, the Government is responsible for setting the regulatory structure within which local licensing authorities in England license the taxi and private hire vehicle (PHV) trades. Local licensing authorities in England have a duty to ensure that any person to whom they grant a taxi or PHV driver's licence is a fit and proper person to hold such a licence. As such, the Department will not be offering specific comments on the proposed changes raised in Torbay Council's taxi and PHV licensing policy consultation. Such changes are at the discretion of local licensing authorities, but I would like to draw your attention to guidance the Department has issued to local authorities to support them when setting licensing policies.

Firstly, the [Statutory Taxi and Private Hire Vehicle Standards](#) was issued to local licensing authorities in July 2020 to enhance the safeguarding measures the taxi and private hire vehicle licensing regime requires, thus protecting the most vulnerable in communities. Local licensing authorities must have due regard to this document when formulating licensing policy, although the document does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority. I can see in your proposed policy that you have taken regard to the Statutory Standards so thank you for this.

Secondly, we would also ask that you also consider the Department's draft [Best Practice Guidance for Licensing Authorities in England](#) – published in March 2022. The guidance aims to improve the consistency in licensing standards between authorities and to ensure that regulation is proportionate and not overly burdensome on the sector. Safety remains the priority and we want to ensure that as many as possible can access safe services and do not resort to using unregulated, unvetted and uninsured illegal driver and vehicles.

The guidance covers a range of driver, vehicle and operator licensing issues outside of the scope of the Statutory Taxi and Private Hire Vehicle Standards which focussed on safeguarding. There is a new section on accessibility and the need for authorities to have inclusive service plans. Licensing issues covered include driver medicals, topographical knowledge tests, signage on vehicles, tinted windows and environmental considerations. The guidance stresses that it remains for local licensing authorities to make decisions in the first instance and that, ultimately, the courts are responsible for interpreting the law. [This guidance is still under consultancy and open to revision so the Department welcomes any views you may wish to share on this proposed version.](#)

Thank you for taking the time to write to the Department for Transport with your enquiry and I hope the response provided proves useful.

Yours sincerely,
Thomas Willis
Policy Adviser, Local Passenger Transport Division