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8 July 2016

POLICING AND CRIME BILL: TAXI AND PRIVATE HIRE VEHICLE (PHV) LICENSING

I said that I would write to you following debate at Report stage of the Policing and Crime Bill on what is now clause 145 of the Bill which confers a power on the Secretary of State to issue statutory guidance to relevant public authorities about their taxi and PHV licensing functions (Official Report, 13 June 2016, column 1574).

I know you agree that it is critical that we need to tighten taxi and PHV licensing arrangements to reduce the risk from child sexual exploitation (CSE). I have been working closely with my Ministerial colleagues in the Department for Transport to consider what changes are required on taxi licensing. Clause 145 is a part of this work. The clause will allow the Secretary of State for Transport to issue statutory guidance to taxi and private hire licensing authorities, setting out the safeguarding measures they must consider when issuing licences.

You sought reassurance on a number of areas during the Report stage debate.

You wanted confirmation that guidance will be published. In common with other legislation relating to guidance, the clause states that the Secretary of State “may” issue guidance. I am happy to confirm that the guidance will definitely be issued. In practice, this will follow a full public consultation immediately after the Bill receives Royal Assent.

You also wanted confirmation of the status of the guidance. Clause 145(4) provides that licensing authorities must ‘have regard’ to the guidance when discharging their licensing functions. Public authorities will therefore be required to give proper consideration to the guidance when exercising their taxi and PHV licensing functions (for example, when making individual licensing decisions and/or publishing licensing arrangements). A licensing authority is likely to leave itself open to legal challenge should it be unable to clearly illustrate that the appropriate consideration has been given to the guidance.

You asked whether I can provide information on what might be included in the guidance. The new guidance is, as I have said, subject to consultation (as required by clause 145(5)). However, we want it to contain practical measures that local authorities can consider adopting to better safeguard children and vulnerable individuals, including:

- tests that can be used to ensure that licensed drivers are 'fit and proper' to work with children and vulnerable people;
- making best use of local intelligence, including use of Disclosure and Barring Service checks;
- arrangements for safeguarding and CSE awareness training; and
- the use of CCTV.

Local licensing authorities are responsible for ensuring that their licensing regime is fit to protect the public. We want them to take the right measures for their areas. But the statutory guidance will provide minimum standards across licensing authorities, in order to remove the risk of individuals exploiting particularly weak safeguarding arrangements in any one licensing authority area.

I want to thank you for your continued support and I will undertake to keep you updated as this package of work develops.

I am copying this letter to Andy Burnham, Lord Rosser and Lord Paddick and placing a copy in the library of the House.



Karen Bradley MP