

## TORRIDGE DISTRICT COUNCIL - REVIEW OF TAXI LICENSING POLICY 2021

### PUBLIC CONSULTATION

The following document summarises the proposed changes to the Council's Taxi Licensing Policy as a result of the publishing of the Department of Transport's "Statutory Taxi and Private Hire Vehicle Standards" in July 2020.

The Standards document can be viewed on the following website: <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

Please note that the Council must have regard to the requirements of this guidance and should only deviate from the recommendations where there is compelling reasons to do so.

Accordingly, we welcome feedback and any supporting evidence, in order that the Council may take into account any views expressed.

This document can be emailed back to [licensing@torridge.gov.uk](mailto:licensing@torridge.gov.uk) or posted to Licensing, Riverbank House, Bideford, Devon, EX39 2QG.

### PLEASE RESPOND BY FRIDAY 8<sup>th</sup> OCTOBER 2021

Ref	Summary of statutory guidance	Proposed amendments	Comments
1	<p><u>DBS Update Service</u></p> <p>All licensed drivers should be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. (para 6.2)</p> <p>Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing. (para 4.5)</p>	<p>All new/renewal driver applicants will be required to sign up to the DBS update service.</p> <p>Driver Licence conditions to be amended to make and evidence continuous DBS Update Service registration a mandatory requirement.</p> <p>Minimum 6 monthly enhanced-DBS checks to be conducted via the DBS update service.</p> <p>Taxi Licensing Policy wording to be updated to reflect the above changes.</p>	

2	<p><u>Notification requirements</u></p> <p>Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. (para. 4.12)</p>	<p>Licence standard conditions, and policy document, to be updated to include shorter self-reporting periods (<i>currently 7 days</i>) and updated wording.</p>	
3	<p><u>Consideration and sharing of conviction information</u></p> <p>A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. (para 4.14)</p> <p>Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants. (para 4.21)</p> <p>In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list. (para 6.3)</p> <p>Assessment of Previous Convictions - Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. (annex - Assessment of Previous Convictions)</p>	<p>Amend policy to reflect new guidance issued in the Standards and the “Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades” document produced by the Institute of Licensing. The revised convictions policy can be found on the Council’s website:</p> <p><a href="https://www.torridge.gov.uk/taxi-review">https://www.torridge.gov.uk/taxi-review</a></p> <p>Adopt the use of the national register of taxi and private hire vehicle driver licences refusals and revocations (the register is known as “NR3”)</p>	

4	<p><u>Complaints</u></p> <p>Ways to make complaint to the Licensing Authority must be displayed in all licensed vehicles. (para 4.31)</p>	<p>Vehicle licence standard conditions, and policy document, to be amended to include mandatory display of complaint information.</p>	
5	<p><u>Safeguarding advice and guidance</u></p> <p>All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. (para 6.5 and 6.6)</p>	<p>Formal training had to be cancelled due to covid. Alternative arrangements to be considered.</p> <p>Licensing Committee has proposed in the interim to provide an information pack and all individuals to sign to confirm they have received and understood the guidance.</p>	
6	<p><u>Criminality checks for vehicle proprietors</u></p> <p>Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually for vehicle proprietors (para 7.2)</p>	<p>All new/renewal vehicle applications will be subject to the pre-requisite requirement for all individuals (directors in event of a company) to provide a basic DBS disclosure. Where the applicant is a driver, this requirement is not applicable due to the additional checks performed.</p> <p>Taxi Licensing Policy wording to be updated to reflect the above changes.</p>	
7	<p><u>In-vehicle CCTV</u></p> <p>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 effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues. (paras 7.7 to 7.13)</p>	<p>Please provide any comments in relation to whether the mandatory installation of CCTV would have either a positive or an adverse effect.</p>	
8	<p><u>Criminality checks for private hire vehicle</u></p>		

	<p><u>operators</u></p> <p>Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually for private hire operators (paras 8.2 to 8.6)</p>	<p>Amendment of policy to require annual submission of basic DBS disclosure by the licence holders. Where the applicant is a driver, this requirement is not applicable due to the additional checks performed.</p> <p>Licence conditions to be updated to reflect the above changes.</p>	
9	<p><u>Booking and dispatch staff</u></p> <p>Licensing authorities should, as a condition of granting an operator licence, require a register of all the staff that will take bookings or dispatch vehicles. (paras 8.7 to 8.8)</p> <p>Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. (para 8.9)</p> <p>Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. (para 8.12)</p>	<p>Amendment to conditions and policy to require operators to maintain a list of all booking and dispatch staff, evidence they have had sight of a basic DBS check and to provide to the authority their ex-offenders policy.</p> <p>Where operators outsource booking and dispatch functions they will be required to evidence that comparable protections are applied by the company to which they outsource these functions.</p>	
10	<p><u>Record Keeping</u></p>		

	<p>Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking, retained for a minimum of six months;</p> <ul style="list-style-type: none"> <li>• the name of the passenger;</li> <li>• the time of the request;</li> <li>• the pick-up point;</li> <li>• the destination;</li> <li>• the name of the driver;</li> <li>• the driver's licence number;</li> <li>• the vehicle registration number of the vehicle;</li> <li>• the name of any individual that responded to the booking request;</li> <li>• the name of any individual that dispatched the vehicle.</li> </ul>	<p>Amendment to Taxi Licensing Policy and Private Hire Operator licence conditions to include updated/increased list of records required to be kept.</p>	
11	<p><u>Use of PCV drivers and vehicles</u></p> <p>PCV licensed drivers are subject to different checks from taxi and PH vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a PH vehicle licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker. (para 8.16)</p>	<p>Amendment to Taxi Licensing Policy and Private Hire Operator licence conditions to include requirement to obtain consent of the booker if PCV driver and vehicle used to fulfil booking.</p>	
12	<p><u>Use of points system</u></p>		

	Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. (para 9.3 – 9.4)	The points system will be reviewed and amended to reflect changes made to implement the standards.	
13	<u>Review of existing licences</u>  Any changes in licensing requirements should be followed by a review of the licences already issued. (para. 3.14)	Following approval of the policy all existing licences will be reviewed to assess compliance with the new standards.	
<b>The following proposals do not form part of the statutory taxi standards but are also being considered as part of the review/consultation process</b>			
14	<u>Vehicle emissions policy</u>  Implement new “green” requirements for vehicles to promote a reduction in hackney carriage/private hire vehicle emissions to support of the Council’s Carbon Reduction Plan	The Authority is looking to restrict vehicles that will be licensed to ensure the Authority meets both Central Government and the Authority’s own climate change targets.  The Authority Council’s Climate Change Working Group has proposed the following requirements:  <ul style="list-style-type: none"> <li>• From April 2026 all vehicles licenced by TDC will be required to meet or exceed Euro 6 Emissions standards (or recognised UK equivalent).</li> <li>• From April 2030 all vehicles being licensed for the first time must have CO2 emissions of less than 50 g/km</li> </ul>	

		<ul style="list-style-type: none"> <li>• All Wheelchair Accessible Vehicles will have a 2 year allowance on the emissions standards dates given in this policy.</li> <li>• To promote the move to electric vehicles, the Authority will provide a discount on the standard vehicle licence fee of 20% for a period of 5 years.</li> </ul>	
15	<p><u>Private Hire Vehicle stickers</u></p> <p>A private hire vehicle must display on the exterior of the front nearside and front offside doors signs of a type approved by the Council indicating that the vehicle may be hired by advance booking only. In addition, a private hire vehicle must display in the front and rear windscreen a sign of a type approved by the Council indicating that the vehicle may be hired by advance booking only. These signs must be permanently and securely affixed to the vehicle and must not be attached by any temporary fixings (e.g. magnetic backing strips).</p>	<p>There have been complaints from private hire operators that the stickers damage the paint work when removed. It is proposed to review any alternative solutions may be available.</p>	
16	<p><u>Driver Badges</u></p> <p>At all times when in charge of a licensed vehicle being used for hire, wear the lapel badge provide by the Council on his/her person in such a position and manner as to be plainly visible.</p>	<p>It is proposed to include allowing drivers to display the badge on the dashboard of the vehicle. There have been concerns raised regarding safety aspects of wearing of lanyards. It would also be easier for back seat passengers to view a badge that is displayed on the dashboard that if displayed on the driver's person.</p>	

<b>Please suggest in the box below any other changes or amendments to the Policy that you would like the Licensing Committee to consider as part of the review.</b>			
<b>Please provide your name and contact details:</b>			