

Appendix 4 to Policy Review Report

Appendix C to Executive Report

The Statutory Taxi and Private Hire Vehicle Standards document sets out a framework of policies that, under section 177(4) Policing and Crime Act 2017, licensing authorities “*must have regard*” to when exercising their functions. The following tables set out the present situation for Selby District Council.

Tables showing the full review of the Statutory Taxi & Private Hire Vehicle Standards. The requirements highlighted in grey are in the proposed consultation document Appendix A.

	Heading	Statutory Requirement	Current Position
1	Policies	All licensing authorities should make publicly available a cohesive policy that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions. A ‘fit and proper’ person test, licence conditions and vehicle standards. When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public.	This is met.
2	Duration of licences	Issuing driver licences for more than a year. Risk can be mitigated for drivers by authorities to undertaking regular interim checks. The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators.	This Council grants one (vehicles), three (drivers) and five (operators) year licences in line with the legislation and the current taxi policy.
3	Whistleblowing	It is in the application of licensing authority’s policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns those policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly. Local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it	This Council has an up-to-date policy for staff with regard to Whistleblowing procedures
4	Consultations at local level	Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing	This Council has introduced its current taxi policy by undertaking a full consultation and it maintains effective and timely contact

		<p>disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women's groups, local traders, and the local multi-agency safeguarding arrangements.</p> <p>Any changes in licensing requirements should be followed by a review of the licences already issued.</p>	<p>with taxi proprietors, licence holders and the association that represents Selby.</p>
5	<p>Disclosure & Barring Service (DBS)- notification of changes to the licensing authority</p>	<p>This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used. Licensee self-reporting 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.</p>	<p>This Council has introduced its current convictions and vetting policy. It fully utilises the DBS process along with Right to Work check for new and renewal applications. An adverse DBS finding will result in a review or referral to a Licensing Sub-committee. Notification of change is as soon as possible but always within 3 days in Selby's taxi licensing policy.</p> <p>Officer recommendation: Propose to amend the taxi licensing policy accordingly following consultation.</p>
6	<p>Sharing licensing information with other licensing authorities</p>	<p>Obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history.</p> <p>Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority</p>	<p>This is satisfied.</p>
7	<p>NR3 Database</p>	<p>This should be used by licensing authorities (nationally) to share information on a more consistent basis to mitigate the risk of nondisclosure of relevant information by</p>	<p>The Council is using NR3.</p>

		applicants	
8	Complaints against licensees	Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees. Ways to make a complaint to the authority should be displayed in all licensed vehicles.	This is partially satisfied. <u>Officer recommendation:</u> To consult on displaying on all vehicles how to make a complaint to the Council.
9	Oversees convictions	The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character'	This is satisfied.
10	Decision making Administration of the licensing framework	Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly. Training decision makers. All individuals that determine whether a licence is issued should be required to undertake sufficient training	This is Satisfied.
11	Immediate Revocation	Regardless of which approach is adopted, all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.	The Chief Executive has the authority in the constitution to make emergency decisions, in consultation with the Leader of the Council. It has been agreed

			that this will also be in consultation with the Chairman of the Licensing Committee.
12	Fit and proper test	Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question: Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night? If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.	This Council requires applicants applying for a licence to satisfy all necessary requirements for reasons of public protection. The 'fit & proper' test requirements are detailed in the Taxi and PH Policy.
13	Driving licensing criminality checks	Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 survey of taxi and private hire vehicle licensing authorities shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal. All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also 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. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.	Since the new taxi licensing policy came into force in January 2020 drivers must sign up to the DBS update service and a check is conducted on this annually. Officer recommendation: Propose to amend the taxi licensing policy accordingly following consultation
14	Safeguarding awareness	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. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and	This Council like many requires all driver applicants to undergo safeguarding awareness as an existing policy and application requirement.

		operators: • provide a safe and suitable service to vulnerable passengers of all ages; • recognise what makes a person vulnerable. and • understand how to respond, including how to report safeguarding concerns and where to get advice.	
15	Language proficiency	A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others. A licensing authority test of driver's proficiency should cover both oral and written English language skills to achieve stated above.	The Council already requires new drivers to attend a knowledge and safeguarding course. To pass the course the prospective driver must be able to read policies & byelaws, listen throughout the course and complete a written test, therefore the Council already comply with this.
16	Vehicle Licensing	It is important that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime. Criminality checks for vehicle proprietors Enhanced DBS and barred list checks are not available for vehicle licensing. Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually. Criminality checks for private hire vehicle operators Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.	The Councils policy covers most of this requirement. Only the requirement for the private hire operator to keep the register of staff that will take the bookings or despatch vehicles needs to be considered. <u>Officer recommendation:</u> Propose to amend the taxi licensing policy accordingly following consultation
17	In-vehicle visual and audio recording - CCTV	The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for	This Council has been awaiting more clear national guidance on CCTV.

		<p>the benefit of taxi/private hire vehicle passengers and drivers by: • deterring and preventing the occurrence of crime; • reducing the fear of crime; • assisting the police in investigating incidents of crime; • assisting insurance companies in investigating motor vehicle accidents. 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.</p>	<p>The Council has not made installation of audio and CCTV mandatory; there has been no formal reporting or investigation by police for incidents within licensed vehicles.</p> <p>Costs are met by the vehicle owner and costs are prohibitive at a minimum of £500 per CCTV unit.</p> <p>Mandatory requirement places the data responsibilities on the Council.</p> <p>Officer recommendation: Propose to amend the taxi licensing policy accordingly following consultation</p>
18	Enforcing the Licensing Regime	<p>Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector.</p> <p>These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.</p>	<p>All Licensing officers have undertaken accredited training provided by the Institute of Licensing and staff resourcing is sufficient and kept under annual review by managers.</p>
19	Joint authorisation of enforcement officers	<p>Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence.</p>	<p>Officers have approached other authorities about this. Moving forward, once the current pandemic is over or more under control, we hope to move forward with this.</p>

			<p>The Licensing Chairman and Licensing Manger would need to meet with other authorities on a regular basis to decide on agreed processes.</p> <p><u>Officer recommendation:</u> Propose to amend the taxi licensing policy accordingly following consultation</p>
20	Setting expectations	<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.</p> <p>This has the benefit of consistency in enforcement and makes better use of the licensing committee's time. Intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.</p>	<p>The Council requires applicants applying for a licence to satisfy all necessary requirements in its application process and policy, for reasons of public protection. Repeated reports or complaints against a driver can already be identified to lead to proportionate action.</p>
21.	PCV	<p>Passenger Carrying Vehicles (PCV) drivers are subject to different checks from taxi and private hire vehicle licensed vehicles licensed drivers, as the work normally undertaken, i.e. driving a bus, does not represent the same risk to passengers. Members of the public are entitled to expect when booking a private hire</p>	<p>PCV's are not covered in the current taxi licensing policy.</p> <p><u>Officer recommendation:</u> Propose to amend the taxi licensing policy accordingly following consultation</p>