



Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	25 February 2021

Statutory Taxi and Private Hire Vehicle Standards

1. Purpose of report

- 1.1 To inform Members of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards which will necessitate a full review of the council's current Hackney Carriage and Private Hire Licensing Policy.

2. Outcomes

- 2.1 The Committee will be appraised of the contents and impact of the Statutory standards on Wyre's taxi licensing policies and procedures.

3. Recommendation

- 3.1 That the Committee note the report.

4. Background

- 4.1 The Secretary of State for Transport published the Statutory Taxi and Private Hire Vehicle Standards under section 177(1) of the Policing and Crime Act 2017, last summer (**Appendix 1**).
- 4.2 Section 177(4) of the Policing and Crime Act 2017 requires licensing authorities to have regard to the contents of the document when setting, implementing and reviewing policies and practices that underpin local taxi and private hire licensing regimes.
- 4.3 The Secretary of State indicated that Licensing Authorities are expected to implement these measures as soon as possible and that the Department for Transport will closely monitor progress, work with authorities not meeting their responsibilities and look to introduce legislation if licensing authorities fail to adopt the standards and update their operations.

- 4.4** The statutory standards carry significant weight and the recommendations contained in the document should be implemented, unless there is a compelling local reason not to.

5. Key issues and proposals

- 5.1** Many of the recommendations contained in the document are already in place, but some changes will be required to our policies and procedures to reflect the full extent of the guidance. The draft revised policy will be presented in a separate report.

- 5.2 Licensing policy (p.8).** Authorities should produce a ‘cohesive policy document’ that includes a convictions policy and local conditions. When formulating policies, the overriding objective must be to protect the public and policies should be reviewed every five years.

Wyre’s current policy was adopted in April 2018 and includes all of these elements.

- 5.3 Duration of Licences (p.9).** Authorities should not issue shorter licences on a probationary basis.

Wyre has on occasion issued a twelve-month driver’s licence to new applicants.

- 5.4 Whistleblowing (p.9).** It is recommended that authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly.

Wyre’s Head of Governance produced a draft whistleblowing policy in November 2020.

- 5.5 Consultation (p.10).** It reiterates that it is good practice to consult widely when proposing significant changes to local licensing rules and that consultation should include passenger and trade groups.

Wyre Council already carries out full public consultation when reviewing existing policies using the consultation portal. Direct engagement with key stakeholders also features with any Licensing policy reviews.

- 5.6 Changes to policies (p.10).** These should be applied retrospectively to all licence holders.

Wyre’s convictions policies have never been applied retrospectively but the current policy does explicitly provide for decisions to be revisited where concerns about a driver’s conduct arise, which is still considered proportionate and appropriate.

The Licensing unit will undertake to review all licence holders against the new policy following its adoption, to identify if there are any existing drivers

who do not meet the new standards and refer any of concern to the Licensing Committee Chair for further consideration.

- 5.7 DBS update service (p.13).** Authorities should require drivers to subscribe to the DBS Update Service at their own expense.

Wyre introduced this requirement in 2018.

- 5.8 Common Law Police disclosures (p.13).** Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and being used. Action taken by the licensing authority as a result of information received from the police, should be fed-back to the police

Wyre has a very strong working relationship with the West Division Police Licensing team and occasionally receives information from other Lancashire police officers under the Common Law disclosures provisions.

- 5.9 Licensee self-reporting (p.13).** 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.

Wyre currently requires such notifications within 72 hours, but will lower this threshold to 48 hours in the policy review.

- 5.10 Referrals to the DBS (p.14).** 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.

Wyre will continue to do this where it is appropriate to do so.

- 5.11 Information sharing with other LA's (p.15).** Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority and if they have had an application refused, or a licence revoked or suspended by any other licensing authority. The National Anti-Fraud Network's NR3 should be used by Licensing Authorities to share details of refusals and revocations.

Wyre has required applicants to disclose this information this for many years and signed up to the NR3 register in 2019.

- 5.12 Multi-agency Safeguarding Hub (MASH) (p.16).** Authorities should establish a means to facilitate the objectives of the local MASH.

Wyre Council Licensing is represented on a number of Multi-agency working groups including GENGA which deals with serious and organised crime threats and WYSAG, the local Safety Advisory Group.

- 5.13 Complaints (p.17).** Authorities should have a robust system for recording complaints and analysing trends and provide guidance for people wishing to submit complaints.

Complaints about licence holders are now recorded on the licensing database and licence holders are referred to the Licensing Committee where appropriate. Information on how to complain is available on the council's website.

- 5.14 Certificates of Good Character (p.18)** Authorities should require certificates of Good Character from applicants who have lived overseas for an extended period of time.

Wyre introduced this requirement in 2018.

- 5.15 Decision Making (p.19).** There should be sufficient training and adequate resource for all those involved with making licensing decisions. Any functions that are delegated should be set out in a clear scheme of delegation.

Suitable training is identified and made available to officers and members of the Licensing Committee. All training undertaken is recorded.

The council's constitution and scheme of delegation sets out the decision making framework and includes the delegation of power to officers to revoke or suspend licences where an issue gives rise to immediate concerns about public safety.

- 5.16 Fit and Proper test (p.21).** There is no statutory definition of what amounts to 'fit and proper' for the purposes of driver licensing but a suggested test is provided for which the threshold is 'the balance of probabilities'.

It clarifies that applicants should not be given the benefit of the doubt and if the panel is only "50/50" as to whether the applicant is 'fit and proper' they should not be given a licence. Included in the Annex are a set of minimum guidelines to inform a convictions policy.

The test is very similar to the one currently adopted by Wyre Council and the timescales and considerations of previous offending behaviour are broadly comparable with Wyre's current convictions policy, although both will be updated to fully reflect the guidance in the policy review.

- 5.17 Driver licensing (p.23).** Authorities should routinely check the DBS update service every 6 months.

Wyre currently aims to use the update service to check drivers annually, but will change this to bi-annually as part of the policy review and put in place measures to suspend licences where these checks are not able to be undertaken.

- 5.18 Safeguarding awareness (p.23).** Authorities should provide safeguarding guidance including how to respond and report concerns and where to get advice. Training should include 'County Lines' drug trafficking awareness.

All licence holders should be proficient in both oral and written English, so that they can understand policies and procedures and be able to converse with passengers.

Wyre implemented a comprehensive CSE training programme for all drivers in 2016. Safeguarding has formed part of the new driver knowledge test since then and county lines awareness was added in 2019. Wyre's test is only available in English.

- 5.19 Vehicle proprietors (p.26).** The guidance suggests that Authorities should require an annual basic disclosure certificate for each proprietor and company director.

Because the Hackney fleet is limited in Wyre, the majority of Hackney Carriage vehicle licences are held by a number of joint proprietors including companies. A requirement for a basic disclosure certificate for each and every proprietor or company director, who is not also a licensed driver, will increase the costs to the trade by £23 for each check, every year, as the update service is not available for basic checks.

Basic disclosures only contain information about 'unspent' convictions and the majority of offences that result in a simple caution (an increasingly common disposal method used by Police when dealing with offenders) are immediately 'spent' so would not appear on a basic check.

At the present time, it is not considered proportionate to place this additional burden on the trade, however the policy review includes a new fit and proper test for proprietors, to address the concerns raised in the guidance.

- 5.20 CCTV in vehicles (p.27).** The guidance suggests that Authorities consult to determine if mandatory CCTV would have a positive or negative net effect on the safety of passengers.

Wyre does not currently mandate CCTV in licensed vehicles, as there is no data to suggest that criminal activity is prevalent within the fleet. The Council will allow proprietors that wish to install it, to do so, as long as the installation meets the relevant legislation and national guidance.

- 5.21 Stretched Limousines (p.28).** Authorities should not exclude these from private hire licensing.

Although Wyre does not currently have any of these vehicles on fleet, it will accept applications and adopted a set of specific standards as part of the 2018 policy review.

5.22 Private Hire Operator’s criminal record checks (p.29). All operators who are not already licensed drivers should be subject to an annual basic DBS check.

Non-driving Operators are currently required to submit a basic DBS with each application for a five year operating licence. This will be changed to annually in the policy review and to further assist decision makers, the Council will also adopt a fit and proper test for Operators.

5.23 Booking and Dispatch staff (p.30). Licensing authorities should make it a condition of an operator’s licence, for a register of all staff who take bookings or dispatch vehicles to be kept. Operators should also require basic DBS checks for these staff.

This is not currently required by Wyre and will be changed in the policy review.

5.24 Record Keeping (p.31). The guidance suggests the minimum information that should be recorded when accepting a booking.

With the exception of the destination, Wyre already specifies these standards, but will update the condition in the policy review to include these elements.

5.25 Passenger carrying vehicles and their drivers (p.31). Authorities should prohibit the use of PSV’s by operators without the express consent of the booker.

This is not currently required by Wyre and will be changed in the policy review.

5.26 Enforcement (p.33). Joint authority agreements between authorities are encouraged.

Wyre has just started early discussions with Blackpool and Fylde Council’s licensing leads to explore this option.

5.27 Suspension and revocation of driver licences (p.33). The guidance clarifies situations in which revocations and suspensions may be used.

Financial and legal implications	
Finance	There are no financial implications directly associated with this report.
Legal	The Department for Transport has indicated that the recommendations contained throughout the document should be implemented unless there is a compelling local reason not to.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Niky Barrett	01253 887236	Niky.barrett@wyre.gov.uk	19 January 2021

List of background papers:		
name of document	date	where available for inspection

List of appendices

Appendix 1 – DfT Statutory Taxi & Private Hire Vehicle Standards