

Licensing and Public Safety Committee

Tuesday, 8th June, 2021, 6.00 pm

Shield Room, Civic Centre, West Paddock, Leyland, PR25 1DH

Agenda

Important information regarding Covid-19

IMPORTANT INFORMATION – MEMBERS

A robust risk assessment has been undertaken to ensure a Covid secure meeting, this includes increased cleaning regimes, one way systems and a socially distanced seating arrangement amongst other measures such as the wearing of face coverings around the building.

These measures will be reviewed regularly in line with current government guidance, but if there are any queries please contact Democratic Services.

IMPORTANT INFORMATION – MEMBERS OF THE PUBLIC

Unfortunately, due to the current situation surrounding COVID19 we are unable to allow members of the public to speak in person at this meeting.

[Members of the public will not be permitted access to the Civic Centre but may watch the proceedings via a YouTube livestream by clicking here.](#)

If you would like to make representations on any of the items below please email Democratic Services, democraticservices@southribble.gov.uk no later than 12pm on Friday 4th June 2021.

- 1 Apologies for Absence**
- 2 Declarations of Interest**

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Member's Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgement of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

Minutes of the Licensing and Public Safety Committee

- 3 Minutes of meeting Tuesday, 8 December 2020 of Licensing and Public Safety Committee** (Pages 3 - 8)

Minutes of the Licensing Panel

- 4 Minutes of meeting Tuesday, 9 February 2021 of Licensing Panel** (Pages 9 - 14)

- 5 Statutory Taxi & Private Hire Vehicle Standards** (Pages 15 - 88)

Report of the Director of Planning and Development attached.

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Licensing and Public Safety Committee Councillors James Flannery (Chair), Renee Blow (Vice-Chair), Jacky Alty, Jane Bell, Julie Buttery, Derek Forrest, Keith Martin, Jacqui Mort, Peter Mullineaux, Alan Ogilvie and John Rainsbury

Forthcoming Meetings

6.00 pm Tuesday, 7 September 2021 - Cross Room, Civic Centre, West Paddock, Leyland, PR25 1DH

MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE

MEETING DATE Tuesday, 8 December 2020

MEMBERS PRESENT: Councillors James Flannery (Chair), Renee Blow (Vice-Chair), Jacky Alty, Jane Bell, Derek Forrest, Cliff Hughes, Keith Martin, Jacqui Mort, Peter Mullineaux and Alan Ogilvie

OFFICERS: Tasneem Safdar (Shared Legal Services Team Leader), Chris Ward (Licensing Officer), Stephanie Fairbrother (Licensing Officer) and Ben Storey (Democratic Services Assistant)

OTHER MEMBERS:

PUBLIC: 0

52 Apologies for Absence

Apologies were received from Councillor Rainsbury.

53 Declarations of Interest

None.

54 Minutes of meeting Tuesday, 10 March 2020 of Licensing and Public Safety Committee

RESOLVED: (Unanimously)

That the minutes of the Licensing and Public Safety Committee held on Tuesday 10 March 2020, be agreed as a correct record for signing by the Chair.

55 Minutes of the Licensing Panel, Thursday 19 November 2020 of Licensing Panel

RESOLVED: (Unanimously)

That the minutes of the Licensing Panel held on Thursday 19 November 2020, be agreed as a correct record for signing by the Chair.

56 National Register of Hackney and Private Hire Vehicles

The committee were asked to consider the outcome of the consultation exercise undertaken. This was to assist in their decision whether to recommend the formal adoption of the proposed policy for National Register of Hackney and Private Hire Vehicle (PHV) Revocations and Refusals Register.

This item was brought before committee at the previous meeting held in March 2020 and whilst it was received positively members requested a consultation be undertaken. The council's Licensing Officer reminded members of how the register would work and the importance of the intelligence it would provide the Licensing Team and other Licensing Teams at other local authorities. The Licensing Officer advised the committee that the proposed policy was received positively as demonstrated by the consultation feedback included in the report and recommended the approval of the policy.

Members were supportive of the proposed changes put forward noting the reassurances having access to this information would provide the Licensing Team in processing applications.

In response to a member enquiry about any liability the Council may have around incorrect entries to the register the Council's legal representative added that as the information included are only basic details which would have been taken from the driver's application form the risk of this is minimised- however the Council may have some liability in this regard, and this would be dependent upon the circumstances.

Both the Licensing Officer and Legal Representative responded to member concerns over access to this information and potential retrospective additions to the register. Information is currently kept for six years as per the Council's retention policy. With regards to access this would be restricted to Licensing Officers- though it was confirmed that drivers could make a subject access request for any information held about themselves.

The Licensing Officer confirmed, following further member enquiries, that applicants that have been refused a license are notified with the reasons by the Licensing Team but where an addition to the register has been added to by a different Local Authority the driver would need to contact that Authority for further details on why their application was refused.

RESOLVED: (Unanimously)

1. The Committee approve the proposal following the consultation outcome.
2. The Committee agree that the report be taken to the next Full Council Meeting, with a recommendation to formally adopt the amended policy.
3. That the report be noted.

57 Modified Vehicles - Consultation Feedback

The Licensing Officer provided an overview of the consultation feedback within the report so members could consider whether to recommend the formal adoption of the proposed changes to the existing policy on modified vehicles.

The consultation had been re-done due to concerns over accessibility of certain technical questions and the internet format used. Questions were simplified and a paper format provided as an alternative option. The Licensing Officer advised that the response was overwhelmingly in support of the proposed changes. If approved vehicles would be tested when a license is first applied for and at the time of any

new modification- this would remove the requirement on additional 6-monthly tests for modified vehicles.

Members raised concerns over the consistency of the testing that would be carried out by either LCC or SRBC to which the Licensing Officer confirmed that there would be a testing criteria that inspections would have to adhere to. In addition the Licensing Officer noted that the test would be the same test already carried out by LCC before they approve any school contracts.

RESOLVED: (Unanimously)

1. The Committee approve the proposal following the consultation outcome.
2. The Committee agree that the report be taken to the next Full Council Meeting, with a recommendation to formally adopt the amended policy.
3. That the report be noted.

58 Update on consultation Re Tint Policy

Members were presented with feedback from a consultation exercise undertaken earlier this year with a choice of three options to consider regarding proposed changes to the existing policy on tinted windows in licensed vehicles.

The options were as followed;

Option 1- Continue to allow 70% transparency vehicles as normal; i.e. no changes to the policy.

Option 2- Reduce the transparency levels of tinted windows to 50% in licensed vehicles without the need for CCTV.

Option 3- To allow a vehicle with tinted windows to be licensed with proposed light transparency of 30% to 49%, on the understanding that an approved CCTV system is installed to the satisfaction of the Council. Any vehicles with less than 30% transparency would not be allowed to be licensed.

The Licensing Officer advised members that they recommended Option 2 be put forward as the preferred option. This provided drivers more flexibility in acquiring a suitable vehicle to meet the proposed policy and ensured the benefits of increased light transparency for passenger visibility and safety were not compromised. In addition it was noted that if members supported Option 3 there would be a significant number of issues to resolve around the implementation of CCTV with associated policy changes governing installation and data management required to ensure met ICO (Information Commissioner Standards) relating to GDPR and DPA.

Following the Licensing Officer's presentation, a minor correction was raised by the Council's Legal Representative. It was noted that on page 23 in the section with the amended policy wording the last sentence should read 'a minimum of 50% light transmission' and not maximum as it reads currently.

Members were in agreement that Option 2 was the preferred choice for the reasons highlighted by the Licensing Officer. There was also a consensus that the logistical difficulties in the implementation of CCTV systems made Option 3 less desirable at

this time. Several members suggested that whilst they supported Option 2 the addition of CCTV could be a useful tool in resolving potential issues or complaints for both drivers and passengers and could be something to consider in the future.

RESOLVED: (Unanimously)

1. The Committee approve option 2 of the proposal following the consultation outcome.
2. The Committee agree that the report be taken to the next Full Council Meeting, with a recommendation to formally adopt the amended policy.
3. That the report be noted.

59 Use of Standing Order 35

The Licensing Officer updated members on the two uses of Standing Order 35.

Firstly, it was deemed reasonable to allow taxi drivers to use medical practitioners that were not their regular GP for driver medicals given the restrictions and limited availability through the pandemic.

Members raised concerns over how Officers could ensure medical practitioners have access to full medical records and another question was asked over relevant data protection issues. The Licensing Officer stated that any medical practitioners would need to sign a declaration to confirm they had seen full records. On the point about data protection the Legal representative confirmed that the individual driver would need to give consent for information to be accessed.

Secondly, the issuing of pavement licenses, (normally administered by the Highway Authority), had also been allowed for District Councils to issue, by legislation on a temporary basis until September 2021.

Members questioned the low number of pavement licenses granted to which the Licensing Officer advised that many businesses already had such a license prior to the pandemic and many other businesses were unfortunately not in a position to open at all. The cost of the pavement license (£100), it was added, was set by central government with grants available to eligible businesses to cover such costs.

RESOLVED: (Unanimously)

That the report and actions taken be noted.

60 Exclusion of Press and Public

RESOLVED: (Unanimously)

Members agreed to exclude press and public for the following item as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

61 Use of Standing Order 35

The Licensing Officer provided the committee with an update of the use of Standing Order 35 in relation to the extension of a license. It was deemed a reasonable request to extend the licence for six months as at the time of the request (June 2020) government guidelines to tackle COVID-19 made replacing the vehicle extremely difficult, due to lockdown and non-essential businesses being closed. The vehicle in question was found to be in a good condition.

Following a member enquiry about any further extensions the Licensing Officer suggested that this was unlikely, but they would consider any requests and review individual circumstances as to why a suitable replacement vehicle could not be obtained.

RESOLVED: (Unanimously)

That the report and actions taken be noted.

Chair

Date

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As a result of the application, all Responsible Authorities were consulted. No representations have been received from Responsible Authorities, however, conditions have been agreed between the Applicant, the Police and Environmental Health Team. All other conditions relating to all other matters not relevant to the application will remain on the licence.

The Council's Licensing Officer explained that six written representations had been received from members of the public opposing the variation of the licence on the basis that if granted it would in their opinion, undermine the Prevention of Public Nuisance and Prevention of Crime and Disorder objectives. The Panel were told that no complaints had been logged with the Police or Environmental Health relating to the concerns which the residents had, since the premises had commenced trading.

The Panel were informed that after receiving the objections, the applicant has decided to withdraw the request to remove the door staff and has stated that he will continue to use door staff as stipulated in his current licence. The applicant provided a response to the concerns raised by the residents as a supplementary document.

The Licensing officer outlined the options available to the panel as stipulated by section 35 of the Act, these being;

- a) To grant the variation as set out in the application
- b) Modify the conditions of the licence
- c) Reject the whole or part of the application

As per the hearing procedure the applicant was requested to outline his application. He stated that the moving of the main door from Fleetwood Street onto Chapel Brow would benefit the residents, as patrons would be using that door after a certain time. Further, that he was moving the smoking area to the front of Chapel Brow. He was making the application to allow his business an opportunity to compete with other pubs, bars and takeaways in the commercial area of Chapel Brow.

The applicant explained that he had only received 1 complaint in the 2 years that he had traded, and this was a complaint about cigarette butts on the opposite side of the road. The complaint was made to the applicant's cleaner. The applicant stated that he is happy to work with the residents and that he had provided his mobile to do so.

The Panel queried the use of the Fleetwood Street door and whether any complaints had been received from the residents. The applicant told the panel that he wanted to be able to use the Fleetwood Street entrance on a Tuesday and Wednesday only as the tv's to allow the watching of football were upstairs and that he had not received any verbal or written complaints and had only received one complaint via his cleaner.

The Panel questioned the applicant around the dispersal policy and the use of the Fleetwood Street entrance as there was a contradiction, the experience and training for door staff and the duty general manager. In response the applicant explained that he uses door staff from a reputable company who are all SIA registered. In terms of the general manager, the applicant is the manager at the premises most days and takes his responsibility very seriously. Prior experience was attained at the Railway for over 9 years which was well managed, and no complaints were received. The applicant was also asked how door staff would ensure capacity is as required in the licence to which he was advised that staff use door clickers and when the premises is full, patrons are turned away.

The first objector asked the applicant to explain the conflict in the paperwork submitted. This was around the dispersal policy which was submitted and had made reference to customers only using the Chapel Brow door to exit premises whereas the condition agreed with Environmental Health allowed the use of the Fleetwood entrance until 22:30 between Mon-Thu, albeit with definite requirements. It was queried how patrons would leave the premises. The objector also queried whether capacity could increase given that the licensed

premises was being extended and the concern was around congregation outside of the premises. The applicant agreed that this could happen, however that he wasn't expecting a mass exodus at closing time. The objector also raised the question as to why the applicant wished to increase the hours on the licence. In response the applicant explained it was to bring his premises in line with other licensed premises in proximity.

The first objector was requested to put forward his objection. He explained that the premises are at the end of the street and therefore near residential properties. The conditions agreed with the Environmental Health Team were welcomed, especially the one relating to patrons not being allowed to congregate on Fleetwood Street, the moving of the main door to Chapel Brow and the fact that the applicant had agreed to continue to have door staff at the premises.

Nevertheless, the objector was disappointed to note that the Fleetwood Street entrance could still be used between Mon-Thu, but he did accept that patrons would drift away from the premises. He asked if there would be an increase in patrons at the premises which could lead to an increase in noise nuisance and therefore the current hours should remain. The objector did state that the applicant is a professional and experienced individual and he could understand why he would wish to maximise income but that this increase in hours would cause an impact on residents.

The Panel asked the first objector if the applicant had contacted residents in respect of the noise limiting device and whether that had been set in agreement with the residents. The objector answered in the negative.

The second objector was requested to set out her representation. The objector asked the applicant about the closing times of the other venues in the area. The applicant explained that the Queens Pub, Weatherspoon's and Bar 55 closed at 1am and the Roundabout bar was licensed until 1.30am. the objector stated that this may be the case but that none of them were at the end of the street. Noise could be heard from the Queens Pub and not only from his premises. Further she explained that has just had a baby and is concerned about the level of noise which will follow as a result of the granting of the variation.

The third objector was asked to set out her objections. She explained that she lived next door to the premises and could hear the noise and it was more than passing traffic. The change of the main door to Chapel Brown only transfers the problem to Chapel Brow. The objector did raise an issue around the proposed development of 6 residential flats on Chapel Brow which will have an impact on those residents. The Legal Advisor explained to the panel that this point could not be considered, as planning and licensing regimes are totally different, and this was a planning consideration.

The Licensing Officer read out the remaining objections before the Chair asked the applicant if he wished to amend his application. He said he had already amended the original application around the removal of door staff. He accepted there were concerns around the use of the Fleetwood entrance, but he didn't think it would be used extensively and it was only to provide some flexibility for his business. He reiterated that he would deal with any issues that residents raised with him.

The Legal Advisor queried the applicant around the discrepancy between the dispersal policy and the use of the Chapel Brow entrance only and the conditions which had been agreed with Environmental Health around the use of the Fleetwood Street entrance. The Legal Advisor questioned whether the dispersal policy would be amended or whether the conditions proposed could be tightened. The applicant explained that he had produced the policy and had concentrated on the weekend when there are large numbers of patrons attending but was willing to amend it to cover the use of the Fleetwood entrance.

The objectors were invited to sum up. The first objector had no further comments to make. However, he did raise an issue on the current licence in respect of the playing of recorded

music outdoors between Wed-Sun and if this could be amended. The Legal Advisor advised the panel that as this was not part of the application, the panel could not consider it during their decision making, but that if noise nuisance became an issue then as a resident there was a right to review the licence.

The second objector wished the applicant luck with his business but that increased capacity would lead to an increase in noise nuisance and this would only be to the detriment of the residents and therefore the increase in timings should not be allowed. The objector explained that she just wished to live in peace and hoped that everything is taken into consideration.

The applicant was invited to sum up. He stated that he had listened to what had been said and was willing to work with residents. In respect of noise, he explained that he had a decibel counter on his phone which he uses often and has taken readings outside the properties and all it ever records is traffic. However, he did take into account what was said by the objectors and would be willing to lower any sound of music.

The Legal Advisor sought to clarify a point raised about noise nuisance. The Legal Advisor explained that a condition was already included in the licence relating to the noise limiter and that this was set by the Environmental Health team.

The hearing was brought to a close and participants were advised that a decision notice would be issued to all the interested parties within 5 working days and any interested party aggrieved by the decision has a right to appeal the matter to the Magistrates Court within 21 days.

In reaching its decision the Panel considered the following:

1. Both Written and Oral Evidence presented in connection with the hearing from all parties
2. The Licensing Act 2003
3. S182 Revised Guidance of the Licensing Act 2003
4. South Ribble Borough Council – Licensing Policy

RESOLVED: (By Majority)

1. It was noted that the residents had raised concerns in respect of crime and disorder and public nuisance, specifically noise nuisance however, no complaints had been lodged with the Applicant (except one via the cleaner) Police or the Environmental Health Team since the opening of the premises two years ago.
2. It was apparent to the Panel that the applicant had a good working relationship with the residents and was open to listen and deal with any concerns that they may have, specifically the fact that he had amended his application and retracted the request to remove door staff. During the meeting, he had also confirmed that was willing to amend the dispersal policy to deal with the Fleetwood Street entrance.
3. No Responsible Authorities had made any representations in respect of the application. The Panel were of the view that significant weight had to be apportioned to this. Responsible Authorities were experts in their field. Furthermore, several agreed conditions which address the licensing objectives, specifically the prevention of public nuisance and the prevention of crime and disorder had been agreed between the Applicant, Police and Environmental Health.
4. The Panel found that the Applicant was an affable, experienced, responsible and reactive person. He appeared to be a responsible Designated Premises Supervisor with previous experience, that took his responsibilities seriously.

5. The Panel noted the views of the residents, especially that the moving of the main entrance door to Chapel Brow from Fleetwood Street was welcomed. Further, that the residents had also welcomed the conditions agreed between the applicant and the Environmental Health and Police in respect of the restricting the use and congregation of patrons at the Fleetwood Street entrance. The Panel recalled that the applicant had also stipulated that the smoking area would now be at the front of Chapel Brow rather than on Fleetwood Street, and this should lessen any noise whilst patrons leave to smoke.
6. There was also discussion around capacity and the Panel noted that the parties had mentioned that they anticipated that there would be an increase in capacity. However, the application had not requested the panel to consider an increase in capacity and the condition in respect of capacity shall remain as is, i.e. this will still be limited to 120 patrons at any one time.
7. The Panel noted that the Applicant had originally requested an extension of time by one hour in respect of opening of the premises and supply of alcohol, but after discussions with the Police and Licensing Authority he had agreed to reduce the times for the supply of alcohol by 15 minutes to allow for a drink up time and safe dispersal of customers from the premises.
8. There was some discussion of bringing the hours in line with other businesses in the area. There are other venues in close proximity to Indigo with longer hours allowed for trading, however, the Panel's view was that each application had to be dealt with on its own merits. It was a balancing exercise for the Panel in considering the application and the concerns of the residents. The Panel did not want to stifle business especially when there had been no complaints lodged with the Applicant or any Responsible Authority in the last 2 years. The Panel noted that if there were any issues which undermined the licensing objectives in the future, the residents did have the option to review the premises. Furthermore, the Panel wished to remind the residents that if there were any issues these should be lodged with the relevant authorities.
9. In the circumstances, the Panel decided by majority, to grant the amended variation application in respect of the premises. This is as follows: -
 - a) To allow the change of planned licensable area to incorporate the premises below formally licensed as the Curious Café, creating a two-level premise.
 - b) Permitted Licensable hours for the supply of alcohol
 - Sunday to Thursday: - 11am until 23:45 pm
 - Friday and Saturday 11am until 00:45 am
 - c) Hours premises open to the public
 - Sunday to Thursday: - 11am until 00:00
 - Friday and Saturday: - 11am until 01:00 am
 - d) Change the main public access to the premises from Fleetwood Street to Chapel Brow, subject to the following conditions: -
 - i) *The entrance door onto Fleetwood Street may only be used for access and egress into the premises in the following circumstances:*

- a) *for private functions hiring the entirety of the upper floor. When in use the door onto Fleetwood Street must only be used for access and egress and must not be used after 19.30 (even if a function is in progress) except for emergency use only*
- b) *for public customers access and egress to the upstairs area Monday to Thursday until 10.30.pm, providing that the downstairs bar is closed throughout the whole period. After 10:30 pm, the Chapel Brow entrance will have to be used for access or egress. Should the downstairs area be open the side door cannot be used unless for purposes set out in clause 1.(a) above.*
- ii) *The door onto Fleetwood Street shall be kept closed at all times during opening hours except for emergency use or for access and egress during the permitted hours in Para. 1.*
- iii) *Patrons and staff of the premises shall not be allowed to congregate outside the doorway onto Fleetwood Street at any time. Any patrons or staff wishing to smoke will have to do so outside the Chapel Brow entrance.*
- iv) *There shall be no public access through the back door or yard except in an emergency.*
- e) The written dispersal policy to be amended to ensure there are no discrepancies with the above conditions and is adhered to.
10. The Panel were of the view that the agreed and imposed conditions would address the issues raised and promote the licensing objectives. The Panel felt that after careful consideration of the case before them, an appropriate and proportionate decision had been reached.
11. All parties to the hearing, have a right to appeal the decision to the Magistrates Court within 21 days.

Chair

Date

Agenda Item 5

Report to	On
Licensing and Public Safety Committee	Tuesday, 8 June 2021



Title	Report of
Statutory Taxi & Private Hire Vehicle Standards	Director of Planning and Development

Is this report confidential?	No
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Purpose of the Report

1. To inform members of the Licensing and Public Safety Committee, about the recently published 'Statutory Taxi & Private Hire Vehicle Standards' issued by the Department for Transport (DfT).

Recommendations

2. To note the contents of the report.
3. To consider the proposed changes to the SRBC Taxi Licensing Policy in line with the recommendations from the Department for Transport - Statutory Taxi & Private Hire Vehicle Standards.
4. To agree that the licensing section undertake a consultation exercise with stakeholders on the proposed changes to the Taxi Licensing Policy..
5. To agree to receive a report on the outcome of the consultation exercise at a future meeting.

Reasons for recommendations

6. The Department for Transport has recently published guidance under section 177 of the Policing and Crime Act 2017 entitled "Statutory Taxi & Private Hire Standards."
7. South Ribble Borough Council as Licensing Authority, which has licensing functions under taxi and private hire vehicle legislation, has a legal duty to have regard to this guidance.

Other options considered and rejected

8. There are no other options it is a statutory requirement. The DfT makes it very clear, that licensing authorities must follow this guidance.

Corporate outcomes

9. The report relates to the following corporate priorities:

An exemplary council	x	Thriving communities	X
A fair local economy that works for everyone		Good homes, green spaces, healthy places	

Background to the report

10. Section 177 of The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services.
11. The Statutory Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the DfT Best Practice Guidance.
12. The focus in these standards is on protecting children and vulnerable adults, but all passengers will benefit from the recommendations in the report.
13. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector across all local authorities.
14. The Standards contains a number of recommendations regarding matters connected to taxi and private hire licensing functions including:
 - Criminality checks for licence holders
 - Working with the Police
 - Sharing information with other licensing authorities
 - Dealing with complaints about drivers and operators
 - Training for Members
 - Criminal convictions and rehabilitation of offenders
 - Safeguarding awareness advice, guidance and training for drivers
 - Language proficiency
 - CCTV in licensed vehicles
 - Regulation of booking and dispatch staff
 - Record keeping

Changes required within the SRBC Taxi Licensing Policy.

15. Within the Statutory Standards guidance document attached to this report as Background document 1, The introduction to the Standards states that the Department for Transport “expects these recommendations to be implemented unless there is a compelling local reason not to.”
16. The Statutory Standards recommends that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire licensing, including the relevance of convictions, a ‘fit and proper person’ test, licence conditions and vehicle standards. The SRBC Taxi Licensing Policy has been in place since 2016. It is available for public inspection via the council’s website.

17. Since the SRBC Taxi Licensing Policy was first adopted by this committee in 2016, various changes and amendments have already been made. With the hard work of officers and members over the last 5 years, the SRBC Taxi Licensing Policy is recognised as a robust policy. Nevertheless, some changes are required to bring the policy up to the statutory standards set by the DfT. It should be noted with satisfaction that the authority's current taxi licensing policy overall is broadly compliant with the majority of the DfT recommendations.
18. Officers have studied the statutory standards document and identified the following changes, to be made within the authority's taxi licensing policy, from the DfT statutory standards that are required as below;

Formalisation and adoption of a clear whistleblowing policy, covering the Licensed Taxi Trade.

19. The Statutory Standards refer to the licensing authority having a robust whistleblowing policy, for staff employed at the authority, so that effective internal procedures are in place for staff to raise concerns about the application of the licensing authority's policies and for any concerns to be dealt with openly and fairly. The Council already has such a policy in place which can be found at:-
<https://www.southribble.gov.uk/whistleblowing?action=Print&model=%231227+-+%27Whistleblowing+policy%27%3A+document>

The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct.

The Licensing section is of the view that a "whistleblowing policy" should also be available to cover the licensed trade, so that if they see anything at work they can report it to the Licensing team confidentially. Please see attached appendix 1 to this report for the details of proposed whistleblowing policy wording. Once consulted upon and agreed a section will be made within the taxi licensing page within the council's own website, for drivers to report allegations of illegalities or wrong doings in the taxi/private hire trades regulated by South Ribble Borough Council Licensing.

The Disclosure and Barring Service

20. The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults.

The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.

The statutory standards requires licensing authorities to perform update service checks every 6 months. Currently the SRBC Taxi Licensing Policy has no time scales that checks should be performed, but officers written procedures, requires officers to perform these checks every 12 months on its licenced drivers' records.

The Statutory guidance states that 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.

The taxi licensing policy states that drivers should complete a declaration of convictions every 12 months. To stop any confusion for drivers this statement has been removed out of the proposed policy as drivers are required to report any convictions received anyway within 48 hours. The proposed policy will also amend a part of the conviction policy to allow it to comply with the Statutory Guidance.

The wording in the policy requires to be changed to meet these requirements and can be found attached to this report as Appendix 2.

Referrals to the Disclosure and Barring Service (DBS)

21. The statutory standards state that *“referrals to the Disclosure and Barring Service and the Police In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS.”*

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.

The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role.

The statutory standards recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the ‘harm test’ ; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list. These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is available

Please see attached appendix 2, proposed new wording to be added to section 5.5 of the taxi licensing policy regarding DBS checks.

CSE Training - County Lines Framework

22. The current policy states that the type required training is in the form of the online / e-learning training course on Child Sexual Exploitation (2017) run by the Lancashire Safeguarding Children’s Board.

This training has now been discontinued by Lancashire County Council, and officers have struggled to find an alternative course, that is either to the same standard or isn’t too onerous for the level of taxi drivers.

Officers have created an alternative training package that is to be used as a temporary fix until an alternative package is found, but this is not an online/ eLearning package, so does not fully comply with the current policy wording.

This training package contains all the relevant sections that the training provided by Lancashire Safeguarding Children's Board to an equivalent standard.

Please see attached new policy wording attached to this report as Appendix 3, to accommodate the change to the type of training package currently available.

The Statutory Standards recommend that the licensing authority provide safeguarding advice, guidance and training to drivers which includes 'County Lines' exploitation. Officers have now added the county lines framework to our Driver CSE safeguarding awareness training. This includes further training on such topics as;

- Children and young people travelling in taxis or private hire vehicles alone;
- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

Conviction Policy Amendments.

23. The Statutory standards recommends to licensing authorities within the annex on page 35 of background document 1, on the assessment of previous convictions in the determination of the suitability of taxi and private hire vehicle licensees.

Officers have compared the recommended timescales for each offence to that within this authorities Taxi Licensing policy, whilst broadly compliant, the DfT Recommendations do recommend for some offences a longer period that should elapse after the completion of the sentence imposed:

The following changes are required to the taxi licensing policy, the change to policy wording can be found within Appendix 4 titled "convictions policy amendments".

- a) **Possession of a weapon** - Increase from 3 years to 7 Years
- b) **Drink driving** – Increase from 5 years to 7 years
- c) **Using mobile phone whilst driving** – Increase from intermediate offence to major traffic offence
- d) **Dishonesty** – Increase from 5 years to 7 years
- e) **Exploitation**- Wording added to Policy
- f) **Discrimination** – Wording added to policy

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.

Fit and proper Test

24. 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' person to be a licensed driver.

Since 2016 the taxi licensing policy has used a fit and proper assessment of our licenced drivers both before licenses are issued and for current licenced drivers.

The DFT Statutory standard proposes a slightly different wording for the assessment of drivers to be “fit and Proper”. These changes can be found within appendix 5 attached to this report.

Expedited process- to be added in policy reflecting badge to be issued for remaining life of licence, for a driver after a successful appeal.

25. Following a revocation of a licence, a driver may choose to appeal the decision of the licensing authority to a court of law, which may result in the decision being overturned.

The statutory guidance states that a licensing authority should have an expedited process within its taxi licensing policy, reflecting reissuing the licence for remaining life of licence , for a driver after a successful appeal.

New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If the licence was revoked, an expedited re-licensing process used.

The Following Wording is proposed to be added to be added to SRBC Taxi Licensing Policy:

In cases where a driver has successfully won an appeal challenge against a revocation of their Licence through the court procedure and is entitled to drive. The Council will expedite reissuing of the badge for the remaining life of Licence before revocation.

CCTV Policy

26. The Statutory standards state in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller.

It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner’s view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

This Licensing Authority recently consulted the trade on the issue of CCTV in licensed vehicles. The consultation responses were provided to this committee and a decision was made not to currently mandate the use of CCTV.

In light of the statutory standards and guidance issued by the ICO on how data controllers can ensure compliance, officers propose to adopt the draft “Taxi CCTV Policy” attached to this report as appendix 6.

Although this doesn’t change the way CCTV can be used by our licenced drivers it does give clear indication of who is the data controller and who is the data processor, with the following set out requirements.

- The vehicle proprietor must be registered with the Information Commissioner’s Office and be able to evidence continuous registration throughout the lifetime of the licence.
- The system must not be used to record conversations between members of the public.
- Clearly visible and readable signage advising of the system and the Data Controller’s contact details, including ICO registration number, must be displayed in the vehicle.
- Data must be stored securely and only shared when lawful. .

The Taxi licensing policy will require the below changes to wording;

Current Policy Wording

6.13 CCTV

The Council recommends the use of CCTV systems in vehicles for the safety of both the driver and passenger.

CCTV or any other image recording device may be used within a Hackney Carriage subject to the Council being given prior notification of the installation.

CCTV systems must comply with the current data protection requirements as directed by the Information Commissioner.

Where CCTV is installed in a vehicle, there must be a minimum of 2 signs which are clearly visible to passengers, advising them of the presence of CCTV.

CCTV systems must be capable of storing image/audio files in a manner which prevents them being downloaded or viewed by the driver or any other person travelling in the vehicle.

The storage device must be encrypted, and image/audio files may only be downloaded by an authorised officer of the Council or a Police Constable.

The CCTV system supplier shall furnish the Council with de-encryption software at no cost to the Council, along with a lifetime licence for the use of such software as may be required.

Proposed Wording

6.13 CCTV

The Council has adopted a specific and distinct Hackney and Private Hire Vehicle CCTV Policy. Please refer to this document for details of the Council’s approach to the use of CCTV within licenced vehicles by this authority.

Medical Fitness Policy

27. Within the current taxi licensing policy, officers have found a contradiction in the wording between the wording in section “5.6 Medical Fitness” and that within the actual medical form.

The taxi licensing policy states that “Medical certificates completed by the driver’s own GP are required on first application and then every five years until the driver reaches the age of 65 and thereafter every year.

Whereas the Group 2 Medical Examination Report Form found on page 39 of the taxi licensing policy states - This form is to be completed by the applicant’s own General Practitioner (GP) **or any other doctor with FULL ACCESS to applicant’s medical records** and is for the confidential use of the Licensing Authority.

With changes to technology and medical records now being digitally recorded, drivers medical records can be accessed by any registered General Practitioner, not just the drivers own.

Drivers often struggle to obtain appointments with their own GP and officers feel providing the drivers previous medical records are accessed, any GP can perform the medical examination. (as per the statement within the medical form).

Officers proposed to change the policy wording to match that currently within the Group 2 Medical Examination Report Form. The new proposed wording can be found attached to this report as Appendix 7.

To create a consultation document highlighting who has taken part in the consultation.

28. Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Currently when significant changes are made, the licensing authority consults the trade and various stakeholders. The consultation is also placed on the council’s website, so such consultation includes not only the taxi and private hire vehicle trades, but also groups likely to be the trades’ customers.

Although this is not a policy change, officers thought it necessary to update members of the proposed consultation document to be used going forward. Please find attached to this report as appendix 8, a proforma document to record who has been consulted, when they have been consulted, and they type of consultation being carried out to be used on all consultations going forward.

29. In all other respects, the current SRBC Taxi Licensing Policy is at least equal to and in some areas actually exceeds the expectations of the Statutory Standards.

Equality and diversity

30. none

Air quality implications

31. none

Comments of the Statutory Finance Officer

32. There are no direct financial implication to the Council as a result of these proposed changes.

Comments of the Monitoring Officer

33. Licensing authorities are under a legal duty, under section 177 of the Policing and Crime Act 2017, to have regard to the statutory standards. Local authorities are required to consult relevant bodies/trade when significant changes are being made to policy.

Background documents

Background Document 1 - Statutory Taxi & Private Hire Vehicle Standards

Appendices

Appendix 1 - Whistle blowing policy

Appendix 2 - DBS Policy Wording

Appendix 3 - CSE Policy Wording

Appendix 4 - Conviction Policy Wording

Appendix 5 - Fit and Proper Person Test

Appendix 6 - CCTV Policy

Appendix 7 - Medical Examination Policy Wording

Appendix 8 - Consultation Proforma

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Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards 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.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document 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.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 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. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 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 that 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.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 3.12 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 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. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 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.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 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

- 4.12 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. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **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.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, 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. **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.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **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.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 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.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 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
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 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

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. 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.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 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' person 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?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 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.
- 6.2 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.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **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.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 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 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.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 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.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore 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

7.2 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.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 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 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.

7.9 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.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators 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 driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 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.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **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.**
- 8.9 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. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 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. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire 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 private hire 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.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 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. 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.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorises 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. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 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. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of 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.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

Whistleblowing proposed policy wording.

This relates to the reporting of allegations of illegalities or wrong doings in the taxi/private hire trades regulated by South Ribble Borough Council Licensing.

Such reports may be considered as “whistleblowing” and there exists legislation to protect such individuals in certain circumstances. You will be considered a whistleblower if you’re a worker and you report certain types of wrongdoing, so as an employed Private Hire driver for example. This will usually be something you’ve seen at work.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

Private Hire and Hackney Carriage Drivers or others in the taxi trade can raise any concerns with South Ribble Borough Council directly. Any information will be treated confidentially, taken seriously, and appropriately investigated.

A taxi driver or other person employed in the Taxi/Private Hire trade may choose to contact South Ribble Borough Council Licensing anonymously by submitting evidence, along with any other relevant details. In these cases, a reporter may lose their whistleblowing law rights.

As such we would encourage any person aware of wrong doings in the taxi trade occurring in South Ribble to report the matter to South Ribble Licensing with their full details to enable officers to ask for further information and attain the best evidence possible. Reporters will not have a say in how the concern is dealt with but can be kept updated as far as confidentiality rules allow. In these circumstances where the reporter makes it clear at the outset, that they do not want anyone else to know it was them who raised the concern, then reports will be treated confidentially, and we will do all we can to ensure details of the reporter will not be released.

Employed individuals might be able to benefit from the protections in whistleblowing legislation depending on their status and way of working. If an individual is unsure if they are protected, independent advice should be sought, for example from Citizens’ Advice. More information is available on the [Government’s website](#).

An employer may also have a whistleblowing policy and in this case any person with a concern to raise should also review their policy in deciding a course of action. South Ribble Borough Council Licensing do not require Private Hire Operators to have a specific policy on whistleblowing, but we do encourage the adoption of such policies. Larger organisations are likely to have a policy covering whistleblowing in relation to their employees.

In all cases if a crime is being or has been committed, drivers and others should report this to the Police either by calling 999/101 or making a report after the event to Lancashire Police

Where employees of South Ribble Borough Council have any concerns about the legal and correct application of legislation or policy in respect of regulating the taxi trade or generally about the licensing function South Ribble Borough Council has an internal confidential reporting policy available to enable confidential reporting, investigation and response.

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Previous/current wording;

5.5 Disclosure and Barring Service Checks (DBS)

Applicants for a hackney carriage or private hire driver licence are required to provide a DBS enhanced disclosure certificate. This certificate must be applied for via the Council as certificates obtained through other organisations will not be accepted. Once a certificate has been received it will only be valid for a period of three months. If the application has not been completed within that timeframe a new DBS certificate must be applied for.

The Rehabilitation of Offenders Act 1974 does not apply to hackney carriage or private hire drivers. This means that applicants are required to disclose all convictions, cautions and motoring offences including those that would normally be regarded as spent.

All drivers are required to submit an annual declaration of convictions. Failure to do so will result in a referral to the next scheduled General Licensing Committee.

The Council requires those drivers it issues three year badges to sign up to the DBS updating service and consent to the Council checking with the DBS as to whether there has been any changes to their status since the last disclosure certificate was issued. This will negate the need to complete an annual declaration but not the need to inform the Council of any new convictions where appropriate. Licence holders are expected to maintain this registration throughout the duration of their licence. Where there is evidence of criminal convictions, cautions or motoring convictions, the application will be referred to the General Licensing Committee in line with the Council's Policy on convictions, cautions and complaints which can be found at Appendix 1.

Any applicant who has lived outside the UK within the last 10 years will be required to produce a Certificate of Conduct, translated into English, from each of the Countries that they have lived in within that period.

New Proposed Wording;

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Previous/Current wording;

4.4 Existing holders of driver's licences are required to notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the Council within 2 working days of their arrest of any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal application.

Proposed wording ;

4.4 Existing holders of driver's licences are required to notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the Council within 2 working days of their **arrest and release, charge or conviction of any matter relating to any sexual offence, any offence involving dishonesty or violence and any motoring offence**. To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal application

DBS Check every 6 months

Officers are required to check the status of a certificate online, with the drivers consent, every 6 months.

Drivers should be able to evidence continuous registration with the DBS update service to enable the Council to routinely check for new information every 6 months. Drivers that do not subscribe to the update service will still be subject to a check every 6 months, by way of requiring a new DBS, which may lead to delays and suspension of the licence until a new DBS has been received.

Where there is evidence of criminal convictions, cautions or motoring convictions, the application will be referred to the General Licensing Committee in line with the Council's Policy on convictions, cautions and complaints which can be found at Appendix 1.

Any applicant who has lived outside the UK within the last 10 years will be required to produce a Certificate of Conduct, translated into English, from each of the Countries that they have lived in within that period.

Referrals to the Disclosure and Barring Service (DBS)

SRBC Licensing Authority will make a referral to DBS, where a decision is taken to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult.

SRBC Licensing Authority will make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;*
- an individual has satisfied the 'harm test' ; or*
- received a caution or conviction for a relevant offence and;*
- the person they are referring is, has or might in future be working in regulated activity;*

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Previous Policy Wording;

5.9 Safeguarding and Child Sexual Exploitation (CSE) training

Licensed drivers are an integral part of modern life and as such play an important role in providing a safe means of transport to all members of society. Their role within our communities places them in direct daily contact with some of the most vulnerable members of our society and as such licensed drivers are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable. Drivers can be vulnerable and need to know how to protect themselves.

*For this reason the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training to enable them to recognise the signs and report suspicious behaviour appropriately as well as identify ways in which they can protect themselves. **This training is in the form of the online / e-learning training course on Child Sexual Exploitation (2017) run by the Lancashire Safeguarding Children's Board. (In the event that this course should be discontinued, applicants / drivers will be directed towards a replacement course which the Council considers appropriate).***

Any new applicant for a Hackney Carriage / Private Hire Driver's Licence will be required to provide proof of successful completion of the above online / e-learning training course as part of their application process. Evidence of successful completion of other courses will not be accepted.

Existing licence holders must also provide proof of successful completion of the above course before their licence is renewed (ie every 3 years). In either instance, any documentation provided as evidence of successful completion must be dated within a 3 month period prior to the date on which a new application or application for renewal was made.

Any current holder of Hackney Carriage or Private Hire Driver's Licence who has failed to attend a training course (on Safeguarding or any other matter) when obliged to do so by the Licensing Authority will be given a reasonable period (of up to 3 months) to complete the training course to the Council's satisfaction. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation, the licence may then be suspended or revoked. The cost of such training will be borne by the licence holder.

New Proposed Policy Wording;

Licensed drivers are an integral part of modern life and as such play an important role in providing a safe means of transport to all members of society. Their role within our communities places them in direct daily contact with some of the most vulnerable members of our society and as such licensed drivers are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable. Drivers can be vulnerable and need to know how to protect themselves.

*For this reason the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training to enable them to recognise the signs and report suspicious behaviour appropriately as well as identify ways in which they can protect themselves. **This training is in the form of an online / e-learning training course or an approved course by the Licensing Authority on Child Sexual Exploitation.***

Any new applicant for a Hackney Carriage / Private Hire Driver's Licence will be required to provide proof of successful completion of the above training course as part of their application process. Evidence of successful completion of other courses will not be accepted.

Existing licence holders must also provide proof of successful completion of the above course before their licence is renewed (ie every 3 years). In either instance, any documentation provided as evidence of successful completion must be dated within a 3 month period prior to the date on which a new application or application for renewal was made.

Any current holder of Hackney Carriage or Private Hire Driver's Licence who has failed to attend a training course (on Safeguarding or any other matter) when obliged to do so by the Licensing Authority will be given a reasonable period (of up to 3 months) to complete the training course to the Council's satisfaction. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation, the licence may then be suspended or revoked. The cost of such training will be borne by the licence holder.

Convictions Policy amendments

A) Possession of a weapon, to increase from 3 years to 7 years.

Our current Policy states;

7.2 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

*Depending on the circumstances of the offence at least **3 years** must have passed since the completion of the sentence, before the licence is granted.*

Proposed wording to be amended & updated too;

7.2 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public, and a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

B) Drink Driving – to increase from 5 years to 7 years.

Our Current Policy states:-

*10.2 As licence holders are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least **5 years** after the restoration of the driving licence following a drink driving conviction should elapse before an application will be granted. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be granted.*

Proposed wording to be amended & updated to;

*10.2 As licence holders are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least **7 years** after the restoration of the driving licence following a drink driving conviction **/driving under the influence/being unfit through drugs conviction** should elapse before an application will be granted. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided, before the application can be granted.*

Our current Policy states;

*12.3 Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has elapsed from the date of restoration of the DVLA licence, **5 years** where the disqualification relates to driving whilst under the influence/being unfit through drink or drugs.*

Our current Policy states;

*12.7 Where any of the offences which contribute to the totting up disqualification are classed as a “major” traffic offence an application will normally be refused unless a period of 3 years free from conviction has elapsed from the date of restoration of the DVLA licence, **5 years where the disqualification relates to driving whilst under the influence/being unfit through drink or drugs***

Proposed wording to be amended & updated too;

*12.3 Where any of the offences which contribute to the totting up disqualification are classed as a “major” traffic offence an application will normally be refused unless a period of 3 years free from conviction has elapsed from the date of restoration of the DVLA licence, **7 years where the disqualification relates to driving whilst under the influence/being unfit through drink or drugs***

Proposed wording to be amended & updated too;

*12.7 Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has elapsed from the date of restoration of the DVLA licence, **7 years** where the disqualification relates to driving whilst under the influence/being unfit through drink or drugs.*

C) Using mobile phone whilst driving - 12.5 Intermediate traffic offences

Proposal to move CU80 Using mobile phone whilst driving from 12.5 “Intermediate traffic offences” to 12.4 “major traffic offences”

D) Dishonesty, to increase from 5 years to 7 years.

Our current Policy states;

*9.2 In general, a minimum period of 5 years free of conviction or at least **5 years** have passed since the completion of the sentence (whichever is longer) should be required before granting a licence. :*

Proposed wording to be amended & updated too;

9.2 In general, a minimum period of 5 years free of conviction or at least **7 years** have passed since the completion of the sentence (whichever is longer) should be required before granting a licence.

New Proposed Sections to be added to the policy

E) Exploitation to be added to the policy

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

F) Discrimination to be added to the policy

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

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Fit and Proper Person Test – appears twice in Policy;

- (i) Convictions Policy 1.6, page 26**
- (ii) Taxi Licensing Policy 5.1, page 5**

Convictions Policy 1.6 Fit and Proper Person Test, wording of statement to be amended only.

Our current Policy states;

The term “fit and proper person” for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences/applications are effectively asking the following question of themselves:

“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

If the answer to the question is an unqualified “yes”, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision then further consideration should be given as to whether a licence should be granted to that person.

Proposed wording to be amended & updated too;

The term “fit and proper person” for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences/applications are effectively asking the following question of themselves:

“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 the answer to the question is an unqualified “yes”, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision then further consideration should be given as to whether a licence should be granted to that person.

5.1 Fit and Proper Person Test, wording of statement to be amended only.

Our current Policy states;

Licensed drivers are in a position of trust transporting the young and vulnerable at all times of the day and night. The legislation requires that licences can only be granted if the Council is satisfied that the applicant is a fit and proper person. Whilst there is no legal definition, decisions from Courts over the years have come to the conclusion that the Council is effectively asking the following question:

“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

Proposed wording to be amended & updated too;

Licensed drivers are in a position of trust transporting the young and vulnerable at all times of the day and night. The legislation requires that licences can only be granted if the Council is satisfied that the applicant is a fit and proper person. Whilst there is no legal definition, decisions from Courts over the years have come to the conclusion that the Council is effectively asking 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?”



SRBC TAXI CCTV POLICY

Scope

South Ribble Borough Council licensed Hackney Carriages and Private Hire Vehicles are referred to collectively as 'taxis' in this policy.

This policy relates to surveillance cameras, also known as Closed Circuit Television (CCTV), in taxis.

Proprietors of taxis licensed by South Ribble Borough Council will be permitted to voluntarily install CCTV, upon approval of this policy and subject to adherence with this policy throughout the duration of the proprietors licence.

Licence holders are advised that school transport contracts may preclude the installation of CCTV in their vehicle.

Purpose

The policy's purpose is to facilitate the use of surveillance cameras in taxis, to protect drivers and passengers, whilst ensuring licence holders respect passenger privacy.

This protection is intended to come from:

- Visible surveillance cameras deterring individuals from committing a crime through the knowledge that evidence of it will be recorded.
- Occupants of the vehicle feeling reassured that crimes, as well as malicious complaints against drivers, are less likely to occur in an environment protected by surveillance cameras.
- Informing investigations by the Council and police.

The absence of CCTV in a taxi does not indicate that the owner of the vehicle has failed to pay attention to passenger or driver safety.

Legality

The Department for Transport's '[Statutory taxi and private hire vehicle standards](#)' recommended consulting on CCTV. The ICO and Surveillance Commissioner have given the [strongest possible advice](#) that mandatory CCTV is very difficult for licensing authorities to justify.

The outcome of the Council's consultation on CCTV in taxis indicated that a mandatory requirement for CCTV would not be proportionate. As such, CCTV is not required by the Licensing Service, however this policy outlines the requirements for those wishing to voluntarily install CCTV.

This policy has been produced in consideration of The Data Protection Act (2018),

General Data Protection Regulations (GDPR) and Article 8 of the European Convention on Human Rights. The policy has regard to The Local Government Association's '[Developing an approach to mandatory CCTV in taxis and PHVs](#)'.

Data recorded by any CCTV system must be handled in accordance with The Data Protection Act and GDPR. The Information Commissioner's Office (ICO) is the UK regulator for all matters relating to the use of personal data.

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the driver's view of the road through the windscreen.

Compliance, Regulation and Complaints

The Surveillance Camera Commissioner (SCC) works to encourage compliance with the '[Surveillance camera code of practice](#)'. Licence holders should follow the Surveillance Camera Commissioner's '[Passport to Compliance](#)' to plan, implement and operate a system which complies with the Surveillance Camera Code of Practice. Licence holders are also recommended to obtain [third party certification with the Surveillance Camera Commissioner](#).

The Information Commissioner's Office (ICO) is the regulatory body responsible for enforcing compliance with privacy and data protection legislation. Licence holders should have regard to the Information Commissioner's Office Code of Practice, '[In the picture: A data protection code of practice for surveillance cameras and personal information](#)'.

If a passenger wants to request CCTV footage relating to them, they should make a Subject Access Request (SAR) to the Data Controller detailed on the signage in the vehicle. Signage is covered in greater detail in this document, under the section 'Signage and Advising of CCTV'. Information on how to make a valid SAR is available at <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>

If a passenger has an issue with their taxi journey relating to the use of CCTV they should contact the Data Controller, in the first instance, using the details displayed on the CCTV signage within the vehicle.

If the Data Controller fails to resolve the issue, the complainant may escalate this to the ICO at <https://ico.org.uk/make-a-complaint/>

ICO Registration as Data Controller

The ICO defines a 'data controller' as the individual or organisation which has ultimate responsibility for how personal data is collected and processed.

For the purpose of the installation and operation of in-vehicle CCTV, the data controller is the vehicle licence holder. The licence holder must be registered with the [Information Commissioner's Office](#) and be able to evidence continuous registration throughout the lifetime of the licence.

Registration with the Information Commissioner's Office requires renewal on an annual basis, and payment of the appropriate fee.

Data Processors

A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. Where a service provider is authorised for the remote storage and/or management of CCTV data, they will act as a 'data processor'.

There must be a formal written contract between the data controller and data processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Audio Recording

CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible. However, if the system comes equipped with sound recording facility then this functionality should be disabled.

There is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:

Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

Signage and Advising of CCTV

Any vehicle fitted with CCTV must display a minimum of 2 signs which are clearly visible and readable to passengers, advising them of the presence of CCTV. This signage must be displayed so as to minimise obstruction but must be visible before and after entering the vehicle.

The signage must contain:

- The purpose for using the surveillance system, "in the interests of public safety, crime detection and crime prevention".
- The name and contact number of the Data Controller, which should be the vehicle licence holder. **South Ribble Borough Council is not the Data Controller.**
- The Data Controller's ICO Registration Number.

Signage will be available to purchase from Licensing Services. If signage is lost or removed, new signage must be installed prior to any licensable activities being undertaken.

The driver should verbally advise that CCTV is in operation where necessary e.g. where people may have visual impairments and/or hearing difficulties.

Storage of Data

Data must be handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

CCTV footage must be encrypted to prevent unauthorised access. Data should be deleted after 31 days, unless it has been legitimately shared, in which case it should be deleted when appropriate on the conclusion of the request.

Digital screens within the vehicle for the purposes of viewing footage are prohibited.

Sharing Data

The licence holder must comply with valid information requests, in consideration of The Data Protection Act (2018) and General Data Protection Regulations (GDPR). Data must be shared securely and requests must be fulfilled without charge. Data must only be shared where there is a valid lawful reason, for example:

- a) where a crime report has been made involving the specific vehicle and the Police have formally requested that data.
- b) when a substantive complaint has been made to the licensing authority regarding a specific vehicle / driver and that complaint is evidenced in writing (and cannot be resolved in any other way).
- c) where a Data request is received from an applicant e.g. police or social services, that has a legal basis to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver.
- d) a Subject Access Request (SAR) compliant with the GDPR. The DPA gives individuals the right to see information held about them, including CCTV images of them. More information on the Data Controller's responsibilities relating to SARs is available at <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>

This list is not exhaustive; it is the responsibility of the Data Controller to consider the lawfulness of requests to share information in line with UK Data Protection Law.

The uploading of footage to social media does not have a lawful basis and it is expressly prohibited. This includes, by way of examples, but is not limited to: YouTube, WhatsApp, Instagram, TikTok, Facebook and Twitter. Where licence holders' have shared footage unlawfully, they will be liable to criminal prosecution.

Unlawful sharing is a breach of UK Data Protection law and is considered a breach of policy.

Breaches of Policy

It is proposed that the following condition be added to vehicle licence conditions and byelaws, after the licence holder's CCTV system has been inspected by Licensing Services,

“The holder of this licence must comply with the Council's 'Taxi CCTV Policy'.”

Failure to comply with this policy may result in the vehicle licence being reviewed.

Summary of CCTV Requirements

1. The vehicle proprietor must be registered with the [Information Commissioner's Office](#) and be able to evidence continuous registration throughout the lifetime of the licence.
2. must not be used to record conversations between members of the public.
3. Clearly visible and readable signage advising of the system and the Data Controller's contact details, including ICO registration number, must be displayed in the vehicle.
4. Data must be stored securely and only shared when lawful.

A vehicle licence may be refused, suspended or revoked where the CCTV system does not comply with this policy, or on any other reasonable grounds.

5.6 Medical Fitness

Current Policy Wording

The Council recognises that licensed drivers should meet more stringent medical standards than is expected of people who drive a vehicle for social, domestic, and pleasure purposes. Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end the Council requires all licensed drivers to meet the Group II standard used by DVLA when licensing public service vehicle drivers. The Council's current medical form is attached at Appendix 2.

Medical certificates completed by the driver's own GP are required on first application and then every five years until the driver reaches the age of 65 and thereafter every year. All licensed drivers are required to inform the Council within 7 days of any change to their health which could impact on their suitability to continue to drive a licensed vehicle. Where there is doubt as to the medical fitness of a licensed driver, including circumstances where a medical certificate has expired, the Council reserves the right to suspend the driver's licence(s) until such time as it can be satisfied that the driver is fit. No licence will be issued until medical fitness has been established.

Proposed Policy Wording

The Council recognises that licensed drivers should meet more stringent medical standards than is expected of people who drive a vehicle for social, domestic, and pleasure purposes. Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end the Council requires all licensed drivers to meet the Group II standard used by DVLA when licensing public service vehicle drivers. The Council's current medical form is attached at Appendix 2.

Medical certificates completed by the driver's **own General Practitioner (GP) or any other doctor with FULL ACCESS to applicant's medical records** are required on first application and then every five years until the driver reaches the age of 65 and thereafter every year. All licensed drivers are required to inform the Council within 7 days of any change to their health which could impact on their suitability to continue to drive a licensed vehicle. Where there is doubt as to the medical fitness of a licensed driver, including circumstances where a medical certificate has expired, the Council reserves the right to suspend the driver's licence(s) until such time as it can be satisfied that the driver is fit. No licence will be issued until medical fitness has been established.

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Consultation Proforma

Type of Consultation Conducted	Consulted Parties	Consulted	Date Consulted
	Taxi Operators	<input type="checkbox"/>	
	Taxi Drivers	<input type="checkbox"/>	
	General Public	<input type="checkbox"/>	
	Other Stakeholders	<input type="checkbox"/>	
		<input type="checkbox"/>	
		<input type="checkbox"/>	

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