

Licensing and Public Safety Committee

Tuesday, 7th December, 2021, 6.00 pm

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

Agenda

Following the Government announcement of further restrictions as a result of the rising COVID-19 cases and the new Omicron variant, the Council has reintroduced social distancing and requirements for face masks to be worn in the Civic Centre.

Members of the public are politely asked to watch the meeting live on YouTube [here](#) from home. Anyone wishing to speak on any of the reports should contact Coral Astbury by telephone 01772 6255308 or email coral.astbury@southribble.gov.uk at the earliest opportunity to make their interest known. Speakers can dial into the meeting using Microsoft Teams if they so wish.

Limited public seating will be available at the Civic Centre.

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 June 2021 of Licensing and Public Safety Committee

(Pages 3 - 8)

Minutes of the last meeting held Tuesday, 8 June 2021 of the Licensing and Public Safety Committee are attached to be agreed as a correct record for signing by the Chair.

Minutes of the General Licensing Sub-Committee Panel

4 Minutes of meeting Tuesday, 9 November 2021 of General Licensing Sub-Committee Panel	(Pages 9 - 12)
Minutes of the General Licensing Sub-Committee held Tuesday, 9 November 2021 are attached to be agreed as a correct record for signing by the Chair.	
5 Gambling Policy	(Pages 13 - 16)
Report of the Director of Planning and Development attached.	
6 Single Use/Restricted Private Hire Licences	(Pages 17 - 24)
Report of the Director of Planning and Development attached.	
7 Consultation Feedback Report - DFT Statutory Standards	(Pages 25 - 116)
Report of the Director of Planning and Development attached.	
8 Vehicle Age Policy	(Pages 117 - 178)
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, John Rainsbury and Paul Wharton-Hardman

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Tuesday, 8 March 2022 - Cross Room, Civic Centre, West Paddock, Leyland, PR25 1DH

Minutes of	Licensing and Public Safety Committee
Meeting date	Tuesday, 8 June 2021
Members present:	Councillors James Flannery (Chair), Renee Blow (Vice-Chair), Jacky Alty, Julie Buttery, Keith Martin, Jacqui Mort, Peter Mullineaux and Alan Ogilvie
Officers:	Tasneem Safdar (Shared Legal Services Team Leader), Chris Ward (Interim Licensing Team Leader) and Ben Storey (Democratic Services Assistant)

62 Apologies for Absence

Apologies for absence were received for Councillor Bell.

63 Declarations of Interest

None.

64 Minutes of meeting Tuesday, 8 December 2020 of Licensing and Public Safety Committee

AGREED: (Unanimously)

That the minutes of the last meeting of the Licensing and Public Safety Committee were an accurate record.

65 Minutes of meeting Tuesday, 9 February 2021 of Licensing Panel

AGREED: (Unanimously)

That the minutes of the last meeting of the Licensing Panel were an accurate record.

66 Statutory Taxi & Private Hire Vehicle Standards

The Interim Licensing Team Leader presented a summary of the report. The Licensing Team sought Member's approval to take the proposed amendments out to consultation with relevant stakeholders before being brought back to the Licensing and Public Safety Committee to consider comments from stakeholders before reaching a decision on the proposed amendments.

As there was several appendices it was decided that the Interim Licensing Team Leader would present each section, open to any questions from the committee and vote on each proposal individually.

Agenda Item 3

2

The Interim Licensing Team Leader provided an overview of proposed changes to the wording of the whistleblowing policy (appendix 1) which would also be included on the Council website.

Proposed by Councillor Martin and seconded by Councillor Ogilvie and

AGREED: (Unanimously)

That the proposed policy wording changes be taken to consultation and to receive a report on the outcome at a future meeting.

The Interim Licensing Team Leader moved on to discuss changes to the policy around DBS checks every 6 months for taxi drivers (appendix 2). Wording of the currently policy requires updating to match statutory standards and avoid any confusion for drivers in potentially waiting until the 12 monthly declaration instead of notifying the Licensing Team within 48 hours.

Members questioned whether removing the 12 monthly declaration was necessary, in response it was noted that declarations of convictions were required to approve and complete new applications and renewals. It was also mentioned that any concerns could be addressed through the consultation process.

Proposed by Councillor Alty and seconded by Councillor Mort and

AGREED: (Unanimously)

That the proposed policy wording changes be taken to consultation and to receive a report on the outcome at a future meeting.

The Interim Licensing Team Leader presented the next proposal around referrals to the DBS service. Currently there is nothing in the Council's Taxi Licensing Policy and as a new policy would need adopting following consultation. The proposed wording matches statutory guidance.

Members noted it was common sense and were happy to approve.

Proposed by Councillor Mullineaux and seconded by Councillor Buttery and

AGREED: (Unanimously)

That the proposed new policy wording be taken to consultation and to receive a report on the outcome at a future meeting.

The Interim Licensing Team Leader presented the next section on CSE training for taxi drivers (appendix 3). Since the previous online training has been discontinued by Lancashire County Council (LCC), the Licensing Team have put in place a temporary training course of similar standard whilst they reviewed what was on offer elsewhere. The Officer also clarified the meaning of 'County Lines' mentioned in the report.

Members voiced concerns over the discontinuation of the LCC training course and questioned whether training courses that teachers and healthcare professionals still receive could be an alternative for taxi drivers. In response Members were informed

Agenda Item 3

3

it was thought that these courses were too advanced for the requirements of taxi drivers.

Members questioned how this applied to drivers who are contracted by Lancashire County Council. The Interim Licensing Team Leader confirmed that as licensed by South Ribble they would complete the training but would also be required to do additional training as part of their County Council badge.

Members requested more clarification on the learning package and whether the changes meant that the Council wasn't in line with statutory standards. The Interim Licensing Team Leader advised that the standards mentioned providing some form of training package for drivers and not explicitly online. The Legal Services Team Leader appreciated Members concerns but stated that it that the temporary package which the Licensing Team had compiled did meet standards, though a suitable permanent alternative was being looked into.

Members were minded to set a review date to assess progress in acquiring an external provider.

Proposed by Councillor Alty and seconded by Councillor Ogilvie and

AGREED: (Unanimously)

That the proposed new policy wording be taken to consultation, subject to a three month review of progress towards sourcing an alternative provider.

The Licensing Interim Team Leader presented proposed changes to the conviction policy. Officers have reviewed DfT statutory guidance and seek to align the South Ribble policy with these recommendations. The Chair reminded Members that cases are to be considered on their own merits.

Several Members expressed concerns that the proposed timescales were not sufficient, particularly around possession of weapons, and sought clarity from the Officers. It was noted that drivers would be brought before committee, and each case would be considered on its own merits. It was noted that there is some ambiguity but the proposed changes are an increase on the existing timescales within the policy and match statutory guidance.

Proposed by Councillor Martin and seconded by Councillor Alty and

AGREED: (Unanimously)

That the proposed new policy wording be taken to consultation and to receive a report on the outcome at a future meeting.

The Interim Licensing Team Leader presented the next section on Fit and Proper Persons Tests (appendix 5) and proposed new wording to the policy, in line with the statutory guidance.

Proposed by Councillor Martin and seconded by Councillor Ogilvie and

AGREED: (Unanimously)

Agenda Item 3

4

That the proposed new policy wording be taken to consultation and to receive a report on the outcome at a future meeting.

The Interim Licensing Team Leader presented the next report on the expedited process of reinstating revoked licenses following a successful appeal at the Magistrates Court.

Members discussed changing the heading to 'Statement of Intent' Officers were open to amending the wording as Members desired. It was agreed to change the wording to 'Expedited Policy Process'

The Legal Services Team Leader clarified a Member query whether driver's whose license had been revoked could resume work immediately after a successful appeal. The expedited policy would speed that process up. Officers also answered a follow up query by confirming that any in date documentation would be valid for the duration of the license.

Proposed by Councillor Ogilvie and seconded by Councillor Buttery and

AGREED: (Unanimously)

That the proposed new policy wording be taken to consultation and to receive a report on the outcome at a future meeting, subject to amending heading to 'Expedited Policy Process.'

The Interim Licensing Team Leader presented the next report on CCTV policy. Officers seek to adopt a draft Taxi CCTV policy (appendix 6) This would clarify who is the data controller and who is the data processor.

Members discussed the benefits CCTV would provide in protecting both drivers and customers, Officers clarified previous discussions around use of CCTV, most recently when the tint policy was reviewed last year.

Members raised a query regarding the Council's involvement in any Subject Access Requests. Further clarification was required on a point over drivers role as data controller, considering that drivers did not have access to the footage. Following a further question around time for disposing of data it was confirmed by the Legal Services Team Leader that this would be disposed of after 31 days.

The Legal Services Team Leader proposed deferring the decision whilst the policy wording was reviewed with a view to take the policy to consultation at a later date.

Proposed by Councillor Martin and seconded by Councillor Mort and

AGREED: (Unanimously)

To defer taking the proposed new policy to consultation until it has been reviewed.

The Interim Licensing Team Leader presented the next report concerning the medical fitness policy (appendix 7). The proposed changes sought to correct a contradiction in the current policy in relation to using any GP with access to a drivers medical records for driver fitness tests.

Agenda Item 3

5

Members raised a concern over drivers that may 'opt out' of their data being shared, in response the Interim Licensing Team Leader confirmed that GP's undertaking driver medicals were required to sign a declaration stating they had been able to access the drivers' medical records.

Proposed by Councillor Alty and seconded by Councillor Mort and

AGREED: (Unanimously)

That the proposed policy wording changes be taken to consultation and to receive a report on the outcome at a future meeting.

The final document (appendix 8) demonstrated how a record of consultations would be recorded with relevant stakeholders.

To summarise, the Legal Services Team Leader confirmed that the Licensing Team would undertake a consultation with stakeholders over a period of eight weeks on all elements of the report except for the CCTV policy which was deferred. This was unanimously accepted by the Committee.

Chair

Date

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Minutes of	General Licensing Sub-Committee Panel
Meeting date	Tuesday, 9 November 2021
Members present:	Councillors James Flannery (Chair), Peter Mullineaux, Alan Ogilvie and Renee Blow
Officers:	Chris Ward (Interim Licensing Team Leader), Justin Abbotts (Licensing Officer), Stephanie Fairbrother (Licensing Officer), Tasneem Safdar (Shared Legal Services Team Leader) and Clare Gornall (Democratic and Member Services Officer)
Public:	0

44 Apologies for absence

Apologies were received from Councillor Forrest.

45 Declarations of Any Interest

There were none.

46 Exclusion of the Press and Public

RESOLVED:-

That the press and public be excluded for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

47 Request for Policy Exemption

The General Licensing Sub-Committee Panel was convened to consider an application from a licensed Private Hire Operator, for an exemption on his new vehicle from displaying the private hire vehicle plates and a further exemption to allow low level tint on his new vehicle.

The Panel were informed that the applicant was on his way to the hearing and would be delayed by approximately 15 minutes. The Panel were advised that the applicant gave his approval for the Panel to start proceedings and for him to be interviewed upon his arrival, as he had already reviewed the report to the Panel.

RESOLVED:- That the Panel commence consideration of the matter and that the applicant be interviewed upon his arrival.

Mr Justin Abbotts, Licensing Officer, presented a report requesting an exemption to paragraph 7.13 to the Current Policy requiring Private Hire Vehicle plates to be

Agenda Item 4

2

displayed and a further exemption to paragraph 7.5 to allow low level tint, on a new vehicle.

The report indicated that historically for this Private Hire Operator exemptions from displaying the private hire vehicle plates on his vehicles had been granted. The report also indicated that due to the nature of the work conducted and the sensitivity of clients transported, the vehicles needed not to display Private Hire vehicle licence plates, and tinted windows were required to obscure clients from view.

The report informed members that Under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, the Council can waive the requirement to display the licence plate, other markings and the driver's badge, by issuing a notice which can be carried effectively in lieu of the licence plate being displayed. This is common practice in relation to vehicles used for chauffeur driven/executive hire as opposed to regular Private Hire bookings.

Members of the Panel asked the following questions in relation to the application /report and the following responses were given:

- With regard to the cost of the vehicle, this is a reference to the fact that the vehicle was of a high standard rather than the actual cost itself. To clarify, the Legal Services Officer explained that the relevant factors to consider were the make and model of the vehicle, the condition of the vehicle, contracted work which is dependent on use of the vehicle, and the business of the private hire operator.
- It was clarified that the term 'low level tints' indicated the request was for the tints to be darker.
- With regard to Policy requirement that the exemption (if granted) would apply exclusively to the contracted work requiring the exemption - it was clarified that the applicant was required to keep a log of all clients and jobs to be made available for inspection by licensing officers.
- It was queried whether the request was intended for the life of vehicle ownership. The Committee would clarify with the applicant.

Upon his arrival the Panel interviewed the applicant and he responded as follows:

-With regard to Policy requirement that the exemption (if granted) would apply exclusively to the contracted work requiring the exemption and would he be able to provide evidence. The applicant confirmed that he would use the vehicle solely for the contracted work specified and that he could provide a record of his accounts and a log of clients and jobs carried out.

-With regard to the length of the exemption, the applicant indicated his request was for the duration of the licence. He intended to keep the vehicle approximately five years.

The Panel then inspected the vehicle at the Civic Centre, Leyland.

RESOLVED:-

- i) That the application for an exemption to paragraph 7.13 to the Current

Agenda Item 4

3

Policy requiring Private Hire Vehicle plates to be displayed and an exemption to paragraph 7.5 to allow low level tint, on a new vehicle, be granted; and

- i) That the above exemptions be applied for the duration of the licence.

Chair

Date

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Report of	Meeting	Date
Director of Planning and Development	Licensing and Public Safety Committee	Tuesday, 7 December 2021

Is this report confidential?	No
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Is this decision key?	No
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Revised Gambling Policy 2022 – 2025

Purpose of the Report

1. This report is to outline to Members the proposed revisions required to the Council's Statement of Licensing Policy (Gambling). The last Gambling Policy was published on 31st January 2019 and is due to expire on the 31st January 2022.

Corporate priorities

2. The report relates to the following corporate priorities: (please bold all those applicable):

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

Background to the report

3. The council's Statement of Licensing Policy (Gambling) sets out the way the council will generally promote the Licensing Objectives when considering and making decisions on applications made under the Gambling Act (the Act).

The council's current Statement of Policy is due to expire on the 31st of January 2022. Under the Act policies endure for a 3-year period.

4. The council is constrained by the provisions of the Act, the Guidance and any Regulations made under the Act. However, the Authority may depart from the Guidance if it has reason to do so but must give full justification for any such departure.
5. The council is required by Section 349 of the Act to publish a new Gambling policy by the 31st of January 2022. This Statement of Policy shall be effective from the 31st January 2022 and shall remain in effect for three years; therefore, this Statement will be reviewed again in January 2025.

Agenda Item 5

6. South Ribble does not have a particularly wide offer of Gambling establishments with 11 Betting shops, most of which are national operators. The gaming machine offer is much broader with virtually every Licensed Premises in the Borough taking advantage of the right to site machines in their premises.

Changes required to your Gambling Policy

7. Below are the updates required for your Gambling Policy. Only relatively minor modifications are being proposed. This includes a minor amendment to the Local area Profile.

Page 3, section 1.1 of your Policy currently states;

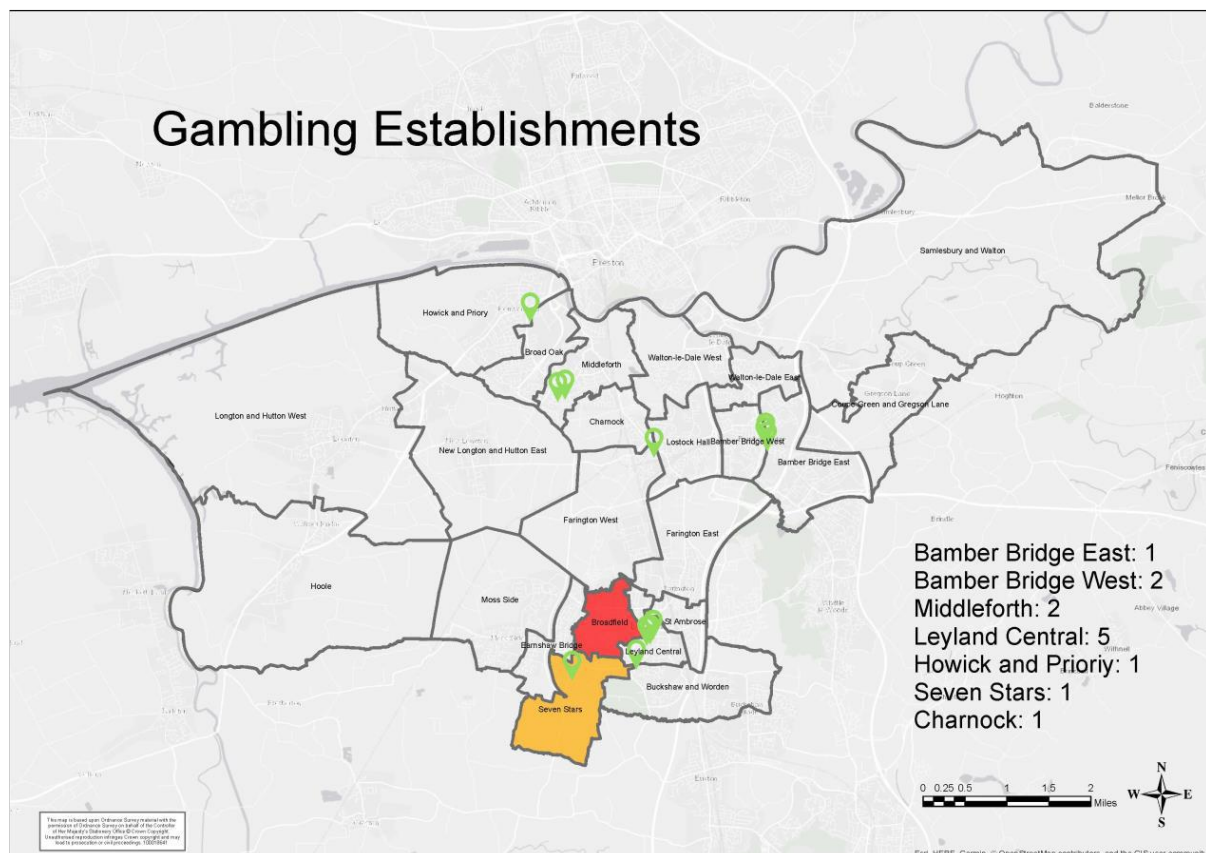
“The population in South Ribble is 103,900 which has remained relatively stable over the last decade following a period of rapid growth in the 1970s and 1980s.”

To be replaced by;

*“The population in South Ribble is **111,086** which has remained relatively stable over the last decade following a period of rapid growth in the 1970s and 1980s.”*

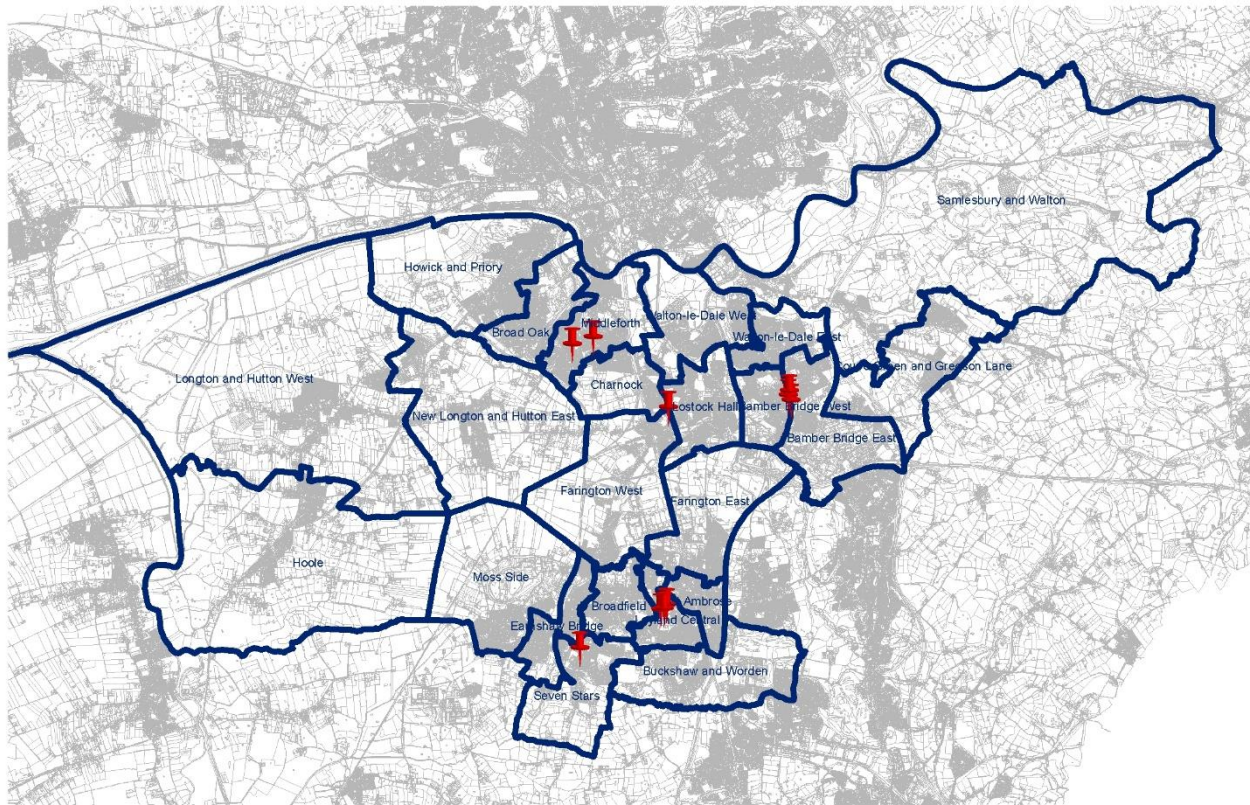
And;

Page 4, section 1.1 of your Policy currently shows the following data;



Agenda Item 5

To be replaced by an updated map produced on the 16th November 2021;



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Equality and diversity

8. N/A

Risk

9. N/A

Comments of the Statutory Finance Officer

10. No comment

Comments of the Monitoring Officer

11. The duty to review the policy every three years is referred to in the body of the report as well as the consideration of the policy in making determinations under the Gambling Act 2005.

12. Functions under section 349 of the Gambling Act 2005 including approval of the policy are reserved to full Council by virtue of Section 154(2)(c) of the 2005 Act.

Background documents

There are no background papers to this report

Agenda Item 5

Appendices

There are no appendices to this report

Report Author:	Email:	Telephone:	Date:
Stephanie Newby (Licensing Officer)	stephanie.newby@southribble.gov.uk	01772 625337	15 th November 2021

Report of	Meeting	Date
Director of Planning and Development	Licensing and Public Safety Committee	Tuesday, 7 December 2021

Single Use/Restricted Private Hire Licences

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 recent request from SRBC licenced operators for a single use/ restricted private hire licence to be available from this licensing authority.

Recommendations

2. To note the contents of the report.
3. To consider the proposed request for a single use/ restricted private hire licence
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.

Corporate priorities

6. The report relates to the following corporate priorities: (please bold all those applicable):

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

Background to the report

7. For some time, requests have been received by a number of operators for the possibility to have various aspects of the application process removed - mainly regarding the local

Agenda Item 6

area knowledge test, for drivers that predominantly are performing work which is outside the borough or doesn't have the need for local knowledge of the area.

8. Various licenced Private Hire Operators have advised officers that they are struggling to employ Private Hire Drivers, due to the obstacles put in place during the application process with required documents as per the conditions of the taxi licensing policy.
9. The current policy regarding new applicants' requirement to pass a local area knowledge test states;

5.8 Local Area Knowledge Test

The Council acknowledges that it is important to the travelling public that the drivers it licences have a good knowledge of the Borough and its boundaries, the Highway Code and the ability to comprehend and communicate effectively in English. All applicants for a new driver's licence for both types of licence will be required to pass either the hackney carriage or private hire knowledge test before they can be granted a licence. Where an applicant wishes to apply for both types of licence, they will only be required to pass the hackney carriage knowledge test.

Drivers who have been previously licensed by this Council who have allowed their licence to lapse for whatever reason will be required to pass the appropriate knowledge test before they can be granted a licence, even if they have passed a local knowledge test previously unless:

- *They can demonstrate that they have held a licence for a continuous period of five years or more immediately prior to the expiry of their licence, and*
- *The application for a new licence is submitted within three months of the expiry of the previous licence.*

10. Operators are reporting that they are struggling to recruit drivers mainly due to the local area knowledge test. Mainly from operators who solely operate as school transport or airport services.
11. These types of driver are normally employed by operators are part-time drivers, often retired and only perform one or two journeys per day, that could be taking a specific child to and from school or taking a booking to Manchester airport.
12. These are not drivers who are working predominantly within the borough doing short journeys where the knowledge of the local area is required.
13. Operators are advising that the lack of drivers available to them, are having implications on them being able to perform the service levels required by members of the public.
14. These licenced operators are not performing the normal private hire work, but performing school contract work, that requires a regular collection of one child with specific requirements, to be taken to the same school every day, or are performing specific airport contract work or corporate contract work that takes passengers from their home out of the borough usually to Manchester or Liverpool Airport.
15. Operators are asking for members to consider removing the requirement for these types of drivers needing to pass a local area knowledge test as a requirement when first licenced for these type of drivers.

Agenda Item 6

16. As part of the school contract agreement, Lancashire County Council request that all their service providers are licenced as private hire operators, drivers and vehicles licenced with the local authority.
17. These contracts could be collecting someone from Preston and taking them to their school in Blackpool, but considering the operator is licenced by SRBC, the private hire drivers must also be licenced by this authority and pass the local area knowledge test.
18. An official approach has now been made by an operator to request that members of the Licensing and Public Safety Committee, change the wording in the policy so that their drivers are no longer required to pass the local area knowledge test. This can be found as background document 1 attached to the report.

What is the need and requirements for a local area knowledge test?

19. The knowledge test was introduced to make sure all drivers licensed, give members of the public the best service possible.
20. Every private hire/ hackney carriage driver is expected to collect passengers on time. On a busy night drivers should know where passengers want to go and have a good local knowledge.
21. In theory, jobs booked in advance with specified locations should be easy enough to carry out but, in reality, this is not always the case.
22. If a driver takes the wrong route or gets lost this may cause additional charges being passed onto their passengers and result in a conflicting situation.
23. Licenced drivers are expected to know the shortest journeys across key parts of South Ribble and have a good knowledge of addresses of local public amenities.

The Current Test

24. The knowledge test cost £25 per test, if after 3 attempts the applicant fails, applicants must then wait 4 weeks before they can take another test.
25. In order to pass the test, applicants must answer 15 out of 20 questions correctly.
26. Questions are asked on the following topics;
 - Private Hire/Hackney Carriage Vehicle Conditions and Legislation (which can be found in our Taxi Licensing Policy).
 - The Highway Code
 - Places of interest within the Borough i.e. Pubs, Schools, Churches and Restaurants etc.
 - Routes throughout the Borough
 - South Ribble Borough Council's Boundaries
 - Have a basic understanding of the English language
 - Numeracy

Single Use/restricted Private Hire Licence

27. Would allow certain private hire driver applicants, who meet a criteria to apply for a private hire badge that is easier to obtain as they don't need to pass a local area knowledge test.

Agenda Item 6

28. They are limited to what type of work they can perform as part of the conditions attached to their licence.
29. The restricted private Hire badge would be conditioned, so that the drivers would only be able to perform the following specific tasks;
 1. Prearranged school or special educational needs transport
 2. Prearranged airport work
 3. Prearranged corporate travel.
30. If drivers were caught performing any other private hire work than listed above via a restricted badge this would be classed as a breach of conditions and would be enforced accordingly, unless extraordinary circumstances were in place that driver would be placed in from of the committee for a decision to revoke the driver's badge.
31. All the other documentation required in the new application process would still remain a requirement to be provided before a licence is granted as per the taxi licensing policy.
32. Applicant will still be required to obtain a level 2 qualification in taxi licensing, which applicants would need basic English and maths skills to pass.
33. Proposed new Policy wording

5.8 Local Area Knowledge Test

The Council acknowledges that it is important to the travelling public that the drivers it licences have a good knowledge of the Borough and its boundaries, the Highway Code and the ability to comprehend and communicate effectively in English.

Applicants for a new driver's licence for both Hackney and Private Hire Licences will be required to pass either the hackney carriage or private hire knowledge test before they can be granted a licence.

Where an applicant wishes to apply for both types of licence, they will only be required to pass the hackney carriage knowledge test.

Drivers who wish to apply for a restricted private hire badge do not need to complete a local area knowledge test upon first application, but they will be restricted by condition on their licence to perform only the following specific work.

- Prearranged school or special educational needs transport
- Prearranged airport work
- Prearranged corporate travel.

Drivers who have been previously licensed by this Council who have allowed their licence to lapse for whatever reason will be required to pass the appropriate knowledge test before they can be granted a licence, even if they have passed a local knowledge test previously unless:

- *They can demonstrate that they have held a licence for a continuous period of five years or more immediately prior to the expiry of their licence, and*

Agenda Item 6

- *The application for a new licence is submitted within three months of the expiry of the previous licence.*

34. New Proposed Private Hire Driver Condition attached to the licence

Restricted Private Hire Licence

The driver is restricted to only perform the following work

- 4. Prearranged school or special educational needs transport*
- 5. Prearranged airport work*
- 6. Prearranged executive corporate travel.*

The licence holder may only conduct regular pre-booked operator work other than the listed criteria above when they have completed a local area knowledge test, at which point the licences authority will lift the restriction on their licence.

Other options considered

35. Option 1 - Remove the knowledge test for all private hire drivers.

The knowledge test could be scrapped completely for all applicant and kept in place for hackney drivers who would consist of be hailed down on the street and would still require that local area knowledge.

36. Option 2 - just remove the local area knowledge element of the test

Keep the private hire test in place but remove the local aspect of the test completely for PH drivers, keeping a section of the test for highway code, English and math skills.

Climate change and air quality

37. N/a

Comments of the Statutory Finance Officer

38. There are no significant financial implications of this report.

Comments of the Monitoring Officer

39. The Council must grant private hire driver licences only to those applicants it considers to be fit and proper. There is no statutory definition of “fit and proper” but it is generally accepted to include geographical knowledge of the area of the Council granting the driver licence. Any applicant licensed with the proposed restrictive conditions would still need to be fit and proper so grant would require a redefining of fit and proper in relation to such drivers with such restricted licences.

Since the knowledge test is in English the test operates indirectly as an English language test.

Agenda Item 6

Appendices

Appendix 1 – Request for Conditional Restricted licences from 24/7

Report Author:	Email:	Telephone:	Date:
Chris Ward (Interim Licensing Team Leader)	christopher.ward@southribble.gov.uk	01772 625330	19/11/2021



1 Great Park Drive
Leyland
Preston
Lancashire
PR25 3UN

22nd September 2021

Dear Licencing Committee,

I would like to introduce you to 24x7 Ltd primarily a specialist provider of Home to school transport for children and young adults with Special Educational Needs.

We have been established for over twenty years and have provided hundreds of thousands of high-quality SEN, adult and social care transport journeys in counties across the country and we now aim to provide this service in Lancashire.

We do not intend to trade as a private hire taxi company in South Ribble and will only be using our South Ribble Licences to service SEN school and adult social care transport contracts awarded by Lancashire County Council.

We are based in Leyland and we employ only within Lancashire.

Our business model is to recruit staff (typically semi or fully retired) who require permanent part time work and who can commit to provide children and young adults with SEN transport during term time. The majority of the vehicles we provide are brand new and are replaced every six months or less. When we are awarded a contract, we assign a dedicated driver and vehicle to that contract to ensure the children and young adults receive a consistent transport provision, something that is essential when delivering SEN transport. The vehicle is used for no other purpose but to service the individual contract.

Our drivers will struggle to pass the local area knowledge test as our contracts are county wide and not just specific to South Ribble.

With the above in mind, we would like to request a conditional licence with the following dispensation from South Ribble Borough Council taxi licencing rules:

The requirement for a driver to take a knowledge test.

We will be operating on a fixed route determined by the Lancashire County Council contract. The driver will only operate on this fixed route and will perform no other work.

We have had our Operator's licence with South Ribble since June 2020 and To date we have been unable to obtain South Ribble Borough Council taxi driver licences.

As an interim measure we have been licencing our vehicles and drivers at our headquarters licencing district in Uttlesford Essex, but this will naturally stop as soon as we are able to licence both vehicles and drivers in South Ribble . We would be able to do this immediately if the requirement for the knowledge test was removed. With the imposition of further Covid restrictions we would respectfully suggest the knowledge test in its present form and going forward is impractical. We would prefer to licence within the District as this keeps enforcement and employment local.

Yours faithfully,
Kristina Walls
Area Business Director, Lancashire

Report of	Meeting	Date
Director of Planning and Development	Licensing and Public Safety Committee	Tuesday, 7 December 2021

Consultation Feedback Report - DFT Statutory Standards

Is this report confidential?	No These are implied statutory requirements and are required to be in the public domain.
Is this decision key?	N/A

Purpose of the Report

1. The purpose of the report is to provide feedback on the consultation carried out in response to the intended policy amendments, which are essential to comply with the implied Statutory Standards DFT.

Reasons for recommendations

2. Minor policy amendments are required to the existing policy to meet the implied DFT Statutory Standards. The necessary changes were highlighted in report taken to committee in June 2021. Within the Statutory Standards guidance document, 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.”

Other options considered and rejected

3. No other options were considered due to the changes being implied mandatory statute.

Corporate priorities

4. The report relates to the following corporate priorities:

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

Agenda Item 7

Background to the report

5. A report highlighting the required changes to policy was presented at committee on 08/06/2021. The report is attached as appendix 1. Following the committee approval to consult stakeholders regarding the changes required, a six-week consultation was conducted from 9th July 2021 – 20th August 2021. The consultation highlighted the required amendments to our policy and invited feedback from stakeholders.

Having received only one consultation response during the consultation period, we concluded due to the implied statutory nature of the changes needed, this has impacted on the number of responses to the consultation. The one response was in favour of all the changes being added to the policy and had no comments to make. The consultations responses are attached although as appendix 2.

The CCTV aspect of the previous report has been omitted, this will be looked at a later date through a sperate report, as our current policy already has provision for CCTV should drivers wish to install it.

Changes to policy are attached as appendix 3

Risk

6. No risks have been highlighted with this report.

Comments of the Statutory Finance Officer

7. There are no direct financial implications of this report.

Comments of the Monitoring Officer

8. The Council has a duty under Section 177(4) of the Policing and Crime Act 2017 to have regard to the DFT guidance.

Appendices

Appendix 1 DFT Report

Appendix 2 Consultation responses

Appendix 3 Changes required to policy

Report Author:	Email:	Telephone:	Date:
Justin Abbotts (Licensing Officer)	justin.abbotts@southribble.gov.uk		25/11/21

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

Jonathan Noad

Director of Planning and Development

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Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

Contents

	Page
1. Introduction.....	4
2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards.....	6
3. Administering the Licensing Regime.....	8
Licensing polices	8
Duration of licences	9
Whistleblowing.....	9
Consultation at the local level	10
Changing licensing policy and requirements	10
4. Gathering and Sharing Information.....	12
The Disclosure and Barring Service	12
The Disclosure and Barring Service Update Service	13
Common Law Police Disclosure	13
Licensee self-reporting	13
Referrals to the Disclosure and Barring Service and the Police	14
Working with the Police	15
Sharing licensing information with other licensing authorities.....	15
Multi-agency Safeguarding Hub (MASH).....	16
Complaints against licensees	17
Overseas convictions	17
5. Decision Making	19
Administration of the licensing framework	19
Training decision makers.....	19
The regulatory structure	20
Fit and proper test	21
Criminal convictions and rehabilitation	21
6. Driver Licensing.....	23
Criminality checks for drivers.....	23
Safeguarding awareness.....	23
‘County lines’ exploitation	24
Language proficiency	25

7. Vehicle Licensing.....	26
Criminality checks for vehicle proprietors	26
In-vehicle visual and audio recording – CCTV.....	27
Stretched Limousines	28
8. Private Hire Vehicle Operator Licensing	29
Criminality checks for private hire vehicle operators.....	29
Booking and dispatch staff.....	30
Record keeping	31
Use of passenger carrying vehicles (PCV) licensed drivers	31
9. Enforcing the Licensing Regime	33
Joint authorisation of enforcement officers	33
Setting expectations and monitoring.....	33
Suspension and revocation of driver licences.....	33
Annex – Assessment of Previous Convictions	35
Annex – Disclosure and Barring Service information	37
Annex – CCTV Guidance	38
Annex - Staying Safe: Guidance for Passengers	40

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 authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. 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;

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 time frame 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.

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.

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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Review of the Taxi Licensing Policy - Incorporating DFT Statutory Standards

The following document summarises the proposed changes to South Ribble Borough Councils Taxi Licensing Policy as a result of the publishing of the Department of Transport's ['Statutory Taxi and Private Hire Vehicle Standards'](#) in July 2020.

On 08/06/2021 Members of the Licensing and Public Safety Committee Agreed the licensing section undertake a consultation exercise with stakeholders on the proposed changes to the Taxi Licensing Policy. A copy of the minutes can be found at <https://southribble.moderngov.co.uk/ielist/Documents.aspx?CId=483&MId=2145&Ver=4>

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

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

This document can be emailed back via Licensing@southribble.gov.uk or posted to *Licensing, Civic Centre, West Paddock, Leyland, PR25 1DH* prior to the end of the 20th August 2021.

Respondent details	
Q1 – Name:	MR WAJID HUSSAIN
Q2 – Company/organisation or capacity in which you are responding	SELF EMPLOYED
Q3 – Are you happy to be contacted about your response if needed?	Yes / No
Q4 – If yes to Q3, please provide contact details	074 79309698

Summary of Statutory Guidance Requirement	Recommendations
<p>Whistleblowing Policy</p> <p>Formalisation and adoption of a clear whistleblowing policy, covering the Licensed Taxi Trade.</p>	<p>Recommendation 1</p> <p>Proposal of whistleblowing policy - once 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.</p>
<p>Consultee comments on recommendation 1;</p>	<p>Overall, are you in favour of the proposal?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Notification of arrest and release, charge, or conviction</p> <p>Licence holders should be required to notify the issuing authority within 48 hours of any; arrest and release, charge, or conviction.</p>	<p>Recommendation 2</p> <p>Policy to be updated to include shorter self-reporting periods</p> <p>Wording of the currently policy requires updating to match statutory standards and avoid any confusion for drivers in potentially waiting until the 12 monthly declaration instead of notifying the Licensing Team within 48 hours.</p> <p>Removal of the requirement to complete a declaration of convictions every 12 months to every renewal application.</p> <p>Requirement to report all arrest and release, charge, or conviction to the licensing authority within 48 hours.</p>

Consultee comments on recommendation 2;

Overall, are you in favour of the proposal?

Yes No

DBS Update Service

All licensed drivers should be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months.

Recommendation 3

The statutory standards requires licensing authorities to perform update service checks every 6 months.

The proposal is to check all hackney and private hire drivers DBS update records, every 6 months changed from the current 12 months currently performed by officers.

Taxi Licensing Policy wording to be updated to reflect the above changes.

Overall, are you in favour of the proposal?

Yes No

Consultee comments on recommendation 3;

Referrals to the Disclosure and Barring Service and the Police.

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.

Recommendation 4

Referrals to the Disclosure and Barring Service and the Police

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

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

Consultee comments on recommendation 4;

Overall, are you in favour of the proposal?

Yes No

Safeguarding Training and County Lines

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.

Recommendation 5

The current policy states that the type required training is in the form of the online / eLearning 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

<p>Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.</p> <p>This includes further training on such topics as;</p> <ul style="list-style-type: none"> • 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. 	<p>have struggled to find an alternative course, that is either to the same standard or isn't too onerous for taxi drivers.</p> <p>Officers have created an alternative CSE training package that is to be used as a temporary fix until an alternative package is found.</p> <p>Policy to be updated to include the following regarding the type of training and incorporating County Line training.</p> <p><i>This training is in the form of the online / e-learning training course or an approved course by the Licensing Authority on Child Sexual Exploitation.</i></p> <p><i>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.</i></p>	<p>Overall, are you in favour of the proposal?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
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Consultee comments on recommendation 5;

<p>Convictions Policy</p> <p>The Statutory standards recommends to licensing authorities a minimum time period free of conviction, on the assessment of previous convictions in the determination of the suitability of taxi and private hire vehicle licensees the following times scales:</p>	<p>Recommendation 6</p> <p>Periods of free from conviction</p> <p>Possession of a weapon - Increase from 3 years to 7 Years</p> <p>b) Drink driving – Increase from 5 years to 7 years</p> <p>c) Using mobile phone whilst driving – Increase from intermediate offence to major</p>	<p>Overall, are you in favour of the proposal?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
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	<p>traffic offence</p> <p>d) Dishonesty – Increase from 5 years to 7 years</p> <p>e) Exploitation- Wording added to Policy</p> <p>f) Discrimination – Wording added to policy</p> <p>Authorities must consider each case on its own merits, and applicants/licenseses are entitled to a fair and impartial consideration of their application.</p>	<p>Overall, are you in favour of the proposal?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Consultee comments on recommendation 6;</p>		<p>Overall, are you in favour of the proposal?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Fitness Test</p> <p>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.</p>	<p>Recommendation 7</p> <p>Minor amendment of Taxi Licensing Policy to include the updated fitness test wording.</p> <p>Use of the following test when considering fitness;</p> <p><i>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?</i></p>	<p>Overall, are you in favour of the proposal?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Consultee comments on recommendation 7;</p>		<p>Overall, are you in favour of the proposal?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

Expedited process

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.

Recommendation 8

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

Consultee comments on recommendation 8;

Overall, are you in favour of the proposal?

Yes No

CCTV Policy

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.

Recommendation 9

In light of the statutory standards and guidance issued by the ICO on how data controllers can ensure compliance, officers propose to adopt a draft "Taxi CCTV Policy".

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.

Consultee comments on recommendation 9

Overall, are you in favour of the proposal?

Yes No

<p>Medical Fitness Policy</p> <p>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.</p>	<p>Recommendation 10</p> <p>Change the wording within the policy from</p> <p>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.</p> <p>Whereas the Group 2 Medical Examination Report within the taxi licensing policy states –</p> <p>This form is to be completed by the applicant's own General Practitioner (GP) <i>or any other doctor with FULL ACCESS to applicant's medical records</i> and is for the confidential use of the Licensing Authority.</p> <p>Officers proposed to change the policy wording to match that currently within the Group 2 Medical Examination Report Form.</p>	<p>Overall, are you in favour of the proposal?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Consultee comments on recommendation 10;</p>		

Changes required within the SRBC Taxi Licensing Policy.

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.”

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.

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.

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.

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

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.

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

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 a 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.

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

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”.

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

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

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

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.

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Report of	Meeting	Date
Director of Planning and Development	Licensing and Public Safety Committee	Tuesday, 7 December 2021

Vehicle Age Policy and Licensing of Hackney Carriage Vehicles

Is this report confidential?	No
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Purpose of the Report

1. To consider an amendment to the existing vehicle age policy.

Recommendations

2. To consider the evidence submitted within the report.
3. Agree that the licensing section undertake a period of consultation with the relevant stakeholders in respect of the proposed options.
4. To agree to receive a report on the outcome of the consultation exercise at a future meeting.
5. To consider what effect changing the vehicle age policy would have on the council's air quality commitments.

Corporate priorities

6. The report relates to the following corporate priorities:

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

Background to the report

7. At the Taxi Trade Forum held in October 2017, trade representatives raised several issues including the view that it was undesirable to have a policy of differential age limits for saloon vehicles and wheelchair accessible vehicles. They asked whether it would be possible for the Council to bring these age limits into closer alignment.

Agenda Item 8

8. As a result of that enquiry, a working group of committee members was be set up, with a view to considering the issue in detail and reporting back to the Licensing & Public Safety Committee at a later date.
9. The working group met on the first time on the 1st February 2018 to discuss the topic of the age policy.
10. Here the group discussed and reviewed the evidence provided by officers on the current age differential of vehicles licensed by this authority and other local authorities. They considered whether an alternative age policy would be more appropriate in reflecting the needs of a modern licenced fleet. The advantages/disadvantages were discussed at length.
11. Following the working group, it was recommended that we go out to consult on this topic with the Trade and Stake Holders.
12. The Licensing & Public Safety Committee agreed to a consultation exercise, with a view to the outcome of this exercise being reported to a future meeting of the Committee for a formal decision.
13. The first Consultation exercise was carried out between 1st May 2018 and closed on the 28th May 2018. The findings were presented to Committee in July 2018.
14. Here it was proposed that the changes required within the Taxi Licensing Policy should be forwarded to the meeting of full council on 26th September 2018 with a recommendation for formal adoption.

Full Council Outcome

15. The Council considered the report and the Chair of Licensing explained that a working group of the General Licensing Committee had recommended for the current differentiated age policy to be abandoned and replaced by a standardised age policy.
16. Air pollution concerns subsequently raised by Environmental Health had led to a difference of opinion between Members, on how to progress this issue.
17. Overall the Council supported the recommendation made by the General Licensing Committee to extend the vehicle age policy for private hire and hackney carriage vehicles to 6 years (on first registration) and 12 years (maximum age on renewal) However, it was refused.
18. Following this licensing officers revaluated the options to take into account the air quality commitments of the council. In November 2019 a further report was presented to Licensing & Public Safety Committee. The new proposal included 5 options.
19. Members agreed that another consultation exercise, to consider all wider issues. This Consultation ran 6th Jan 2020 – 17th Feb 2020. Our findings during this consultation where inconclusive. At this point Officers decided to reevaluate and go with a different option.

Agenda Item 8

Current Position - Vehicle Ages

20. Currently the taxi licensing policy for SRBC with regards to ages of vehicles when first licenced by this authority and the age a vehicles can be licenced until are set out below.

Type of Vehicle	Maximum Age When First presented for Licensing
purpose built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	6 Years
All other vehicle types (hatchback saloon, estate etc)	4 Years

Type of Vehicle	Maximum Age vehicles Can Be licenced Until
purpose built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	12 Years
All other vehicle types (hatchback saloon, estate etc)	8 Years

21. Any application where a vehicle falls outside the Council's age criteria will be referred to the next scheduled General Licensing Committee for consideration.

22. The taxi licensing Policy states the following

6.9 Vehicle Age Limits

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

The Council will where appropriate, issue Hackney Carriage Licences to vehicles which:

- a) Are no older than 4 years, when first presented for licensing*
- b) In respect of purpose built taxis (i.e. Peugeot E7, Euro taxi) or other wheelchair accessible vehicles are no older than 6 years, when first presented for licensing*

Vehicles in (a) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 8 years old.

Vehicles in (b) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 12 years old

In order to ensure that the Council does not fetter its discretion, a vehicle proprietor retains the right to apply to licence a vehicle which falls outside the Council's age criteria.

All such applications will be referred to the next scheduled General Licensing Committee for consideration.

Agenda Item 8

The Committee will take into account factors including, but not restricted to:

- *The make and model of the vehicle*
- *The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation*
- *The mileage*
- *The service history*
- *Details of all repairs undertaken throughout the vehicles life*
- *Details of all replacement parts fitted throughout the vehicles life*
- *Whether any particular contracts rely on the specific use of the vehicle.*

The Committee will not take into account the personal or financial circumstances of a proprietor when considering a departure from this policy

Each case will be determined on its own individual merits and any departures from this policy will be in exceptional circumstances only and will be recorded along with the reasons such a departure. Any departure from the policy will not create a precedent for future decisions.

Determination of the number of passengers which the vehicle will be licensed to carry will be the responsibility of the Licensing Officer on presentation of the vehicle at first inspection.

Current Position - Licensing of New Hackney Carriage Vehicles

23. The current policy states the following with regards to licensing new hackney carriage vehicles

The Council will only accept applications for a New Hackney Carriage Vehicle Licence for vehicles which meet the age criteria and are wheelchair accessible. There is no restriction on whether accessibility is via rear or side loading doors. Hackney Carriage Proprietors in possession of a current Hackney Carriage vehicle licence that was issued to them on or before the 21st October 2014 (GLC minute 2014/20) may apply to replace their vehicle with either a wheelchair accessible vehicle or a non-wheelchair accessible vehicle.

All other Hackney Carriage proprietors may only replace their vehicle with a wheelchair accessible vehicle.

The decision will be reviewed in 2019, when the Council will consider whether there is still a balance of vehicles for all taxi users, and thus if the authority is complying with its equality duty.

Proprietors of vehicles which have been converted from the manufacturer's original specification, to a wheelchair accessible vehicle, must comply with the SRBC policy on modified vehicles which will be made available separately.

- The council currently licences 105 licenced hackney carriages.
- 61 vehicles are licenced by Avacab
- 44 vehicles either licenced as owner driver hackney carriage vehicles or with other operators.

Agenda Item 8

- With 14 vehicles not linked to any operator at all being full owner driver hackney carriage vehicles.
- 24 hackney carriage WAV vehicles.

24. As stated in the above section of policy, the licensing of hackney carriage vehicles is now due to be reviewed.

Current Problems Identified by Officers

- Is the policy still fit for purpose with regards to the age policy and the licensing of hackney carriage vehicles?
- The vehicle age policy is still due for renewal. The last changes to the policy came in 2015. As per above section of policy, the vehicle age policy was due to be reviewed in 2019.
- And, the licensing of hackney carriage vehicles was also due to be reviewed in 2019.

25. Obviously as previously stated in this report, attempts to review the policy have taken place since before 2019 with working groups with the trade and a consultation taking place. The taxi licensing policy states;

“The Council will consider whether there is still a balance of vehicles for all taxi users, and thus if the authority is complying with its equality duty”

26. In April 2019 an external review/ Unmet Demand Survey, of the SRBC taxi licensing policy took place on behalf of South Ribble Council following the guidance of the 2010 DFT Best Practice Guidance document.

27. The review identified key points to address, in regard to what policies should be revised within the vehicle policy.

28. Sections to note from the report are,

A formal demand survey in 2000 found very low average passenger delay levels and resulted in a decision that all new hackney carriage vehicles needed to be wheel chair accessible.

A subsequent decision led to differential age limits being applied to wheel chair accessible vehicles in both hackney carriage and private hire fleets to encourage more such vehicles.

Hardly any hackney carriage vehicles have been added to the fleet since that time, and the only recent application was for a saloon style vehicle, which was refused.

In operational terms, one large section of the private hire fleet services Lancashire County Council contracts only so that overall the public only see a fleet which 64% are hackney carriage and 36% private hire.

The proximity to Preston and the use of out of town hackney carriages for private hire does lead to some hackney carriage appearing vehicles being seen in these areas.

Agenda Item 8

The present fleet is not particularly air-quality friendly and there are few hybrid and no electric vehicles at present. None of the present wheel chair accessible fleet would pass Clean Air Zone charging regimes.

Private hire vehicles are too 'invisible' giving potential that the public might use non-local or unlicensed vehicles particularly outside Leyland itself. The spirit of the age policy to encourage more wheel chair accessible vehicles has in some cases been abused, but partly by inconsistent wording and application of policy.

With regard to 'pure' hackney carriage operation, just 14% of the hackney carriage fleet are independent owner/driver vehicles with the remainder linked to private hire companies. However, certainly in Leyland, most 'taxis' experienced by people will be hackney carriage.

Does the policy fall in line with the commitments of the council with regards to air quality?

29. The answer currently is no, both private hire and hackney wheelchair accessible vehicles can be purchased up to 2 years older when first licenced than "saloon" non wheelchair accessible vehicles and stay licenced for an additional 4 years.

30. In December 2016 the Council formally adopted the 'South Ribble Air Quality Action Plan' this document was, produced as part of the Council's legal obligations under Air Quality and identified a number of action measures that the authority would undertake to improve, maintain and protection the level of Air Quality throughout the borough.

These measures included to encourage the uptake of low emission vehicles and reduce the age limit of taxis within the borough. Some areas in the country have begun to implement Clean Air Zones some of these areas are known as charging zones whilst other do not apply a charge.

31. A commitment was made in the 2019/2020 Licensing work plan to revisit the age policy with particular emphasis on vehicle emissions.

32. Officers have found that often wheelchair accessible vehicles are more polluting than other options that could be available in saloon type vehicles. When researching the market for hybrid or electric type vehicles, Officers have found more cost-effective options available to drivers for saloon type.

A good example of this would be, the current policy will permit a hybrid Toyota Prius to be licenced as a new private hire vehicle up to 4 years old and then remain licenced up to 8 years old.

Whereas a transit van that has been adapted to the needs of a wheelchair user could be licenced up to 6 years old and stay licenced until it is 12 years old.

It's quite clear that a transit van is going to be a higher polluting vehicle than a hybrid Toyota Prius, yet the current incentive would be to purchase a transit van.

33. With regards to licensing new hackney carriage vehicles, the current policy only permits wheelchair accessible vehicles as new hackney carriages vehicles.

Agenda Item 8

34. As mentioned above these vehicles can be first licenced up to 6 years of age, but they are a higher polluting vehicle than a large number of saloon type vehicles now available (non-wheel chair vehicles). Especially with the option of hybrid or electric models being more available in saloon format than they currently are in wheelchair format.
35. To fall in line with the councils pledges regarding air quality, the taxi licensing policy for new vehicles licenced on the fleet should meet Euro 6 standard at the very least or above.
36. Officers are currently reporting that operators from neighbouring boroughs have been obtaining Private Hire Operator licences from SRBC and then sub contacting work from South Ribble over to their offices in Preston, Chorley, Blackburn etc where it is much easier to licence a vehicle due to no/limited age restriction, to use Preston, Chorley, Blackburn vehicles to perform the work, in an older more polluting vehicle than we currently have now. This makes a mockery of our age policy.
37. Euro 6 - Applies to all new cars registered from 1 September 2015

Benefits: A 67% reduction in the permissible levels of nitrogen oxides in diesels and the introduction of a particle number limit for petrol's.

Euro 6 emissions limits for petrol - CO: 1.00g/km HC: 0.10g/km NOx: 0.06g/km PM: 0.005g/km PM: 6.0×10^{-11} /km

Euro 6 emissions limits for diesels - CO: 0.50g/km HC + NOx: 0.17g/km NOx: 0.08g/km PM: 0.005g/km PM: 6.0×10^{-11} /km

38. According to figures from the Society of Motor Manufacturers & Traders (SMMT), the Euro emissions have had a significant influence in reducing emissions.

It states that since 1993, carbon monoxide levels have been cut by 82% for diesel-engine cars and 63% for petrol's and particulate matter is down by 96%. Since 2001, nitrogen oxide is down by 84% and hydrocarbons are down by 50% in petrol-engine cars.

39. An incentive for more low polluting, extremely low CO2 emitting vehicles is required within the SRBC Taxi licensing policy.
40. Any change in vehicle age policy should have regard for the existing Euro ratings, which since 2016 has required manufactures to reduce emissions year on year.
41. The euro rating of a vehicle does not necessarily increase with newer vehicles, older non-polluting vehicles can still have a euro rating of up to 6.

For example, a VW Passat 2.0 TDI registered in 2016 had an emissions rating of around 145g/km, whereas the same vehicle VW 2.0 TDI registered in 2020 146-155g/km.

At the end of 2013, the European Parliament and the Council of the European Union reached an agreement regarding two regulatory proposals that would implement mandatory 2020 CO2 emission targets for new passenger cars and light-commercial vehicles in the European Union. The passenger car standards are 95 g/km of CO2, phasing in for 95% of vehicles in 2020 with 100% compliance in 2021. The light-commercial vehicle standards are 147 g/km of CO2 for 2020.

Agenda Item 8

42. As per the policy that was presented to the committee in November 2019, the licenced fleet of hackney carriage and private hire vehicles as of November 2019, consisted of 256 licenced vehicles. 89 vehicles did not meet the EU standards for emissions, out of the 89, 76 were wheel chair accessible vehicles.
43. The policy currently promotes the incentive to drivers to licence wheelchair accessible vehicles and not efficient low polluting vehicles.
44. This was the stance of the council in 2015, the fleet consisted of a small amount of wheel chair accessible vehicles and this needed to be address. Times have now changed, and the council should be aiming its age policy to promote clean air zones, whilst still meeting its requirements for Wheelchair Accessible Vehicles designated for the purposes of Section 165 of the Equalities Act 2010.
45. There is currently nothing within the policy that promotes an incentive for drivers to choose more efficient, less polluting vehicles.
46. Electric wheelchair accessible or purpose-built taxis are still too expensive, to be cost effective for a taxi driver to purchase with new models still around £50-60k to purchase, whereas saloon type hybrid are now available in a more cost affective affordable way.

Is there still a need for a grandfather rights policy with regards to licensing new hackney carriage vehicles?

47. The main objective of the grandfather rights policy in 2015 was to restrict the amount of saloon hackney carriages and increase the number of wheelchair accessible vehicles operating within South Ribble. Since then the only way to licence a new hackney carriage vehicle through south ribble borough council, has been to present a wheel chair accessible vehicle.
48. Current policy states;

6.10 Wheelchair Accessibility

The Council will only accept applications for a New Hackney Carriage Vehicle Licence for vehicles which meet the age criteria and are wheelchair accessible. There is no restriction on whether accessibility is via rear or side loading doors. Hackney Carriage Proprietors in possession of a current Hackney Carriage vehicle licence that was issued to them on or before the 21st October 2014 (GLC minute 2014/20) may apply to replace their vehicle with either a wheelchair accessible vehicle or a non-wheelchair accessible vehicle.

All other Hackney Carriage proprietors may only replace their vehicle with a wheelchair accessible vehicle.

The decision will be reviewed in 2019, when the Council will consider whether there is still a balance of vehicles for all taxi users, and thus if the authority is complying with its equality duty.

Proprietors of vehicles which have been converted from the manufacturer's original specification, to a wheelchair accessible vehicle, must comply with the SRBC policy on modified vehicles which will be made available separately.

Agenda Item 8

49. Current numbers of hackney carriage vehicles are depleting compared to 2015 when the grandfather rights policy was passed.

A number of drivers retire or no longer choose to work as a hackney carriage driver and let the licence lapse.

New drivers are turning down applying for badges with this authority as they can't obtain a hackney carriage licence for their vehicle,

50. Applicants are applying at neighbouring authorities with no age policy and licencing with them as hackney carriage drivers, only to return to work in this area for the same operators with their vehicle licenced by other authorities. (hackney carriage drivers can take bookings from an operator outside of the borough its licenced by).

Our officers have very little to no enforcement powers over these vehicles operating in our area.

We should be looking to give incentives for extremely low CO2 emitting vehicles as well as promoting wheelchair accessible vehicles still to some extent.

Around 14% of the hackney carriage fleet is used by owner drivers, the rest are made up of operators owned hackney carriage vehicles, who are using the remaining 86% to perform mainly private hire pre booked work and some rank work.

Compared to other boroughs the ranks in South Ribble are empty and could accommodate more hackney carriage vehicles.

The independent unmet demand survey carried out in April 2019 states the following in reference to this,

Many phoned-for bookings will be serviced by hackney carriage vehicles particularly in Leyland. Despite freely available hackney carriage plates for wheelchair accessible capable vehicles, few have been added and the overall evidence is little need for such vehicles. There is a very high provision of wheelchair accessible capable disabled vehicles in the private hire fleet, but all but one is for work on Lancashire county, non-public-facing contracts, which take that fleet across the whole of the County.

51. The council would still have a duty to make public a list of Wheelchair Accessible Vehicles designated for the purposes of Section 165 of the Equalities Act 2010. So, some restriction on the number of saloon vehicles would still be required for equality purposes.

Section 165 of the Equalities Act 2010 imposes duties upon the drivers of designated vehicles when dealing with disabled passengers travelling in wheelchairs or a person who wishes to be accompanied by a disabled person in a wheelchair. Those duties are set out in Section 165(4) as follows:

- to carry to passenger whilst in the wheelchair;
- not to make any additional charge for doing so;
- if the person chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are reasonably necessary to ensure that the passenger is carried in safety and reasonable comfort; and

Agenda Item 8

- to give the passenger such mobility assistance as is reasonably required.

Proposals

52. Officers have come up with a list of proposals that they would like to propose to members of the licensing committee to consult the trade.

53. Option 1 Keep as it is - make no changes.

The Council will where appropriate, issue Hackney Carriage Licences to vehicles which;

Type of Vehicle	Maximum Age When First presented for Licensing
purpose built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	6 Years
All other vehicle types (hatchback saloon, estate etc)	4 Years

Vehicles which have been continuously licenced by South Ribble, will no longer be eligible for renewal once pass the following ages;

Type of Vehicle	Maximum Age vehicles Can Be licenced Until
purpose built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	12 Years
All other vehicle types (hatchback saloon, estate etc)	8 Years

54. Option 2 Reduce all vehicles to the same age. (4 and 8).

Reduce all vehicles to fall in line, remove the option for wheelchair accessible vehicles to be able licenced for up to 6 years of age when first licenced, also removing the option for them to stay on for the extra 4 years up to 12 years of age.

All vehicles would only be licenced if the vehicle was under 4 years of age when first licenced and to remain on the fleet until 8 years.

The Council will where appropriate, issue Hackney Carriage Licences to vehicles which;

Type of Vehicle	Maximum Age When First presented for Licensing
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	4 Years

Agenda Item 8

Vehicles which have been continuously licenced by South Ribble, will no longer be eligible for renewal once pass the following ages;

Type of Vehicle	Maximum Age vehicles Can Be licenced Until
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	8 Years

55. Option 3 Have a blanket policy all vehicles for 5 years on and 10 years off the fleet

Reduce the allowance on wheel chair accessible vehicles and increase the non-wheel chair saloon vehicles so they can all be accepted up to the age of 5 years of age when first licenced and stay on the fleet until 10 years.

The Council will where appropriate, issue Hackney Carriage Licences to vehicles which;

Type of Vehicle	Maximum Age When First presented for Licensing
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	5 Years

Vehicles which have been continuously licenced by South Ribble, will no longer be eligible for renewal once pass the following ages;

Type of Vehicle	Maximum Age vehicles Can Be licenced Until
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	10 years

56. Option 4 Reduce all vehicles to 4 and 8 years. With an option of an extension for non-polluting vehicles that conform to a certain euro rating.

Reduce all vehicles to 4 years of age maximum when first licence and to be remain licenced until the vehicle is 8 years old, but, if the vehicle passes a set co2 emissions euro rating an option for an extra 2 years older when first licenced (up to 6 years old) and remain licenced until 12 years of age.

The Council will where appropriate, issue Hackney Carriage Licences to vehicles which;

Type of Vehicle	Maximum Age When First presented for Licensing
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi)	4 Years

Agenda Item 8

wheelchair accessible vehicles	
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles, that has a certain euro rating meeting a set level of CO2 emissions.	6 years

Vehicles which have been continuously licenced by South Ribble, will no longer be eligible for renewal once pass the following ages;

Type of Vehicle	Maximum Age vehicles Can Be licenced Until
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	8 Years
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles, that has a certain euro rating meeting a set level of CO2 emissions.	12 years

57. This option would introduce an incentive to drivers to obtain more efficient vehicles as they can buy them older and keep them on for longer. But only certain types of vehicles that are more efficient and low polluting. This would fall in line with the air quality commitments of South Ribble BC.

58. Vehicles would still be licenced subject to passing the rigorous road worthiness certificate and drivers would be required to keep their vehicles in a good safe working order of officers would issue stop notices if vehicles were found to be unfit on the side of the road.

59. Drivers would look to buy hybrid electric and non-polluting vehicles if the incentive was that they could buy a vehicle up to 2 years older and for them to licence for another 4 years up to 12 years of age.

60. This option could be reviewed in 3 years' time, with the option of making the policy more stringent on emissions of the south ribble licenced fleet, but again this would depend of the cost and availability of hybrid and electric vehicles at that point of time as more and more second-hand vehicles of this type become available.

Exemptions from this rules for certain types of vehicle

61. Exemptions may be applied from a Euro rating policy dependant on what type of work the vehicle is required for.

This would be dependent on circumstances like i.e. a vehicles being used specifically for a child with special needs and the vehicles being used meets a required need by the child.

Agenda Item 8

Approximately 70 of the private hire vehicles licenced by this authority are dedicated to special needs transport and are not available for private hire in the conventional sense. Taking into account the TFL charging zones, who have delayed any charges being applied to wheel chair accessible vehicles until 2025 and Governments Clean Air Zone Framework which creates an exemption for vehicles within the disabled passenger vehicle tax class.

62. All vehicles performing special educational needs transport that do not meet the policy proposed for Euro rated vehicles, should be given an exemption and should still be accepted up to 6 years of age when first licenced and be allowed to remain licenced until 12 years of age.
63. The type of vehicle used for disabled school transport is normally a converted mini bus, specifically adapted to meet the needs of the user.
64. Obviously, this exemption would not need to be granted to this type of vehicle, if it passes the Euro rating test and operators should be openly advised by the authority to try to purchase low CO2 rated vehicles where possible and that in 3 years there will be a requirement for all disabled vehicles to pass Euro rating 6.

This exemption would be intended to be revaluated following the next renewal of the taxi licensing policy in 3 years' time- in 2024. At such time a review on the type of mini bus vehicles available to the trade would be investigated by officers and not to mention closer in line to the timeframe of TFL's charging zone and the Government Clean Air Zone Framework.

65. This exemption would be granted with the advice given to operators, that the exemption would not be extended after 3 years. During this time period, operators would be expected to bring their fleet of vehicles in line with the proposed accepted level of CO2.
66. Following the policy review in 3 years' time, if vehicles failed the CO2 test, operators would only be given licences for vehicles no older than 4 years on first licensing and up to 8 years licenced by this authority no matter what type of work was being performed.

It is envisaged that following a period of 3 years, manufacturers will be further down the line with producing mini bus vehicles that are even less polluting, eco-friendlier and would be in line with that rating seen on normal saloon vehicles.

Relevant recommendations set out in the report of the unmet demand survey

On the basis of the evidence gathered in this review of licensed vehicle policy for South Ribble Council, the following revisions should be considered:

- *Revise the current restriction on new hackney carriages to encourage hybrid or electric vehicles to be added to the fleet (retaining the option of wheelchair accessible capable additions but encouraging these to be as air quality friendly as possible)*
- *In the medium to longer term, move towards removing the different age policy between wheelchair accessible and saloon vehicles from both sides of the trade*
- *finding ways to ensure the current hackney carriage wheelchair accessible capable fleet is not diminished*

Agenda Item 8

Many of the above aims will need careful balance to ensure the current fleet moves forward to be future-proofed as early as possible without reducing the fleet size which is probably presently at an optimum level.

there are some concerns that need to be addressed:

- *The current total fleet is not particularly air quality friendly*
- *There are just three hybrid and no electric vehicles in the whole fleet*
- *None of the present wheelchair accessible capable fleet would pass future Clean Air Zone charging regimes*
- *Many of the wheelchair accessible capable vehicles are amongst the most polluting*

Proposals

Age Policy

67. Officers feel their preferred choice would be option 4 going forward with the policy, this would help meet the departments obligation towards the council's clean air zones commitments.

The incentive of being able to licence a vehicle for longer if it meets certain euro rating criteria for lower CO2 levels should help to create a fleet of low polluting vehicles and officers feel we would start to see an increase in electric and hybrid vehicles being licenced by drivers. Drivers should find it more affordable to purchase these types of vehicles with less restrictions on age.

Licensing of new Hackney carriage vehicles

68. Officers feel this is now a good time to review the number of saloon hackney carriage vehicles licenced by this authority and look to cap the amount of saloon hackney carriage vehicles licenced.

69. Once this agreed set cap has been reached a review could take place 6 monthly or annual applications for saloon hackney carriage vehicles. Drivers would still be able to licence wheelchair accessible hackney vehicles as they please with no cap.

The proposed changes required to the Taxi licensing policy with regard to licensing hackney carriage vehicles can be found in appendix 4 of this report.

70. It would create a controlled balance of wheelchair accessible and saloon type vehicles that are greener and compliant with required CO2 levels. Whilst still complying with its obligations under section 165 of equalities act 2010.

Climate change and air quality

71. The work noted in this report impacts on the following areas of climate change and sustainability targets of the Councils Green Agenda: net carbon zero by 2030, reducing waste production, limiting non sustainable forms of transport, working with sustainable and green accredited companies, limiting or improving air quality, limiting water waste and flooding risks, improving green areas and biodiversity.

Agenda Item 8

Equality and diversity

72. The report sets out how the council will still meet its equality requirement of section 165 of equalities act 2010.

Comments of the Statutory Finance Officer

73. There are no direct financial implications of this report.

Comments of the Monitoring Officer

74. The Council has power to licence private hire vehicles under the Local Government (Miscellaneous Provisions) Act 1976 and hackney carriages under the Town Police Clauses Act 1847 . Any refusal to grant a private hire vehicle licence may be appealed to the local magistrates court (and conditions imposed on grant of a private hire vehicle licence or a hackney carriage vehicle licence may also be likewise appealed). A refusal to grant a hackney carriage vehicle licence may be appealed directly to the Crown Court.

Background documents

Background Document 1 - Clean Air Zone Framework - Principles for setting up Clean Air Zones in England

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863730/clean-air-zone-framework-feb2020.pdf

Background document 2 - SRBC Unmet Demand Survey

Appendices

List the appendices in the order that they are attached to the report with titles as appropriate. Any spreadsheets/diagrams should be in pdf format and be headed up.

Appendix 1 - Proposed wording for option 2

Appendix 2 - Proposed wording for option 3

Appendix 3 - Proposed wording for option 4

Appendix 4 – Proposed wording for licensing new hackney carriage vehicles

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South Ribble Council
Review of Licensed Vehicle Policy

March 2019

Executive Summary

This review of licensed vehicle policy has been undertaken on behalf of South Ribble Council following the guidance of the April 2010 DfT Best Practice Guidance document. This Executive Summary draws together key points from the main report that are needed to allow a committee to determine from the facts presented their current position in regard to what policies should be revised in regard to vehicle policy. It is a summary of the main report which follows and should not be relied upon solely to justify any decisions of a committee, but must be read in conjunction with the full report below. TO BE COMPLETED WHEN MAIN REPORT ACCEPTED



Contents

Executive Summary	i
Contents	iii
1 General introduction and background	1
2 Local background and context.....	5
3 Review of rank provision and licensed vehicle operations	15
4 General public views.....	17
5 Emission impacts of fleet.....	21
6 Summary, synthesis and study conclusions	25
9 Recommendations	31



1 General introduction and background

South Ribble Council is responsible for the licensing of hackney carriage and private hire vehicles operating within the Council area and is the licensing authority for this complete area. This review of current policy is based on the Best Practice Guidance produced by the Department for Transport in April 2010 (BPG). It seeks to provide information to the licensing authority to allow them to review, with relevant information, the current policies in regard of licensed vehicles in this area.

Current hackney carriage, private hire and operator licensing is undertaken within the legal frameworks first set by the Town Police Clause Act 1847. This has been amended and supplemented by various following legislation including the Transport Act 1985, Section 16 in regard to hackney carriage vehicle limits, and by the Local Government Miscellaneous Provisions Act 1976 with reference to private hire vehicles and operations. Many of the aspects of these laws have been tested and refined by other more recent legislation and more importantly through case law.

Beyond legislation, the experience of the person in the street tends to see both hackney carriage and private hire vehicles both as 'taxis' – a term we will try for the sake of clarity to use only in its generic sense within the report. We will use the term 'licensed vehicles' to refer to both hackney carriage and private hire.

The legislation around licensed vehicles and drivers has been the subject of many attempts at review. The limiting of hackney carriage vehicle numbers has been a particular concern as it is often considered to be a restrictive practice and against natural economic trends. The most recent reviews were by the Office of Fair Trading in 2003, through the production of the BPG in 2010, the Law Commission review which published its results in 2014, the All-Party Parliamentary Group review concluded in 2018 and the February 2019 response to this and associated consultation from the Department for Transport. None of these resulted in any material change to the legislation involved in licensing although the DfT response suggests there could be some legislative change forthcoming.

The upshot of all these reviews in respect of the principal subject of this survey is that local authorities retain the right to restrict the number of hackney carriage vehicle licenses. The Law Commission conclusion included retention of the power to limit hackney carriage vehicle numbers but utilizing a public interest test determined by the Secretary of State. It also suggested the three-year horizon also be used for rank reviews and accessibility reviews.

The Government response to the APPG and associated consultation focusses on improving some matters principally related to passenger safety. It also considers some matters related to enabling Clean Air Zone vehicle charging regimes to be able to apply to the full English fleet of licensed vehicles. There is also mention that the DfT encourages licensing authorities to demonstrate how they will use their current powers to improve provision of wheel chair accessible hackney carriages if their level of such provision is 5% or less.

A more recent restriction, often applied to areas where there is no 'quantity' control felt to exist per-se, is that of 'quality control'. This is often a pseudonym for a restriction that any new hackney carriage vehicle licence must be for a wheel chair accessible vehicle, of various kinds as determined locally. In many places this implies a restricted number of saloon style hackney carriage licences are available, which often are given 'grandfather' rights to remain as saloon style. This is presently the case in South Ribble.

Within this quality restriction, there are various levels of strength of the types of vehicles allowed. The tightest restriction, now only retained by a few authorities only allows 'London' style wheel chair accessible vehicles, restricted to those with a 25-foot turning circle, and at the present time principally the LTI Tx, the Mercedes Vito special edition with steerable rear axle, and the Metrocab (no longer produced). Others allow a wider range of van style conversions in their wheel chair accessible fleet, whilst some go as far as also allowing rear-loading conversions. Given the additional price of these vehicles, this often implies a restriction on entry to the hackney carriage trade. This has not been the case in South Ribble, and a wide range of WAV style are permissible.

Some authorities do not allow vehicles which appear to be hackney carriage, i.e. mainly the London style vehicles, to be within the private hire fleet, whilst others do allow wheel chair vehicles. The most usual method of distinguishing between hackney carriages and private hire is a 'Taxi' roof sign on the vehicle, although again some areas do allow roof signs on private hire as long as they do not say 'Taxi', some turn those signs at right angles, whilst others apply liveries, mainly to hackney carriage fleets, but sometimes also to private hire fleets. This is certainly not the case in South Ribble, and the highest number of WAV are actually in the private hire fleet, albeit in reality not available to the general public as they are principally operated to meet contractual needs from Lancashire County Council, meaning the vehicles actually service many areas beyond South Ribble.

The most recent changes in legislation regarding licensed vehicles have been enactment of the parts of the Equality Act related to guidance dogs (sections 168 to 171, enacted in October 2010), the two clauses of the Deregulation Act which were successful in proceeding, relating to length of period each license covers and to allowing operators to transfer work across borders (enacted in October 2015), and most recently enactment of Sections 165 and 167 of the Equality Act, albeit on a permissive basis (see below).

In November 2016, the DfT undertook a consultation regarding enacting Sections 167 and 165 of the Equality Act. These allow for all vehicles capable of carrying a wheel chair to be placed on a list by the local council (section 167). Any driver using a vehicle on this list then has a duty under section 165 to:

- Carry the passenger while in the wheel chair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheel chair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

This was enacted from April 2017. There remains no confirmation of any timetable for instigating either the remainder of the Equality Act or the Law Commission recommendations, or for the update of the BPG. South Ribble has a list of WAV, updated for this project to the end of January 2019.

In conclusion, the present legislation in England and Wales sees public fare-paying passenger carrying vehicles firstly split by passenger capacity. All vehicles able to carry nine or more passengers are dealt with under national public service vehicle licensing. Local licensing authorities only have jurisdiction over vehicles carrying eight or less passengers.

These are split between hackney carriages which are alone able to wait at ranks or pick up people in the streets without a booking, and private hire who can only be used with a booking made through an operator. If any passenger uses a private hire vehicle without such a properly made booking, they are not generally considered to be insured for their journey.



2 Local background and context

Key dates for this review of licensed vehicle policy for South Ribble Council are:

- appointed CTS Traffic and Transportation on 18 December 2018
- in accordance with our proposal of November 2018
- as confirmed during the inception meeting for the survey held on 10th January 2019
- this survey was carried out between January and February 2019
- On street pedestrian survey work occurred in late January 2019
- A draft of this Final Report was reviewed by the client during March 2019

The authority has a current population of 110,634 using the 2019 estimates currently available from the 2016 estimates from the 2011 census data. In terms of background council policy, South Ribble is a Borough Council with highway and transport powers principally at the County level with Lancashire. However, with respect to ranks, the County works in conjunction with the district on establishing ranks as part of an overall parking strategy or review, but the local district is also able to provide taxi bays under their special provisions which allow such to be provided under local authority auspices with consent from the County. Typical options use bays with limited daytime waiting for ranks at night, very helpful when new night venues open and need urgent action on rank provision. As far as we are aware, these options have not been used recently in this area. The County Council confirmed the county provision of ranks (see Chapter 3).

The Council area has a very varied population and levels of prosperity. One area is the seventh most affluent ward of the 8,000 North West wards, whilst another is 180th worst (Broadfield) and another 370th worst (Seven Stars). There are a large number of very small settlements and several other moderate sized settlements. A lot of economic activity is related to Preston, with a lot of people regularly visiting Preston either for work, leisure or personal business.

Whilst many have the option of travelling to Preston and various other destinations by train, there are just three stations in the Borough. The highest level of use is for Leyland, which was 1,018th busiest in England, Scotland and Wales public stations in the year ending March 2018. This is out of a total of 2,563 stations listed. Some 395,928 persons were estimated to enter or exit the station in that period, a drop of 5% since the previous year. This station has three trains per hour per direction although these are not regularly spaced. This reduces the opportunities at the station to a level that reduces the potential for regular waiting by hackney carriage vehicles.

Destinations serviced include Preston, Blackpool North, Manchester Piccadilly, Liverpool and Manchester Airport and various intermediate stations including Wigan, Chorley, Bolton, St Helens and Huyton, mostly at hourly frequency apart from Wigan which sees two trains per hour.

Bamber Bridge and Lostock Hall are both located on the Preston to Colne route, and are 1,780th and 2,025th in order, with 88,720 and 11,834 entries and exits per year in the last available information. Whilst Bamber Bridge had also seen a fall of 1% over the last year, Lostock Hall saw an 11% gain in the same year. Both stations basically have an hourly service.

Only Leyland has an actual rank provided directly outside the station exit that is closest to the town centre. The low levels of demand and low frequency of services at the other two locations suggest they would only ever be serviced by people making phone calls or bookings in various ways.

It is understood that there are special arrangements in place to transfer visitors to the two HMP establishments in the area from Leyland station although no further information was obtained.

Lancashire County Council undertakes a wide range of school and social services journeys including use of both hackney carriage and private hire both from within the Borough fleet, and from other fleets across the County, as required by the services required to bring people to County facilities, principally schools.

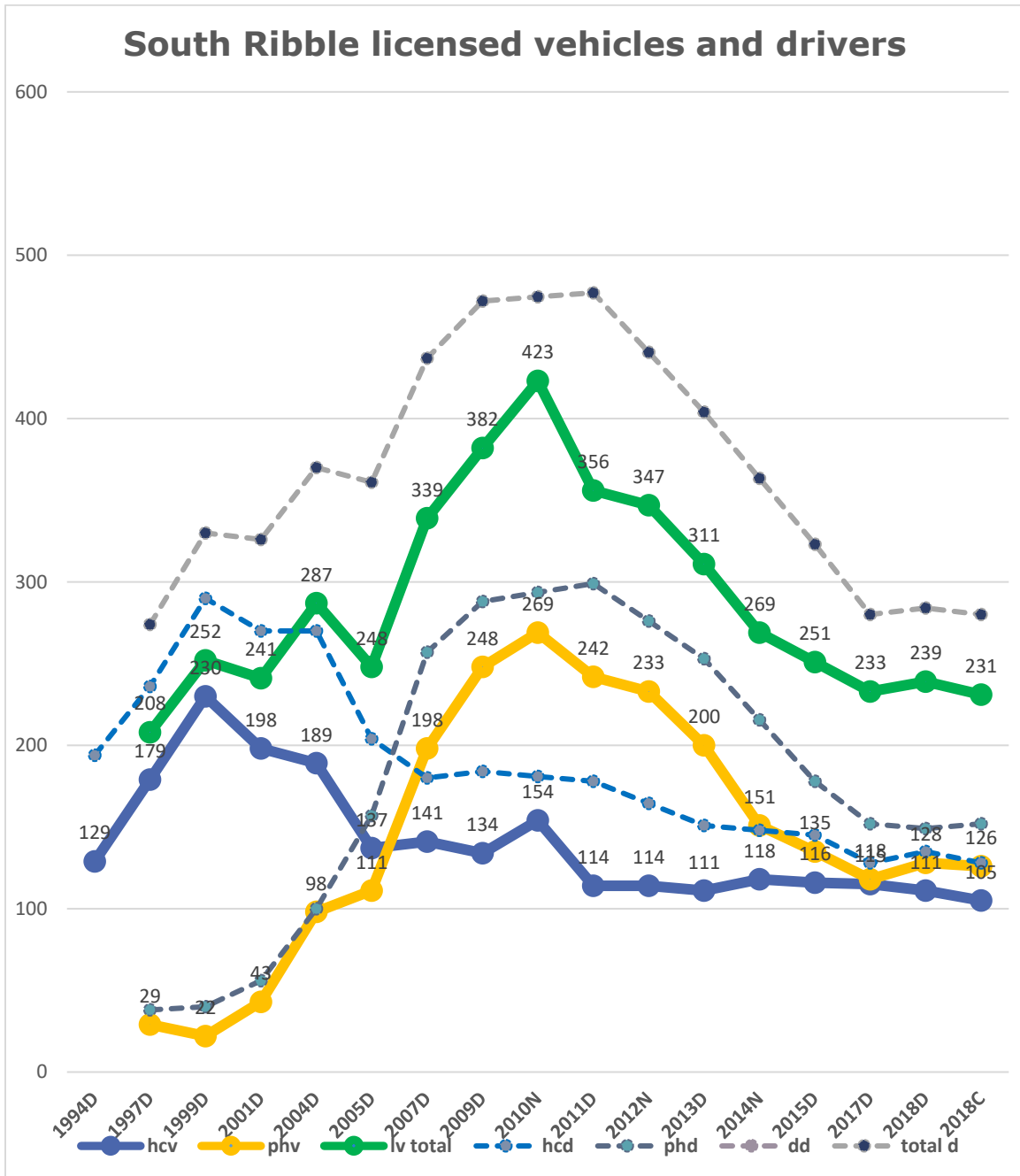
South Ribble undertook an unmet demand survey in around 2000. This found no passenger queues in off peak hours which meant the overall index of significance of unmet demand (ISUD) was zero. For the record, average passenger delay was 0.07 minutes (4 seconds), and the proportion of people travelling in hours when there was an average passenger delay over a minutes was 0.25%. The delay profile was not peaked. Following this report, a decision was made that any new hackney carriage vehicles added needed to be wheel chair accessible. Saloon vehicles were given grandfather rights to remain as saloon. It is understood since that decision that just a single hackney carriage plate has been issued. Further discussion of fleet development follows below.

There was a recent application for a hackney carriage vehicle, but it was for a higher quality saloon vehicle and not a WAV style vehicle. It was therefore rejected as there was no further information how the vehicle would be used and on the basis the WAV policy was shortly to be reviewed.

By drawing together published statistics from both the Department for Transport (D) and the National Private Hire Association (N), supplemented by private information from the licensing authority records (C), recent trends in vehicle, driver and operator numbers can be observed. The detailed numbers supporting the picture below are provided in Appendix 1. Due to the comparative size, the operator figures are shown in the second picture.

There are some concerns about the early statistics for South Ribble, with no way of confirming what the correct values actually were. Some revisions have been made to avoid false impressions but there may be other inaccuracies remaining but they are used to paint a general picture.





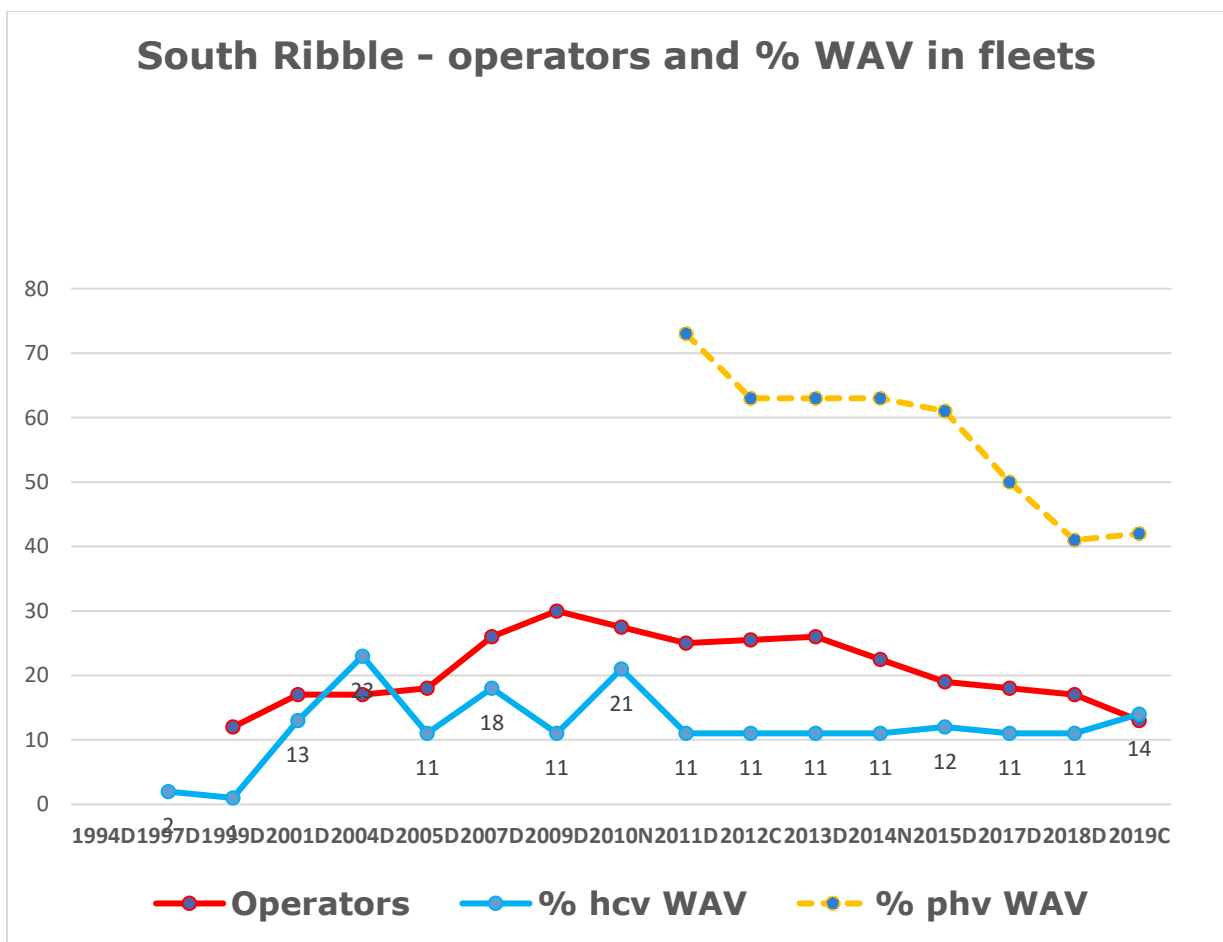
Licensing Statistics from 1994 to date

The general view is of a steadily reducing fleet of both hackney carriage and private hire vehicles. The same is true for both hackney carriage and private hire drivers. The current fleet is 231 vehicles in total, serviced by some 280 drivers, fairly equally split according to the vehicle type driven.

Given there are no dual drivers, some of the duplication is those who have both a hackney carriage and private hire licence, although drivers are not a focus of this current review.

Information is also available from these sources to show how the level of wheel chair accessible vehicles (WAV) has varied. It must be noted that in most cases the values for the private hire side tend to be much more approximate than those on the hackney carriage side, as there is no option to mandate for private hire being wheel chair accessible. In some areas, to strengthen the ability of the public to differentiate between the two parts of the licensed vehicle trade, licensing authorities might not allow any WAV in the private hire fleet at all. This is not the case in South Ribble, and despite the ability of anyone to obtain and add a WAV to the hackney carriage fleet, a significant number of vehicles are WAV within the private hire fleet.

However, all but one of these WAV in the phv fleet belong to one company that focusses on contracts and are not generally available to the public of the area.



Operator numbers and levels of WAV provision in the fleet

There are three cases where the level of hcv WAV appear to increase beyond the general level. However, these are believed to be errors in the statistics provided and the general picture is of a generally similar level of WAV in the hcv fleet, although the most recent statistics suggest a possible recent increase both for hcv and phv based WAV plates, although neither increases are significant.

A review was undertaken of the national proportions of WAV within hcv and phv fleets, using the latest DfT March 2018 statistics that are available. Using these statistics, the proportion of hackney carriage WAV in the English fleet apart from London, is 42%.

However, of the 292 licensing authorities in England (excluding London), 60 have 100% WAV hackney carriage fleets. There are a further six authorities who have no WAV vehicles in any part of their licensed vehicle fleet. 11 authorities have no hcv WAV but some in their private hire fleet. This leaves some 215 authorities that have some hcv WAV but are not fully WAV in their hackney carriage fleet. This is the level which is most appropriate to compare South Ribble to. For this group of authorities, the average % WAV on the hackney carriage side is 22% of the fleet. This is higher than the current 14% attained by South Ribble within its hackney carriage fleet.

However, there are 108 of these authorities having less than this proportion of hcv WAV, and two authorities, including nearby Lancaster, who have exactly the same proportion. 104 authorities have more hcv WAV proportion than South Ribble. This suggests South Ribble is in a reasonable position with respect to the level of WAV hackney carriages it has – effectively having the middle position within this set of authorities, although being below the average level.

An overall review of the licensed vehicle function received its final report in 2016, since which the latest version of the “Hackney Carriage and Private Hire Licensing Policy” stating local application of the present legislation and guidance was published in March 2018. Several items within this are relevant to this report.

Section 6.9 states the Council will issue hackney carriage licences to vehicles which are no older than 4 years when first presented for licensing, and in respect of purpose built taxis (i.e. Peugeot E7, Euro taxi) or other wheelchair accessible vehicles are no older than 6 years when first presented for licensing. General vehicles will no longer be eligible for renewal once they are eight years old, and for the purpose built category the limit is 12 years. However, to ensure the Council does not fetter its discretion proprietors can apply with older vehicles and these would be considered under the listed considerations in the policy by the committee.

Only vehicle age compliant and wheelchair accessible new vehicles can be added to the hackney carriage fleet. Vehicle licences issued on or before 21st October 2014 can be replaced with either a wheelchair accessible or non wheelchair accessible vehicle. All other proprietors may only replace their vehicle with a wheelchair accessible vehicle. This decision will be reviewed during 2019 (part of the reason for this Report).

For private hire vehicles, the age limit policy is slightly differently worded. The second category states 'larger MPV's, minibuses and other wheelchair accessible vehicles'. During the course of this review it has become clear that several of these vehicles are not actually wheelchair accessible even though some have body types that could either be adapted or otherwise made capable of taking wheelchairs. This is true of vehicles on both the private hire and hackney carriage side of the trade – the final confirmation of the wheelchair status of a vehicle is provided on the Council's list of designated wheelchair accessible vehicles. Licensing of non-WAV active vehicles is against the spirit of the age policy that seeks to provide redress to those willing to invest more in high cost, but WAV active vehicles.

At the present time, a general review of licensed vehicle policy is to be completed by the end of March, with a review of licensed vehicle policy specifically due by November 2019.

Present distinction between hackney carriages and private hire is as follows:

Hackney carriage – blue plates front and rear with roof sign

Private hire – yellow plate on rear only, door sticker advising the vehicle can only be pre-booked.

There is a further issue under discussion, regarding tinted windows and the potential application of a CCTV policy to the fleet.

A copy of the door sticker was provided. This is very small compared to many others we have observed around English licensing authorities. We understand the aim of the size is to prevent people thinking the vehicle is a hackney carriage whilst warning those entering the vehicle if they have not made a booking. Our view is that this makes the private hire vehicles of the area too inconspicuous and too difficult to identify from a private car.

During the course of our visits to the area, we noted that the location of the small private hire sticker is not consistent across vehicles. In some cases, the size allows the sticker to be located relatively inconspicuously – and often almost invisibly- which does not help the public to be certain that their vehicle is licensed. Appendix 3 provides photographs of a range of private hire vehicles to identify some of the range of applications undertaken.

During our latest tour it became clear that a further complication occurs where an operator runs both licensed vehicles and public service vehicles. The principal difference between the vehicles is in fact their seating capacity which is not externally obvious, and again the size of the private hire sticker does not help differentiate such vehicles more clearly. However, this is less of an issue as generally none of these vehicles tend to be publicly available or promoted to the public. It is, however, an issue for those wishing to ensure that privately contracted vehicles are locally licensed if they need to do so.

Vehicle fleet structure

A copy of the current fleet list was provided for the purposes of understanding the overall structure of the industry, and the current pollution impact of the present vehicle set. Further discussion regarding pollution impacts is provided in Chapter 5 below.

At the end of January 2019, the South Ribble licensed vehicle fleet comprised 105 hackney carriages and 126 private hire vehicles.

For the hackney carriage fleet, 14% remain independents. The rest were owned by four companies. One of these companies was in fact a one-vehicle, hackney carriage only operation. The largest company own 80% of the total hackney carriage fleet and 93% of the non-independent hackney carriage fleet. They also have 19% of the private hire fleet and are therefore a mixed-fleet operator. Co-incidentally their base is adjacent to the large contract-only operator so both fleets are often parked nearby each other.

All private hire vehicles are effectively company owned. There are eight small, two large and two mixed hackney carriage / private hire operators. However, of the small private hire only operators three of these are single vehicle, another has just two, two others have just three private hire, two have four and the largest has eight vehicles. The two smaller mixed vehicle fleets have two hcv and eight phv and three hcv and two phv respectively.

The largest private hire operator has 52% of the private hire fleet. However, we understand this operator does not undertake work apart from contracts. Many of these require WAV style vehicles, which accounts for all but one of the phv WAV fleet. This implies that the public-facing private hire fleet for the area is in reality just 61 vehicles.

The authority does allow vehicles that will not be public facing, i.e. executive vehicles, to apply for an exemption from exhibiting the private hire plate and sticker on the vehicle externally. This option, however, only applies to vehicles that could never really be utilised by the public, even for specific, i.e. airport contracts.

It is understood that there are currently no more than six of these vehicles, owned by three different operators. This reduces the public-facing fleet to some 58 private hire vehicles, of which 41% are owned and operated by the public facing large operator.

Further, at least one of the small operators mainly operates airport services only and three others have 'airport' in their name.

During our tours of the area, it proved very difficult to identify many of the private hire vehicles with most Leyland active vehicles tending to be hackney carriage with the main location for active private hire being the three smaller centres. Even there, the level of daytime activity of the fleet is not high.

The top three small shopping centres of Bamber Bridge, Lostock Hall and Penwortham all have their own operators with clearly presented booking offices (albeit mainly above shops rather than at ground level). These are in fact the three largest of the small operators, with just one having a mixed fleet, which also happens to be the largest of these three. It is understood that two of these operations have now effectively merged.

This suggest little operational demand for hackney carriages in either Bamber Bridge or Lostock Hall assuming all operations are undertaken legally (with no evidence this is not the case). However, at least one of these operators uses out of town vehicles, one of which was identified as an out-of-town WAV hackney carriage. We understand this operator also has out-of-town private hire as well.

The private hire situation has been complicated by mergers and acquisitions between the smaller companies. This is evidenced by both booking offices and in some cases vehicles advertising several different companies, often to attempt to keep some level of customer loyalty from the past. Whether this will be further complicated by the recent changes is yet to be seen.

We were made aware that enforcement activities have identified potential passengers, particularly in these three smaller locations, seeking to flag down private hire vehicles. There are also informal reports (including during our rank tour) that out of town London style hackney carriages from a number of licensing authorities, some legitimately acting as private hire in this area, may also find passengers seeking to flag them down. This might be seen as evidence of latent demand for hackney carriages particularly in the smaller areas where there are no ranks.

Even in Leyland, there is one fairly obvious booking office and at least two, if not more, free-phones, and relatively little footfall apart from the largest supermarket, so it is clear that phoned-for vehicles are the most likely way people will get licensed vehicles from an observation point of view (see synthesis section), even if many of these will arrive as hackney carriage vehicles.

The issue of the private hire sticker is complicated and has become confusing. Whilst all vehicles tend to display the sticker, most in a rear side location just beneath the back of the rear quarterlight, this is not consistent and its location can tend to it being lost on the overall vehicle. This is complicated by a wide variation in how private hire vehicles advertise their services and allegiance. There are at least two public facing company-owned vehicles that we have observed with no markings apart from the sticker and plate. The pictures in Appendix 3 show the range of markings on private hire vehicles in the area for which there is no current condition or guidance.

The WAV fleet

The present wheel chair accessible (WAV) hackney carriage fleet comprises 14% of the hackney carriage fleet. Of these, 73% are with one large operator, 20% with another large operator (who does not have a publicly facing booking office in the area), and the final 7%, or one vehicle, in the hands of an independent owner/driver. During both our area surveys, just under a third of the WAV hcv were observed, including the independent vehicle. No private hire WAV were seen at any point during either of our surveys. One vehicle was observed which looked like a WAV in size but which is one of those that is not WAV-capable.

It must also be reiterated that in both hackney carriage and private hire fleet there are vehicles operating which are the same type as those which have been converted to be wheelchair accessible, but which are not on the approved list and are not capable of taking wheelchairs. This is a national issue that arises from the industry needing a wider range of vehicles, and in some cases lower cost vehicles, than the pure purpose-built London style wheelchair accessible vehicles, most of which are converted from body types also available in non-wheelchair format (e.g. Ford Transit, Peugeot Partner, Citroen Berlingo, Vauxhall Vivaro and several others). Some of the lower cost vehicles are often motability conversions drawn in to the fleet at the end of their initial life. This can lead to the public considering there is a bigger WAV fleet than is actually available, and could lead to accusations of discrimination which might in reality be a driver not stopping because they knew they would only frustrate a person with their lack of ability to help them.

3 Review of rank provision and licensed vehicle operations

As already recorded in Chapter 2, control of provision of on-street ranks in South Ribble is ultimately in the hands of the Lancashire County authority. Appendix 2 provides a list of ranks in South Ribble at the time of this current survey. For this review of licensed vehicle policy, we undertook a drive-round survey of the area, including places where there was likely to be highest demand for the services of licensed vehicles.

During the course of our two site visits we identified each of the ranks that exist within Leyland, but found no evidence of ranks in any other part of the Borough. During the course of both site visits, vehicles were observed at four of the six rank locations identified. One location, Chapel Brow, operates only for very limited hours and is believed to be little used. Two locations, Golden Hill (Leyland Station) and Tesco Extra are on or near to private land and clearly used by both vehicles and passengers. They do not appear on the formal Lancashire rank list and are therefore assumed to be privately owned.

Further investigation found that both the Leyland station and Tesco ranks are on South Ribble council owned land, but do not presently have any associated traffic regulation orders. This may be as they are on private and not highway land. This point is being further clarified with Lancashire.

The Hough Lane and Thurston Road ranks were also seen with vehicles active but no passengers were observed boarding these vehicles during our visits. The final rank is now very poorly marked on the road, on Towngate. Our observations suggested most vehicles servicing the Asda site would be in response to the in-house free-phone to a local company, who would tend to enter the store car park to pick up rather than do so at the nearby rank.

The Tesco store also has a free-phone which is sometimes serviced from the rank and sometimes from other vehicles from the linked company driving in. As with the Asda free-phone it is most likely the attending vehicle will be a hackney carriage, but a private hire might also be sent dependent on availability of vehicles.

A company office was also observed in Leyland on the opposite side of the road and slightly distant from both the Hough Lane and Thurston Road ranks, locations where company vehicles – albeit usually hackney carriage – were often waiting for custom. The main base for this company is in an industrial estate where there are very unlikely to be many, if any, walk-ins.

Another operating practice identified was that in Leyland many hackney carriages wait for radio calls in specific locations, including within the Tesco car park, rather than waiting at the central ranks. It is not clear why this occurs, but there is no return to rank stipulation so they may be waiting in locations best identified to maximise reaction to telephone calls.

During the inception drive-round just three other locations were identified where there might be significant numbers of people wanting the service of licensed vehicles to the extent that ranks might be viable. Bamber Bridge, Lostock Hall and Penwortham all have booking offices clearly advertising their services in each location, with areas for vehicles to wait generally in front of the premises, or in either public or private car parks to the rear. However, our experience was that daytime demand was generally very low, in one case seeing only a very few vehicles active out of the fleet on a Thursday lunchtime.

Only the Penwortham operator has a mixed fleet of hackney carriage and private hire, meaning passengers must walk into the office rather than get directly into a vehicle in both other areas.

4 General public views

It is very important that the views of people within the area are obtained about the service provided by hackney carriage and private hire. These surveys seek to identify the overall usage and views of hackney carriage and private hire vehicles within the study area, and to give chance for people to identify current issues and factors which may encourage them to use licensed vehicles more.

Such surveys can also be key in identifying variation of demand for licensed vehicles across an area, particularly if there are significant areas of potential demand without ranks, albeit in the context that many areas do not have places apart from their central area with sufficient demand to justify hackney carriages waiting at ranks.

These surveys tend to be undertaken during the daytime period when more people are available, and when survey staff safety can be guaranteed. Further, interviews with groups of people or with those affected by alcohol consumption may not necessarily provide accurate responses, despite the potential value in speaking with people more likely to use hackney carriages at times of higher demand and then more likely unmet demand. Where possible, extension of interviews to the early evening may capture some of this group, as well as some studies where careful choice of night samples can be undertaken.

Our basic methodology requires a sample size of at least 200 to ensure stable responses. Trained and experienced interviewers are also important as this ensures respondents are guided through the questions carefully and consistently. A minimum sample of 50 interviews is generally possible by a trained interviewer in a day meaning that sample sizes are best incremented by 50, usually if there is targeting of a specific area or group (eg of students, or a sub-centre), although conclusions from these separate samples can only be indicative taken alone.

It is normal practice to compare the resulting gender and age structure to the latest available local and national census proportions to identify if the sample has become biased in any way.

More recently, general public views have been enlisted from the use of council citizens' panels although the issue with these is that return numbers cannot be guaranteed. The other issue is that the structure of the sample responding cannot be guaranteed either, and it is also true that those on the panel have chosen to be there such that they may tend to be people willing to have stronger opinions than the general public randomly approached.

Finally, some recent surveys have placed an electronic copy of the questionnaire on their web site to allow interested persons to respond, although again there needs to be an element of care with such results as people choosing to take part may have a vested interest.

This survey undertook a total of 300 interviews across the area. To maximise returns, the focus was on locations that should yield the best return rates for interviewers. The following interviews were undertaken:

- 100 in and around Hough Lane, Leyland
- 50 at Leyland Market
- 50 in Bamber Bridge
- 77 in Penwortham
- 23 in Lostock Hall

The surveys were undertaken on a Thursday / Friday and Saturday in mid-January and early February 2019. Weather was suitable for interviews and the full target number was achieved, albeit with a smaller sample possible in Lostock Hall, made up in the larger numbers at Penwortham.

The sample was reviewed against the latest available census information for the area. Compared to the gender and age profiles available from the 2019 values based on the 2016 estimates, our survey spoke with less males than the expected census value (35% compared to 48%), and less of both the younger and older age groups used (15% achieved compared to 19% for the 15-30's) and 37% rather than 42% for those 55 and over. More of the middle group were interviewed. We do not consider this should have over-biased the sample although these statistics should be borne in mind in considering the responses.

94% of those responding said they lived in the South Ribble area. 70% said they had regular access to a car.

From the full sample, 87% said they had used a licensed vehicle in the South Ribble area in the last three months, a very high level of recent usage. When actual frequencies of usage were taken into account, those responding were estimated to make around 7.8 trips per person per month by licensed vehicle, again very high. When this is compared to those saying they have specifically used a hackney carriage, the level drops to 1.2 trips per person per month, lower but still a high value. This suggests about 15% of users of licensed vehicles in the area use hackney carriages.

When directly asked how people obtained licensed vehicles, 79% said they only used one method exclusively. Of these, 71% only phoned for them, 5.5% used free-phones, 3% used an app, 2.5% hailed and 18% said they got them from ranks.

This suggests the hackney carriage usage level is about 20.5% of the total, in the same order of magnitude as the usage-based estimate of 15%. This does not include any hackney carriages obtained in response to phone calls.

10% of people said they used a mix of methods to get their licensed vehicles. Of these, 45% said they obtained them half the time from a rank and half the time by telephone. 14% said 25% rank and 75% telephone. 31% said half the time by phone and half the time by free-phone. 7% said half the time by telephone and half the time by app with the final 3% saying 10% rank and 90% phone.

Within the hackney carriage question, 56% said they could not remember the last time they had used a hackney carriage and 12% said they could not remember seeing a hackney carriage in the area. Given the make-up of the area, this is a relatively low response suggesting people are aware of hackney carriages in South Ribble.

However, there is a rider to the responses shown by the question asking what ranks people were aware of in the South Ribble area. From the relatively large number of responses, just 7% said Tesco Extra, Leyland. The only other response from within the area was William Street, which is in Lostock Hall, and which was a location we saw a relatively unmarked private hire vehicle parked at the rear of its office. This supports our observations that we never observed any hackney carriage being hired at any rank other than Tesco Extra despite vehicles being there. The only exception was one vehicle observed to quickly arrive and depart from the central rank in Leyland, which we can only suspect was a response to a telephone booking.

All the other responses were about ranks in Preston, of which a wide range were quoted. Overall, 60% of those quoting locations said they actually used them. This suggests that many people get Preston hackney carriages to locations within South Ribble, not an unsurprising result, but one which does temper the views quoted a little.

When people were asked to rate various elements of the licensed vehicle experience, all but price had responses only average or above. For price, 1% said 'poor' with 31% average, 46% good and 22% very good. The best score was obtained for driver knowledge, followed by driver professionalism. In the former case, 37% said they felt this was very good on their last trip, for professionalism the level was 31%. All other categories saw between 20 and 24% saying 'very good' with the bulk saying good. This suggests overall a very good service provided by the local licensed vehicle service, with an emphasis on the quality of drivers over the quality of vehicles.

When asked about what might encourage people to use hackney carriages, or to use them more often, 44% of those responding said 'cheaper fares' – a typical response. 36% said more hackney carriages they could phone for. 14% said more hackney carriages available at a rank.

People were asked if they, or anyone they knew, needed an adapted licensed vehicle to be able to travel. 85% said they did not. The dominant response for those needing some form of adaptation was 10% for some other form of adaptation rather than WAV style, with the level requiring WAV at 5%, half that of another adaptation. Overall, this suggests a fairly low demand for WAV style hackney carriages in the area.

The very small number of people (two) that said they had given up waiting for a hackney carriage had in fact done so in Preston, not in South Ribble.

94% of respondents felt there were enough hackney carriages in South Ribble overnight. Everyone felt safe using taxis in the daytime with just 3% not feeling safe after 18:00. The main matter that would make people feel safe, or safer, was there being more female drivers.

13% of those responding felt that all licensed vehicles should be low emission. However, 25% were not sure about their concerns, and 62% said taxi emissions were not a real issue.

17% said they would use an electric powered hackney carriage but only if it did not cost more to use. 83% said they had no preference, with none willing to pay more to use them.

With regards to paying by credit or debit card, 42% would be happy to do this as long as there was no surcharge. 58% would still choose to pay in cash.

5 Emission impacts of fleet

Air quality has been a concern for a long time. The Environment Act 1995, Local Air Quality Management, set up a program of air quality annual status reports undertaken in many areas, including a series undertaken in South Ribble. South Ribble presently has five Air Quality Management Areas, three of which are very close to the smaller urban centres of Penwortham, Lostock Hall and Bamber Bridge. The fourth area is in Walton-le-dale and the fifth, more recently put in place, is in Leyland. There are also some monitoring points along Hough Lane, Leyland. All these, apart from Walton-le-dale, are locations where licensed vehicles overall are active.

Since AQMA establishment, air quality matters have moved forward significantly. A High Court case in 2016 led to the Government being required to see improvements made in the shortest possible time. This led to legislation in 2017 establishing the UK Air Quality Plan that included 29 authorities being directed to produce Clean Air Plans. The Clean Air Zones (CAZ) proposed seek to provide sufficient improvement in air quality and public health mainly by reducing breaches of the mean nitrogen dioxide levels (No2).

The upshot of the research for CAZ suggested the potential need for such zones to apply charges to all pre-Euro 4 petrol and pre-Euro6 diesel vehicles to achieve reduction targets. The general application is to groups of vehicles easily targeted, which includes public service vehicles and licensed vehicles. For this purpose, the Government is currently consulting on plans to establish a national database of licensed vehicles that will ensure each and every licensed vehicle across the country can be charged when entering any CAZ zone within the UK, wherever the vehicle originates from or is licensed in.

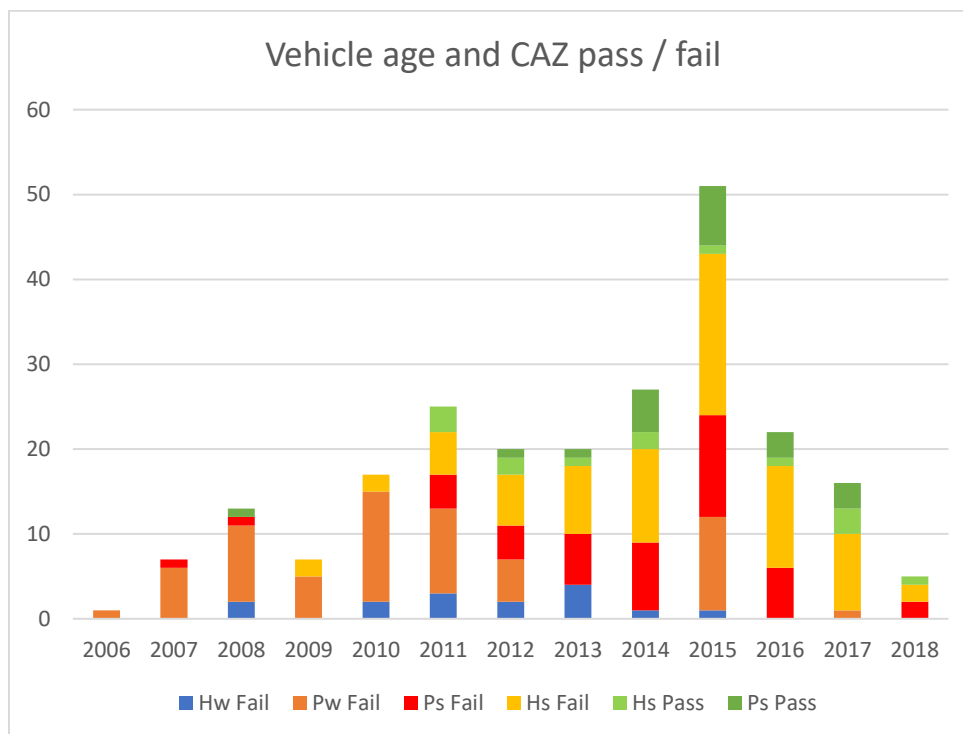
Prior to these issues becoming paramount, the Government had funded several studies to help specific authorities consider transfer of their licensed vehicle fleets to low or zero emission vehicles. Around six pilot studies were undertaken, although a key pointer from these made it clear that any future policy must also leave the trade able to meet public demand adequately given the restrictions (in terms of cost, availability of vehicle types, and availability of charging infrastructure) that zero emission vehicles implied on operability.

Key emerging issues include that the presently proposed zero emission vehicles are all based on the classic London purpose-built taxi style and size, with major concerns arising from battery range and charging infrastructure issues.

Details of the South Ribble licensed vehicle fleet were obtained from the Council comprising vehicle registration plate, licensed vehicle type, if Wheel chair accessible style or not, make and model. This was used to obtain from DVLA and Greencar the relevant pollution levels for each vehicle. These were summarised with the overall results presented below. 2015 research identified that a third of UK NoX emissions were from road transport, mostly from diesel vehicles.

There are three areas used to help considerations. Firstly is vehicle age, based on the premise that vehicle performance has continually been improving, and that older vehicles tend to depreciate in terms of environmental performance in general terms, although as with all vehicles there can be exceptions. Secondly is CO₂, and most recently the focus has been on NoX, with the principal target diesel vehicles.

The graph below shows the age of vehicles and if they would pass or fail the Clean Air Zone charge test, i.e., are they Euro 4 petrol, Euro 6 diesel or low / zero emission vehicles. The fleet is split between hackney carriage and private hire, and wheelchair capable and other vehicles. Hw represents wheelchair accessible hackney carriages, Hs any other hackney carriages (including some wheelchair style that are not wheelchair capable), Pw wheelchair accessible private hire and Ps all other Private hire vehicles.



Only the two green shades are vehicles that pass the CAZ charging test. This shows how most vehicles older than 2011 fail the CAZ test. More strikingly it demonstrates that all current WAV style vehicles, both hackney and private hire all fail the test. It also shows that even some very recent vehicles fail given they do not have Euro 6 engines.

Just 15% of the total fleet remain within the pass category. Some 13% of the saloon hackneys pass as do 17% of the saloon private hire vehicles. This suggests urgent need for action on air quality matters.

Further analysis shows that:

- There are three hackney WAV and one phv WAV in the top 14 most polluting vehicles in NoX terms
- There are 21 vehicles which have WAV body styles but are not either on the WAV s165/7 list or are not actually WAV-capable
- There are just three electric hybrid vehicles in the entire fleet, all 2015 registered and all in the saloon private hire fleet
- One of the petrol vehicles that passes on the Euro engine standard in fact has a high NoX emission value

Overall, this demonstrates that the present licensed vehicle fleet is not particularly environmentally friendly with a more significant issue related to wheelchair accessible vehicles. Whilst this might not be an issue at present, with the upcoming Government list of licensed vehicles drawn together for the purpose of Clean Air Zone charging, this will become an issue for vehicles that service passenger heading to such areas (currently the nearest will be Greater Manchester, whose detailed CAZ zones and charging are still being developed).

However, given the pressure on Government to act with respect to air quality, there is no guarantee that more local restrictions might not come forward in the near future. It is certainly clear that the Council needs to encourage movement towards a more environmentally friendly fleet as soon as practicable.



6 Summary, synthesis and study conclusions

This Review of licensed vehicle policy on behalf of South Ribble has been undertaken using our proposed methodology put forward in advance of undertaking the work, as agreed and refined at our inception meeting.

Background and context

South Ribble has a very varied population and levels of prosperity. The principal urban area is Leyland, with the busiest railhead located at the northern edge of the town, and four formal and two private ranks, at least four of which see daily usage. There are three other locations with agglomerations of population and shops, two of which have rail stations, albeit with only hourly rail services between Preston and Blackburn. All three have local private hire companies with active offices, but no formal ranks.

A major source of income for at least one local private hire company takes their vehicles across Lancashire, servicing significant numbers of vulnerable persons on school and social service contracts. The three other smaller agglomerations are also very much 'in the shadow' of the nearby City of Preston whilst still having their own characters.

A review of demand for hackney carriages in 2000 found no significant unmet demand for hackney carriages based primarily on there being no off-peak passenger waits at ranks. Total passenger delay on average was just four seconds, with just a quarter of one percent of passengers experiencing travel in an hour when the average passenger delay was a minute or more. There is no further detail on where such delays occurred. However, our review of the area in 2019 suggests a very high proportion of the hackney carriage fleet are owned by companies. Just 14% remain independent.

The present licensed vehicle fleet has 14% of its hackney carriages wheelchair accessible capable – about the median of all English local authorities with some wheelchair accessible vehicles but which are not fully wheelchair accessible fleets. The actual level is less than the mathematical average of 22%, although this is dominated by several authorities with very high wheelchair accessible levels.

All but one of the wheelchair accessible capable vehicles in the private hire fleet operate for the company focussing on Lancashire contracts and are not generally available to the public of the South Ribble licensing area.

In terms of the public operation of the local licensed vehicle fleet, Leyland is dominated by one mixed fleet company, which has 80% of the hackney carriage fleet and 19% of the private hire fleet on its books. The other three smaller areas have companies based in them but only one of them has hackney carriages as part of its fleet (see below).

Only one of these, Penwortham, has a mixed vehicle fleet such that nearly all usage of licensed vehicles outside Leyland will be booked trips. However, enforcement activity and other informal comment suggests there could be some passengers seeking to hail both private hire and out of town hackney carriage style vehicles particularly in the smaller areas.

Despite the free availability of hackney carriage plates to those wishing to add a wheelchair accessible capable vehicle, we understand there have not been more than one or two new vehicles added since 2000.

Rank observations

As already noted, ranks only formally exist in Leyland. Of these, the main active location is the private Tesco Extra rank. Thurston Road is also active, but mainly with waiting vehicles whilst Hough Lane is occasionally used by passengers and vehicles. The private station rank sees intermittent use by both vehicles and passengers. In our experience of visiting the area, we were always able to obtain a hackney carriage from the station when we wanted one, without any recourse to booking.

In Leyland and the three other centres private hire booking offices are obvious and often see vehicles around them. The option of use of delegated powers to appoint ranks by South Ribble has not presently been used, although is available from the County if needed. There are also a good number of free phones that reinforce the booked nature of licensed vehicle travel across the area, albeit often with hackney carriages in the case of Leyland.

On street public views

A generally representative sample of 300 members of the public were interviewed across South Ribble. 94% of those interviewed were from South Ribble. The level of recent usage of local licensed vehicles was very high at 87%. Actual quoted usage is also very high, with 7.8 trips per person per month total and 1.2 for specific hackney carriage journeys.

People mainly use one preferred method of getting licensed vehicles. 71% only phoned, 18% only used ranks and 2.5% only hailed. The largest proportion using more than one method split their use between ranks and direct phone calls. 56% of those responding to the question could not remember when they last used a hackney carriage, with 12% not remembering seeing one in South Ribble, in context a fairly low response suggesting fair awareness of hackney carriages across the area.

The main concern arising was that people tended to quote ranks as being those in Preston, with only the Tesco Extra rank named by respondents. Of further concern was someone quoting a rank in Lostock Hall where we had seen a fairly poorly marked private hire vehicle at the rear of a booking office, potentially confirming the issue of hailing of private hire vehicles in the smaller centres. This would suggest strong need for education of the public of South Ribble as to how they can get licensed vehicles.

People rated driver knowledge and professionalism highly, but all other elements were also well rated suggesting the overall licensed vehicle service in the area is well provided and of high quality in the minds of users.

85% of all responding said they were not aware of any need for wheelchair accessible vehicles. The main need known about was for non-wheelchair style adaptations.

The only latent demand identified related to Preston and not South Ribble. 94% felt there were enough hackney carriages and all felt safe in the daytime, with just 3% not feeling safe at night, with the main suggestion for increased safety being more female drivers.

13% of those responding felt all licensed vehicles should be low emission, but 62% felt this was not a real issue and the remaining proportion were not sure.

17% would choose an electric powered hackney carriage, but only if it did not cost any more in fares. On the contrary, 42% would appreciate the opportunity to pay fares by card.

Emission impacts

Using the proposed Clean Air Zone charging regime (vehicles exempted from charge only if they have Euro 6 diesel or Euro 4 petrol engines), just 15% of the present fleet pass, split between 13% of hackney carriage non-wheelchair and 17% of private hire non-wheelchair. No wheelchair accessible capable vehicle passes, either on hackney carriage or private hire sides. Four of these vehicles are in the top 14 vehicles in terms of emission levels.

The fleet only has three hybrid and no electric vehicles at all. Overall the present licensed vehicle fleet is not particularly environmentally friendly.

Synthesis

South Ribble has a moderate-sized licensed vehicle fleet with a reasonable level of wheelchair accessible capable hackney carriages. However, companies dominate their respective areas although 14% of hackney carriages remain independent and 14% of hackney carriages (a different set) are wheelchair accessible capable. There is only one mixed fleet company in the three smaller areas with the other two seeing private hire operations. Even in Leyland the only active passenger and vehicle rank is the private Tesco location, and even this has competition from a freephone – although it appeared in all our visits that the bulk of response to this was by hackney carriages.

The level of usage of licensed vehicles is very high, even for hackney carriages, and people do say they use ranks, although some may be quoting use of hackney carriages from Preston to the area.

Many phoned-for bookings will be serviced by hackney carriage vehicles particularly in Leyland. Despite freely available hackney carriage plates for wheelchair accessible capable vehicles, few have been added and the overall evidence is little need for such vehicles. There is a very high provision of wheelchair accessible capable disabled vehicles in the private hire fleet, but all but one is for work on Lancashire county, non public-facing contracts, which take that fleet across the whole of the County.

The full licensed vehicle fleet is well-appreciated by the public, and well-used by them. People can generally get vehicles when and where they need them by their preferred method. They generally feel safe using the fleet.

Despite all these favourable aspects, there are some concerns that need to be addressed:

- The current total fleet is not particularly air quality friendly
- There are just three hybrid and no electric vehicles in the whole fleet
- None of the present wheelchair accessible capable fleet would pass future Clean Air Zone charging regimes
- Many of the wheelchair accessible capable vehicles are amongst the most polluting
- There is evidence that the public are unaware they should not attempt to flag down private hire vehicles, and they are also ignorant of the issues of out of town vehicles
- This potentially implies latent demand for hackney carriages in the smaller areas

- It also suggests that it is critical that local private hire vehicles are much more clearly identifiable, in particular as local licensed private hire which should only be taken by being phoned for
- The age policy for hackney carriage and private hire vehicles are not consistent and both elements of the trade have vehicles that might be wheelchair accessible but which are not capable of taking a wheelchair
- Some of these vehicles appear to breach the spirit of the age policy exemption although it is accepted they are not legally in breach of the actual words used

With respect to adding CCTV to vehicles, this is a current national focus and national experience and guidance should be followed and moved forward. The proposed choice explained to us regarding use of tints or CCTV seems sensible and appropriate.

Whilst there is no need for more wheelchair accessible capable vehicles in the hackney carriage fleet, there is need for a balance in revising policy to ensure that the current level can be maintained and encouraged.





7 Recommendations

On the basis of the evidence gathered in this review of licensed vehicle policy for South Ribble Council, the following revisions should be considered:

- Revise the current restriction on new hackney carriages to encourage hybrid or electric vehicles to be added to the fleet (retaining the option of wheelchair accessible capable additions but encouraging these to be as air quality friendly as possible)
- If this results in hackney carriages being added to service the smaller three areas, consideration might be needed of appointing ranks in each location
- Ensure that enforcement actions include hailing of both private hire and of vehicles from out of town, whether hackney carriage or private hire
- Consider harmonising the hackney carriage and private hire wording on age policy in the short term and
- In the medium to longer term, move towards removing the different age policy between wheelchair accessible and saloon vehicles from both sides of the trade
- Whilst ensuring sensitivity with the non-public facing wheelchair accessible capable fleet to avoid potential severe impacts on those who are vulnerable
- And finding ways to ensure the current hackney carriage wheelchair accessible capable fleet is not diminished
- Give consideration to how important vehicles in the fleet might be given sunset rights within any national database of licensed vehicles being set up for the national CAZ charging regime
- Ensure the public are clearly educated how to get licensed vehicles particularly that only hackney carriages can be hailed
- Educate the public that they are better protected using only local licensed vehicles
- Enhance signing on private hire to ensure people can identify local private hire easily, ensuring they are also aware they can only engage them by booking
- Provide guidance on what and where company details can be provided on private hire vehicles given that present practice has become very complicated and potentially a safety issue to customers who would find it very hard to be clear if a vehicle could be hired or not
- Engage with national movements towards adding CCTV making use of the wider experience from such bodies as the National Private Hire and Taxi Association to ensure the fastest and most legal-compliant possible introduction
- Ensure all WAV capable hackney carriages have a clear sign demonstrating their WAV capability

- This may require going a further stage to ensure that all drivers of these vehicles are adequately trained to use the vehicle equipment

Many of the above aims will need careful balance to ensure the current fleet moves forward to be future-proofed as early as possible without reducing the fleet size which is probably presently at an optimum level.



Proposed option 2 wording that would be required to be changed within the taxi licensing policy.

Option 2 - Reduce all vehicles to the same age. (4 and 8).

6.9 Vehicle Age Limits

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

The Council will where appropriate, issue Hackney Carriage Licences to vehicles which:

a) Are no older than 4 years, when first presented for licensing

Vehicles which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 8 years old.

In order to ensure that the Council does not fetter its discretion, a vehicle proprietor retains the right to apply to licence a vehicle which falls outside the Council's age criteria.

All such applications will be referred to the next scheduled General Licensing Committee for consideration.

The Committee will take into account factors including, but not restricted to:

- The make and model of the vehicle*
- The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation*
- The mileage*
- The service history*
- Details of all repairs undertaken throughout the vehicle's life*
- Details of all replacement parts fitted throughout the vehicle's life*
- Whether any particular contracts rely on the specific use of the vehicle.*

The Committee will not take into account the personal or financial circumstances of a proprietor when considering a departure from this policy

Each case will be determined on its own individual merits and any departures from this policy will be in exceptional circumstances only and will be recorded along with the reasons such a departure. Any departure from the policy will not create a precedent for future decisions.

Determination of the number of passengers which the vehicle will be licensed to carry will be the responsibility of the Licensing Officer on presentation of the vehicle at first inspection.

Option 3.

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The Council will where appropriate, issue Hackney Carriage Licences to vehicles which:

a) Are no older than 5 years, when first presented for licensing

Vehicles which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 10 years old.

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- The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation*
- The mileage*
- The service history*
- Details of all repairs undertaken throughout the vehicle's life*
- Details of all replacement parts fitted throughout the vehicle's life*
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In order to ensure that the Council does not fetter its discretion, a vehicle proprietor retains the right to apply to licence a vehicle which falls outside the Council's age criteria.

All such applications will be referred to the next scheduled General Licensing Committee for consideration.

The Committee will take into account factors including, but not restricted to:

- The make and model of the vehicle*
- The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation*
- The mileage*
- The service history*
- Details of all repairs undertaken throughout the vehicle's life*
- Details of all replacement parts fitted throughout the vehicle's life*
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The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

The Council will where appropriate, issue Hackney Carriage Licences to vehicles which:

- a) Are no older than 4 years, when first presented for licensing*
- b) In respect of vehicles with a Euro Rating 6 for diesel fuelled vehicles and a Euro Rating of 4 for Petrol Vehicles or Hybrid and electric vehicles are no older than 6 years, when first presented for licensing*

Vehicles in (a) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 8 years old.

Vehicles in (b) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 12 years old

In order to ensure that the Council does not fetter its discretion, a vehicle proprietor retains the right to apply to licence a vehicle which falls outside the Council's age criteria.

All such applications will be referred to the next scheduled General Licensing Committee for consideration.

The Committee will take into account factors including, but not restricted to:

- *The make and model of the vehicle*
- *The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation*
- *The mileage*
- *The service history*
- *Details of all repairs undertaken throughout the vehicle's life*
- *Details of all replacement parts fitted throughout the vehicle's life*
- *Whether any particular contracts rely on the specific use of the vehicle.*

The Committee will not take into account the personal or financial circumstances of a proprietor when considering a departure from this policy

Each case will be determined on its own individual merits and any departures from this policy will be in exceptional circumstances only and will be recorded along with the reasons such a departure. Any departure from the policy will not create a precedent for future decisions.

Determination of the number of passengers which the vehicle will be licensed to carry will be the responsibility of the Licensing Officer on presentation of the vehicle at first inspection.

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6.10 Wheelchair Accessibility

The council caps the number of non-wheelchair accessible hackney carriage vehicles to *to be agreed by members.....*

When the cap is reached the Council will only accept applications for a New Hackney Carriage Vehicle Licence for vehicles which meet the age criteria and are wheelchair accessible.

The council will review the number of non-wheelchair accessible hackney carriage vehicles on its fleet every 6 months on 1st May and 1st November each year. Where it will accept applications to firstly add current private hire vehicles onto the hackney carriage fleet.

If no applications for current private hire vehicles are received and the maximum cap is not reached, then hackney carriage vehicle applications from new applicants will be accepted.

There is no restriction on whether accessibility is via rear or side loading doors.

Hackney Carriage Proprietors in possession of a current non wheelchair accessible Hackney Carriage vehicle licence that was issued to them before (*date the policy is passed*) may continue to replace their vehicle with either a wheelchair accessible vehicle or a non-wheelchair accessible vehicle.

All other Hackney Carriage proprietors may only replace their vehicle with a wheelchair accessible vehicle.

The decision will be reviewed in 2024, when the Council will consider whether there is still a balance of vehicles for all taxi users, and thus if the authority is complying with its equality duty. Proprietors of vehicles which have been converted from the manufacturer's original specification, to a wheelchair accessible vehicle, must comply with the SRBC policy on modified vehicles which will be made available separately.

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