

## 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&MIId=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](mailto:Licensing@southribble.gov.uk) or posted to *Licensing, Civic Centre, West Paddock, Leyland, PR25 1DH* prior to the end of the 20<sup>th</sup> 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><b>Whistleblowing Policy</b></p> <p>Formalisation and adoption of a clear whistleblowing policy, covering the Licensed Taxi Trade.</p>	<p><b>Recommendation 1</b></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><b>Consultee comments on recommendation 1;</b></p>	<p>Overall, are you in favour of the proposal?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>Notification of arrest and release, charge, or conviction</b></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><b>Recommendation 2</b></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"> <li>• Children and young people travelling in taxis or private hire vehicles alone;</li> <li>• Travelling at unusual hours (during school time, early in the morning or late at night);</li> <li>• Travelling long distances;</li> <li>• Unfamiliar with the local area or do not have a local accent;</li> <li>• paying for journeys in cash or prepaid.</li> </ul>	<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><b>Convictions Policy</b></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><b>Recommendation 6</b></p> <p>Periods of free from conviction</p> <p><b>Possession of a weapon</b> - Increase from 3 years to 7 Years</p> <p><b>b) Drink driving</b> – Increase from 5 years to 7 years</p> <p><b>c) Using mobile phone whilst driving</b> – 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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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/licenseses are entitled to a fair and impartial consideration of their application.

**Consultee comments on recommendation 6;**

Overall, are you in favour of the proposal?  
 Yes  No

**Fitness 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.

**Recommendation 7**

Minor amendment of Taxi Licensing Policy to include the updated fitness test wording.  
 Use of the following test when considering fitness;  
*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?*

**Consultee comments on recommendation 7;**

Overall, are you in favour of the proposal?  
 Yes  No

**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



**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.

**Recommendation 10**

Change the wording within the policy from

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 within 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.

Officers proposed to change the policy wording to match that currently within the Group 2 Medical Examination Report Form.

**Consultee comments on recommendation 10;**

Overall, are you in favour of the proposal?

Yes  No

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