

Comparison of North West Leicestershire District Council Taxi Licensing Policy and the Statutory Taxi and Private Hire Vehicle Standards (July 2020)

The Statutory Taxi and Private Hire Vehicle Standards (“the Standards”) sets out a framework of policies that 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.

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. The Standards must be considered rigorously and with an open mind.

The following table contains the results of a self-assessment, comparing the Council’s current policy with the Standards.

The Standards	NWLDC Current Policy and Proposals for consultation
<p>Administering the Licensing Regime</p> <p>Licensing Policies 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.</p>	<p>NWLDC review Taxi and Private hire related policies at least every 5 years, with interim reviews and updates conducted if essential changes are required. No change required.</p> <p><u>Proposal</u> To retain current policy</p>
<p>Duration of licences 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</p>	<p>For a new driver, NWLDC grant a one-year licence until the licence holder has completed relevant training such as Safeguarding awareness and Disability Awareness.</p>

<p>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.</p>	<p>Thereafter, the standard duration of licence is 3 years, unless the driver requests a shorter length the licence holders leave to remain in the UK is a shorter period or licensing sub-committee decide that a shorter duration is appropriate</p> <p><u>Proposal</u> Require the completion of safeguarding awareness and disability awareness training prior to granting a standard three-year licence (subject to relevant exceptions) To introduce a condition upon the grant of a licence that drivers are required to undergo refresher safeguarding awareness training</p>
<p>Gathering and Sharing Information</p> <p>The Disclosure and Barring Service 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.</p>	<p>The Disclosure and Barring Service Licence holders are encouraged to register for the update service; however, it is not a requirement for them to have registered. Currently, licence holders are able to make their DBS record 'portable' by making use of the 'update service' provided by the Disclosure & Barring Service, otherwise DBS applications are made every 3 years.</p> <p><u>Proposal</u> To introduce a condition upon the grant of a new licence that all drivers are required to subscribe to the DBS update service. To introduce a condition of licence that all existing drivers on renewing their DBS after the introduction of this policy, are required to subscribe to the DBS update service. All new and renewing drivers MUST enrol on the DBS update service within 28 days of the date of the issue of their disclosure certificate.</p>
<p>Gathering and Sharing Information</p>	<p>Existing holders of private hire operator licences are required to notify the issuing authority within 48 hours of an arrest and release, charge or</p>

<p>Licensee self-reporting</p> <p>Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.</p>	<p>conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence – No change required</p> <p>Existing holders of driver’s licences are required to notify the licensing authority in writing within <u>seven days</u> of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).</p> <p><u>Proposal</u> Licence holders are required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.</p>
<p>Gathering and Sharing Information</p> <p>Sharing Information with the police</p> <p>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</p>	<p>NWLDC licensing team have a positive and effective partnership with the police that ensures appropriate information is shared.</p> <p><u>Proposal</u> To review current information sharing protocol and content of privacy notices</p>
<p>Gathering and Sharing Information</p> <p>Sharing Information with other licensing authorities</p>	<p>All of the recommended information is currently captured from the applicant and licensees.</p>

<p>Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.</p> <p>Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of nondisclosure of relevant information by applicants</p>	<p>NWLDC has used the national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3') since it was devised a number of years ago. This became a legal requirement from 1 June 2022.</p> <p><u>Proposal</u> No change to current approach required</p>
<p>Gathering and Sharing Information</p> <p>Multi-agency Safeguarding Hub (MASH) 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.</p> <p>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).</p>	<p>Effective multi-agency working is in place in North West Leicestershire through information sharing between the police and licensing authorities and forums such as the Adult and Youth Joint Action Groups.</p> <p>No change required.</p> <p><u>Proposal</u> To review existing arrangements with a view to making further improvements</p>

<p>Decision Making</p> <p>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 licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:</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>When assessing fitness and propriety, the current questions NWLDC use are more extensive than the Standards and consider not only drivers, but also vehicle proprietors and operators.</p> <p><u>Proposal</u> To retain current policy</p>
<p>Decision Making</p> <p>Criminal Convictions and rehabilitation 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</p>	<p>The councils current relevance of convictions policy does state that each case is considered on its own merits.</p> <p>The policy does list offences that would prevent an applicant from being licensed regardless of period elapsed. The policy considers the number of years NWLDC requires to have elapsed since the commission of types/groups of offences before they will grant a licence.</p> <p><u>Proposal</u> To consider adopting the Assessment of Previous Convictions policy annexed to the Standards</p>

<p>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.</p>	
<p>Driver Licensing</p> <p>Criminality checks for drivers 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.</p> <p>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.</p>	<p>For all individuals applying for or renewing a taxi or private hire vehicle drivers' licence, NWLDC do carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check. No change required.</p> <p>Licence holders are encouraged to register for the update service; however, it is not a requirement for them to have registered. Currently, licence holders are able to make their DBS record 'portable' by making use of the 'update service' provided by the Disclosure & Barring Service, otherwise DBS applications are made every 3 years.</p> <p><u>Proposal</u> To introduce a routine check for new information every 6 months.</p> <p>DBS Update Service Option 1 To introduce a condition upon the grant of a new licence that all drivers are required to subscribe to the DBS update service. To introduce a condition of licence that all existing drivers on renewing their DBS after the introduction of this Policy, are required to subscribe to the DBS update service. All new and renewing Drivers MUST enrol on the DBS update service within 28 days of the date of the issue of their disclosure certificate.</p> <p>Option 2</p>

	<p>To continue the current policy of encouraging licence holders to register with the 'update service'.</p> <p>Any licensed driver choosing not to subscribe to the update service to submit a DBS application every 6 months to enable the routine 6 monthly check to be carried out.</p>
<p>Driver Licensing</p> <p>Safeguarding Awareness</p> <p>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</p> <p>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. Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.</p>	<p>Safeguarding advice and guidance is provided to the taxi trade.</p> <p>Taxi and private hire drivers are required to undertake safeguarding training. All drivers must show evidence of having completed the training within 12 months of obtaining their licence.</p> <p>Safeguarding awareness training does include the ways in which drivers can help to identify county lines exploitation.</p> <p>Statutory standard met.</p> <p><u>Proposal</u></p> <p>Consider requiring the completion of safeguarding awareness training prior to being granted a licence</p> <p>To introduce a condition upon the grant of a licence that drivers are required to undergo refresher safeguarding awareness training</p>
<p>Driver Licensing</p> <p>Language proficiency</p> <p>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</p>	<p>NWLDC current test of a driver's proficiency does cover both oral and written English language skills.</p> <p>An applicant's level of oral English language is assessed during the application process by assessing their ability to hold a conversation with the</p>

<p>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.</p> <p>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.</p>	<p>Licensing Officer. If there are any concerns, the applicant is advised to take steps to improve their English language proficiency. If any concerns are raised by the Licensing Officer, then a further assessment will be carried out at the knowledge test to assess if their English has improved. This will be in the format of a conversation with the Licensing Officer. If there are still concerns over an applicant's level of spoken English when a full application has been submitted, then their application will be referred to the Licensing Sub-Committee for determination.</p> <p>NWLDC assess an applicant's written language skills by requiring the applicant to produce a written receipt.</p> <p><u>Proposal</u> To retain current policy</p>
<p>Vehicle Licensing</p> <p>Criminality check for vehicle proprietors Enhanced DBS and barred list checks are not available for vehicle licensing. Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually</p>	<p>NWLDC currently require DBS basic disclosure for vehicle proprietors, however a check is not made on an annual basis.</p> <p><u>Proposal</u> To require a basic disclosure from the DBS and undertake an annual check</p>
<p>Vehicle Licensing</p> <p>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</p>	<p>NWLDC do currently apply the 'fit and proper' test to company directors / partner of private hire operators and vehicle licence holders.</p> <p>NWLDC require one director / partner to undergo a DBS check and not all.</p> <p><u>Proposal</u></p>

<p>operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.</p>	<p>To extend the current requirement so all directors or partners applying require checks against the children and adult barred lists as well as the DBS service.</p>
<p>Vehicle Licensing</p> <p>In-vehicle visual and audio recording – CCTV Imposition of a blanket requirement to attach CCTV as a condition to a licence is unlikely to be a proportionate approach. That said, CCTV can provide additional deterrence to prevent or reduce the possibility of harm to passengers and drivers.</p> <p>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 adverse net effect on safety and considering potential privacy issues.</p>	<p>Currently video surveillance systems are permitted to be fitted to the vehicle provided that the owner/operator notifies the council of their intention of install and the conditions relating to installation and maintenance are followed. However, installation of CCTV cameras in vehicles on a voluntary basis requires the operator to handle relevant data gathered in an appropriate and secure manner.</p> <p><u>Proposal</u> To consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or adverse net effect on safety and considering potential privacy issues.</p>
<p>Vehicle Licensing</p> <p>Stretched Limousines 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</p>	<p>Current licensing policy permits the licensing of small limousines as private hire vehicles.</p> <p>Additional requirements have been introduced to mitigate the additional public safety risk, for example an additional vehicle examination each year.</p> <p>NWLDC do not licence stretch limousines to carry more than 8 passengers.</p> <p><u>Proposal</u> To retain current policy</p>

<p>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.</p> <p>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.</p>	
<p>Private Hire Vehicle Operator Licensing</p> <p>Criminality checks for private hire vehicle operators Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>NWLDC currently require DBS checks for operators, however it is not repeated on an annual basis.</p> <p><u>Proposal</u> To require a basic disclosure from the DBS and carry out a check annually</p>
<p>Private Hire Vehicle Operator Licensing</p> <p>Booking and dispatch staff / Record keeping</p> <p>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</p>	<p>NWLDC currently have conditions in place for operators to ensure staff they employ do not pose a risk to the public. However, it is not currently a condition of granting an operator licence, to maintain a register of all staff that will take bookings or dispatch vehicles.</p>

licence, require a register of all staff that will take bookings or dispatch vehicles is kept.

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.

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.

Enforcing the Licensing Regime

Joint authorisation of enforcement officers
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

NWLDC require operators to have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff.

NWLDC require operators or applicants for a licence to have a policy on employing ex-offenders in roles that would be on the staff register.

Proposal
To introduce as a condition of granting an operator licence, a requirement to keep a register of all staff that will take bookings or dispatch vehicles.

NWLDC will, 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.

Proposal

<p>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.</p>	<p>To continue with the current approach</p>
<p>Setting expectations and monitoring 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.</p> <p>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.</p>	<p>All licensees are provided with a copy of the current policy and licence conditions. Monthly newsletters are sent to the licence holders on current issues which can include reminders of what is expected of them.</p> <p>NWLDC does not currently operate a points-based system for recording breaches. Instead, minor breaches are recorded as either a verbal or written warning. Persistent or serious breaches are referred to a Licensing Sub-Committee. In addition, under the council's scheme of delegation, Licensing Enforcement Officers are able to take enforcement action.</p> <p><u>Proposal</u> To identify if the introduction of a points-based system would have either a positive or adverse net effect on safety and considering the resource implications of implementing such a scheme.</p>
<p>Passenger Complaints / Feedback Process</p> <p>The provision of a clear, simple and well-publicised process for the public to make complaints about drivers</p>	<p>Every licensed vehicle and private hire operator office has a public notice clearly visible to the passenger, explaining how to make a complaint / provide feedback. A review of the content and layout of the notice is</p>

and operators will enable authorities to target compliance and enforcement activity. 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.

currently being carried out which will see the introduction of a QR code making it easier for a customer to provide feedback.

Proposal

To complete the review and introduce the revised passenger complaint / feedback process