

Rother District Council

Report to: Licensing and General Purposes Committee

Date: 4 April 2022

Title: Statutory Taxi and Private Hire Vehicles Standards

Report of: Head of Service - Environmental Services, Licensing and Community Safety

Ward(s): All

Purpose of Report: To have regard to the recommendations in the Statutory Taxi & Private Hire Vehicles Standards Report 2020 and changes proposed to ensure that the Licensing Authority complies with the guidance within the standards

Officer

Recommendation(s): It be **RESOLVED:** That:

- 1) the responses to the recommendations in this report at Appendix A be noted and that changes proposed to comply with the Standards are adopted and implemented;
- 2) the Taxi Handbook is reviewed in 2022/23 and amended in line with the current guidance;
- 3) it be made mandatory for drivers and operators to attend Council approved training on safeguarding and that this is refreshed when drivers' licences are renewed;
- 4) it be made a condition for our licensed drivers and operators to subscribe to and maintain their membership of the Disclosure and Barring Service update service; and
- 5) the Licensing Authority consults on the merits of utilising CCTV within taxi and private hire vehicles with other interested bodies and the public.

Background

1. The Government has published statutory guidance, Statutory Taxi and Private Hire Vehicles Standards Report 2020. We have examined our existing guidance and practices and identified a few areas where changes are required to increase the protection of the public.

Reasons

2. Statutory Taxi and Private Hire Vehicle standards have been developed following a public consultation that was undertaken in 2019.
3. The Standards were published in 2020 and the Government has issued the statutory standards to licensing authorities to outline how we should function. The Secretary of State is enabled to issue the guidance on exercising taxi and

private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm from these services by the Police and Crime Act 2017. The report can be viewed on the government's website via the following link: [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431222/Statutory_taxi_and_private_hire_vehicle_standards_-_GOV.UK.pdf)

Analysis

4. Hackney carriage and private hire drivers and vehicles are licensed by the Council.
5. There is evidence that these types of vehicles are high risk environments and that there is a risk to passengers that travel in them. The risk is greatest for children and vulnerable adults and abuse and exploitation can be facilitated or even perpetrated by the trade. Research that has been conducted into this area has identified that sexual assaults have been identified as a particular problem and that there is likely to be a level of under-reporting of incidents that do occur.
6. Following the consultation and detailed discussions that were undertaken with the trade, regulators and safety campaign groups, the consensus is that it is important to therefore have common core minimum standards to regulate the trade. The recommendations developed in the Department of Transport (DfT) report are the core minimum standards that have been developed.
7. DfT, who released the framework of policies, therefore expects Local Authorities to have regard to the recommendations within the report and to thoroughly consider with an open mind the standards and implement them, unless there are compelling local reasons not to do so.
8. The Local Authority will be expected to publish their consideration of the measures contained within the standards, their policy and delivery plans that stem from them.

Consideration of the Statutory Taxi and Private Hire Vehicle Document

9. The standards set out in the document replace relevant sections in the previous Best Practice Guidance released by DfT in 2010. There is an expectation that where there is a conflict between the two sets of guidance, that standards set out in the Statutory Taxi and Private Hire Vehicle 2020 take precedence.
10. There are several areas within the report where recommendations have been highlighted; these have been summarised and the Licensing Authority's response to the recommendations are set in summary in Appendix A of the report.
11. In most instances, the Council has already adopted best practice because of previous guidance that has been released over the last few years. There are just a few areas where it is considered that we will need to amend or develop our policies or procedures to comply with the standards that have now been recommended.

12. A number of the more significant areas where considering policy changes have therefore been drawn out from the report for further consideration are below and information about all the recommendations are set out in Appendix A.

Taxi and Private Hire Vehicle Policy

13. Dft recommends that all licensing authorities have a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. It is expected that this is publicly available.
14. The Council does have a handbook that provides an overview of hackney carriage and private hire licensing, The Hackney Carriage and Private Hire Licensing Handbook (March 2018). There is also further information on the website that should be read in conjunction with the information provided within the handbook.
15. This information sets out the policy that the Council has regarding applications and what is expected from drivers, vehicle owner and operators licensed with the Local Authority. Detailed information is provided in regard to:
- driver licences, eligibility, expectations and requirements if a person wishes to make an application including medical fitness;
 - it provides a link to the Council's Criminal Convictions policy;
 - fares and taximeters;
 - vehicles and the standards required;
 - operators, working outside of the district;
 - investigation of complaints; and
 - hackney carriage ranks.
16. The handbook provides information about relevant legislation in this area, what is meant by the term 'fit and proper', suspension, revocation and refusal.
17. One of the recommendations is that the Licensing Authority should review its Licensing Policies every five years but should also consider interim reviews should there be significant issues arising in the area.
18. Our handbook was last reviewed in 2018 and it is proposed that we will review this in 2022/23.
19. There is also a recommendation that the Licensing Authority should also review its performance annually. The Licensing Authority currently does this through reports to the Rother and Wealden Shared Service Partnership Board. In future, this information will also be reported annually to this Committee.

Disclosure and Barring Service (DBS)

20. Licensing Authorities must consider as full a range of information available to them when deciding whether to grant a licence and to meet their on-going obligation to ensure a licensee remains suitable to hold a licence. (Page 12 – 4.1)
21. Subscription to the DBS Update Service allows those with standard and enhance certificates to keep those 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 a new certificate to be requested, reduces the administrative burden and mitigates potential delays in relicensing.

22. The DBS has developed a Multi Status Check Facility (MSCF) that can be accessed via a web service. This facility enables organisations to make an almost unlimited number of Status Checks simultaneously. Should the MSCF advise that new information is available, the DBS certificate should no longer be relied upon and a new DBS certificate would be requested. (page 13 – 4.7)
23. We have for some time been encouraging drivers and operators to register with the DBS update service, as it is financial beneficial for drivers and operators for them to pay a small regular fee rather than a larger amount at each renewal. As there is now an increase frequency in requirement to check their DBS status, the financial and administrative benefits have increased.
24. As there are benefits to drivers, operators and the Council from using the update service, it is proposed that a condition be imposed that requires licensed drivers and operators to sign up, use and maintain their membership of the DBS update service from their first application and at their next renewal.

Criminal convictions and rehabilitation

25. 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. It is recommended in the report that in order to ensure there is consistency and to avoid legal challenges, licensing authorities should have a clear policy for consideration of criminal records.
26. The Council have approved a Hackney Carriage and Private Hire Licensing Criminal Convictions Policy. This was approved in 2019 and was in line with guidance available at the time from the Local Government Association. The Criminal Conviction Policy can be found at the following link [RDCCriminalConvictionsPolicy2019.pdf\(rother.gov.uk\)](https://rother.gov.uk/RDCCriminalConvictionsPolicy2019.pdf)
27. The Annex in the Department of Transport's report sets out guidance on the assessment of previous convictions. The Government's view is that passenger safety must be protected and whilst rehabilitation of those with past offences is important, the guidance is aimed at ensuring that public safety remains the highest priority.
28. Our Criminal Conviction Policy is in line with or in a couple of areas slightly stricter than the guidance within the DfT report.

Safeguarding

29. Safeguarding training has been highlighted in the Department of Transport's report. It is of prime importance because it helps to ensure that drivers and operators can:
 - 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 go for advice.
30. The Council has offered minimal training and advice to drivers on this area in the past, but it is now proposed that the Council makes safeguarding training a requirement for all new drivers and that all existing drivers undertake a more comprehensive Council approved training course, to ensure that they are properly aware of their responsibilities in regard to safeguarding of their passengers. The training will include training on safeguarding and include information on disabilities and exploitation. Training for existing drivers will be provided for a minimal charge from April to September, most of the costs being borne by a grant from the Safer Rother Partnership.

CCTV

31. The Department of Transport have advised that CCTV within vehicles can provide an additional deterrence to protect the public from harm when they travel in licenced vehicles. Their view is that the use of CCTV can provide a safer environment for the benefit of 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.
32. The Government recommends that the Licensing Authority 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 effect on the safety of taxi and private hire users, including children or vulnerable adults. The consultation should also consider the privacy aspect of using CCTV in this way.
33. There is detailed advice about the data protection aspects of CCTV in an Annex of the Department of Transport's guidance document, and this sets out the responsibilities that would be acquired by the Licensing Authority should CCTV be made a mandatory condition.
34. We already permit vehicles to install CCTV, subject to conditions to control use and access to the data.

Consultation

35. In view of the recommendation that the Licensing Authority consults on the merits of utilising CCTV within taxi and private hire vehicles, a consultation will be undertaken which will include seeking the views of existing taxi and private hire drivers, vehicle proprietors, operators, the police, the general public and other relevant groups.

Conclusion

36. The Government had published the Statutory Taxi & Private Hire Vehicle Standards Report 2020 and this provides guidance to the Licensing Authority on how it should function. This report has been thoroughly reviewed and the main points and changes proposed have been set in Appendix A.

37. In general, Rother District Council's Taxi and Private Hire policy and conditions are in line with the guidance set out in the Government report. There are a few changes that are proposed in order to comply with the guidance and these have been highlighted in Appendix A for Members to consider.

Crime and Disorder

38. Councils should follow current Government guidance to ensure crime associated with the hackney carriages and private trade are prevented and that crime is deterred, detected and reported, particularly child sexual exploitation.

Risk Assessment

39. Failure to have up to date policies and procedures and adhering to such policies and procedures may lead to severe reputational damage to the Council.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	Yes	External Consultation	Yes
Environmental	No	Access to Information	No
Risk Management	Yes	Exempt from publication	No

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Appendices:	Appendix A – Recommendations set out Statutory Taxi & Private Hire Vehicles Standards Report 2020
Relevant Previous Minutes:	LGP191021 – Criminal Convictions Policy C17/67
Background Papers:	https://www.rother.gov.uk/wp-content/uploads/2020/01/Rother_hackney_carriage_and_private_hire_licensing_handbook_March_2018.pdf
Reference Documents:	Statutory taxi and private hire vehicle standards - GOV.UK (www.gov.uk) RDC Criminal Convictions Policy 2019.pdf(rother.gov.uk)

Recommendations set out Statutory Taxi & Private Hire Vehicles Standards Report 2020

Area of DfT Report	Recommendation	Comment	In line with the standard
1.0 Administrating the Licensing Regime			Yes
1.1 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 (page 8 – 3.5)	We have reviewed our Taxi Handbook on a reasonably regular basis. It is recommended that we do amend our policy and review this information at least every five years. The Criminal Conviction Policy was reviewed in 2019.	Yes- recommend that review the Taxi handbook in 2022/3
	Licensing performance should be reviewed annually (page 8 – 3.5)	We do publish information about our performance on the website: Licensing Performance – Rother District Council	Yes-reports to Shared Service Partnership Board. These reports will be made to L&GP Cttee as well in future
1.2 Duration of Licenses	Regular interim DBS checks should be undertaken to ensure that drivers have a satisfactory criminal record (Page 9 – 3.6)	We have started requiring drivers to have biannually DBS checks since 1 of January 2022. As there are financial and logistic benefits, we are proposing to make it a condition for drivers licenced with the authority to sign up for the DBS update system condition	Yes, since January 2022 but recommend mandating the DBS update system
1.3 Whistle blowing	Licensing Authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly (page 9 – 3.8)	The Council does have a whistle blowing policy. It is contained within the conditions of service.	Yes
1.4 Consultation	Licensing authorities should consult on proposed changes in	The Licensing Authority do consult on changes in the Licensing regime.	Yes

Area of DfT Report	Recommendation	Comment	In line with the standard
at the local level	licensing rules that may significantly impact on passengers or the trade. (page 10 – 3.13)		
	Where Licensing Authorities are taking decisions that are likely to impact on the taxi and private hire sector in neighbouring areas the Licensing Authority should engage with these areas to identify any concerns and issues that arise from a proposed change (page 10 – 3.13)	The Licensing Authority does liaise with neighbouring areas to identify concerns. There is a Sussex Licensing Liaison Group which meets periodically to discuss Licensing related matters, changes and concerns.	Yes
1.5 Changing licensing policy and requirements	Any changes in licensing requirements should be followed by a review of the licences already issued. Page 11 – 3.14)	Where this is relevant, we do review existing licences when we make changes	Yes
2.0 Gathering and Sharing Information			
2.1 Disclosure and Barring Service	Licensing Authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and used. (page 13 – 4.11)	The Licensing Authority do have close links with the police. We are however trying to improve on these links and are currently in communication with them about how we can link more closely with Multi-Agency Safeguarding Hubs.	Yes- will be developing the existing links we have with the police; including contact with Multi-Agency Safeguarding Hubs
	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 DBS (Page 14 – 4.14) The power for the Licensing Authority to make a referral in this context arises from the undertaking of a safeguarding role.	The guidance previously available is that Regulated Activity providers and personnel suppliers must make a referral to DBS if they have concerns about an individual that they consider may present a risk of harm to a child or vulnerable adult. Local authorities were advised that they may refer. The guidance in the Dft report is now recommending that Local Authorities should refer to	No- The Licensing Authority will now refer individuals to DBS if it is considered that an individual presents a risk to a child or vulnerable adult.

Area of DfT Report	Recommendation	Comment	In line with the standard
		DBS if the Licensing Authority refuse or revoke a licence.	
	Action taken by the Licensing Authority should be fed back to the police (page 15 – 4.17)	We do liaise regularly and have good links with the police and keep each other informed if we have relevant concerns about a driver or operator.	Yes
	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. (page 15 – 4.20)	We do ask applicants to disclose if they hold or have held a licence with another authority on the application form.	Yes
	The Local Government Association (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. (page 15 - 4.21)	We check all new applicants to make sure they are not on the NR3 list of revocations or refusal to grant. We also add all revocations to the NR3 list and any refusals to grant. Just to note not all Councils currently use NR3 so this database does not contain a complete list of all revocations or refusal to grant.	Yes
	All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against	We do have a database that we can utilise and interrogate to record and extract information about drivers, vehicles and operators. this information.	Yes

Area of DfT Report	Recommendation	Comment	In line with the standard
	individual licensees. (page 17 – 4.29)		
3.0 Decision making			
	<p>All individuals that determine whether a licence is issued should be required to undertake sufficient training (Page 19 – 5.3)</p> <p>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.</p>	<p>All Members that sit on the Licensing Committee and Taxi Licensing Panels are offered training on licensing procedures and practices, relevant caselaw. Understanding the importance of Child Sexual Exploitation, disability and equality awareness and the making of difficult and controversial decisions.</p> <p>All new Members are required to undertake training before they are able to take part in hearings.</p>	Yes
	<p>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. (page 21 – 5.11)</p>	<p>The Licensing Authority has delegation arrangements in place for the Council to respond to urgent, serious and emergency matters. In serious cases decisions about whether to suspend or revoke a licence are delegated to senior officers who have responsibility for the licensing service function.</p>	Yes
4.0 Driver Licensing			
	All licensed drivers should be required to evidence continuous	The Licensing Authority have been encouraging drivers and operators to	No- we will introduce a licence

Area of DfT Report	Recommendation	Comment	In line with the standard
	<p>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. (page 23 – 6.3)</p>	<p>register with the DBS update service for quite some time as it is financially beneficial. As checks are going to now be more frequent there is more incentive to have drivers registered with DBS update. It is therefore proposed to make this a condition of being a licensed driver.</p>	<p>condition to make this mandatory for all drivers on application and renewal.</p>
	<p>In the interests of public safety, licensing authorities should not, as part of their policies, issue a license to any individual that appears on wither barred list. Licensing Authorities should carry out a check of the children and adult Barred Lists when processing a driver's licence application or renewal. (page 23 - 6.3). Only in exceptional circumstances should a person on a barred list be considered 'fit and proper', the reasons for reaching that conclusion would need to be recorded.</p>	<p>The Licensing Authority would not licence a driver who was on the children or adult barred list. Checks are undertaken as part of the application and renewal process.</p>	<p>Yes</p>
	<p>All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire drivers to undertake safeguarding training. (page 24 – 6.6)</p>	<p>The Licensing Authority have provided basic information about safeguarding to the trade and drivers on application stage for some time. In view of the guidance the intention is to provide more in-depth training for all drivers in 2022. This will be a requirement for all new drivers on application and at renewal. In order to try to ensure that existing drivers receive the training as soon as is practical it is proposed to offer this</p>	<p>No-training to be provided in 2022</p>

Area of DfT Report	Recommendation	Comment	In line with the standard
		training at a subsidised rate during 2022. If drivers fail to attend this training, there will be a requirement to attend before they can renew their licence and they will be expected to pay the full cost for the training.	
	Licensing authorities should test a driver's language proficiency. This is to ensure that a driver can understand written documents relevant to their working role such as policies and guidance and to test that they can communicate and understand passengers particularly those that are likely to be vulnerable. (page 25 – 6.14)	During application drivers must sit a language proficiency and knowledge test. Both require a driver to have an acceptable level of English language proficiency to pass the test.	Yes
5.0 Vehicle Licensing			
5.1 DBS for vehicle proprietors	Licensing authorities should require a basic disclosure from the DBS for vehicle proprietors that are not licensed drivers and that a check in undertaken annually (page 26 – 7.2)	This is not currently a requirement of the Licensing Authority. Will introduce this. Companies that provide emergency replacement vehicles on a temporary basis will be excluded from this requirement.	No- we will introduce this for all vehicle proprietors that provide vehicles for licensed drivers
5.2 CCTV	CCTV – 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. (page 27 – 7.9)	The Council will be consulting on whether CCTV should be made mandatory.	No- consultation will be undertaken in 2022
6.0 Private Hire Vehicle Operator Licensing			

Area of DfT Report	Recommendation	Comment	In line with the standard
6.1 DBS for private hire operators	Licensing authorities should request a basic disclosure from the DBS for private hire operators and that a check is undertaken annually (page 29 – 8.2)	This is a requirement of the Licensing Authority	Yes
6.2 Booking and dispatch staff	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. (page 30 - 8.8)	This is not currently a requirement of the Licensing Authority. Will introduce a condition that requires this at application or when operators next renew their operator licences	No- we will introduce a condition that requires this at application or when operators next renew their operator licences
	Licensing operators should also require operators or applicants for a license to provide their policy on employing ex-offenders in roles that would be on the register of staff. (page 31 – 8.13)	This is a not currently a requirement of this Licensing Authority. Will introduce a condition that requires this at application or when operators next renew their operator licences	No- we will introduce a condition that requires this at application or when operators next renew their operator licences
6.3 Record keeping	Licensing authorities should as a minimum require private vehicle operators to record certain information. The information that is required is set out in the Department of transport guidance. (page 31 – 8.13) More specific information required as opposed to 'method of booking' will require: <ul style="list-style-type: none"> •The name of the person responding to the booking request and, •The name of the individual that dispatched the vehicle 	Current conditions require nearly all the same information. Will make the list more specific about the method of booking when the conditions are next amended in 2022/23.	Yes but we will make requirement more specific when review the Taxi Handbook in 2022/23
6.4 Use of passenger carrying vehicles	The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV)	Operators are made aware that this is the case during the application process.	Yes

Area of DfT Report	Recommendation	Comment	In line with the standard
(PCV) licensed drivers	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. (page 32 – 8.16)	Will ensure that guidance on this is provided to operators.	
7.0 Enforcing the Licensing Regime			
	Implementing an effective framework for licensing authorities to ensure that as full arrange a range of information is made available to suitable trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire sector. (page 33 - 9.1)	Training is provided to those who are involved in decision making. The officers that deal with taxi and private hire licensing are funded through the income from taxi and private hire. Fees and charges are regularly reviewed in order to ensure that the cost of administrating the system are covered by the income collected.	Yes