

<b>Department for Transport Standards Recommendations/measures and Paragraph number(s)</b>	<b>Current Council Policy</b>  <b>Red (does not meet)</b> <b>Amber (partially meets)</b> <b>Green (fully meets)</b>	<b>Summary of Proposed Action and Timescale</b>
<p>Any changes in licensing requirements should be followed by a review of the licences already issued. (paragraph 3.14)</p>	<p>Red (moving to amber if proposed action is taken)</p> <p>EDDC have a longstanding policy of referring those applicants with previous convictions to a Licensing Sub-Committee for determination of their fitness and Propriety against the current relevance of convictions policy. EDDC has previously been advised not to retain DBS certificates following determination by committee in the interests of data protection.</p>	<p>This Authority attaches a high importance to safeguarding issues and public safety.</p> <p>This recommendation was considered by the Devon Licensing Officers Group on 3rd December 2021. Representatives of several Devon Authorities outlined the practical difficulties in undertaking this project, including the fact that many local authorities including EDDC had been previously advised not to retain DBS documents, and hence the data may not be readily available.</p> <p>The group considered that an acceptable compromise would be to review existing Licence holders where upon any further relevant information comes to light for example a complaint or referral of information from the Police. This was considered by the group to be an acceptable balance between recognising the rehabilitation of offenders and the protection of the public.</p> <p>As a result of the Taxis and Private Hire (Safeguarding and Road Safety) Act 2022, all applications for taxi and private hire driving licences are now additionally checked against the National Register of Revocations, Refusals and Suspensions.</p>

<p>1.3 &amp; 2.1 &amp; 2.8</p> <p><b>The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.</b></p> <p>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.</p>	<p>Amber (moving to green if draft policy approved).</p> <p>The standards are a relatively recent introduction and this council currently does not have all the recommendations and measures in place.</p>	<p>The Proposed policy fully incorporates the recommendations outlined in the DFT standards.</p> <p>All of the significant changes introduced by the DFT Standards have been fully considered and responded to.</p>
<p>1.5</p> <p>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.</p>	<p>Green</p> <p>There are EDDC policies and procedures in place.</p>	<p>The policies and procedures will be reviewed internally against the Working Together to Safeguard Children statutory guidance in-line with published policy review dates.</p>
<p>2.7</p> <p>“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</p>	<p>Red (moving to green if draft policy approved)</p>	<p>EDDC have fully considered the standards and have outlined their response in the proposed Taxi Policy.</p>

<p>thoroughly considering these standards cannot be overstated.</p>		
<p>3.8 (Whistleblowing)</p> <p>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.</p>	<p>Green</p> <p>EDDC has internal procedures in place</p>	<p>EDDC implemented its Anti-fraud, theft and corruption Policy in November 2018. The Policy includes a section on Whistleblowing.</p>
<p>4.5 to 4.8 ( The Disclosure and Barring update Service)</p> <p>Subscription to the update service and with an individual's consent allows licensing authorities to request large numbers of certificate 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.</p>	<p>Green</p> <p>Subscription to the DBS update or alternatively providing a new DBS certificate every 6 months has been mandatory under the Taxi Policy since December 2022.</p>	<p>This is already a mandatory requirement under the current Policy.</p>
<p>4.9 to 4.11 (Common Law Police Disclosure)</p> <p>Paragraph 4.11</p> <p>Common Law Police Disclosure focuses on providing timely and relevant information which might indicate a public protection risk.</p> <p>This procedure provides robust safeguarding arrangements while ensuring only relevant</p>	<p>Green</p> <p>There are close links with the police and information is shared in-line with the information sharing agreement in place.</p>	<p>Information sharing with the Police was worked on extensively by the Devon Licensing Officers Group. All local authorities in Devon have now signed up to the formal information sharing agreement.</p>

<p>information is passed on to employers or regulatory bodies.</p> <p><b>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.</b></p>		
<p>4.12 to 4.13 (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. 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.</p>	<p>Amber (moving to green if draft policy approved)</p> <p>EDDC has a policy in place which includes different self-reporting matters and requests drivers notify the council within Fourteen days.</p>	<p>EDDC have considered this and have proposed amendment to the existing taxi policy to align the taxi policy fully with the recommendations of paragraph 4.12-4.13</p>
<p>4.21 (sharing licensing information)</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 non-disclosure of relevant information by applicants.</p>	<p>Green</p> <p>EDDC routinely check applications against the NR3 Register (National Register of Revocations, Refusals, and Suspensions), and are fully aware of the obligations under the Taxis and Private Hire (Safeguarding and Road Safety) Act 2022.</p>	<p>EDDC have been using NR3 to check applications on a routine basis since April 2022.</p>
<p>4.29 to 4.36 (Complaints against Licensees)</p> <p>Paragraph 4.29 All licensing authorities should have a robust system for recording complaints, including</p>	<p>Green</p> <p>EDDC have systems in place for recording complaints, with information being recorded on</p>	<p>Review of complaints and the analysing of trends across all licenses as well as complaints against individual licensees is undertaken on at least a quarterly basis.</p>

<p>analysing trends across all licensees as well as complaints against individual licensees.</p> <p>4.30</p> <p>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.</p>	<p>two different software packages, i.e. Lalpac and Civica.</p> <p>EDDC follows this approach.</p>	<p>Drivers with a high number of complaints are referred to the Licensing and Enforcement Sub-Committee for determination as to their fitness and propriety.</p>
<p>4.31</p> <p>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.</p> <p>Ways to make complaint to the authority should be displayed in all licensed vehicles.</p>	<p>Amber (moving to green if draft policy approved)</p> <p>EDDC has guidance on its website on how to make complaints about taxi drivers, including an online reporting system.</p>	<p>The draft policy proposes the mandatory display within the Licenced vehicle of a sticker providing information on how to complain to EDDC Licensing.</p> <p>The information on the website has been reviewed and was found to be fit for purpose.</p>
<p>5.3 Training decision makers</p> <p>All individuals that determine whether a licence is issued should be required to undertake sufficient training.</p>	<p>Green</p> <p>Members have recently had the opportunity to attend specific training provided by the Institute of Licensing. Members were also required to</p>	<p>A review of Member training was undertaken prior to the May 2023 local elections and a structured programme of Member training was initiated after the election.</p>

	attend a number of other mandatory training courses including Safeguarding.	
<p>5.12 Fit and Proper Test</p> <p>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 day or night ?</p> <p>If on the balance of probabilities, the answer to the question is 'no' the individual should not hold a licence.</p>	<p>Green</p> <p>This question has been presented to members in making the determination of a driver's fitness and propriety by way of a Licensing Sub-Committee report.</p>	<p>Wording on the fit and proper test has been included within Licensing Sub-Committee report for several years at EDDC.</p>
<p>5.15 to 5.17 (criminal convictions and rehabilitation)</p> <p>Annex D– Assessment of previous convictions</p> <p>Refers to the consideration of applicants for and existing hackney carriage and private hire driver licences against a clear policy of previous criminal records.</p> <p>The standards are recommending the adoption of 'annex-assessment of previous convictions'. This draws on the work of the Institute of Licensing (IOL), in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on</p>	<p>Amber</p> <p>EDDC has a convictions policy in place within Appendix D of the current Policy, but this would require amendment to fully align with the IOL Model Standard on Relevance of Conviction.</p>	<p>The licensing Manager has reviewed the Institute of licensing guidelines and the annex -assessment of previous convictions (page 35 to 36 of the standards) and has produced amended guidelines on the relevance of conviction at Appendix D of the proposed Policy.</p> <p>The proposed guidelines indicate the highest available minimum period of elapsed time since the last conviction.</p>

determining the suitability of taxi and private hire vehicle licensees.		
<p>6.2</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>Green</p> <p>EDDC's current policy requires either subscription to the DBS update service or a new enhanced DBS every 6 months.</p>	<p>No further update required, policy already in-line with Statutory Standards.</p>
<p>6.3</p> <p>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. (unless there are exceptional circumstances)</p>	<p>Amber (moving to green if draft policy approved)</p> <p>EDDC does not issue licences to a persons on the barred list, however it is not written in the current policy</p>	<p>A statement on refusing to licence applicants who appear on either the children's or adults barred list is included within the draft policy.</p>
<p>6.5 to 6.7 (safeguarding awareness)</p> <p>6.6</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.</p>	<p>Amber</p> <p>EDDC's current Policy requires that "must attend a Safeguarding Awareness Workshop, approved by East Devon District Council within 12 months of their licence being granted"</p>	<p>The Licensing Team are in the process of approving a number of different courses on Safeguarding Awareness. The list of approved courses will be published on our website and applicants/ licenced drivers will have the option of booking whichever approved course best suits their needs, and will be required to evidence their completion of the course.</p> <p>A review of our safeguarding training records will be undertaken in early 2024, and any drivers who have failed to undertake an approved course will</p>

		be contacted again and given a final chance to comply prior to referral to a Licensing Sub-Committee.
6.8 to 6.13 ('County Lines' exploitation)  6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.	Amber (moving to green when approved safeguarding awareness course list is published)	Licensing Officers will ensure that all approved safeguarding awareness courses included suitable material on County Lines exploitation.
6.14 to 6.15 (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	Green  All new driver licence applicants must have an interview with a Licensing Officer prior to them obtaining a licence. Applicants who cannot demonstrate an adequate or reasonable level of spoken English and/or a suitable qualification will be required to undertake an independent assessment of their spoken English in accordance with the procedure outlined at Appendix W of the Policy.  EDDC also has a knowledge test which all new applicants for a hackney carriage and private hire drivers must pass, and it is considered that it would be difficult to pass this test without a reasonable proficiency in reading English.	Covered already in current Policy. No further changes proposed to this section.
7.2 to 7.6 (Vehicle Licensing)  7.2	Amber (moving to green if draft policy approved)	This requirement is included within the draft policy. It is proposed that this takes effect from 1 <sup>st</sup> December 2023.



<p>Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>EDDC's current policy does not require a basic disclosure check for its licensed vehicle proprietors.</p>	<p>Given that the vast majority of East Devon Licenced vehicle owners are also licenced drivers (and hence already subject to DBS requirements), this is expected to have only a minimal impact.</p>
<p>7.4</p> <p>A refusal to licence 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.</p>	<p>Red (moving to green if draft policy approved)</p> <p>This is not included within the current policy.</p>	<p>This is covered within the draft policy. The safety and suitability to hold each licence would be determined separately in-line with the approach advocated in the DFT Standards.</p>
<p>7.7 to 7.13 (In vehicle visual and audio recording – CCTV)</p> <p>7.9</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 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.</p>	<p>Amber</p> <p>The use of in-car CCTV is covered within Appendix M of the current policy. CCTV is not compulsory within EDDC licenced vehicles.</p>	<p>The issue of making in-car CCTV mandatory has been discussed with relevant Police contacts. At this stage it is not considered that there is sufficient evidence of local circumstances that CCTV in vehicles would have a positive impact.</p> <p>Further changes to the Policy outside the scope of the Statutory Standards related changes will be proposed for consultation later in 2023/ early 2024. Questions relating to perceived benefit from making CCTV mandatory will be included in that public consultation.</p>
<p>8.2 to 8.6 (Private Hire Vehicle Operator Licence)</p>	<p>Amber (moving to green if draft policy approved)</p>	<p>This is covered in the draft policy.</p>

<p>8.2 Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>The current EDDC Policy does not require a DBS check, but Officers have for a number of years requested this where an applicant is not already a licenced driver.</p>	<p>As above for vehicle proprietor DBS checks, the vast majority of private hire operator applicants are expected to already hold a DBS as a result of them also being licenced drivers.</p>
<p>8.4 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 private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information.</p>	<p>Red (moving to green if draft policy approved)  This is not included within the current policy.</p>	<p>This is covered within the draft policy. The safety and suitability to hold each licence would be determined separately in-line with the approach advocated in the DFT Standards.</p>
<p>8.7 to 8.12 (booking and dispatch staff)  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.</p>	<p>Red (moving to green if draft policy approved)  EDDC's current policy does not have this condition place.</p>	<p>This is included within the draft policy. It is proposed that this takes effect from 1<sup>st</sup> April 2024 in order to give Private Hire Operators a reasonable period of time to implement this change.</p>
<p>8.9 to 8.12 (booking and despatch staff)  Operators should be required to evidence that they have had sight of a Basic DBS check on all</p>	<p>Red (moving to green if draft policy approved)  EDDC's current policy does not have this in place.</p>	<p>This is included within the draft policy. It is proposed that this takes effect from 1st April 2024 in order to give Private Hire Operators a</p>

<p>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.</p>		<p>reasonable period of time to implement this change.</p>
<p>8.13 private hire operator record keeping</p> <p>Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:</p> <ul style="list-style-type: none"> <li>• the name of the passenger;</li> <li>• the time of the request;</li> <li>• the pick-up point;</li> <li>• the destination;</li> <li>• the name of the driver;</li> <li>• the driver's licence number;</li> <li>• the vehicle registration number of the vehicle;</li> <li>• the name of any individual that responded to the booking request;</li> <li>• the name of any individual that dispatched the vehicle.</li> </ul>	<p>Amber (moving to green if draft policy approved)</p> <p>EDDC's current policy includes requirements for record keeping within Appendix P (private hire operator licence conditions), but does not include all of the record keeping requirements listed in the statutory standards.</p>	<p>The draft policy incorporates the following additional record keeping requirements for private hire bookings:</p> <ul style="list-style-type: none"> <li>• the name of the driver;</li> <li>• the driver's licence number;</li> <li>• the name of any individual that responded to the booking request;</li> <li>• the name of any individual that dispatched the vehicle.</li> </ul> <p>It is proposed that this takes effect from 1st April 2024 in order to give Private Hire Operators a reasonable period of time to implement this change.</p>