

APPENDIX B

East Devon District Council Update on the Statutory Taxi & Private Hire Vehicle Standards

The Statutory Taxi and Private Hire Vehicle Standards document sets out a framework of policies that, under section 177(4), licensing authorities “*must have regard*” to when exercising their functions. The following table sets out the options for this licensing authority.

	Heading	Statutory Requirement	Current Position
1	Policies	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. When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public.	<p>This Council introduced its taxi and Private Hire Policy in 2017 and has kept it fully under review since its introduction.</p> <p>It is recommended that a phased approach now be considered for revising the existing policy inline with the National Standards by:</p> <p>a) Amending Key changes required under the new Standards to the policy in Phase 1 by January 2021, and</p> <p>b) Further Review and Consult on matters relating to Vehicle Emissions, CCTV, the National Refusals Register, licence fees and Safeguarding Training under Phase 2 by 31 March 2022</p>
2	Duration of licences	Issuing driver licences for more than a year. Risk can be mitigated for drivers by authorities to undertaking regular interim checks. 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.	<p>This Council grants one, three and five year licences in line with the legislation and the current taxi policy.</p> <p>It is not proposed to adapt current procedures and to maintain an ongoing view as to that being necessary in the future</p>
3	Whistleblowing	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. Local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it	<p>This Council has an up to date policy for staff with regard to Whistleblowing procedures.</p> <p>Licensing staff have had training with regard to Whistleblowing and with a requirement to undergo the e-learning training every 3 years.</p> <p>It is recommended that:</p> <p>a) Current staff training be reviewed each Performance year to ensure training is kept up to date, and</p> <p>b) Staff when joining the Licensing Team undergo the training within the first year</p>

4	Consultation at the local level	<p>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.</p> <p>Any changes in licensing requirements should be followed by a review of the licences already issued.</p>	<p>This Council has introduced its current taxi policy by undertaking a full consultation and it maintains effective and timely contact with taxi proprietors, licence holders and the association that represents Exmouth.</p> <p>The next proposed full review of current policy is planned for July 2022.</p> <p>See Point 1 Above.</p>
5	Disclosure & Barring Service (DBS)	<p>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 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>This Council has introduced its current convictions and vetting policy. It fully utilises the DBS process along with Right to Work check for new and renewal applications. An adverse DBS finding will result in a review or referral to a Licensing Sub-committee.</p> <p>There are changes considered necessary to the DBS Checking under the new Statutory Standards that are proposed as being necessary under Phase 1 and Phase 2 of the Policy changes.</p>
6	Sharing licensing information with other licensing authorities	<p>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</p>	<p>This Council requires applicants for a licence to declare these details during the application process.</p> <p>The new standards recommend that the 'NR3' National Register of Taxi and Private Hire Refusals and Revocations, is used to share information with other Licensing authorities, and that this register should be consulted for new applications as this can reduce the risk of non-disclosure of relevant information.</p> <p>The Service already asks applicants to detail any previous refusal or revocations, and details of licences held elsewhere, but it is felt that the recommendation to also use and consult NR3 would be an additional safeguard in the future by sharing information on revoked or refused licence referred to as the 'NR3 Database' (under point 7 below).</p> <p>Other Devon authorities are still to sign up, there are considerable data protection</p>

			<p>issues to address and there is a cost to the council of £1000 to 2000 to join the system with an annual fee of £1050.</p> <p>It is therefore proposed that the further work being conducted with the other Devon authorities continues with the aim to subscribe and implement this service by 31st March 2022.</p>
7	NR3 Database	This should be used by licensing authorities (nationally) to share information on a more consistent basis to mitigate the risk of nondisclosure of relevant information by applicants	<p>This Council like the majority has not yet signed up to the national database for sharing refusal or revocation information.</p> <p>Now requires further review as 6 above.</p>
8	Complaints against licensees	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.	<p>This Council has a quarterly review through the Scrutiny Committee for complaints reported and investigated by Licensing Officers who record the data as a P.I. measurement and report on it</p> <p>A further requirement is that all licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.</p> <p>The service has systems in place, and is currently undergoing a change of software with a new licensing database which will enhance the authority's recording and analysis capability further.</p> <p>This IT project is anticipated to be completed in mid-2021 although the current procedures meet the new standards.</p>
9	Overseas convictions	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. Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character'	<p>This Council requires applicants for a licence to obtain and submit a certificate from their own country of previous residence as part of the 'fit & proper' test.</p>

10	Decision Making Administration of the licensing framework	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. All individuals that determine whether a licence is issued should be required to undertake sufficient training	All Licensing officers have undertaken accredited training provided by the Institute of Licensing. Refresher/advanced courses in the Taxi and PH are attended.
11	Immediate Revocation	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.	Powers delegated to the Strategic lead – Governance and Licensing allow for this serious course of action if required and if so urgent that it may not wait for Licensing sub-committee. Further reporting would then be provided to the Chair of the Licensing Committee on those urgent measures.
12	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: 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, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.	This Council requires applicants for a licence to satisfy all necessary requirements for reasons of public protection. All 'fit & proper' test requirements are detailed in the Taxi and PH Policy
13	Driver Licensing Criminality checks	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. 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	This Council like many has signed up to a conducting DBS checking every 3 years. The increased frequency of checking DBS every 6 months will require a mandatory change of the current policy to require all licence holders to sign up the online checking facility payable at the cost of licence holders. It is recommended that a phased approach now be considered for revising the existing policy by: a) Amending Key changes to the policy in Phase 1 by January 2021 to make 6 monthly DBS check mandatory, and b) To require as mandatory that all current licensees provide an email address as primary contact with the DBS Service & Licensing

		<p>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>c) To Review and Consult under Phase 2 by 31 March 2022 relating to fees charged of applicants and licence holders</p> <p>There is considerable work for staff to change the DBS expiry check dates for all our drivers move to check every 6 months rather than 3 years.</p> <p>The work will require over 400 DBS transaction checks for new and current licence due to the twice yearly need (rather than checks being every 3 years).</p>
14	Safeguarding awareness	<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. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:</p> <ul style="list-style-type: none"> • 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. 	<p>This Council like many has required all driver applicants to undergo Safeguarding awareness as an existing policy requirement. The impact of Covid-19 means sessions and meeting are not possible for groups or individuals.</p> <p>This needs further review & this Council is exploring with the other 7 Devon Authorities alternative virtual and remote Safeguarding packages that are cost effective for the licence holders whilst providing a meaningful briefing.</p> <p>It is recommended that a phased approach now be considered for revising the existing policy by:</p> <ul style="list-style-type: none"> A) Maintaining the policy requirement that all applicants and licence holders undergo Safeguarding briefing as a mandatory need, and B) That Officers identify an appropriate, remote/virtual training session inline with the other Devon Authorities under Phase 2 and C) That all the costs for providing Safeguarding be included within a review of fees under Phase 2
15	Language proficiency	<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 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. 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>This Council has introduced this requirement in the current taxi policy.</p> <p>It is recommended that a phased approach now be considered for reviewing the testing requirements that are used by other authorities including Transport for London.</p>

16	Vehicle Licensing	<p>It is important 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 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>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>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>This Council like many has signed up to a conducting DBS checking and most driver/licence holders are self-employed. There are very few companies left with offices (one) or with proprietors that are not licensed and vetted.</p> <p>Basic DBS checks are undertaken as specified for a 3 year period.</p> <p>These points require closer review as per Point 13 and to include changes to operators and staff employed by Private Hire Operators.</p>
17	In-vehicle visual and audio recording – CCTV	<p>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:</p> <ul style="list-style-type: none"> • 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. <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>This Council has been awaiting clearer national guidance on CCTV. It has not made installation of audio and CCTV mandatory; there has been no formal reporting or investigation by police for incidents within licensed vehicles.</p> <p>Costs are met by the vehicle owner and costs are prohibitive at a minimum of £500-£700 per CCTV unit in a licensed vehicle.</p> <p>Mandatory requirement places the Data responsibilities on the Council.</p> <p>This requires further review with the licence holders and need to consult. It is recommended that a phased approach now be considered for revising the existing policy by:</p> <p>a) To Review and Consult on matters relating to Vehicle Emissions, CCTV, the National Refusals Register, licence fees and Safeguarding Training under Phase 2 by 31 March 2022</p>

18	Enforcing the Licensing Regime	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.	All Licensing officers have undertaken accredited training provided by the Institute of Licensing and staff resourcing is sufficient and kept under annual review by managers.
19	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 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 Council has considered this course of action previously and it was not considered appropriate unless a specific enforcement need arises. A further review can be undertaken with the Devon Licensing Officer Group (DLOG)
20	Setting expectations	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. 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.	This Council requires applicants for a licence to satisfy all necessary requirements for reasons of public protection in its policy and officers have high levels, frequent contact with licensees. Repeated reports or complaints against a driver can already be identified to lead to proportionate action. See Point 8 – recording & monitoring complaints.

Full details are available online at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf