

Agenda

Licensing Committee

Thursday, 23 September 2021 at 10.00 am
Council Chamber - Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1 Apologies for Absence

2 Declarations of Interest

Members to declare any interests in matters to be discussed at the meeting.

3 Minutes 5 - 8

To confirm the minutes of the meeting held on 7 June 2021 as a correct record.

4 Appointment to Licensing Sub Committees 9 - 18
2021-22

5 DfT Statutory Taxi and Private Hire Vehicle 19 - 140
Standards



Kim Bromley-Derry
Interim Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

Councillor Allen (Chair)
Councillors Piper, Rouf, Chidley, Fenton, G Gill, S Gill, Hadley, Hussain,
Jones, R Jones, Singh, S Singh, J Webb and Williams

Contact: democratic_services@sandwell.gov.uk

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Minutes of Licensing Committee

Monday 7 June 2021 at 10.00am
Council House, Oldbury

Present: Councillor Allen (Chair);
Councillors Chidley, J Hadley, Z Hussain, G Gill, S Gill,
W Gill, R Jones, Piper, S Singh and Rouf.

Also present: Tracy Hubball (Licensing Service Manager)
Fiona Gee (Licensing Supervisor)
David Elliott (Solicitor)
Stephnie Hancock (Senior Democratic Services Officer)
Connor Robinson (Democratic Services Officer)
Gabrielle Evans (Democratic Services Officer)

1/21 **Apologies for Absence**

Apologies for absence were received from Councillors Fenton and K Singh.

2/21 **Declarations of Interest**

There were no interests declared at the meeting.

3/21 **Minutes**

Resolved that the minutes of the meeting held on 16 September 2019 were confirmed as a correct record.



4/21

Establishment of Licensing Sub Committees

Approval was sought to establish, and appoint members to, the Licensing Sub-Committees for the municipal year 2021/22.

Under the provisions of the Licensing Act 2003, the Licensing Committee could establish one or more Licensing Sub-Committees to assist in the discharge of the licensing functions under the Licensing Act, 2003. Further such functions of the Gambling Act, 2005 could also be discharged by those sub-committees.

The Council at its meeting on 25 May 2021 had appointed a Licensing Committee comprising 15 members, including one Chair and two vice-chairs. It was proposed that three Sub-Committees, consisting of five members, with a Chair/Vice Chair each sitting on a sub-committee, be appointed for 2021/22. However, in accordance with the provisions of the Act, Sub-Committees sitting to consider Licensing Act 2003/Gambling Act 2005 functions would consist of only three members.

The Director - Law and Governance and Monitoring Officer, in consultation with the Chair of the Licensing Committee, was authorised to select members from the Licensing Committee to serve on sub-committees as necessary to ensure a quorum should a named member not be available for a meeting or unable to consider a particular case due to a conflict of interest.

Approval was also sought to the terms of reference for the sub-committees.

Resolved:-

- (1) that the Terms of Reference for the Licensing Sub-Committees, as set out in Appendix 1, be approved;



Licensing Committee – 7th June 2021

- (2) that three Sub-Committees be established, to undertake those functions set out in the terms of reference referred to in (1) above, each comprising three members of the Licensing Committee when considering matters in relation to the Licensing Act 2003/Gambling Act 2005 and five members of the Licensing Committee when considering matters affecting applications for licences and licences previously granted under the terms of the Local Government (Miscellaneous Provisions) Act 1976;
- (3) that, in connection with (1) and (2) above, members be appointed to the Sub-Committees, as set out in Appendix 2;
- (4) that the Director of Law and Governance - Monitoring Officer, in consultation with the Chair of the Licensing Committee, be authorised to select members from the Licensing Committee as necessary to serve on Licensing Sub Committees to ensure a quorum should a named member not be available for a meeting or unable to consider a particular case due to a conflict of interest;
- (5) that the Director of Law and Governance - Monitoring Officer be authorised to make the necessary changes to the Council's Constitution in order to reflect the decisions of the Committee on the above recommendations.

5/21

Annual Report of the Licensing Committee for 2019/20 and 2020/21 Municipal Years

The Committee considered the proposed Annual Report of the Licensing Committee for the 2019/20 and 2020/21 municipal year.



Licensing Committee – 7th June 2021

Resolved that the Annual Report of the Licensing Committee for the 2019/20 and 2020/21 municipal years be approved and submitted to the next meeting of Full Council.

Meeting ended at 10.20am

Contact: democratic_services@sandwell.gov.uk



Report to Licensing Committee

23 September 2021

Subject:	Appointment to Licensing Sub Committees
Director:	Surjit Tour Director of Law and Governance and Monitoring Officer
Contact Officer:	Trisha Newton Senior Democratic Services Officer trisha_newton@sandwell.gov.uk

1 Recommendations

- 1.1 To make changes to the appointment to Sub Committees to reflect changes in membership approved at Council on 26 July 2021 and to reflect the Vice Chair vacancy, including nomination of the Vice Chair to Sub Committee 2, once an appointment has been made by full Council.




2 Reasons for Recommendations

- 2.1 Further to Minute No. 4/21 (7 June 2021), at the Council meeting on 26 July 2021, a change to the appointment of members to the Licensing Committee was approved and it has therefore become necessary to revise the appointment to the Licensing Sub Committees. There is also a Vice Chair vacancy and, pending appointment, the Chair will sit over two sub committees. Once a replacement has been approved by full Council, the Vice Chair will oversee Sub Committee 2.
- 2.2 Under the provisions of the Licensing Act 2003, the Licensing Committee may establish one or more Licensing Sub Committees to assist in the discharge of the licensing functions under the Licensing Act, 2003. Further such functions of the Gambling Act, 2005 may also be discharged by those Sub Committees.



- 2.3 The Licensing Act 2003 specifies that each Sub Committee shall consist of three members of the Licensing Committee. The Council at its meeting on 25 May 2021 appointed a Licensing Committee comprising 15 members, including one Chair and two Vice Chairs.

3 How does this deliver objectives of the Corporate Plan?

	<p>The Licensing Act 2003 has four licensing objectives which are highly pertinent to the Council's Corporate Plan these being:-</p>
	<p>(a) the prevention of crime and disorder;</p>
	<p>(b) public safety;</p>
	<p>(c) the prevention of public nuisance;</p>
	<p>(d) the protection of children from harm.</p>
	<p>Similarly, the Gambling Act 2005 has three licensing objectives, as follows:-</p> <p>(a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;</p> <p>(b) Ensuring that gambling is conducted in a fair and open way;</p> <p>(c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.</p>

4 Context and Key Issues

The Licensing Sub Committees are appointed under the provisions of the Licensing Act, 2003 and are therefore not subject to the proportionality requirements of the Local Government and Housing Act 1989. However, other licensing functions will be subject to proportionality.

For 2021/22, the proportionality provisions will apply, when considering licensing functions other than those under the provisions of the Licensing Act 2003, and seats have been allocated to the Sub Committees accordingly.



5 Alternative Options

- 5.1 There is no alternative option, the functions sit within the remit of the Licensing Committee.

6 Implications

Legal and Governance:	<p>Section 3 of the Licensing Act 2003 provides that the Council is a Licensing Authority and as such the Council must carry out its functions under the Licensing Act, 2003. Under Section 6 of the Licensing Act, 2003 each Licensing Authority must establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority. Section 9 of the Licensing Act, 2003 states that a licensing committee may establish one or more sub-committees consisting of three members of the committee, and Section 10 provides that the committee may arrange for the discharge of any functions exercisable by it by a sub-committee established by it, or an officer of the licensing authority.</p> <p>Section 2 of the Gambling Act 2005 further states that the Council is a licensing authority. The Gambling Act 2005 places a duty on the Council to undertake the licensing functions specified in the Act. Section 154 of the Gambling Act 2005 provides that all decisions, subject to exceptions, relating to premises licences are delegated to the licensing committee of the authority that has been established under Section 6 of the Licensing Act, 2003. Section 154(3) of the Gambling Act, 2005 states that Section 10 of the Licensing Act 2003 shall apply in relation to a function delegated to a licensing committee as they apply in relation to a function delegated under that Act.</p> <p>The 2003 Act and the 2005 Act allow the Licensing Committee to arrange for the discharge of any of its functions by a Sub-Committee or by an Officer of the Licensing Authority. Arrangements may provide for more than one sub-committee or officer to discharge the same functions concurrently.</p>
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7. Appendices

Appointment to Sub Committees
Terms of Reference

8. Background Papers

None



Statutory Licensing Sub Committee (subject to member availability and ward)

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A	Councillor Allen (Great Bridge)	Councillor Allen or Vice Chair (Abbey)	Councillor Allen or Councillor Rouf (Soho and Victoria)
	Councillor Z Hussain (Soho and Victoria)	Councillor S Gill (St Pauls)	Councillor G Gill (Great Barr with Yew Tree)
	Councillor K Singh (Wednesbury South)	Councillor Webb (Cradley Heath & Old Hill)	Councillor R Jones (Old Warley)
B	Councillor O Jones (Wednesbury South)	Councillor Chidley (Princes End)	Councillor Fenton (Bristnall)
	Councillor Williams (Princes End)	Councillor S Singh (Rowley)	Councillor Hadley (Great Bridge)

Non-Statutory Licensing Sub Committee

Sub Committee 1

Chair - Councillor Allen
Councillor Z Hussain
Councillor K Singh
Councillor O Jones
Councillor Williams

Sub Committee 2

Vice Chair
Councillor S Gill
Councillor Webb
Councillor Chidley
Councillor S Singh

Sub Committee 3

Vice Chair - Councillor Rouf
Councillor G Gill
Councillor R Jones
Councillor Fenton
Councillor Hadley

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Licensing Sub Committee

Terms of Reference

Statutory Licensing Committee

- (1) Exercise those functions of the Licensing Committee under the Licensing Act 2003 and any regulations made under that Act, together with any related functions, with the exception of:-
- a) any function conferred on the Licensing Authority by Section 5 of the Licensing Act 2003 (Statement of Licensing Policy);
 - b) any function discharged under Section 7(5)(a) of that Act by a committee other than the Licensing Committee;
 - c) any function specifically reserved to the Licensing Committee;

and in particular, deal with the following matters in the circumstances indicated:-

Application for personal licence.	If a police objection has been made.
Application for personal licence with unspent relevant convictions.	If a police objection is made
Application for premises licence / club premises certificate.	If a relevant representation is made.
Application for provisional statement.	If a relevant representation is made.
Application to vary premises licence / club premises certificate.	If a relevant representation is made.
Application to vary designated premises supervisor.	If a police objection has been made.
Application for transfer of premises licence.	If a police objection has been made.
Applications for interim authorities.	If a police objection has been made.

Determination of interim steps pending summary review	All cases
Decision to give counter notice following police objection to temporary event notice	All cases
Review following review notice	If a police objection has been made.
Review following closure order	If a police objection has been made.
Application to review premises licence / club premises certificate.	All cases.
Decision to object when local authority is a consultee and not the relevant authority considering the application.	All cases.
Determination of a police or environmental health objection to a temporary event notice.	All cases.
Review of provisional licence to consider revocation or suspension.	All cases.

- (2) Exercise those functions of the Licensing Committee under the Gambling Act 2005 and any regulations made under that Act, together with any related functions, with the exception of:-
- a) any function conferred on the Licensing Authority by Section 166 of the Gambling Act 2005 (Casino Resolution);
 - b) any function conferred on the Licensing Authority by Section 212 of the Gambling Act 2005 (Fees);
 - c) any function conferred on the Licensing Authority by Section 349 of the Gambling Act 2005 (Statement of Principles);
 - d) any function specifically reserved to the Licensing Committee;

and in particular, deal with the following matters in the circumstances indicated:-

Application for premises licence.	If a relevant representation is made
Application for a variation to a licence.	If a relevant representation is made
Application for a transfer of a licence.	If a relevant representation is made
Application for provisional statement.	If a relevant representation is made
Application for club gaming/club machine permits.	If a relevant representation is made
Application for licensed premises gaming machine permits	If a relevant representation is made
Cancellation of club gaming/club machine permits.	
Review of premises licence.	
Decision to give a counter notice to a temporary use notice.	

Section 101 of the Local Government Act 1972

- (3) Functions relating to the licensing of private hire and hackney carriage licenses, with the exception of any review and recommendations to the Cabinet on the guidance for use in connection with applications for private hire and hackney carriage licenses;
- (4) Exercise those functions of the Licensing Committee under Section 101 of the Local Government Act 1972 the Council's powers and duties under the following Acts and Regulations:-

Betting, Gaming and Lotteries Act 1963;

Town Police Clauses Act 1847;

Local Government (Miscellaneous Provisions) Act 1976;

House to House Collections Act 1939;

Local Government (Miscellaneous Provisions) Act 1982;

Theatres Act 1968;

The Police, Factories etc. (Miscellaneous Provisions) Act 1916;

Safety of Sports Grounds Act 1975.

- (5) The registration and licensing of matters under other existing or future miscellaneous statutes, government directives or directions not referred to or dealt with by any other Committee, including in particular, and where appropriate to this Council, those functions B 1 to B 72 inclusive set out in Appendix 1 (Functions not to be the responsibility of an Authority's Executive) to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- (6) Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (Health, safety and welfare in connection with work, and the control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.
- (7) Functions for the licensing of sex establishments in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Section 2 and Schedule 3, together with any regulations made under the Act.

ends

Report to Licensing Committee

23 September 2021

Subject:	DfT Statutory Taxi and Private Hire Vehicle Standards
Director:	Interim Director – Borough Economy Nicholas Austin
Contact Officer:	Nicola Plant Service Manager, Regulatory Services nicola_plant@sandwell.gov.uk

1 Recommendations

- 1.1 That Licensing Committee receive the results of the consultation on the Statutory Taxi and Private Hire Vehicle Standards as detailed in Appendix 2.
- 1.2 That Licensing Committee, taking account of the results of the consultation consider approving adoption of the standards identified in Appendix 3 in principle.
- 1.3 That a further report is submitted to the Licensing Committee with the amendments required to the Sandwell Private Hire and Hackney Carriage Licensing Policy and an implementation plan for the new standards to be included in the Policy.


2 Reasons for Recommendations

- 2.1 On 21 July 2020, the Secretary of State for Transport issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities Appendix 1. They are designed to improve consistency in the licensing system and reducing the risk of harm posed to children and vulnerable passengers.



- 2.2 Licensing authorities are under a legal duty under Section 177 (1) of the Police and Crime Act 2017, to have regard to the Statutory Standards which means they should be rigorously considered in formulating policy.
- 2.3 The Statutory Guidance is introduced to protect children (under 18) and vulnerable people as defined by Section 42 of the Care Act 2014. But the guidance goes on to state that all passengers will benefit therefore the standards should be implemented unless there is a good reason not to do so.
- 2.4 It is recognised that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, however it should be noted that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice.
- 2.5 On 9 December 2020 Cabinet approved a consultation be undertaken on the Statutory Taxi and Private Hire Vehicle Standards and the changes that would be required to Sandwell's Private Hire and Hackney Carriage Licensing policy should these be adopted (Decision 118/20).
- 2.6 The consultation has been undertaken on the standards that are not currently included in our existing Private Hire and Hackney Carriage Licensing policy. Licensing Committee are now required to consider the outcome of this consultation and determine whether any of the statutory standards that are not already met within Sandwell's current policy should be adopted.
- 2.7 The adoption of any additional standards will require amendments to be made to the current Private Hire and Hackney Carriage Licensing Policy. A further report will be submitted to committee with policy amendments and an implementation plan for any new standards that are to be adopted.

3 How does this deliver objectives of the Corporate Plan?

	Strong resilient communities - The Statutory Taxi and Private Hire Standards are aimed at safeguarding children and vulnerable adults. The Standards set out a range of robust measures to protect taxi and private hire passengers.
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4 Context and Key Issues

- 4.1 The Licensing Committee is responsible for exercising the powers and duties of the Council with regard to licensing matters under relevant legislation set out in this report.
- 4.2 Licensing authorities are under a legal duty under Section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards which means they should be rigorously considered in formulating policy. There is an expectation from the Department for Transport that these standards will be implemented unless there is a compelling local reason not to.
- 4.3 The current Sandwell Private Hire and Hackney Carriage Licensing Policy was first approved and adopted on 1 October 2017. Following a review was later updated with amendments adopted with effect from 1 August 2018. The new Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport require the Council, as the Licensing Authority, to have regard to this document and the Council's own Policy when making decisions on applications for all types of licences.
- 4.4 Whilst the Council's Private Hire and Hackney Carriage Licensing Policy is the guiding document referred to by Committee and officers with delegated authority, in considering the guidance the local authority will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the Committee or officer with delegated authority may depart from the Guidelines in this policy. In such circumstance's reasons will be given for departure and recorded as part of the formal record.
- 4.5 The Standards state that in the interest of transparency, all licensing authorities should publish their consideration of the measures contained in the Statutory Taxi and Private Hire Vehicle Standards, and the policies and a delivery plan that stems from these.
- 4.6 A twelve-week consultation was undertaken between 21 December 2020 and 12 March 2021. Due to COVID-19, the consultation was carried out remotely by means of a questionnaire which was published on the Sandwell Council website. The consultation was promoted through the



Council website, in the local press, on the Council's social media accounts and was sent directly to local key interested organisations such as local disability groups, transport organisations, local women's groups, domestic abuse groups, local traders and the Sandwell Safeguarding Adults Board.

4.7 The consultation questions sought responses in favour or against the adoption of principles as outlined in the Statutory guidance where the standard was new or above the current Policy position as reflected in the Private Hire and Hackney Carriage Licensing Policy Handbook 2018.

4.8 A total of 135 responses were received, and the breakdown of respondents is provided in Table 1 below.

Name of Group	Yes
Statutory Organisations	12
Charity and Other Organisations/Groups	12
Licensed Drivers and Operators	42
Residents/vehicle users	62
School and Parents	7
Total	135

Table 1. Breakdown of consultation respondents

4.8 A full analysis of the outcome from the consultation is provided in appendix 2. Overall the consultations responses provided support for the adoption of the standards, with views that these will improve public safety.

4.9 The areas of the Private Hire and Hackney Carriage Policy that will be affected by the adoption of the Statutory Standards are as follows:

- Administration of the Licensing Regime and this includes, the policy, duration of licences and whistleblowing
- Gathering and Sharing Information including the DBS service and levels and frequencies of checks, subscribing to and updating of the NR3 Register and sharing information with other agencies
- Decision Making including training for Councillors, fit and proper test and convictions and rehabilitation periods
- Driver Licensing including safeguarding and exploitation, criminality checks and language proficiency
- Vehicle licensing including criminality checks for vehicle providers and the use of CCTV in licensed vehicles



- Private Hire Vehicle Operator Licensing including criminality checks for operators and booking and dispatch staff, record keeping and policies on employing ex-offenders
- Enforcing the licensing regime including authorisation of enforcement officers from other licensing authorities and suspension and revocation of driver licences.
- Advice and guidance for passengers on staying safe.

The Private Hire and Hackney Carriage Policy wording which will be affected and require change due to adoption of the Statutory Standards is provided in greater detail in Appendix 3.

4.10 Whilst all the consultation questions received a majority response in favour of adoption of the principles as outlined in Statutory guidance. Some questions received comments which highlighted concerns or points which respondents felt required further consideration. Those comments can be seen in Appendix 2.

4.11 The key themes of the comments raised include:

- Additional costs which may faced by the trade as a result of adoption of the principles, specifically around changes relating to DBS and CCTV.
- Concerns about fake documentation to evidence criminal records from countries where an applicant has spent 3 or more consecutive months outside of the UK. And that the time period should be greater than 3 months before this documentation is required.
- The type of language proficiency test that applicants would be required to undertake being relevant to the job type.
- That a language proficiency test for applicants was not necessary and could result in a shortage of drivers.
- For principles that relate to convictions, consideration should be given to the individuals circumstances, as people make mistakes or there may be mitigating circumstances which should be considered.
- That advisory information received from DBS should also be considered.
- That the Council should have an approved random drug testing approach for licenced drivers.



- 4.12 Some of the standards consulted upon specifically relating to changes to the convictions policy would require some minor wording amendments. However, it should be noted that where those convictions reflected in the current Private Hire and Hackney Carriage Licensing Policy Handbook 2018 already exceed the timescales proposed within the Statutory guidance, adoption of these principles is proposed on the basis that those higher timescales in the current policy are maintained.
- 4.13 The standards propose that Local Authorities consider if there is a local need for the installation of CCTV in licensed vehicles with any costs of installing cameras to be at the driver's expense. Whilst acknowledging the role CCTV can have in public safety the Information Commissioners Office notes that licensing authorities need to balance their responsibilities to protect its drivers and the public with the privacy rights of those individuals.

68% of the consultation respondents were in favour of adopting this principle. Considering this point 'in the round' and factoring in that crimes relating to taxis and licensed drivers have not been identified as a significant issue locally, it is considered that mandatory CCTV systems in vehicles would not be a proportionate response at this time. It is therefore proposed that Sandwell maintains the current policy position that CCTV installation is voluntary.

- 4.14 The response to the adoption of National Anti-Fraud Network, NR3 national register of taxi and private hire licence refusals and revocations was majority in favour of adopting this principle. The principle did not attract any comments of concern or note, only comments stating the benefits for joint working and public safety. It is therefore proposed that Sandwell adopts this principle as outlined in the Statutory guidance.

Adoption of this principle would require a National Register of Hackney Carriage and Private Hire Licence revocations and refusals policy. This document would be presented at a future Committee meeting for consideration.

5 Alternative Options

- 5.1 There are no alternative options given for consideration. Licensing authorities have a legal duty under Section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards.



6 Implications

Resources:	There are no direct budget implications from this report. If approved the further work on the policy update and implementation will be undertaken by the taxi licensing team.
Legal and Governance:	<p>Licensing Committee is responsible for the exercising of the powers and duties of the Council, i.e. those matters that are not the responsibility of the Executive/Cabinet, with regards to Taxi Licensing matters under the Taxi and Private Hire Vehicle (PHV) legislation which is primarily concentrated in the Town Police Clauses Act 1847 (the 1847 Act) and the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). The legislation provides a broad framework for the licensing of drivers, vehicles and operators but the detail of how this is done, including standards and conditions, is the responsibility of individual councils ('licensing authorities').</p> <p>The primary statute introducing the guidance, Section 177 of the Policing and Crime Act 2017 states "The Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised to protect children and vulnerable individuals who are 18 or over from harm".</p> <p>Under section 177 (1) of the Policing and Crime Act 2017 sets out the framework of policies that, under section 177(4), licensing authorities "must have regard" to when exercising their functions.</p> <p>Licensing authorities are under a legal duty under Section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards.</p> <p>The membership of the Sub Committee is reviewed each year following the appointment of members to the Licensing Committee at the Annual Council Meeting.</p>



	The Licensing Committee has already delegated the majority of its licensing functions to the Sub Committee and/or Officers.
Risk:	<p>A risk register has been completed with no significant risks identified. Each risk has identified measures identified to manage the risk.</p> <p>The activity undertaken by Licensing Committee seeks to reduce instances of crime and disorder that may impact on residents and visitors of the Sandwell borough.</p>
Equality:	An initial equality screening has been undertaken and no adverse impact on protected groups has been identified.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.

7. Appendices

Appendix 1 - Statutory Taxi & Private Hire Vehicle Standards
Appendix 2 - Consultation response analysis
Appendix 3 – Current Policy wording affected by adoption of the Statutory Standards

8. Background Papers

Risk Register - Consultation





Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that 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.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), 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. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “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 thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **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.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends 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.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

"It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride."

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

"Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction."

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **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.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 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. 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.

Whistleblowing

- 3.8 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.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

Consultation at the local level

- 3.12 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. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 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.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of 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. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 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

- 4.12 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. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 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.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, 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.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The 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.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 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.

- 4.28 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). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

- 4.29 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.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.
- 4.30 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.
- 4.31 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. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.
- 4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.
- 4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 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
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 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

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** 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. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

- 5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

- 5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.
- 5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:
- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
 - Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.
- 5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.
- 5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.
- 5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. 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.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 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?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 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 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.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 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.
- 6.2 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 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.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **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.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 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. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 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:

- 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.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

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.

7. Vehicle Licensing

- 7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore 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

- 7.2 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.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.
- 7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.
- 7.4 A 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 vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.
- 7.5 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 operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 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:

- 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.

7.9 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.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 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 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. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 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. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

- 8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators 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 driver licensing regime.

Criminality checks for private hire vehicle operators

- 8.2 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.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.
- 8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately
- 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 i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
- 8.5 A private hire vehicle operator licence 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 operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 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.**
- 8.9 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.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

- 8.12 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. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

- 8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

- 8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

- 8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

- 8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) 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.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

- 9.1 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.

Joint authorisation of enforcement officers

- 9.2 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 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. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

- 9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere to 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.
- 9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). 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.

Suspension and revocation of driver licences

- 9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

- 9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.
- 9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.
- 9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.
- 9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.
- 9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

Consultation Response Analysis

The Taxi & PHV Licensing – Statutory Taxi and Private Hire Vehicle Standards were published in July 2020. LA's were required to consult upon those standards with a view of implementing the measures. LA's were also advised where a decision was reached not to implement they should be clear on their reasons for not doing so.

Following permission to consult on the standards being granted on the 9 December 2020, a 12 weeks public consultation period was conducted between 21 December 2020 and 12 March 2021.

The Statutory Guidance outlines that consultees should include taxi and private hire vehicle trades, customers, 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, local multi-agency safeguarding arrangements and night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy's activities. All the above groups were included in the full list of consultees with whom proactive communication was undertaken during the consultation period.

Responses were received from Local Authority Staff, Councillors and Elected Members, Charities, Visually impaired groups, Licenced Drivers and Operators, Residents and customers, Police, Schools and Parents of school children, Travel organisations and IPTU.

A summary of the consultation questions and responses is given below.

1 Question Asked - **Enhanced DBS Checks (Standards Paragraph 4.5)**

a)The Department for Transport recommends that holders of driver licences undergo an enhanced DBS check every 6 months. This can be done by subscribing to the DBS update service with the driver giving consent to check the status of the certificate on a more frequent basis.

b)There are circumstances in which individuals are not permitted by the DBS to subscribe to the update service and they should still be subject

to an enhanced DBS check every six months. All costs to be paid by the driver

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	12	0	0
Charity and Other Organisations/Groups	10	1	1
Licensed Drivers and Operators	16	23	3
Residents/vehicle users	54	3	5
School and Parents	7	0	0
Total	99	27	9

Summary of Comments Received

Most of the responders were in favour of the more frequent checks of DBS disclosures but were concerned with additional costs suggesting that financial help should be available. Those supporting these checks also felt that partnership working, and public safety were important. The majority who were not in favour of this proposal were licensed drivers who felt that 6-month check was excessive and that less stringent checks were done on other occupations.

2 Question Asked - **Basic DBS Checks (Standards Paragraph 8.2)**

The Department of Transport recommends that applicants for vehicle licences undergo an annual basic DBS check. Should the certificate contain information, this shall be considered in line with the Council's policy on consideration of disclosed criminal history. If the applicant is a company or partnership, basic DBS certificates will need to be provided for all directors and/or partners.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	12	0	0
Charity and Other Organisations/Groups	10	1	1
Licensed Drivers and Operators	24	13	5

Residents/vehicle users	55	3	4
School and Parents include in residents and vehicle users	7	0	0
Total	108	17	10

Summary of Comments Received

Those that supported this proposal felt that it would improve public safety and it was suggested that if it was an operator applying they should be able to use their basic DBS check submitted for their operator application. Suggestions were given from those that were either not in support of this or who were unsure that the applicant be required to submit an enhanced DBS check.

3 Question Asked - **Length of Licences (Standards Paragraph 3.7)**

The Department of Transport recommends that driver licences should be issued for three years, vehicle licences for one year and private hire operator licences for five years.

Any shorter licence duration should only be issued when the licensing authority thinks it is appropriate in the circumstances of the case e.g. the licence holder's leave to remain in the UK is time limited or the licence is issued to meet a short-term demand.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	10	1	1
Charity and Other Organisations/Groups	10	0	2
Licensed Drivers and Operators	34	6	2
Residents/vehicle users	48	7	7
School and Parents	5	1	1
Total	107	15	13

Summary of Comments Received

A lot of comments were received regarding the length of licences and that they should be shorter, but the maximum length of the licence is set by legislation not the Local Authority. Comments were received about the cost of the licences and that other Councils are cheaper. Also, the monitoring of the licences and that 5 years for an operator's licence was too long and a lot could change in that time. No comments or objections were received to the one-year vehicle licence rather than the four-month option that is currently offered.

4 Question Asked - **Licensee Self Reporting (Standards Paragraph 4.12)**

The Department of Transport recommends that 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 these offences to result in a review of the licence holders suitability to hold a licence.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	12	0	0
Charity and Other Organisations/Groups	10	2	0
Licensed Drivers and Operators	30	6	6
Residents/vehicle users	58	4	0
School and Parents	7	0	0
Total	117	12	6

Summary of Comments Received

There were several comments stating that 48 hours to report was too long and they should report within 24 hours if not immediately. Comments were also received about agencies sharing information directly with the taxi licensing office and the effectiveness of relying on drivers to make the report.

5 Question Asked - **Time Spent Abroad (Standards Paragraph 4.34)**

The Department of Transport recommends that as the DBS cannot access criminal records held overseas, that where an applicant has spent three or more continuous months outside the UK, that they should provide criminal records information from that country or a “Certificate of Good Character” on their return.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	12	0	0
Charity and Other Organisations/Groups	11	0	1
Licensed Drivers and Operators	17	19	6
Residents/vehicle users	52	6	4
School and Parents	7	0	0
Total	99	25	11

Summary of Comments Received

Most comments received from both those that were in favour of and against this proposal raised the risk of fraud in that documents could be fake. Concern was also expressed at certificates being produced if someone was only out of the country for three months as they felt the period should be six to twelve months before being asked to supply such documentation.

6 Question Asked - **Complaints about Licence Holders (Standards Paragraphs 4.29 & 4.31)**

To ensure that passengers know who to complain to, details on how and who to make a complaint to should be displayed in all licensed vehicles

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	12	0	0
Charity and Other Organisations/Groups	12	0	0

Licensed Drivers and Operators	19	13	10
Residents/vehicle users	60	1	1
School and Parents	7	0	0
Total	110	14	11

Summary of Comments Received

Concern was expressed around accessibility of notices, including where passengers are visually impaired and whether both the operator and/or the Council should be named as who to contact. Also, that there were already ways in which to make a complaint without the need to display a notice in every vehicle.

7 Question Asked - **Fit and Proper Test (Standards Paragraph 5.12)**

As a Licensing Authority, Sandwell Taxi Licensing have a responsibility to ensure that the person to whom a licence is granted is a fit and proper person and propose that the new definition of this as detailed below be adopted:

“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 the day or night?”

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	11	0	1
Charity and Other Organisations/Groups	9	0	3
Licensed Drivers and Operators	33	3	6
Residents/vehicle users	48	4	10
School and Parents	5	1	1
Total	106	8	21

Summary of Comments Received

Whilst the majority were in favour of adopting this new definition, concern was expressed regarding who this would be applied to and it was felt that this could only be applied to a driver and not to applicants for a vehicle licence or an operator's licence.

8 Question Asked - **Language Proficiency (Standards Paragraph 6.14)**

The Department of Transport recommend that as a lack of language proficiency could impact on a driver's ability to understand written documents, such as policy and guidance relating to the protection of children and vulnerable adults, that all licensing authorities should conduct a test that covers both oral and written English skills.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	12	0	0
Charity and Other Organisations/Groups	9	1	2
Licensed Drivers and Operators	28	11	3
Residents/vehicle users	59	1	2
School and Parents	7	0	0
Total	115	13	7

Summary of Comments Received

The majority of respondent's comments agreed from a customer care, safety and customer satisfaction perspective, that the driver should be able to communicate in English. There were comments regarding the type of test, how it should be conducted and to what standard. The comments suggested that the test should be appropriate to the job and should not expect the driver to be able to answer advanced maths questions nor include questions on training they may have already received e.g. safeguarding and customer care. Some comments stated that it wasn't necessary, and that it may cause a shortage of drivers and it may disadvantage those who were not good at spelling.

9 Question Asked - **Cameras in Licensed Vehicles (Standards Paragraph 7.9)**

The Department of Transport has asked that Local Authorities consider if there is a local need for the installation of CCTV in licensed vehicles. Any costs of installing cameras would be at the driver's expense.

Do you feel there is a need for CCTV cameras and do you support the installation of cameras in all licensed vehicles?

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	9	1	2
Charity and Other Organisations/Groups	8	3	1
Licensed Drivers and Operators	24	12	6
Residents/vehicle users	45	7	10
School and Parents	6	0	1
Total	92	23	20

Summary of Comments Received

Whilst most respondents were in favour of the installation of CCTV, both those that were in favour and against cited economic impact and that the Council should fund some or all of the cost of the equipment and installation. It was felt that CCTV would improve both passenger and driver safety, but issues were raised around privacy, and that CCTV should be voluntary and not mandatory and that there was not a proven need for CCTV in Sandwell.

10 Question Asked - **Booking and Dispatch Staff (Standards Paragraph 8.8)**

Licensing authorities should as a condition of granting a private hire operator's licence require a register of all staff who either take bookings or dispatch vehicles to be kept and require operators to evidence that they have had sight of a basic DBS check for these staff and this be evidenced in the register. Operators should also be required to provide their policy on employing ex-offenders in these roles.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	11	0	1
Charity and Other Organisations/Groups	12	0	0
Licensed Drivers and Operators	29	5	8
Residents/vehicle users	57	2	3
School and Parents	7	0	0
Total	116	7	12

Summary of Comments Received

Comments received stated that enhanced DBS checks should be carried out rather than basic DBS checks. Whilst some comments state that no DBS should be carried out as they are not driving vulnerable passengers. And that having a policy on ex-offenders was an employment issue.

11 Question Asked - **Operator Record Keeping (Standards Paragraph 8.13)**

Licensing Authorities should as a minimum require private hire vehicle operators to record the following information for each booking:

- The name of the passenger
- The time of the request
- The pick-up point
- The destination
- The name of the driver
- The driver's licence number
- The vehicle registration number of the vehicle
- The name of the individual that responded to the booking request
- The name of the individual that dispatched the vehicle

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	12	0	0

Charity and Other Organisations/Groups	11	0	1
Licensed Drivers and Operators	37	1	4
Residents/vehicle users	60	0	2
School and Parents	7	0	0
Total	127	1	7

Summary of Comments Received

There was one respondent against this proposal with a small percentage who were unsure, but the majority were in favour of adoption for enforcement and evidential reasons in the case of an incident.

12 Question Asked - **Use of Passenger carrying vehicles (PCVs) by Private Hire Operators (Standards Paragraph 8.16)**

The use of a driver who holds a PSV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire operator's licence without the informed consent of the person making the booking/hiring

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	9	0	3
Charity and Other Organisations/Groups	9	0	3
Licensed Drivers and Operators	31	0	11
Residents/vehicle users	47	4	11
School and Parents	7		
Total	103	4	28

Summary of Comments Received

Most comments received related to customer expectation and whilst a lot of those that were unsure were because they did not understand what was being proposed. It was also suggested that as the Licensing

Authority does not regulate PSVs, how can they be expected to enforce such a condition on an operator's licence.

13 Question Asked - **Driver Licensing (Standards Paragraph 6.3)**

In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual who appears on either of the DBS barred lists (barred from working with children or barred from working with adults)

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	11	0	1
Charity and Other Organisations/Groups	12	0	0
Licensed Drivers and Operators	37	1	4
Residents/vehicle users	60	1	1
School and Parents	7	0	0
Total	127	2	6

Summary of Comments Received

Except for one comment, all respondents were in favour of this proposal on the grounds of public safety. The one negative comment felt that people make mistakes and that there could be circumstances that would prove the person is trustworthy.

14 Question Asked - **Private Hire Operators (Standards Paragraph 7.5)**

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 partnership. For this to be effective, private hire vehicle operators and those organisations who hold a vehicle licence should be required to advise the licensing authority of any change in directors or partners

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	11	0	1
Charity and Other Organisations/Groups	11	0	1
Licensed Drivers and Operators	30	2	10
Residents/vehicle users	59	2	1
School and Parents	7	0	0
Total	118	4	13

Summary of Comments Received

All respondents that commented on this proposal agreed to it being introduced in the spirit of joint working and public safety.

15 Question Asked - **NR3 Register (Standards Paragraph 4.21)**

NR3 is a national register of taxi and private hire licence refusals and revocations. The Department of Transport ask that tools such as NR3 should be used to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants and are asking that all Local Authorities subscribe.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	12	0	0
Charity and Other Organisations/Groups	12	0	0
Licensed Drivers and Operators	26	3	13
Residents/vehicle users	56	0	6
School and Parents	7	0	0
Total	113	3	19

Summary of Comments Received

All comments made on this question agreed with the register being used on the grounds of joint working and public safety.

16 Question Asked - **Assessment of Previous Convictions** (Standards Paragraph Annex to the Standards)

The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	9	0	3
Charity and Other Organisations/Groups	9	1	2
Licensed Drivers and Operators	32	4	6
Residents/vehicle users	59	0	3
School and Parents	7	0	0
Total	116	5	14

Summary of Comments Received

Whilst a lot of the comments received were in favour of a more severe penalty, most comments stated that the applicant may not have intended to kill or seriously hurt someone and that this should also be taken into consideration.

17 Question Asked - **Assessment of Previous Convictions** (Standards Paragraph Annex to the Standards)

The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards

Exploitation

Where an applicant or licensee has been convicted of a crime involving, relating to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, this is not an exhaustive list

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	11	0	1
Charity and Other Organisations/Groups	11	0	1
Licensed Drivers and Operators	35	1	6
Residents/vehicle users	61	0	1
School and Parents	7	0	0
Total	125	1	9

Summary of Comments Received

Some comments received indicated that the penalty for this sort of offence should be stricter whilst others felt the circumstantial evidence should be considered. It was also suggested that advisory information provided by the DBS should also be considered even if there was no conviction.

18 Question Asked - **Assessment of Previous Convictions** **(Standards Paragraph Annex to the Standards)**

The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not

be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	9	1	1
Charity and Other Organisations/Groups	12	0	0
Licensed Drivers and Operators	23	11	8
Residents/vehicle users	57	2	3
School and Parents	7	0	0
Total	108	14	12

Summary of Comments Received

Most of the comments were indicating that there may be special circumstances/exceptions that should be considered but otherwise the comments were supportive of this proposal.

19 Question Asked - **Assessment of Previous Convictions** (Standards Paragraph Annex to the Standards)

The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapons related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed

Do you support these Proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	9	1	2
Charity and Other Organisations/Groups	11	0	1

Licensed Drivers and Operators	30	7	5
Residents/vehicle users	52	6	4
School and Parents	7	0	0
Total	109	14	12

Summary of Comments Received

A lot of the comments received were stating that there may be special circumstances/exceptions that should also be considered, but there were a lot of comments given that the penalty should be stricter including those who had indicated that they were either unsure or opposed to the proposal but otherwise the comments were supportive.

20 Question Asked - **Assessment of Previous Convictions** (Standards Paragraph Annex to the Standards)

The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards

Sexual Offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	11	0	1
Charity and Other Organisations/Groups	12	0	0
Licensed Drivers and Operators	40	0	2
Residents/vehicle users	61	1	0
School and Parents	7	0	0
Total	131	1	3

Summary of Comments Received

A lot of comments received agreed with this proposal as it supports public safety. There were a couple of comments asking that the penalty be stricter and again comments on circumstantial evidence needing to be considered. Also, that any advisory information received from the DBS should be considered even if there is no conviction.

21 Question Asked - **Assessment of Previous Convictions** **(Standards Paragraph Annex to the Standards)**

The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	10	1	1
Charity and Other Organisations/Groups	11	0	1
Licensed Drivers and Operators	26	6	10
Residents/vehicle users	53	3	6
School and Parents	7	0	0
Total	107	10	18

Summary of Comments Received

A lot of the comments received indicated that there may be special circumstances/exceptions that should be considered, but there were also comments that the penalty should be stricter, and this included those who had indicated that they were either unsure or opposed to the proposal.

22 Question Asked - **Assessment of Previous Convictions** (Standards Paragraph Annex to the Standards)

The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with the intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	10	1	1
Charity and Other Organisations/Groups	10	0	2
Licensed Drivers and Operators	35	3	4
Residents/vehicle users	54	5	3
School and Parents	6	0	1
Total	115	9	11

Summary of Comments Received

Some of the comments received indicated that there may be special circumstances/exceptions that should be considered, but most comments received felt that the penalty should be stricter. A number of those commenting were also in favour of drug testing and that the Council should have an approved tester with random tests being carried out. And that test results be shared with other partners or departments where the licence was a requirement.

23 Question Asked - **Assessment of Previous Convictions** **(Standards Paragraph Annex to the Standards)**

The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	11	0	1
Charity and Other Organisations/Groups	10	0	2
Licensed Drivers and Operators	25	10	7
Residents/vehicle users	51	4	7
School and Parents	6	0	1
Total	103	14	18

Summary of Comments Received

A lot of the comments received were circumstantial indicating that there may be special circumstances/exceptions that should be considered, but there were also 5 comments that the penalty should be shorter and 3 that it should be stricter, this includes those who had indicated that they were either unsure or opposed to the proposal. A further comment was made that any additional information supplied by the DBS should also be taken into account when considering an application and another suggesting that there be behaviour change support and awareness training.

24 Question Asked - **Assessment of Previous Convictions** (Standards Paragraph Annex to the Standards)

The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards

Motoring Convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence.

However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring convictions while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously.

However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	11	0	1
Charity and Other Organisations/Groups	10	0	2
Licensed Drivers and Operators	25	9	8
Residents/vehicle users	60	0	2
School and Parents	7	0	0
Total	113	9	13

Summary of Comments Received

A lot of the comments received indicated that there may be special circumstances/exceptions that should be considered, but there were comments that the penalty should be stricter. Comments included that

taxi drivers are more likely to have motoring offences given the number of miles that they travel and that they should be allowed to have a higher number of points on their licence. Public safety and sharing information with the partners were also mentioned and that it should be up to the DVSA to decide whether or not someone is permitted to drive.

25 Question Asked - **Assessment of Previous Convictions** (Standards Paragraph Annex to the Standards)

The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Do you support these proposals? Yes, No or Unsure

Name of Group	Yes	No	Unsure
Statutory Organisations	11	0	1
Charity and Other Organisations/Groups	10	1	1
Licensed Drivers and Operators	36	3	3
Residents/vehicle users	56	5	1
School and Parents	6	0	1
Total	119	9	7

Summary of Comments Received

There were four comments that called for a total ban on licensing anyone with drink or drug driving offences. Three felt that the penalty should be stricter than that being proposed and two felt that the council should offer support to help the applicant change. A suggestion was

given in the comments that drivers should be banned for a minimum of six months and a maximum of seven years.

Proposed adoption of Statutory Standards

It is proposed that the suggested changes to the wording of the Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook for each the Statutory Standards listed below will be provided at a future Committee meeting. The Policy wording will be presented along with any options to be considered specific to any of the standards to be adopted.

This document outlines each of the Statutory Standards which were consulted upon, the outcome and findings of the consultation for each standard and which section/s of current policy will be affected by adoption of the standard as outlined in the Statutory guidance.

Consultation Question Number (standards paragraph no.)	Outcome and findings of the consultation	Current Policy sections effected by adoption	Proposal for consideration by Committee
<p>1 (4.5) Enhanced DBS Checks</p> <p>a) The Department for Transport recommends that holders of driver licences undergo an enhanced DBS check every 6 months. This can be done by subscribing to the DBS update service with the driver giving consent to check the status of the certificate on a more frequent basis.</p> <p>b) There are circumstances in which individuals are not permitted by the DBS to subscribe to the update service and they should still be subject</p>	<p>73% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states: 2.4 Existing holders of a Private Hire or Hackney Carriage Drivers licence. Existing licence holders whose DBS is due to expire must also complete a new DBS disclosure certificate and apply to join the update service. Any licence holder who fails to join the DBS update service or fails to renew their subscription to the DBS Update Service will have their licence suspended and will be unable to work until a new DBS certificate has been produced. All drivers will have their criminal history checked via the DBS update service at least every 12 months. If the Licensing Office receives information that a driver has committed an offence or receives intelligence on offending behaviour, the Licensing Office will regularly check the current status of the licence holder's disclosure certificate via the DBS update service. If the DBS update service reveals that the original certificate</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>to an enhanced DBS check every six months. All costs to be paid by the driver</p>		<p>is no longer valid the licence holder will be required to complete a new DBS disclosure application at their own expense. They will also have their licence suspended until the new information can be considered by the Licensing Sub Committee.</p> <p>Any driver referred to the committee will have their DBS checked through the update service.</p> <p>The Licensing Sub Committee has the discretion to require a licence holder to be subject to more frequent DBS checks.</p> <p>All applicants and holders of a licence must give permission for the Council to carry out checks, at any time, via the update service.</p> <p>2.23 Disclosure and Barring Service Online Update Service</p> <p>All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.</p> <p>The driver must give permission for the Council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of drivers.</p> <p>7.6.6 So that the local authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the local authority's policy to require applicants to register for the DBS's update service. Registration lasts for one year. Licence holders are required to provide evidence of continuous registration</p>	
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		throughout the duration of their licence. The local authority will check the licence holder's criminal history at least every 12 months via the DBS Update Service.	
<p>2 (7.3) Basic DBS Checks</p> <p>The Department of Transport recommends that applicants for vehicle licences undergo an annual basic DBS check. Should the certificate contain information, this shall be considered in line with the Council's policy on consideration of disclosed criminal history. If the applicant is a company or partnership, basic DBS certificates will need to be provided for all directors and/or partners.</p>	<p>81% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states: 3.1 Making a Vehicle Application This section will provide all the information you will require to license a Hackney Carriage or Private Hire vehicle in Sandwell.</p> <p>All Hackney Carriage and Private Hire vehicles in Sandwell must pass the Council's Vehicle Test before a licence can be issued.</p> <p>Before you attend for your appointment at the Licensing Office, you must ensure that you bring the following items with you.</p> <ul style="list-style-type: none"> • The completed application form. Signed or stamped by the Licensed Operator you are going to work for. • The complete DVLA (V5) Vehicle Registration document (Log Book)* • A valid, original insurance document. • Your full, current driving licence issued by the DVLA. • The current licence fee (A current fee schedule is available from the Licensing Office). 	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

		<ul style="list-style-type: none"> • Your meter calibration certificate (Hackney Carriages only). • If your vehicle has been converted to run on Liquefied Petroleum Gas (LPG) you must also produce a safety certificate issued within the last twelve months from a UKLPG approved installer. • If your vehicle is fitted with a tail-lift you must also produce a LOLER safety inspection certificate issued within the last six months. <p>If you forget any of the above items when you attend the Licensing Office to make your application, your application may not be accepted, and you may incur additional costs and delays.</p> <p>6.5 Fitness and Propriety</p> <p>The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:</p> <p>Criminal record (including convictions, cautions, warnings and reprimands),</p> <p>Factors such as general character, non-criminal behaviour, honesty and integrity,</p> <p>Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Sandwell Council),</p> <p>Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)</p>	
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		<p>In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.</p> <p>If an application is received from a person that is not a driver licensed by Sandwell MBC, the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers).</p> <p>Similarly all employees (i.e. call handlers etc.) working through the base will also be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers).</p>	
<p>3 (3.7) Length of Licences</p> <p>The Department of Transport recommends that driver licences should be issued for three years, vehicle licences for one year and private hire operator licences for five years.</p> <p>Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific</p>	<p>79% of respondents to the consultation were in favour of this proposal.</p>	<p>The currently Policy position offer drivers the choice of a one year or a three year licence for dual, hackney carriage and driver licences and operators the choice of a one year, a three year or a five year licence and 4 months or 1 year for hackney carriage and private hire vehicle licences.</p> <p>We are still obliged to offer the options of a one year or a three year licence for drivers and whilst we can promote the three year licence, in the current economic climate drivers may wish to only pay for the one year licence.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>circumstances of the case e.g. the licence holder's leave to remain in the UK is time limited or the licence is issued to meet a short term demand.</p>		<p>We are obliged to offer the options of a one year, a three year and a five year licence for operators and whilst we can promote the three and five year licences, again in the current economic climate operators may wish to pay for the one year licence.</p> <p>Vehicle testing is carried out at the Council's Transport Depot in Waterfall Lane, Cradley Heath, on the same site as the Licensing Office. Some larger or specialist vehicles may be sent to another testing station if the Council's facility is too small to safely examine them. If you are licensing a vehicle for the first time, or your current licence is due for renewal, your vehicle will be subjected to a test. This test will be undertaken in accordance with the Supplementary Vehicle Testing Criteria.</p> <p>There are three types of test, the details of which are listed below:</p> <p>Full Test</p> <p>The full test lasts about 1 hour and includes a full MOT, together with a taxi test. The taxi test covers items such as the general condition of the vehicle both in terms of the vehicles bodywork and interior condition, possible accident damage and the examination of items such as the first aid kit and fire extinguisher.</p> <p>Interim Vehicle Check</p> <p>Interim Vehicle Checks are designed to ensure that licensed vehicles are suitably maintained throughout the lifetime of their licence. The Interim Vehicle Check lasts about half an hour and includes the taxi test. The number of Interim Vehicle Checks your vehicle will be subjected to are outlined in the table over the page.</p>	
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		Interim Renewal Check This test is the same as the Interim Vehicle Check, but is carried out following the expiry of a 4 or 6 month licence. This check will only be carried out on receipt of an application to renew a 4 or 6 month licence. If the application is submitted after the expiry of the licence, the vehicle will be subject to a Full Test. If your vehicle fails any of the tests or you fail to attend for your appointment a further test fee will be required.	
4 (4.12) Licensee Self Reporting The Department of Transport recommends that 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 these offences to result in a review of the licence holders suitability to hold a licence.	87% of respondents to the consultation were in favour of this proposal.	The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states: 2.13 All Drivers Licences All applicants for a licence and all existing licence holders must comply with the following requirements: <ul style="list-style-type: none"> • On expiry of a licence, identification badges must be returned to the Licensing Office within 7 days. • If a licence has been suspended or revoked the identification badges must be returned to the Licensing Office immediately. • Any change in medical condition which affects the driver's ability to drive safely must be reported to the Licensing Office within one working day. • Any convictions, fixed penalties, cautions, reprimands etc. must be reported in writing within 7 days. This also includes any allegations currently under investigation by the Police or any other Enforcement Agency. • Whether charged or not the driver must report any arrest within 3 days. 	Adoption of the standard in principle as outlined in the Statutory guidance. Proposed change to Policy wording will be presented at a future Committee meeting.

		<p>2.21 Convictions, cautions, arrest etc. The licence holder must notify the Licensing Office in writing within 7 days (or 3 days in the case of arrest) providing full details of any conviction, bind over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.</p> <p>2.22 Fixed Penalty Notices</p> <p>The licence holder must notify the Licensing Office in writing of any Fixed Penalty Notice (FPN) or Notice of Intended Prosecution (NIP) within 7 days of the receipt of such a notice. The notice must be produced to the Licensing Office. The licence holder must subsequently produce his/her driving licence to the Licensing Office, together with any court, fixed penalty office, or DVLA correspondence immediately following receipt of confirmation that the endorsement has been placed on the drivers licence records, or in any case within 8 weeks of the date of the original offence. An on-line DVLA licence check will be carried out by the Licensing Office.</p> <p>This includes all motoring offences – whether endorsable or not and requirements to attend a Speed Awareness Course. This means that licence holders are required to notify the Licensing Office if they opt to attend a speed awareness course rather than have their licence endorsed.</p> <p>Arrest for any Offence</p>	
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		<p>Whether charged or not the licence holder must notify the Licensing Office within 3 days of their arrest for an alleged offence(s).</p> <p>6.17 General Conditions c) The Operator must notify the Council in writing within 7 days (or 3 days in the case of arrest) providing full details of any conviction, bind over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence.</p> <p>7.6.2 Existing holders of drivers' licences are required to notify the local authority in writing within 3 days of being arrested (whether charged or not), and within 7 days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions and reprimands).</p>	
<p>5 (4.34) Time Spent Abroad</p> <p>The Department of Transport recommends that as the DBS cannot access criminal records held overseas, that where an applicant has spent three or more continuous months outside the UK, that they should provide criminal records information from that country or a</p>	<p>73% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states: 2.4 The DBS Disclosure Existing holders of a Private Hire or Hackney Carriage Drivers licence. Existing licence holders whose DBS is due to expire must also complete a new DBS disclosure certificate and apply to join the update service. Any licence holder who fails to join the DBS update service or fails to renew their subscription to the DBS Update Service will have their licence suspended and will be unable to work until a new DBS certificate has been produced.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>“Certificate of Good Character” on their return.</p>		<p>All drivers will have their criminal history checked via the DBS update service at least every 12 months. If the Licensing Office receives information that a driver has committed an offence or receives intelligence on offending behaviour, the Licensing Office will regularly check the current status of the licence holder’s disclosure certificate via the DBS update service. If the DBS update service reveals that the original certificate is no longer valid the licence holder will be required to complete a new DBS disclosure application at their own expense. They will also have their licence suspended until the new information can be considered by the Licensing Sub Committee.</p> <p>Any driver referred to the committee will have their DBS checked through the update service.</p> <p>The Licensing Sub Committee has the discretion to require a licence holder to be subject to more frequent DBS checks.</p> <p>All applicants and holders of a licence must give permission for the Council to carry out checks, at any time, via the update service.</p> <p>2.27 Occasions when licensed drivers are not utilising their licences for an extended period of time</p> <p>If circumstances are such that a licensed driver does not intend to work as a private hire driver in Sandwell for a period exceeding 4 weeks, they must surrender their licence to the Licensing Office. The identification badges and licence must be surrendered as soon as it becomes clear that the driver will not be working for a period exceeding this time.</p>	
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		<p>Once the Licensing Office is in receipt of the badges and licence, the licence will be suspended until such time as the driver is in a position to commence work again. The council reserve the right to undertake any checks in relation to the driver that may be required to ensure that the driver remains a fit and proper person to hold a licence. Such checks may include a medical examination, DBS disclosure and checks with other agencies.</p> <p>Examples of circumstances that may require the surrender of the licence include:</p> <ul style="list-style-type: none"> • The driver intends to spend an extended period of time outside of the UK. • The driver is ill or unable to work for some other reason. <p>This is not an exhaustive list.</p> <p>7.3 Pre-requisites to making an application</p> <p>7.3.1 It is the policy of the local authority that every application for the grant or renewal of a licence to drive a Hackney Carriage and/or Private Hire Vehicle must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed)</p> <ul style="list-style-type: none"> • That the applicant has the right to live and work in the country. 	
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		<ul style="list-style-type: none"> • An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list. • A certificate of their current medical fitness [to DVLA Group 2 standard] – (See medical section in Driver Policy). • That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive. • That the applicant holds a UK driving licence and has a minimum of two years post-qualification driving experience. • That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for. This will be demonstrated by means of a test. (See Suitability Assessment section in Driver Policy). • That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for. This will be demonstrated by means of a test. (See Suitability Assessment section in Driver Policy). • That the applicant has completed Child Sexual Exploitation (CSE) Awareness and Safeguarding Training provided by the local authority's appointed training provider. (See CSE & Safeguarding Training in Driver Policy). • That the applicant has completed Equality & Disability Awareness Training provided by the local authority's appointed training provider. 	
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		<p>(See Equality & Disability Awareness Training in Driver Policy).</p> <ul style="list-style-type: none"> • For persons who seek to be authorised to drive a wheelchair accessible vehicle) that the applicant has the ability to safely load and secure wheelchair users in a wheelchair accessible vehicle whilst in their chair. This is provided for by the Wheelchair Assessment Test. • That the applicant has completed the driving test carried out by the local authority's appointed driving test provider. (See The Driving Test section in Driver Policy). • If an applicant has previously lived outside of the United Kingdom the applicant must produce a criminal record check from each country in which they have lived whilst over the age of 18 before a licence application can be made. 	
<p>6 (4.29 & 4.31) Complaints about Licence Holders</p> <p>To ensure that passengers know who to complain to, details on how and who to make a complaint to should be displayed in all licensed vehicles</p>	<p>81% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states: 3.7 Improvement to Vehicle Standards In order to improve the service offered to members of the public, the Council has agreed the following changes in Policy: Vehicle Identification -Hackney Carriages From 1 September 2015, the Council will only grant a hackney carriage licence if, to the satisfaction of the Licensing Manager or the Legal Manager, the vehicle is black in appearance. This policy only relates to new applications for a hackney carriage licence for non-purpose built hackney carriages i.e. van or MPV</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

		<p>conversions. Existing Sandwell MBC licensed hackney carriages that are not black may still continue to be licensed providing the vehicle licence has not expired for more than 14 days and only in exceptional circumstances. Purpose built London-style hackney carriages can be any colour.</p> <p>Vehicle Identification – Private Hire Vehicles</p> <p>From 1 September 2015, with the exception of Minibuses and Multi Purpose Vehicles (MPV's), the Council will grant a private hire vehicle licence for any colour vehicle. Minibuses and MPV type vehicles may be any colour apart from black. A licence will not be issued for a Minibus or MPV if the vehicle's paintwork could be mistaken for being black.</p> <p>Any vehicle that is black in colour which has the appearance of a hackney carriage or in the opinion of the Licensing Manager or the Legal Manager could be mistaken for being a hackney carriage will not be licensed as a private hire vehicle by the authority.</p> <p>Age Policy</p> <p>Applicants will be able to make an application for a vehicle of any age however the age of the vehicle will still determine the level of licence fee and the number of Interim Vehicle Checks that the vehicle will be subject to. (Further information on Interim Vehicle Checks is available on pages 3.6 and 3.7).</p> <p>Window Stickers</p> <p>All Sandwell MBC licensed vehicles must display a self-adhesive sticker along the top edge of the window glass of each rear passenger door. The sticker will confirm that the vehicle is a licensed vehicle and that smoking is not allowed in the vehicle. The stickers</p>	
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		<p>must be displayed at all times that the vehicle is in use on the road (even if it is not being used for work).</p> <p>Roof Signs & Operator door signs.</p> <p>With effect from 1 October 2017, the council will recall all council supplied roof signs. The licensed operator will have the discretion to decide if vehicles working through their business are required to display an illuminated roof sign of the operator's choice. If using roof signs the operator must ensure that the roof sign displays, as a minimum, the name and telephone number of the Operator. The Operator base name must be displayed at the front of the roof sign and the telephone number on the rear of the roof sign. All letters and numbers must be at least 1 inch in height and clearly distinguishable.</p> <p>If the operator decides not to use roof signs, the operator must ensure that all vehicles working through the base display door signs/stickers clearly identifying the name and telephone number of the company. Limousines and Speciality/Novelty vehicles will be exempt from displaying company signage.</p> <p>3.16 Licence conditions applicable to Private Hire Vehicles</p> <p>2) The licence holder must ensure that the large and small Private Hire plates issued by Sandwell Metropolitan Borough Council, are displayed in the following manner:</p> <ul style="list-style-type: none"> • The large exterior plate must be securely attached to the rear of the vehicle. 	
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		<ul style="list-style-type: none"> The small interior plate must be displayed inside the vehicle in a position that is clearly visible to all passengers. <p>3.17 Licence Conditions Applicable to Hackney Carriage Licence Holders</p> <p>2) The licence holder must ensure that the large and small Hackney Carriage plates, issued by Sandwell Metropolitan Borough Council, are displayed in the manner dictated by the Licensing Office at all times.</p> <ul style="list-style-type: none"> The large exterior plate must be securely attached to the rear of the vehicle. The small interior plate must be displayed inside the vehicle in a position that is clearly visible to all passengers. 	
<p>7 (5.12) Fit and Proper Test</p> <p>As a Licensing Authority, Sandwell Taxi Licensing have a responsibility to ensure that the person to whom a licence is granted is a fit and proper person and propose that the new definition of this as detailed below be adopted:</p> <p>“Without any prejudice and based on the information before you, would you allow a person</p>	<p>79% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>7.1.3 The term “Fit and Proper Person” for the purposes of hackney carriage and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining applications and licences are effectively asking the following question of themselves: ‘Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’</p> <p>If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?”		If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.	
<p>8 (6.14) Language Proficiency</p> <p>The Department of Transport recommend that as a lack of language proficiency could impact on a driver’s ability to understand written documents, such as policy and guidance relating to the protection of children and vulnerable adults, that all licensing authorities should conduct a test that covers both oral and written English skills.</p>	85% of respondents to the consultation were in favour of this proposal.	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states: 7.3 Pre-requisites to making an application That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for. This will be demonstrated by means of a test. (See Suitability Assessment section in Driver Policy).</p> <p>That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for. This will be demonstrated by means of a test. (See Suitability Assessment section in Driver Policy).</p> <p>2.5 The Suitability Assessment</p> <p>To ensure that all your customers receive a consistently high level of service, all applicants for a Private Hire Driver’s Licence or Hackney Carriage Driver’s Licence are required to pass a classroom based suitability assessment which is designed to ensure that you understand the following:</p> <ul style="list-style-type: none"> • The law and conditions of the licence. • When to inform us if you are convicted of an offence, or if you have received cautions, 	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording and method of assessment will be presented at a future Committee meeting.</p>

		<p>reprimands, conditional discharges, bind-overs or fixed penalties.</p> <ul style="list-style-type: none"> • Your responsibilities to the Council. • Your knowledge of the Highway Code. • Your command of the English language. • Your basic maths skills. • Vehicle maintenance. • Customer Service. • Geographical Knowledge. <p>To assess your understanding, we will ask 50 questions and you will need to answer at least 45 correctly. You will be given 1 hour to complete the assessment. If you do not successfully complete this assessment, retests can be taken up to a maximum of 3 assessments in total (i.e. 2 retests). A fee is payable for each assessment. If you have failed the assessment 3 times, we will refuse to grant your licence.</p> <p>You will not be able to reapply within 12 months of the date of your last unsuccessful Suitability Assessment. If your English or basic skills are below the required standard to pass the Suitability Assessment, your application will be refused.</p>	
<p>9 (7.9) CCTV Cameras in Licensed Vehicles</p> <p>The Department of Transport has asked that Local Authorities consider if there is a local need for the installation of CCTV in licensed vehicles.</p>	<p>68% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>3.13 CCTV</p> <p>The use of CCTV equipment in Hackney Carriages and Private Hire Vehicles shall be permitted providing the licence holder informs the Licensing Office that they have installed such a system.</p>	<p>It is proposed that this standard would not be adopted as a mandatory condition in Policy as outlined in the Statutory guidance.</p>

<p>Any costs of installing cameras would be at the driver's expense.</p> <p>Do you feel there is a need for CCTV cameras and do you support the installation of cameras in all licensed vehicles?</p>		<p>The installation of this equipment must comply with all relevant legislation e.g. CE Mark requirements.</p> <p>It is the licence holder's responsibility to ensure that they comply with all the requirements of Data Protection legislation in particular issues around the storage of data, and the need to display a notice informing passengers that CCTV recording equipment is in use.</p> <p>The licence holder must ensure that the CCTV equipment is recording every time that the vehicle is being driven regardless of whether or not there are passengers on board. The licence holder must provide a copy of the data stored on their CCTV device to any Police Officer or authorised officer of Sandwell MBC on request.</p> <p>The use of advertising on CCTV screens is permitted providing the advert has been approved by the Licensing Manager or the Legal Manager.</p>	<p>It is instead proposed to maintain the current Policy position of voluntary installation of CCTV at the request of the licence holder at this time.</p> <p>Proposed minor amendments to Policy wording will be presented at a future Committee meeting.</p>
<p>10 (8.8)</p> <p>Booking and dispatch staff</p> <p>Licensing authorities should as a condition of granting a private hire operator's licence require a register of all staff who either take bookings or dispatch vehicles to be kept and require operators to evidence that they have had sight of a basic DBS check for these staff and this be evidenced in the register. Operators should also be required to provide their policy</p>	<p>86% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>6.3 Criminal Record Checks for Operators, Managers, Deputies and all staff with access to passenger data (This section does not apply to anyone who is a Sandwell MBC licensed driver).</p> <p>From 1 December 2017, all new applicants for a Private Hire Operators licence will be required to produce a valid Basic Disclosure Certificate prior to a licence being issued.</p> <p>From 1 December 2017, existing holders of a Private Hire Operators licence will be required to produce a valid Basic Disclosure Certificate prior to a licence being renewed.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>on employing ex-offenders in these roles.</p>		<p>Operators must meet the same standard as Drivers when considering criminal records. A Basic Disclosure Certificate must have been issued within one month of the application for a licence. Operators will be required to produce a new Basic Disclosure Certificate annually. Failure to produce evidence of a new Basic Disclosure Certificate prior to the previous one expiring may result in your licence being suspended.</p> <p>From 1 December 2017, the Operator must ensure that all staff, working at the base, who have access to customer data, including the manager/deputy, are checked annually with regard to their criminal record. Staff working at the base must meet the same standard as Drivers and Operators when considering criminal records. Evidence of an employee's Basic Disclosure Certificate must be presented to an authorised officer on request.</p> <p>Operators and Call handlers at the base can handle sensitive information, such as details of vulnerable adults and children. They can also be aware of any houses that are empty if the occupant(s) are using a licensed vehicle. For these reasons it is essential that only suitable people are allowed to work at Private Hire Operator bases.</p> <p>If an application is received from a person that is not a driver licensed by Sandwell MBC, the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers).</p>	
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		<p>Similarly all employees (i.e. call handlers etc.) working through the base will also be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers).</p> <p>6.8 Operator responsibility in relation to vehicles/drivers that are operated and staff employed at the business</p> <p>The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable employees, drivers and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.</p> <p>The following are examples of circumstances that may affect the fitness and propriety of a Private Hire Operator:</p> <ul style="list-style-type: none"> • Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their 	
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		<p>licence whilst working for / under the instruction of a particular operator.</p> <ul style="list-style-type: none"> • Vehicles being operated that are in an unsuitable condition. • Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding). <p>The council expects licensed operators to support the council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues, failure to do so will call into question the fitness and propriety of the operator.</p> <p>6.5 Fitness and propriety The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following: Criminal record (including convictions, cautions, warnings and reprimands), Factors such as general character, non-criminal behaviour, honesty and integrity, Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Sandwell Council), Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)</p>	
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		<p>In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.</p> <p>If an application is received from a person that is not a driver licensed by Sandwell MBC, the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers).</p> <p>Similarly all employees (i.e. call handlers etc.) working through the base will also be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers).</p>	
<p>11 (8.13) 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"> • The name of the passenger • The time of the request • The pick-up point • The destination 	<p>94% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>6.15 Record of Bookings</p> <p>a) The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the Police in the event of theft being suspected. Separate records must be kept at each premises from which the Operator conducts business. The records must be kept at all times at the business premises and not removed.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<ul style="list-style-type: none"> • The name of the driver • The driver's licence number • The vehicle registration number of the vehicle • The name of the individual that responded to the booking request • The name of the individual that dispatched the vehicle 		<p>All such records must be in English, permanent, legible and preserved for a period of not less than 5 years following the date of the last entry.</p> <p>Records must be kept in one of the following forms:</p> <ul style="list-style-type: none"> i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or ii. on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or iii. a computerised recording system which automatically generates a permanent entry onto a recordable CD or DVD at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamper-proof; and once inputted, cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council. iv. the removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer. v. on secure computer hard drives or secure cloud storage systems. 	
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		<p>Regardless of which system is used. Copies of booking records must be provided to an authorised officer or Police officer on request.</p> <p>b) In respect of whichever system is used the Operator must, at the time the booking is taken, enter therein:</p> <ul style="list-style-type: none"> i. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking the booking; ii. the name and address of the hirer; iii. the time of the journey, together with the journey date if different from the booking date; the address or name of the premises from which it is to commence (i.e. the point of pick up of the passenger(s)) and the address or place of destination; iv. the private hire/hackney carriage plate number of the vehicle to be used for the journey (personal code systems are not acceptable); v. the badge number of the driver of the vehicle used; vi. remarks (including details of any sub-contracting to another licensed operator). <p>c) Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with 3b above) and notes must be included; including the name of the sub-contractor and contact information)</p> <p>6.17 General Conditions</p> <p>i) You must keep and maintain at your licensed premises a register of all persons employed whether full or part time, in which shall be recorded their full</p>	
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		name, date of birth, address, national insurance number, contact telephone number, any call sign/codes they are allocated and the dates their employment commenced/terminated. Further, in relation to each employed individual, copies of supporting documentation in the form of a valid passport or a DVLA photocard licence and utility bills of no more than 2 months old must be kept. This register must be retained at your licensed premises and be available for inspection by an authorised officer at any time during the hours of operation.	
<p>12 (8.16) Use of PSVs by PHOs</p> <p>The use of a driver who holds a PSV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire operator's licence without the informed consent of the person making the booking/hiring</p>	<p>76% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook does not currently have such a requirement.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>
<p>13 (6.3) Driver Licensing - barred lists</p> <p>In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual who appears on either of the DBS barred lists (barred from working</p>	<p>94% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook - 7 Private Hire and Hackney Carriage Determination of Matters Policy Guidelines</p> <p>7.1 Introduction</p> <p>7.1.1 The purpose of the Policy Guidelines (The Guidelines) is to provide guidance on the criteria taken into account by the council when determining whether or not to grant/renew a licence to an applicant or to</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a</p>

with children or barred from working with adults)		<p>take action on an existing licence holder in respect of a driver, vehicle, or private hire operator's licence. This policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of a licence.</p> <p>7.1.2 The overriding aim of the local authority is to protect the safety of the public.</p> <p>The local authority is concerned to ensure:</p> <ul style="list-style-type: none"> • That a person is a fit and proper person. • That the person does not pose a threat to the public. • That the public are safeguarded from a dishonest person. • The safeguarding of children and young people, people with disabilities, and vulnerable people. <p>7.1.3 The term "Fit and Proper Person" for the purposes of hackney carriage and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining applications and licences are effectively asking the following question of themselves: 'Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'</p> <p>If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.</p>	future Committee meeting.
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		<p>In order to assess the suitability of an applicant or licence holder (and to inform decision makers when answering the question above), the local authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:</p> <ul style="list-style-type: none"> • Criminality • Period of holding a driver's licence • Number of endorsed driving licence penalty points • Right to work • Medical fitness • Standard of driving / driving ability • The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process). • The previous licensing history of existing / former licence holders. <p>In addition the local authority will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.</p> <p>7.2 General Policy</p>	
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<p>14 (7.5) Private Hire Operators and vehicle licence – notification of changes to company/partnership</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 partnership. For this to be effective, private hire vehicle operators and those organisations who hold a vehicle licence should be required to advise the licensing authority of</p>	<p>87% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>6.5 Fitness and Propriety</p> <p>The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:</p> <p>Criminal record (including convictions, cautions, warnings and reprimands),</p> <p>Factors such as general character, non-criminal behaviour, honesty and integrity,</p> <p>Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Sandwell Council),</p> <p>Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)</p> <p>In addition the Council will also consider further information sources such as the Police (including</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

any change in directors or partners.		<p>abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.</p> <p>If an application is received from a person that is not a driver licensed by Sandwell MBC, the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers). Should the basic DBS certificate contain any convictions, they will be considered in line with the Council's convictions policy which means they may need to be referred to committee for determination.</p> <p>6.9 New Management of company following revocation of a licence.</p> <p>Where a licence has been revoked, the Authority will not normally grant an application for an operator's licence within 12 months of the date of the revocation, when they are not satisfied that the management structure of the private hire company is not related to the management involved in the revoked licence and when the authority is not satisfied that the applicant is a fit and proper person to hold the licence. However, each application is to be considered on its own merits.</p>	
<p>15 (4.21) NR3 Register</p> <p>NR3 is a national register of taxi and private hire licence refusals and revocations. The Department of Transport ask</p>	<p>84% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook does not currently have NR3 registration as a requirement.</p> <p>Sandwell Council is not currently signed up to the national database for sharing information with regard to drivers</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p>

<p>that tools such as NR3 should be used to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants and are asking that all Local Authorities subscribe.</p>		<p>who have had their licences either refused or revoked. All applicants applying for a driver's licences would have to be checked against the NR3 register as part of the new and renewal application process and that in the event we refuse to renew or revoke we will add their information to the register.</p> <p>We would need a policy on disclosing information to other authorities if we have refused or revoked a licence and on what we will do with information disclosed to us. A draft have been produced and shared with the Information Governance Team</p> <p>2.1 Making an Application for a Driver's Licence (New and Renewals)</p> <p>A new section would be required in this section of Policy making drivers aware that their details will be checked against the NR3 register to ascertain whether or not they have ever had a taxi/dual/private hire drivers licence either refused or revoked.</p> <p>7.7 Once a Licence has been granted</p> <p>7.7.3 Existing licence holders who committed an offence in the past, other than those referred to in the above paragraph and specified in these Policy Guidelines, which has previously been determined by the Committee or officers or Court, whereupon if they were being determined after the implementation of the policy would expect an alternative outcome, will be brought before the committee, upon receipt of their</p>	<p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>
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		<p>application for a renewal, to consider whether or not their licence should be suspended for a longer period of time or if the licence should be revoked. The committee will consider each case on its merits and take into account the length of time that has elapsed since the conviction and the drivers conduct and the length of time the licence holder has held a licence.</p> <p>7.7.4 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver by the officer with delegated powers, or at the Committee meeting. [Local Government (Miscellaneous Provisions) Act 1976, Section 61 (2A) & (2B)]</p> <p>7.7.5 A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.</p> <p>7.13 In order to assess the suitability of an applicant or licence holder (and to inform decision makers when answering the question above), the local authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In</p>	
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		<p>assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:</p> <ul style="list-style-type: none"> • Criminality • Period of holding a driver's licence • Number of endorsed driving licence penalty points • Right to work • Medical fitness • Standard of driving / driving ability • The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process). • The previous licensing history of existing / former licence holders. <p>1.5 The Licensing Committee</p> <p>The Council has an obligation to ensure that Private Hire and Hackney Carriage licences are only issued to applicants that are considered to be 'fit and proper'. To enable the Council to do this, the Council has drawn up criteria, which an applicant must meet for the licence to be issued.</p> <p>If you don't fulfil these criteria for any reason and wish to pursue your application, you will be required to attend a Licensing Sub Committee Meeting.</p>	
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		<p>This Committee has the power to grant or refuse applications. The Committee can also suspend, revoke or refuse to renew an existing licence.</p> <p>The Licensing Sub Committee is comprised of Elected Council Members who normally meet at least once a month, in order to deal with licensing issues.</p> <p>There will be a number of council officers present during the meeting to assist the Members.</p> <p>If you are required to attend a committee meeting, the reason will be explained to you at the earliest opportunity by a member of staff from the Licensing Office.</p> <p>A letter will be sent inviting you to attend the next available meeting. This letter will contain the time and date of the meeting and a copy of the report that will be presented to the Committee.</p> <p>If you are unable to attend the meeting or feel that you need further assistance in any way, you should contact the Licensing Office immediately.</p> <p>The meeting gives you the opportunity to tell the Committee about anything you feel they should know, before they make a decision about your application. It also allows the Committee to look at the background to your individual circumstances before making a decision on the application.</p> <p>Licensing Office staff will not be included in the decision making process and have no influence over the decision of the Committee. To ensure that this is the case, members of staff from the Licensing Office who are involved in the investigation and compilation of the report will leave the meeting room with you, whilst the decision is made.</p>	
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		<p>You will be informed of the Committee's decision immediately after it has been made. This decision is then confirmed in writing within 14 days. If a licence is refused, suspended or revoked, the letter will outline the reason for the Committee's decision and will inform you of any right of appeal you may have.</p> <p>If you are unhappy with the Council's decision, and wish to appeal, you may want to seek legal advice.</p>	
<p>16 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Crimes resulting in death</p> <p>Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.</p>	<p>86% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes other offences and reads as follows:</p> <p>7.8.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence.</p> <p>7.8.2 A licence will not be granted where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Murder. • Manslaughter. • Manslaughter or culpable homicide while driving. • Terrorism offences. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.13.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

		<p>A licence will not be granted where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Causing death by dangerous driving. • Causing death by careless driving whilst under the influence of drink or drugs. • Causing death by driving: unlicensed, disqualified or uninsured drivers. • Or any similar offences. 	
<p>17 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Exploitation</p> <p>Where an applicant or licensee has been convicted of a crime involving, relating to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims</p>	<p>93% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>7.10 Sex and indecency offences</p> <p>7.10.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those applicants with convictions for the more serious sexual offences will not be granted.</p> <p>7.10.2 A licence will not be granted where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Rape. • Assault by penetration. • Offences involving children or vulnerable adults. • Sexual assault. • Indecent assault. • Exploitation of prostitution. • Trafficking for sexual exploitation. • Possession of indecent photographs, child pornography etc. 	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, this is not an exhaustive list</p>		<ul style="list-style-type: none"> • Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>All current licence holders with such a conviction will be brought before the Committee, following the implementation of the policy, to consider whether or not their licence should be revoked.</p>	
<p>18 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Offences involving violence against the person</p> <p>Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p>	<p>80% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>7.8.3 At the time of application a minimum period of 10 years free of conviction or at least 10 years from completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p> <ul style="list-style-type: none"> • Any racially or religiously aggravated offence. • Arson. Wounding with intent. • Grievous bodily harm. • Robbery. • Riot. • Assault occasioning actual bodily harm. • Violent disorder. • Cruelty to a child. • Neglect of child. 	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

		<ul style="list-style-type: none"> • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.8.4 At the time of application a minimum period of 5 years free of conviction or at least 5 years from completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p> <ul style="list-style-type: none"> • Section 4 Protection from Harassment Act 1997. • Affray. • Assault on a Constable • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.8.5 At the time of application a minimum period of 3 years free of conviction or at least 3 years from completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p> <ul style="list-style-type: none"> • Common assault / Battery / Assault by beating. • Section 5 Public Order Act 1986 offence (harassment, alarm or distress). • Section 4 Public Order Act 1986 offence (fear of provocation of violence). 	
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		<ul style="list-style-type: none"> • Section 4A Public Order Act 1986 offence (intentional harassment, alarm or distress). • Section 2 Protection from Harassment Act 1997. • Obstruction. • Criminal damage. • Resisting arrest. • Stalking. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.8.6 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.</p> <p>7.8.7 In the event of a licence being granted, a strict warning as to the applicant's future conduct and how it may affect the licence, both verbally and in writing should be administered.</p>	
<p>19 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and</p>	<p>81% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes more detail and a shorter period before a licence applicant may apply and does not accept a firearms conviction. It reads as follows:</p> <p>7.9.1 If an applicant has been convicted of possession of a weapon/bladed article or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a</p>

<p>rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Possession of a weapon</p> <p>Where an applicant has a conviction for possession of a weapon or any other weapons related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed</p>		<p>7.9.2 At the time of application a minimum period of 5 years free of conviction or at least 5 years from completion of the sentence given (whichever is the longer) should be required before granting a licence.</p> <p>7.9.3 An application will not normally be granted where the applicant has a conviction for an offence involving a firearm. All current licence holders with such a conviction will be brought before the Committee, following the implementation of the policy, to consider whether or not their licence should be revoked.</p>	<p>future Committee meeting.</p>
<p>20 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Sexual Offences</p> <p>Where an applicant has a conviction for any offence involving or connected with</p>	<p>97% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes sex and indecency offences only and reads as follows:</p> <p>7.10.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those applicants with convictions for the more serious sexual offences will not be granted.</p> <p>7.10.2 A licence will not be granted where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Rape. • Assault by penetration. • Offences involving children or vulnerable adults. 	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.</p>		<ul style="list-style-type: none"> • Sexual assault. • Indecent assault. • Exploitation of prostitution. • Trafficking for sexual exploitation. • Possession of indecent photographs, child pornography etc. • Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>All current licence holders with such a conviction will be brought before the Committee, following the implementation of the policy, to consider whether or not their licence should be revoked.</p> <p>7.10.3 At the time of application a minimum period of 10 years free of conviction or at least 10 years from completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p> <p>Indecent exposure.</p> <p>Soliciting (kerb crawling).</p> <p>Voyeurism.</p>	
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		<p>Or any similar offences (including attempted or conspiracy to commit offences which replace the above).</p> <p>7.10.4 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a sexual nature other than those mentioned in 10.2 above where a single offence will mean that the licence will not be granted.</p> <p>7.10.5 In addition to the above the local authority will not grant a licence to any applicant who is currently on the Sex Offenders Register. All current licence holders currently on the Sex Offenders Register will be brought before the Committee, upon receipt of their application to renew their licence.</p>	
<p>21 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Dishonesty Where an applicant has a conviction for any offence where dishonesty is an element of the</p>	<p>79% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes other offences and reads as follows:</p> <p>7.11.1 A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.</p> <p>7.11.2 At the time of application a minimum period of 10 years free of conviction or at least 10 years from</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p>		<p>completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p> <ul style="list-style-type: none"> • Theft. • Burglary. • Fraud. • Benefit fraud. • Forgery. • Conspiracy to defraud • Obtaining money or property by deception • Other deception • Money laundering. • Perverting the course of justice. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.11.3 At the time of application a minimum period of 5 years free of conviction or at least 5 years from completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p>	
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		<ul style="list-style-type: none"> • Handling or receiving stolen goods. • Taking a vehicle without consent. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.11.4 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for a dishonesty offence.</p>	
<p>22 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Drugs</p> <p>Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with the intent to supply, a licence</p>	<p>85% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes other offences and reads as follows:</p> <p>7.12.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.</p> <p>7.12.2 A licence will not be granted where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Supply of drugs. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>All current licence holders with such a conviction will be brought before the Committee, following the implementation of the policy, to consider whether or not their licence should be revoked.</p> <p>7.12.3 At the time of application a minimum period of 5 years free of conviction or at least 5 years from</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording and options for testing methods will be presented at a future Committee meeting.</p>

<p>will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.</p>		<p>completion of the sentence given (whichever is the longer) should be required before granting a licence;</p> <ul style="list-style-type: none"> • Possession of drugs. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.12.4 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.</p>	
<p>23 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relates to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p>	<p>94% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook reads as follows:</p> <p>7.8.3 At the time of application a minimum period of 10 years free of conviction or at least 10 years from completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p> <p>Any racially or religiously aggravated offence.</p> <p>Motoring Convictions</p> <p>Our current policy includes minor and major traffic offences and reads as follows:</p> <p>(Highlighted Grey in the Tables at Annex A)</p> <p>7.17.1 In the case of new applicants and existing licence holders, where there are six or less points on</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording and method of assessment will be presented at a future Committee meeting.</p>

<p>Discrimination</p> <p>Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed</p>		<p>the DVLA licence, the matter will be determined by an officer with delegated authority. Such officer, as per the scheme of delegations, will have the power to grant and renew a licence with or without a warning and in the case of an existing licence holder to take no action or to take action by way of a warning.</p> <p>7.17.2 If a new applicant has failed to disclose a minor traffic offence or an existing licence holder has failed within seven days to disclose a minor traffic offence, on the first occasion, the Licensing Manager will issue a written warning.</p> <p>7.17.3 An applicant for the grant of a licence, or an existing licence holder, will be referred to the Committee if he/she has more than six live* points on their driving licence for any offence(s) other than major traffic offences.</p> <p>In the case of an application for the grant or renewal of licence, if the applicant has six points to his/her DVLA licence:-</p> <p>The Committee when considering the grant of a licence must take into account the applicant's driving record. If the Committee decides to grant a licence, a strict warning as to the applicants future conduct and how it may affect the licence, both verbally and in writing should be administered.</p> <p>In the case of an existing licence holder, if the licence holder has seven to nine points on his/her DVLA licence:-</p> <p>The Committee must take into account the applicant's driving record. Sanctions could range from a Strong Written Warning to Revocation if the licence holder has repeatedly committed the same offence.</p>	
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<p>24 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards,</p>	<p>84% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes other offences and reads as follows:</p> <p>7.14.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf) which shows that drivers who use a mobile phone</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance whilst maintaining any element of the current Policy where higher.</p>

<p>we are not consulting on changing or lowering existing standards</p> <p>Motoring Convictions</p> <p>Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.</p> <p>Any motoring convictions <u>while</u> a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire driver licence providing the authority considers</p>		<p>suffer physical and cognitive distraction which means they:</p> <ul style="list-style-type: none"> • are much less aware of what's happening on the road around them. • fail to see road signs. • fail to maintain proper lane position and steady speed. • are more likely to 'tailgate' the vehicle in front. • react more slowly, take longer to brake and longer to stop. • are more likely to enter unsafe gaps in traffic. • feel more stressed and frustrated. <p>7.14.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.</p> <p>7.14.4 An application will not normally be granted where the applicant has a conviction or fixed penalty for using a mobile whilst driving within the previous 5 years. In the case of an existing licence holder the licence will normally be revoked.</p> <p>7.14.5 A licence will not normally be granted if an applicant has more than one conviction in the last 10</p>	<p>Proposed change to Policy wording and method of assessment will be presented at a future Committee meeting.</p>
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<p>that the licensee remains a fit and proper person to retain a licence.</p>		<p>years for an offence of driving under the influence of drink or drugs, or whilst using a mobile phone.</p> <p>7.17 Minor Traffic Offences (Highlighted Grey in the Tables at Annex A)</p> <p>7.17.1 In the case of new applicants and existing licence holders, where there are six or less points on the DVLA licence, the matter will be determined by an officer with delegated authority. Such officer, as per the scheme of delegations, will have the power to grant and renew a licence with or without a warning and in the case of an existing licence holder to take no action or to take action by way of a warning.</p> <p>7.17.2 If a new applicant has failed to disclose a minor traffic offence or an existing licence holder has failed within seven days to disclose a minor traffic offence, on the first occasion, the Licensing Manager will issue a written warning.</p> <p>7.17.3 An applicant for the grant of a licence, or an existing licence holder, will be referred to the Committee if he/she has more than six live* points on their driving licence for any offence(s) other than major traffic offences.</p> <p>In the case of an application for the grant or renewal of licence, if the applicant has six points to his/her DVLA licence:-</p> <p>The Committee when considering the grant of a licence must take into account the applicant's driving record. If the Committee decides to grant a licence, a strict warning as to the applicants future conduct and how it may affect the licence, both verbally and in writing should be administered.</p>	
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		<p>In the case of an existing licence holder, if the licence holder has seven to nine points on his/her DVLA licence:- The Committee must take into account the applicant's driving record. Sanctions could range from a Strong Written Warning to Revocation if the licence holder has repeatedly committed the same offence.</p> <p>In the case of an application for the grant or renewal of licence, if the applicant has 10 or more points on his/her DVLA licence; a licence will not normally be granted.</p> <p>In the case of an existing licence holder, if the licence holder has 10 or more points on his/her DVLA licence; the Committee would normally revoke the licence.</p> <p>*The word 'live' is used to signify 3 years from date of offence (Fixed Penalties only), conviction or sentence, whichever is the later.</p> <p>7.18 Major Traffic Offences (Offences that are not highlighted in the Tables at Annex A)</p> <p>7.18.1 With the exception of Major Traffic Offences covered in Paragraphs 7.13 to 7.16 in the case of an application for the grant or renewal of licence, a licence will not normally be granted. A period of 3 years free from convictions should elapse before another application is considered.</p> <p>In the case of an existing licence holder, a licence will normally be revoked.</p>	
25 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)	88% of respondents to the consultation were in favour of this proposal.	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes other offences and reads as follows:</p> <p>7.14.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or</p>	Adoption of the standard in principle as outlined in the Statutory guidance whilst maintaining any element of the

<p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Drink driving/driving under the influence of drugs</p> <p>Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p>		<p>drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his/her DVLA driving licence but he or she should be warned as to the significant risk to his/her licence status in the event of re-offending. Normally at least 5 years, after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any concern that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.</p> <p>7.14.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance http://www.rosipa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:</p> <ul style="list-style-type: none"> • are much less aware of what's happening on the road around them. • fail to see road signs. • fail to maintain proper lane position and steady speed. • are more likely to 'tailgate' the vehicle in front. 	<p>current Policy where higher.</p> <p>Proposed change to Policy wording and options for testing methods will be presented at a future Committee meeting.</p>
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		<ul style="list-style-type: none"> • react more slowly, take longer to brake and longer to stop. • are more likely to enter unsafe gaps in traffic. • feel more stressed and frustrated. <p>7.14.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.</p> <p>7.14.4 An application will not normally be granted where the applicant has a conviction or fixed penalty for using a mobile whilst driving within the previous 5 years. In the case of an existing licence holder the licence will normally be revoked.</p> <p>7.14.5 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of driving under the influence of drink or drugs, or whilst using a mobile phone.</p>	
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