

APPENDIX D

<p><b>Department for Transport Standards</b></p> <p><b>Recommendations/measures and Paragraph number(s)</b></p>	<p><b>Current Council Policy</b></p> <p><b>Red (does not meet)</b></p> <p><b>Amber (partially meets)</b></p> <p><b>Green (fully meets)</b></p>	<p><b>Summary of Proposed Action and Timescale</b></p>
<p>Any changes in licensing requirements should be followed by a review of the licences already issued.</p> <p>(paragraph 3.14)</p>	<p>Red (moving to amber if proposed action is taken)</p> <p>NDC have a longstanding policy of referring those applicants with previous convictions to a Licensing Sub-Committee for determination of their fitness and Propriety against the current relevance of convictions policy. NDC has previously been advised not to retain DBS certificates following</p>	<p>This Authority attaches a high importance to safeguarding issues and public safety. It acknowledges the concerns of some of the respondents to the consultation, however the majority would like the council to review all of its licences already issued.</p> <p>This recommendation was considered by the Devon Licensing Officers Group on 3<sup>rd</sup> December 2021. Representatives of several Devon Authorities</p>

	<p>determination by committee in the interests of data protection.</p>	<p>outlined the practical difficulties in undertaking this project, including the fact that many local authorities including North Devon had been previously advised not to retain DBS documents, and hence the data may not be readily available. The group considered that an acceptable compromise would be to review existing Licence holders where upon any further relevant information comes to light for example a complaint or referral of information from the Police. This was considered by the group to be an acceptable balance between recognising the rehabilitation of offenders and the protection of the public.</p>
<p>1.3 &amp; 2.1 &amp; 2.8</p> <p><b>The Department therefore expects these recommendations to be implemented unless there</b></p>	<p>Amber (moving to green if draft policy approved).</p> <p>The standards are a recent introduction and this council currently does not have all the</p>	<p>Consultations, reviews and research have taken place with consideration of the recommendations and measures being made on a rolling programme by the appropriate NDC Committee(s).</p>

<p><b>is a compelling local reason not to.</b></p> <p>In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.</p>	<p>recommendations and measures in place.</p>	<p>The Proposed policy fully incorporates the recommendations outlined in the DFT standards. All of the significant changes introduced by the DFT Standards have been fully considered and responded to.</p>
<p>1.5</p> <p>Licensing authorities should have in place arrangements that reflect the importance of</p> <p>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</p>	<p>Amber</p> <p>There are NDC policies and procedures in place.</p>	<p>The policies and procedures will be reviewed internally against the Working Together to Safeguard Children statutory guidance. Any recommendations for amending the policies and documents will be in place by the end of March 2022.</p>

<p>Together to Safeguard Children statutory guidance.</p>		
<p>2.7</p> <p>“Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. <b>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.</b></p>	<p>Red (moving to green if draft policy approved)</p> <p>The standards are a recent introduction.</p>	<p>NDC have fully considered the standards and have outlined their response in the proposed Tax Policy.</p>
<p>3.8 (Whistleblowing)</p> <p><b>Licensing authorities should have effective internal procedures in place for staff to</b></p>	<p>Amber</p> <p>NDC has internal procedures in place.</p>	<p>The policy and procedures will be reviewed internally</p> <p>Any recommendations for amending the policies and</p>

<p><b>raise concerns and for any concerns to be dealt with openly and fairly.</b></p>		<p>documents will be in place by the end of March 2022.</p>
<p>4.5 to 4.8 ( The Disclosure and Barring update Service)</p> <p>Subscription to the update service and with an individual's consent allows licensing authorities to request large numbers of certificate status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously.</p>	<p>Red (moving to green if draft policy approved)</p> <p>Subscription to the update service was not mandatory under the existing policy. NDC did consult on this in 2019 with a view to introduction, this was postponed due to staff illness.</p>	<p>The proposed policy incorporates mandatory subscription to the DBS Service. It is proposed that subscription to the update service is phased-in linked to existing licenced drivers licence renewal as this would have the benefit of reducing the financial impact on the taxi trade, and also be a more manageable workload for the Licensing Team. For new applicants it is proposed that mandatory subscription to the update service commences from 1<sup>st</sup> March 2022.</p>

<p>4.9 to 4.11 (Common Law Police Disclosure)</p> <p>Paragraph 4.11</p> <p>Common Law Police Disclosure focuses on providing timely and relevant information which might indicate a public protection risk.</p> <p>This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. <b>Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.</b></p>	<p>Amber</p> <p>There are close links with the police and information is shared.</p> <p>It is not known what information and sharing protocols are being used and in place.</p>	<p>Information sharing with the Police is being worked on by the Devon Licensing Officers Group, including meetings with Senior Police representatives.</p>

<p>4.12 to 4.13 (Licensee self – reporting)</p> <p>Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so.</p>	<p>Amber (moving to green if draft policy approved)</p> <p>NDC has a policy in place which includes different self-reporting matters and requests drivers notify the council within seven days.</p>	<p>NDC have considered this and have proposed amendment to the existing taxi policy to align the taxi policy fully with the recommendations of paragraph 4.12-4.13</p>
<p>4.21 (sharing licensing information)</p> <p>Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-</p>	<p>Red</p> <p>NDC did sign up for one year, staffing resources and costs prohibitive at the time, subsequently withdrew.</p>	<p>Research the benefits, costs and officer time required to maintain membership in the scheme. Make a decision on becoming a member of the scheme before the end of March 2022.</p>

<p>disclosure of relevant information by applicants.</p>		
<p>4.29 to 4.36 (Complaints against Licensees)</p> <p>Paragraph 4.29</p> <p><b>All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.</b></p>	<p>Amber</p> <p>NDC have systems in place for recording complaints, with information being recorded on two different software packages, i.e. Lalpac and M3/Assure.</p> <p>Due to staffing resource analysing trends across all licensees does not take place and rarely against individuals</p>	<p>Licensing officers will review and investigate with appropriate colleagues the procedures for recording of complaints and the analysing of trends across all licenses as well as complaints against individual licensees by the end of March 2022.</p>
<p>4.30</p>	<p>Amber</p>	<p>Licensing officers will review and investigate with appropriate colleagues the procedures and timescales relating to drivers with</p>

<p>Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.</p>	<p>NDC follows this approach. Lack of resource is an issue for a consistent approach and to following up and investigating complaints in a timely manner. More officer time is needed for this function and enforcement of the taxi trade.</p>	<p>a high number of complaints against them before the end of March 2022</p>
<p>4.31</p> <p>To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website.</p>	<p>Amber (moving to green if draft policy approved)</p> <p>NDC has guidance on its website on how to make complaints about taxi drivers.</p>	<p>This was considered in the consultation and is included within the draft policy (mandatory display within the Licenced vehicle of a sticker providing information on how to complain to NDC Licensing). The information on the NDC website has also been reviewed.</p>

<p>Ways to make complaint to the authority should be displayed in all licensed vehicles.</p>		
<p>5.3 (Training decision makers)</p> <p><b>All individuals that determine whether a licence is issued should be required to undertake sufficient training.</b></p>	<p>Amber</p> <p>All NDC officers and councillors have an opportunity to undertake training.</p>	<p>In light of the standards review if the available training is sufficient for members and officers who make decisions before the end of January 2021.</p>
<p>5.12 (fit and proper test)</p> <p><b>Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time day or night ?</b></p>	<p>Green</p> <p>This question is now presented to members in making the determination of a driver's fitness and propriety by way of a Licensing Sub-Committee report.</p>	<p>This exact wording of this standard has recently been adopted and utilised in the last two driver hearings undertaken at NDC.</p>

<p>If on the balance of probabilities, the answer to the question is 'no' the individual should not hold a licence.</p>		
<p>5.15 to 5.17 (criminal convictions and rehabilitation)</p> <p>Annex – Assessment of previous convictions</p> <p>Refers to the consideration of applicants for and existing hackney carriage and private hire driver licences against a clear policy of previous criminal records.</p> <p>The standards are recommending the adoption of 'annex-assessment of previous convictions'. This draws on the work of the Institute of Licensing (IOL), in partnership with the LGA, the National Association</p>	<p>Amber</p> <p>NDC has a convictions policy in place. Recent consultations and reviews of the policy have been conducted, but have not resulted in an update to the policy.”</p>	<p>The licensing service Lead has reviewed the Institute of licensing guidelines and the annex-assessment of previous convictions (page 35 to 36 of the standards) and has produced guidelines on the relevance of conviction at Appendix H of the proposed Policy</p> <p>The proposed guidelines indicate the highest available minimum period of elapsed time since the last conviction.</p>

<p>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.</p>		
<p>6.2</p> <p>All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.</p>	<p>Red (moving to green if draft policy approved)</p> <p>NDCs current policy does not require subscription to the DBS update service.</p>	<p>This was considered in the consultation and is included within the draft policy. It is proposed that subscription to the update service be made mandatory for all new driver applicants, and all existing licenced drivers upon renewal from 1<sup>st</sup> March 2022.</p>
<p>6.3</p> <p><b>In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that</b></p>	<p>Amber (moving to green if draft policy approved)</p> <p>NDC does not issue licences to a persons on the barred list,</p>	<p>This was considered in the consultation and is included within the draft policy.</p>

<p><b>appears on either barred list.</b> (unless there are exceptional circumstances)</p>	<p>however it is not written in the current policy</p>	
<p>6.5 to 6.7 (safeguarding awareness)</p> <p>6.6</p> <p>All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.</p>	<p>Red (moving to green if draft policy approved)</p> <p>NDCs current policy does not require the taxi and private hire trade to undertake safeguarding training.</p> <p>Safeguarding advice and guidance to the trade is located on the NDC website</p>	<p>This was considered in the consultation and is included within the draft policy. It is proposed that effective from 1<sup>st</sup> March 2022 all existing Licenced drivers should undertake CSE and safeguarding awareness training within 12 months, and that for all new driver applicants they also complete this training within 12 months of obtaining a licence.</p> <p>Before the end of March 2022 review the authority's website to amend if necessary safeguarding advice and guidance to the trade.</p>
<p>6.8 to 6.13 ('County Lines' exploitation)</p>	<p>Red (moving to green if draft policy approved)</p>	<p>The above proposed CSE and safeguarding awareness training would incorporate information on County Lines.</p>

<p>6.11</p> <p>Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.</p>	<p>NDC does not currently require the taxi and private hire trade to undertake safeguarding training or training which includes ways in which drivers can help to identify county lines exploitation.</p>	
<p>6.14 to 6.15 (language proficiency)</p> <p>6.14</p> <p>A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and 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</p>	<p>Amber</p> <p>NDC does have a knowledge test which all new applicants for a hackney carriage and private hire drivers must pass. The test does not specifically test an applicant's oral and written English language skills but it is</p>	<p>In light of the necessity to undertake the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver, which in turn requires an element of language proficiency, it is not believed that the introduction of an English language proficiency test is a current operational priority for the Licensing Team. This will be reviewed again in-line with programmed review of the Taxi Policy.</p>

<p>communicating with passengers and their interaction with others.</p> <p>6.15</p> <p>A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above</p>	<p>considered that it would be difficult to pass this test without a reasonable proficiency in English</p> <p>Before a licence is issued NDC also requires the driver applicants to complete and pass a BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver.</p>	
<p>7.2 to 7.6 (Vehicle Licensing)</p> <p>7.2</p> <p><b>Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.</b></p>	<p>Red (moving to green if draft policy approved)</p> <p>NDCs current policy does not require a basic disclosure check for its licensed vehicle proprietors.</p>	<p>This was considered in the consultation and is included within the draft policy. It is proposed that this takes effect from 1<sup>st</sup> March 2022.</p>

<p>7.4</p> <p>A refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence.</p>	<p>Red (moving to green if draft policy approved)</p> <p>This is not included within the current policy.</p>	<p>This was considered in the consultation and is covered within the draft policy. The safety and suitability to hold each licence would be determined separately in-line with the approach advocated in the DFT Standards.</p>
<p>7.7 to 7.13 (In vehicle visual and audio recording – CCTV)</p> <p>7.9</p> <p>All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable</p>	<p>Amber</p> <p>NDC has a brief section in current policy (para 16.0 to 16.4 Appendix A)</p> <p>CCTV is not compulsory in NDC licensed vehicles.</p>	<p>This was considered in the consultation and subsequently reviewed by the Licensing Service Lead who has determined that further research into this area would be required before any proposal to introduce mandatory installation of CCTV in Licenced vehicles. A further report on this will be provided to the LCSC by the end of March 2022.</p>

<p>adults, and taking into account potential privacy issues.</p>		
<p>8.2 to 8.6 (Private Hire Vehicle Operator Licence)</p> <p>8.2</p> <p><b>Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</b></p>	<p>Amber (moving to green if draft policy approved)</p> <p>Current NDC policy requires a basic disclosure from the DBS on application but not an annual check.</p>	<p>This was considered in the consultation and is included within the draft policy. It is proposed that this takes effect from 1<sup>st</sup> March 2022.</p>
<p>8.4</p> <p>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</p>	<p>Red (moving to green if draft policy approved)</p> <p>This is not included within the current policy.</p>	<p>This was considered in the consultation and is covered within the draft policy. The safety and suitability to hold each licence would be determined separately in-line with the approach advocated in the DFT Standards.</p>

<p>driver licence refusal and based on the appropriate information.</p>		
<p>8.7 to 8.12 (booking and dispatch staff)</p> <p>8.8</p> <p>Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public.</p> <p><b>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.</b></p>	<p>Red (moving to green if draft policy approved)</p> <p>NDCs current policy does not have this condition place.</p>	<p>This was considered in the consultation and is included within the draft policy. It is proposed that this takes effect from 1<sup>st</sup> January 2023 in order to give Private Hire Operators a reasonable period of time to implement this change.</p>

<p>8.9 to 8.12 (booking and despatch staff)</p> <p>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.</p>	<p>Red (moving to green if draft policy approved)</p> <p>NDCs current policy does not have this in place.</p>	<p>This was considered in the consultation and is included within the draft policy. It is proposed that this takes effect from 1<sup>st</sup> January 2023 in order to give Private Hire Operators a reasonable period of time to implement this change.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------