

APPENDIX C

Consultation summary – Revising North Devon Council’s Hackney Carriage and Private hire policy

Consultation to 14.12.20 to 8.2.21

13 responses to electronic consultation, 1 response by email

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
<p>North Devon Council is proposing to introduce a new policy, whereby any changes to its hackney carriage and private hire policy, including a more subjective change to the policy on previous convictions guidelines, will be followed by a review of all the licences already issued (against the new policy) -</p> <p>Should the Council review all of the licenses issued against any new policies ?</p>	<p>10 Yes 1 No 2 Do not know</p>	<p>This subject is too important to allow current license holders to be exempt</p> <p>A review of current licences seems to me to be a waste of resources as the new standards will be assessed on application of any renewal.</p> <p>In my opinion this should be applied to all volunteer drivers as well</p> <p>As long as any retrospective review of the previously granted Licences does not negatively impact on the person who has been granted a licence it should be OK, However if it can be shown that fraudulent statements were made when the licence was granted, then the Council should have the right to take action against the individual</p>	<p>A review of current licenses against the new standards would not necessarily be automatically assessed on an application to renew a licence.</p> <p>This authority does not licence or deal with volunteer drivers.</p> <p>A retrospective review on a case by case of all licences may have negative impacts for some drivers, it would depend on their history.</p> <p>This council does take action if fraudulent statements are made by applicants or existing drivers.</p> <p>This Authority attaches a high importance to safeguarding issues and public safety. It acknowledges the concerns of some of the respondents, however the majority of respondents would like the council to review all of its licences already issued.</p> <p>The recommendation is to review existing Licence holders where upon any further relevant information comes to light for example a complaint or referral of information from the</p>

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			<p>Police. This was considered by the Devon Licensing Officers Group to be an acceptable balance between recognising the rehabilitation of offenders and the protection of the public.</p>
<p>Should the Council introduce a policy that firstly all new applicants and current licence holders must subscribe to the DBS Update Service for the required annual fee as set by the DBS, secondly allow licensing officers to carry out a status check at intervals of at least every six months or at any time, if there is the reasonable belief that the licence holder has obtained a criminal conviction which has not been notified to the Licensing Authority?</p>	<p>12 Yes 0 No 1 Do not know</p>	<p>No professional driver should object to the proposed level of scrutiny.</p> <p>Yes the update service is useful, but I have to question the need for access every 6 months? Surely on renewal or if there is reasonable grounds to suspect a significant change should be enough? I have always felt that an enhanced DBS certificate should be part of the requirement of holding a Hackney Carriage License and therefore could be included in the renewal fee?</p> <p>Perfectly reasonable, however from my experience the DBS service seems to change the renewal applications process on a regular basis. Very confusing as I have had difficulty in maintaining continuity of the application renewals due to the online payment of fees. I think I have paid twice for the same period of service.</p>	<p>The renewal of a licence is every one or three years. It is felt that these periods of time are long to check the status of a driver.</p> <p>There are no plans to include the DBS fee as part of the renewal fee. This is because it is set by an external organisation and variable.</p> <p>It is unfortunate that a respondent has had issues with the renewal applications process.</p> <p>This Authority attaches a high importance to safeguarding issues and public safety. It acknowledges the concerns of one of the respondents, however the majority would like the council to introduce a policy that firstly all new applicants and current licence holders must subscribe to the DBS Update Service for the required annual fee as set by the DBS, secondly allow licensing officers to carry out a status check at intervals of at least every six months or at any time, if there is the reasonable belief that the licence holder has obtained a criminal conviction which has not been notified to the Licensing Authority.</p>

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			The recommendation is to approve as outlined in the standards paragraph 6.2 and above. It is proposed that procedures are in place for this this process to start from 1 st March 2022.
3. Do you agree with the proposals of reducing the time a driver has to notify the Council of convictions, cautions, arrest etc.,? (5)	Yes 10 Maybe 2 Do not Know 1	<p>Public safety could be at risk should a driver fail to notify immediately</p> <p>However, I would suggest that it should be supplemented with a condition that the driver will not return to work until the notification has been made.</p> <p>NO, I think the current 7 days is more than adequate. As any individual involved in a situation that needs them to inform the council will do so ASAP.</p> <p>Taxi drivers are at the low end of the Income spectrum, often earning less than the Minimum wage per hour. Therefore in an attempt to earn money to pay a bill or put food on the table, the pressure to work results in mental stress that can result in forgetfulness to adhere to a shortened time frame.</p>	<p>It would be difficult to enforce a condition that required a driver not to return to work until the notification has been made.</p> <p>The recommendation is to approve as outlined in the Standards paragraph 4.12- 4.13.</p>
4 Do you agree with the proposals of reducing the time a driver has to notify the Council of the above matters and not automatically be	Yes 10 No 2 Do not know 1	<p>Again, public safety is of paramount importance, any delay is unacceptable</p> <p>Again 7 days is adequate, appearing before the sub committee should be</p>	The recommendation is to approve as outlined in the Standards paragraph 4.12- 4.13.

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required to appear before a Licensing Sub-Committee? (7)		dependant of what the points are for and the persons past conduct Less than 7 days is unreasonable	
5 It is proposed to add to the Council's hackney carriage and private hire policy that when a decision is made to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, the licensed driver or applicant will be referred to the DBS. (9)	Yes 12 No 0 Do not know 1	Protection of vulnerable people is an automatic duty of any professional driver. The council should have to disclose any and all information in its possession	This would previously have been considered on a case by case basis, but was not part of the current taxi policy. The recommendation is to approve as outlined in the Standards paragraph 4.14.
5 Do you agree with this proposal to make it compulsory for all licensed vehicles to display a comments window sticker? (11)	Yes 11 No 0 Do not know 2	Although the licensing authority must adopt a robust investigation which also protects the innocent driver from vexatious and mischievous complainants Depends on size and position in vehicle. I believe most people are capable of looking up NDC on line... Would there be an alternative, stickers on windows reduce driver's visibility.	Any proposed sticker design will be sensitive to the need not to obstruct the visibility of the driver. The recommendation is to approve the mandatory display of a 'how to complain/ comment' sticker within licenced vehicles.
6 Do you agree with the existing conviction guidelines in appendix H of the Council's hackney carriage and private	Yes 12 No 0 Do not know 1	Drivers must prove and maintain their honesty and good character before being licensed.	The Institute of Licensing <i>Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades</i> provides a robust framework for the consideration

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<p>hire policy will be replaced with the attached ' draft convictions guidelines 2020'? (13)</p>		<p>Could not find download of draft convictions policy</p>	<p>of safety and suitability of applicants for Hackney carriage and Private Hire Licences, and if adopted will improve consistency between local authorities.</p> <p>The recommendation is to approve the draft policy on relevance of convictions which is based on the IOL Guidance.</p>
<p>In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list. (unless there are exceptional circumstances). It is proposed to make a minor amendment to the Councils hackney carriage and private hire policy to explicitly include wording to this effect. (15)</p>	<p>Yes 13 No 0 Do not know 0</p>	<p>There must be a code of honour, any breach of which should see an offending driver being placed on the barred list.</p>	<p>NDC does not issue licences to a persons on the barred list, however it is not written in the current policy.</p> <p>The recommendation is to approve the draft policy which contains explicit reference to this.</p>
<p>7 Do you agree that all licensed drivers and applicants should undertake safeguarding awareness, identifying county lines exploitation training and any other training the Licensing Authority deems necessary?</p>	<p>Yes 10 No 1 Do not know 2</p>	<p>Having completed this awareness training with Exeter City licensing authority, I know its worth. It should be mandatory for all drivers.</p> <p>Safeguarding etc. , yes. Many of us do this via DCC as a requirement of getting a DCC badge.</p>	<p>The online Safeguarding training provided to those drivers also licenced by DCC is considered relevant but requiring of expansion. Additionally, many NDC Licenced Drivers will not hold a Licence issued by DCC and as such will not have undertaken any Safeguarding training.</p>

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(17)		<p>The wording 'any other training the licensing authority deems necessary' is too ambiguous and needs to be set out what the training required will be, not open to interpretation by different individuals</p> <p>This should be made available online similar to courses that a driver has to do when applying for DCC Drivers Licence. Taxi drivers should not be expected to carry out the work of the Social Services or the Police as the authorities should undertake to ensure proper funding of these services. If the council is prepared to make a compensating payment, for the lost pay & expenses' to the driver during the Training Day then I would expect applicants to undertake the training</p>	<p>The recommendation is to make attendance at Safeguarding training mandatory within 12 months of the draft policy coming into effect. NDC will commission this training which will mirror that used by other Devon Authorities including Exeter.</p>
<p>Do you agree that vehicle proprietors including directors of companies should undertake a basic disclosure from the DBS and disclose unspent convictions? (19)</p>	<p>Yes 10 No 1 Do not know 2</p>	<p>Honest drivers may find it difficult to work for, or speak out against corrupt company proprietors. All persons involved in the industry should prove themselves worthy of public trust.</p> <p>Should be an enhanced</p>	<p>It is proposed that this measure is adopted. Applicants who already have an NDC driver licence will have this requirement waived as NDC will already have had sight of their enhanced DBS.</p>
<p>It is proposed to introduce a policy which applies the 'fit and proper test' to vehicle proprietors and for</p>	<p>Yes 11 No 1 Do not know 1</p>	<p>Everyone involved has to be seen to be suitable for the task.</p> <p>Seems to be waste of resources...if the individual is not customer facing</p>	<p>It is proposed that applications for all types of taxi Licence be compared to the relevance of conviction section of the draft policy.</p>

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each of the directors or partners if the applicant is a company or partnership. (21)			It is recommended that the draft policy including the updated relevance of conviction section be approved.
Would the mandatory installation of CCTV in licensed vehicles 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? (23)	Yes 7 No 3 Do not know 3	<p>Customers need to be made aware they are being filmed & given the choice not to book that cab or enter that cab, there may be circumstances where the cameras could be turned off, there could be legal reasons that a passenger should not be filmed.</p> <p>Any measure that protects the vehicle occupant, be it the driver, or the passenger, has to be a good thing.</p> <p>The answer has to be yes but I would have thought the question should ask whether I think it is positive or negative. I am convinced it would be positive, very positive, having a significant impact on the behaviour inside vehicles and I would mandate 'dash-cam' capability too. A comprehensive capability to analyse and assess contributory factors in any subsequent incident that endangers others would be of great assistance.</p> <p>The privacy issue and the need for data controllers/data policy etc. is just not cost effective for individual drivers</p>	Further to the consultation process, the Licensing Service Lead has reviewed this question (including the consultation responses received), and 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.

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		<p>Possibly, but there is a significant issue with management of these devices. Also, there are cost implications which should be shouldered by the licensing authority not operators.</p> <p>In the recommendations it states that 'The Licencing Authorities should consult to identify if there are local circumstances'.....Where is the Police / Social Services evidence for North Devon to indicate that there are problems within the community which would justify the addition of CCTV. Rather than CCTV which is very expensive to purchase & fit, the availability of inexpensive In Car dash cams with audio recording might be an acceptable compromise</p>	
<p>The Department for Transport recommend that licensing authorities should require private hire vehicle operators who are individuals or company directors and not licensed drivers to undertake a basic disclosure from the DBS and that a check is undertaken annually. (25)</p>	<p>Yes 12 No 1 Do not Know 0</p>	<p>The public and the drivers deserve to feel safe from unscrupulous operators.</p> <p>Should be an enhanced DBS</p>	<p>It is proposed that this measure is adopted. Applicants who already have an NDC driver licence will have this requirement waived as NDC will already have had sight of their enhanced DBS.</p>

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<p>The Department for Transport recommends that licensing authorities should apply the 'fit and proper' test to each private hire vehicle operator who are individuals or company directors and not licensed drivers. It is proposed to apply the 'fit and proper' test to an individual and/or each of the directors or partners in that company or partnership when dealing with private hire vehicle operators. (27)</p>	<p>Yes 11 No 2 Do not know 0</p>	<p>The industry needs to police itself and root out rotten apples!</p> <p>Waste of resources...</p>	<p>It is proposed that applications for all types of taxi Licence be compared to the relevance of conviction section of the draft policy.</p> <p>It is recommended that the draft policy including the updated relevance of conviction section be approved.</p>
<p>The Department for Transport recommends that 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, including evidence that they have seen a Basic Disclosure for those staff. This should tie into their written policy on employing ex-offenders.</p> <p>It is proposed to amend private hire operator conditions and the council's hackney carriage</p>	<p>Yes 10 No 2 Do not know 1</p>	<p>Trust, honesty and integrity should be watchwords throughout the industry</p>	<p>NDC recognise both the potential benefits of the introduction of these measures, and also the increased burden this will place on private hire operators. On balance it is believed that the benefits of this clearly outweigh the concerns over additional burdens, but in order to mitigate this it is proposed to delay the implementation of this until January 2023 so as to give Private Hire Operators reasonable time to respond and put necessary arrangements in place.</p>

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and private hire licencing policy.			
It is proposed to amend the Councils hackney carriage and private hire policy and private hire operator licence conditions, to include as a minimum that private hire vehicle operators record the following information for each booking (31)	Yes 11 No 2 Do not know 0	How else could potential complaints or allegations be properly and swiftly investigated without this information. Absolutely, and the guidance should reflect the need for Data Protection compliance and security. Far too much information required. No need for drivers licence number etc.	NDC can see no compelling reason to depart from the record keeping requirements outlined in the DFT Standards. It is therefore recommended that the policy is amended in-line with the DFT Standards record keeping requirements, but in order to mitigate any impact on the PH trade it is proposed to delay the implementation of this until January 2023 so as to give Private Hire Operators reasonable time to respond and put necessary arrangements in place.
It is proposed to amend private hire operator licence conditions and the Councils hackney carriage and private hire policy to make it a requirement for the operator to report to the licensing authority within 7 days any; ICO-reportable data breaches, changes of dispatch and record keeping systems, and, management/system faults (such as where a vehicle has been driven without insurance cover, or where a	Yes 11 No 2 Do not know 0	These are fundamental requirements for every vehicle and driver, not just those licensed to carry passengers for reward, so of course operators should report any breaches asap.	Further to the consultation process, the Licensing Service Lead has reviewed this question (including the consultation responses received), and 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.

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<p>vehicle has been driven without a valid driver's licence being held). (33)</p>			
<p>Email response In response to the New DforT Standards. I welcome all proposals that relate to safeguarding and public safety within our trade. I also welcome the element of all personnel within a business that comes into contact with public whether in person or Phone has DBS checks.</p>	<p>Not applicable</p>		