

Statutory Taxi and Private Hire Vehicle Standards (published 21 July 2020)

Assessment document

Guidance issued under section 177 of the Policing and Crime Act 2017 has been published by the Department for Transport. It is now referred to as “Statutory Taxi and Private Hire Vehicle Standards” (the “standards”). The focus is on protecting children and vulnerable adults.

An assessment of the standards has been undertaken which is summarised in the table below. There are three columns, the standards recommendations and matters raised, North Devon Council (“NDC”) current position if it meets the recommendations and officer comments with proposed timescales to consider recommendations and measures.

Statutory Taxi and Private Hire Vehicle Standards recommendation/measures and Paragraph number(s)	North Devon Council current position on meeting the measures/recommendations, Red (does not meet) Amber (partially meets) Green (fully meets)	Proposed action and timescale (The outcome of each action, all reviews and consultations will be reported back for consideration to the appropriate NDC committee)
<p>Introduction</p> <p>Paragraphs 1.1 to 1.7</p> <p>Paragraph 1.3</p> <p>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</p>	<p>Amber</p> <p>The standards are a recent introduction and this council currently does not have all the recommendations and measures in place.</p>	<p>Consultations, reviews and research will have to take place with consideration of the recommendations and measures being made on a rolling programme by the appropriate NDC Committee(s).</p> <p>It is proposed to have a published decision on implementing each recommendation and measure by the end of December 2021.</p>

<p>expects these recommendations to be implemented unless there is a compelling local reason not to.</p>		
<p>Paragraph 1.5</p> <p>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.</p>	<p>Amber</p> <p>NDC whistleblowing (December 2018)</p> <p>NDC Protocol – Working Safely With Children & Vulnerable Adults (June 2009)</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 2021.</p>
<p>Consideration of the Statutory Taxi and Private Hire Vehicle Standards</p> <p>Paragraph 2.1</p> <p>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.</p>	<p>Amber</p> <p>The standards are a recent introduction and this council currently does not have all the recommendations and measures in place.</p>	<p>Consultations, reviews and research will have to take place with consideration of the recommendations and measures being made on a rolling programme by the appropriate NDC Committee(s).</p> <p>It is proposed to have a published decision on implementing each recommendation and measure by the end of December 2021.</p>
<p>Paragraph 2.7</p>	<p>Red</p> <p>The standards are a recent introduction.</p>	<p>NDC legal advice will be sought and in place on how to incorporate 'having regard' to the standards in</p>

<p>“Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of 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.</p>		<p>formulating policy and decision by the end October 2020.</p>
<p>Paragraph 2.8</p> <p>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).</p>	<p>Amber</p> <p>The standards are a recent introduction and this council currently does not have all the recommendations and measures in place.</p>	<p>Consultations, reviews and research will have to take place with consideration of the recommendations and measures being made on a rolling programme by the appropriate NDC Committee(s).</p> <p>It is proposed to have a published decision on implementing each recommendation and measure by the end of December 2021.</p>
<p>Administering the licensing regime</p> <p>Licensing policies</p> <p>Paragraph 3.1 to 3.5</p>	<p>Green</p>	<p>Propose to carry out a full policy review in 2021.</p>

<p>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.</p>	<p>NDC has an approved policy document in place. It is due for a full review in 2021.</p>	
<p>Paragraph 3.2</p> <p>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."</p>	<p>Red</p> <p>NDC does not carry out persistent and rigorous enforcement of the regulatory functions available to it.</p>	<p>Enforcement to be reviewed by the end of March 2020 as part of the standards implementation process.</p>
<p>Paragraph 3.5</p> <p>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</p>	<p>Red</p> <p>An annual systematic performance review of the policy does not take place.</p>	<p>Put mechanisms in place review the policy annually by the end of December 2021</p>

<p>significant issues arising in their area, and their performance annually.</p>		
<p>Duration of licences.</p> <p>Paragraph 3.7 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.</p>	<p>Green</p> <p>This authority does not issue (driver) licences on a probationary basis.</p>	<p>No action required.</p>
<p>Whistleblowing</p> <p>Paragraphs 3.8 to 3.11</p> <p>Paragraph 3.8</p> <p>Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.</p> <p><i>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,</i></p>	<p>Amber</p> <p>NDC has internal procedures in place.</p>	<p>The policies and procedures will be reviewed internally Any recommendations for amending the policies and documents will be in place by the end of March 2021.</p>

<p><i>and information sharing with the police and data recording was not satisfactory.</i></p>		
<p>Paragraph 3.10</p> <p>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.</p>	<p>Amber</p> <p>There is a NDC policy in place,</p>	<p>The policy will be reviewed internally. Any recommendations for amending the policy will be in place by the end of March 2021.</p>
<p>Consultation at the local level</p> <p>Paragraphs 3.12 to 3.13</p> <p>Paragraph 3.12</p> <p>Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers.</p>	<p>Green</p> <p>The consultation list is reviewed on each consultation.</p>	<p>Continue to review consultation list in regard to guidance etc.</p>
<p>Paragraph 3.13</p> <p>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</p>	<p>Amber</p> <p>Neighbouring areas are consulted.</p> <p>Devon Licensing Officers Group (DLOG) meets every six weeks. Consultation on policy is regularly discussed.</p> <p>Councillor Liaison meetings do not place.</p>	<p>No action required.</p> <p>No action required.</p>

liaison meetings; this should be adopted by all authorities.		Review by the end of March 2021 to determine if liaison meetings are required.
<p>Changing licensing policy and requirements</p> <p>Paragraphs 3.14 to 3.15</p> <p>Paragraph 3.14</p> <p>Any changes in licensing requirements should be followed by a review of the licences already issued.</p>	<p>Red</p> <p>This is not current NDC policy.</p>	Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to introduce this recommendation to review all licenses if licensing requirements are changed.
<p>Paragraph 3.15</p> <p>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.</p>	<p>Amber</p> <p>Reasons are given when deviating from the policies in place.</p>	Review our reasons in light of the standards with NDC legal team before the end of January 2021.
<p>Gathering and sharing information</p> <p>The Disclosure and Barring update Service</p> <p>Paragraphs 4.5 to 4.8</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</p>	<p>Red</p> <p>Subscription to the update service not mandatory. NDC did consult on this in 2019 with a view to introduction, this was postponed due to staff illness.</p>	Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to introduce this recommendation of all licensed drivers subscribing to the DBS update service and allow NDC officers at any time to check the status of an individual certificate.

almost unlimited number of Status Checks simultaneously.		
<p>Common Law Police Disclosure</p> <p>Paragraphs 4.9 to 4.11</p> <p>Paragraph 4.11</p> <p>This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.</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>Before the end of December 2020 NDC officers with appropriate police officers will investigate how effective and efficient current information sharing procedures and protocols are.</p> <p>The same officers will if required make recommendations to improve the procedures and protocols.</p>
<p>Licensee self – reporting</p> <p>Paragraphs 4.12 to 4.13</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</p> <p>NDC has a notification policy in place which includes different self-reporting matters and requests drivers notify the council within seven days.</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to amend the current notification and self-reporting policy/condition, to include as a minimum the reporting items raised in paragraphs 4.12 to 4.13</p>
<p>Referrals to the Disclosure and Barring Service and the Police</p> <p>Paragraphs 4.14 to 4.16</p>	<p>Red</p> <p>This is not an NDC policy.</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to introduce this recommendation of referring</p>

<p>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.</p>		<p>refusals and revocations to the DBS.</p>
<p>Working with the police</p> <p>Paragraph 4.17</p> <p>Action taken by the licensing authority as a result of information received should be fed back to the police.</p>	<p>Green</p> <p>NDC follows this procedure</p>	<p>No action required.</p>
<p>Sharing licensing information with other licensing authorities</p> <p>Paragraph 4.20 to 4.25</p> <p>Paragraph 4.20</p> <p>Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.</p> <p>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.</p>	<p>Green</p> <p>NDC have these policies/procedures in place.</p>	<p>No action required.</p>
<p>Paragraph 4.21</p>	<p>Red</p>	<p>Research the benefits, costs and officer time required to maintain membership in the scheme. Make a</p>

<p>Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.</p>	<p>NDC did sign up for one year, staffing resources and costs prohibitive at the time and subsequently withdrew.</p>	<p>decision on becoming a member of the scheme before the end of March 2021.</p>
<p>Multi-agency Safeguarding Hub (MASH)</p> <p>Paragraphs 4.26 to 4.28</p> <p>4.28</p> <p>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.</p>	<p>Amber</p> <p>NDC has a procedure relating to making safeguarding referrals to MASH</p> <p>NDC safeguarding policy was published in August 2018.</p>	<p>Before the end of March 2021 appropriate NDC officers in light of the standards will review NDC safeguarding policy and MASH referrals procedures.</p>
<p>Complaints against Licensees</p> <p>(Paragraphs 4.29 to 4.36)</p> <p>Paragraph 4.29</p> <p>All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.</p>	<p>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>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 February 2021.</p>

	Due to staffing resource analysing trends across all licensees does not take place and rarely against individuals	
<p>Paragraph 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.</p>	<p>Amber</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>Licensing officers will review and investigate with appropriate colleagues the procedures and timescales relating to drivers with a high number of complaints against them before the end of January 2021.</p>
<p>Paragraph 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.</p> <p>Ways to make complaint to the authority should be displayed in all licensed vehicles.</p>	<p>Amber</p> <p>NDC has guidance on its website on how to make complaints about taxi drivers.</p> <p>Ways to make a complaint is not displayed in all licensed vehicles.</p>	<p>Licensing officers taking the standards into account will conduct a review of the guidance on its website and amend where appropriate before the end of December 2020.</p> <p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to introduce stickers in all licensed vehicles which displays the way to make a complaint.</p>
<p>Overseas convictions</p> <p>Paragraph 4.34 to 4.36</p> <p>Paragraph 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</p>	<p>Green</p> <p>NDC Follow the procedure.</p>	<p>No action required.</p>

<p>circumstance to properly assess risk and support the decision-making process.</p>		
<p>Decision making</p> <p>Administration of the licensing framework</p> <p>Paragraphs 5.1 to 5.2</p> <p>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.</p>	<p>Amber</p> <p>NDC has a scheme of delegation in place</p>	<p>In light of the standards review the scheme of delegation and if necessary make recommendations to amend by the end of October 2021.</p>
<p>Training decision makers</p> <p>Paragraph 5.3 to 5.5</p> <p>Paragraph 5.3</p> <p>All individuals that determine whether a licence is issued should be required to undertake sufficient training.</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>The regulatory structure</p> <p>Paragraphs 5.6 to 5.11</p> <p>Paragraph 5.6</p>	<p>Amber</p>	<p>In light of the standards, Covid 19 and staff resources with appropriate colleagues review the scheme of delegation and referrals to Licensing Community Safety Committee for determination before the end of March 2021.</p>

<p>To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorise council officers via a transparent scheme of delegation.</p>	<p>Scheme of delegations and a policy of referrals to Licensing community Safety Committee.</p>	
<p>Paragraph 5.11</p> <p>All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.</p>	<p>Amber</p> <p>Arrangements are in place for dealing with serious matters that may require the immediate revocation of a licence.</p>	<p>In light of the standards the licensing service lead will review the arrangements in place for dealing with serious matters before the end of October 2020.</p>
<p>Fit and proper test</p> <p>Paragraphs 5.12 to 5.14</p> <p>Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time day or night ?</p> <p>If on the balance of probabilities, the answer to the question is 'no' the individual should not hold a licence.</p>	<p>Red</p> <p>This question is presently not one which is routinely posed during the consideration of a driver's licence application."</p>	<p>This standard can be adopted immediately</p>
<p>Paragraph 5.14</p> <p>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</p>	<p>Amber</p> <p>Whilst the Licensing Committee has never overtly adopted the principle that, when considering whether an applicant was fit and proper to hold a licence, the applicant would not be given the benefit of the doubt if it was 50-50, they have in effect implemented this principle in the sense they have only granted licences where</p>	<p>This standard can be adopted immediately</p>

<p>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.</p>	<p>they have been sure that it is the correct thing to do</p>	
<p>Criminal convictions and rehabilitation Annex – Assessment of previous convictions</p> <p>Paragraphs 5.15 to 5.17</p> <p>5.15 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.</p> <p>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.</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 will review the Institute of licensing guidelines and the annex-assessment of previous convictions (page 35 to 36 of the standards) and produce guidelines which will be consulted on with interested parties before the end January 2021.</p> <p>The proposed guidelines will indicate the highest available minimum period of elapsed time since the last conviction from comparing the documents.</p>

<p>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.</p>		
<p>Criminality checks for drivers Paragraphs 6.1 to 6.4 Paragraph 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.</p>	<p>Green NDC request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants.</p>	<p>No action required.</p>
<p>Paragraph 6.2 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.</p>	<p>Red It is not NDC policy for licensed drivers to sign up to the update service or for the authority to routinely check for new information every 6 months.</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to make it mandatory for licensed drivers to sign up to the update service and allow the authority to routinely check for new information every 6 months.</p>
<p>Paragraph 6.3</p>	<p>Amber</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties</p>

<p>In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list. (unless there are exceptional circumstances)</p>	<p>NDC does not issue a licence to a person on the barred list, however it is not written in the policy.</p>	<p>proposing to introduce a policy of not issuing a licence to a person on either barred list unless there are exceptional circumstances.</p>
<p>Safeguarding awareness</p> <p>Paragraphs 6.5 to 6.7</p> <p>Paragraph 6.7 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</p> <p>NDC 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>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to make it mandatory and a condition of licensing for all licensed drivers to undertake safeguarding training and any other training the council deems necessary for said drivers to full fill their rolls.</p> <p>Before the end of 2021 review the authority's website to amend if necessary safeguarding advice and guidance to the trade.</p>
<p>'County Lines' exploitation</p> <p>Paragraphs 6.8 to 6.13</p> <p>Paragraph 6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.</p>	<p>Red</p> <p>NDC does not 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>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to make it mandatory and a condition of licensing for all licensed drivers to undertake safeguarding training which includes county lines exploitation and any other training the council deems necessary for said drivers to full fill their rolls.</p>
<p>Language proficiency</p>	<p>Amber</p>	<p>To review the taxi driver test and BTEC course to establish if either</p>

<p>Paragraphs 6.14 to 6.15</p> <p>Paragraph 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.</p> <p>Paragraph 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</p>	<p>NDC does have a computer based 'driver test' which all new applicants for a hackney carriage and private hire drivers must pass. The test is dated in places and does not specifically test an applicant's oral and written English language skills.</p> <p>Before a licence is issued NDC 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>contains appropriate sections on oral and written English skills</p> <p>If neither has adequate provision the appropriate sections on oral and written English skills by the end of April 2021.</p>
<p>Vehicle Licensing</p> <p>Criminality checks for vehicle proprietors</p> <p>Paragraphs 7.2 to 7.6</p> <p>Paragraph 7.2 Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>Red</p> <p>NDC does not require a basic disclosure check for its licensed vehicle proprietors.</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to make it mandatory for a licensed vehicle proprietor (who is not a licensed driver) to undergo a basic DBS disclosure on an annual basis.</p>
<p>Paragraph 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; these decisions must be independent of</p>	<p>Red</p> <p>NDC does not have a policy on dealing with a person who holds a vehicle proprietors licence and not a driver's licence.</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to apply the 'fit and proper' test on dealing with licensed vehicle proprietors.</p>

<p>a driver licence refusal and based on the appropriate information</p>		
<p>Paragraph 7.5</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 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.</p>	<p>Amber</p> <p>NDC has policies on directors and partners but not a ‘fit and proper’ test for each of the directors or partners in that company or partnership.</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to apply the ‘fit and proper’ test for each of the directors or partners in that company or partnership.</p>
<p>In vehicle visual and audio recording – CCTV</p> <p>Paragraphs 7.7 to 7.13</p> <p>Paragraph 7.9</p> <p>All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.</p>	<p>Amber</p> <p>NDC has a brief section in the current policy (para 16.0 to 16.4) CCTV is not compulsory in NDC licensed vehicles.</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties seeking an opinion if 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.</p>
<p>Stretched Limousines</p> <p>Paragraphs 7.14 to 7.15</p> <p>Paragraph 7.14</p> <p>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</p>	<p>Amber</p> <p>NDC has policy on licensing Limousines.</p>	<p>By the end of April 2021 review the current limousine policy. If necessary consult on proposals to amend the said policy.</p>

<p>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.</p>		
<p>Private Hire Vehicle Operator Licence</p> <p>Criminality checks for private hire vehicle operators</p> <p>Paragraphs 8.2 to 8.6</p> <p>Paragraph 8.2</p> <p>Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>Amber</p> <p>Current NDC policy requires a basic disclosure from the DBS on application but not an annual check.</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to make it mandatory for licensed private hire vehicle operators should undertake an annual basic disclosure from the DBS</p>
<p>Paragraph 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 driver licence refusal and based on the appropriate information.</p>	<p>Red</p> <p>NDC does not have a policy on dealing with a licensed private hire vehicle operator licence.</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to apply the ‘fit and proper’ test on dealing with licensed private hire vehicle operators.</p>
<p>Paragraph 8.5</p> <p>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</p>	<p>Amber</p> <p>NDC has policies on directors and partners but not a ‘fit and proper’ test for each of the directors or partners in that company or partnership</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to apply the ‘fit and proper’ test for each of the directors or partners in that company or partnership.</p>

<p>to advise the licensing authority of any change in directors or partners.</p>		
<p>Booking and dispatch staff</p> <p>Paragraphs 8.7 to 8.12</p> <p>Paragraph 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.</p> <p>Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.</p>	<p>Red</p> <p>NDC does not have this condition place.</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to make it a condition of granting an operator licence to require a register of all staff that will take bookings or dispatch vehicles is kept.</p>
<p>Paragraphs 8.9 to 8.12</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>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.</p> <p>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</p>	<p>Red</p> <p>It is not a NDC policy or condition of licence for operators to have the matters in the adjacent column in place.</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing that the matters raised in paragraphs 8.9 to 8.12 become policy and a condition of granting an operator licence.</p>

<p>evidence that comparable protections are applied by the company to which they outsource these functions.</p> <p>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.</p>		
<p>Record Keeping</p> <p>Paragraphs 8.13 to 8.15</p> <p>Paragraph 8.13 Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:</p> <p>the name of the passenger;</p> <ul style="list-style-type: none"> • 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. 	<p>Amber</p> <p>NDC has a vehicle operator condition which includes the majority of this information.</p>	<p>Start an eight week consultation exercise before the end of January 2021 with interested parties proposing to amend the operator condition to include as a minimum all the information recommended in paragraph 8.13.</p>

<p>Use of passenger carrying vehicles (PCV) licensed drivers</p> <p>Paragraphs 8.16 to 8.17</p> <p>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.</p> <p>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.</p>	<p>Red</p> <p>NDC does not have a policy or a condition on these matters.</p> <p>Not sure how often this scenario occurs.</p>	<p>Start an eight week consultation exercise before the end of April 2021 with interested parties proposing to make it a condition of licence that 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 without the informed consent of the booker.</p>
<p>Enforcing the licensing regime</p> <p>Joint authorisation of enforcement officers</p> <p>Paragraph 9.2</p> <p>Licensing authorities should, where the need arises, jointly authorises officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area.</p>	<p>Red</p> <p>NDC has currently no joint authorisations for officers from other authorities in place.</p>	<p>By the end of April 2021 licensing officers will discuss this proposal with our neighbouring authorities with a view to authorising each other's officers, when required for compliance and enforcement matters.</p>
<p>Setting expectations and monitoring</p> <p>Paragraph 9.3 to 9.4</p> <p>Paragraph 9.4</p>	<p>Amber</p> <p>There is clear simple well publicised process for the public to make complaints.</p>	<p>The issue of enforcement and compliance needs to be discussed when the current issues relating to COVID 19 have settled down.</p>

<p>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.</p>	<p>However resourcing issues and volume of work for officers means some complaints are not dealt with in a timely fashion and there is very little if no targeted enforcement/compliance work being carried out.</p> <p>Officers do deal with as a priority any complaints relating to the more serious offences of violence, safe guarding, dangerous driving etc.</p>	<p>It is important that there is capacity to deal with the more serious complaints.</p>
<p>Suspension and revocation of driver licences</p> <p>Paragraphs 9.5 to 9.10</p> <p>Paragraph 9.6</p> <p>Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately</p>	<p>Red</p> <p>This scenario has not occurred at this authority and a procedure or policy is not in place.</p>	<p>Start an eight week consultation exercise before the end of April 2021 with interested parties proposing to introduce a policy on dealing with licensed drivers who have been served an immigration penalty or convicted of an immigration offence</p>
<p>Paragraph 9.9</p> <p>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.</p>	<p>Red</p> <p>This scenario has not occurred at this authority and an expedited re-licensing process is not in place.</p>	<p>Start an eight week consultation exercise before the end of April 2021 with interested parties proposing to introduce an expedited re-licensing policy for those drivers who have successfully appealed a revocation or the original allegations were unfounded.</p>
<p>Annex – Staying safe: guidance for passengers</p>	<p>Amber</p>	<p>By the end of October 2020 the website pages in question will be</p>

Page 40	NDC does have guidance for passengers on its website.	reviewed and amended to reflect the guidance in this annex.
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