

Department of Transport
Statutory Taxi & Private Hire Vehicle Standards
Proposed Action/Updates

Issue	Position	Action
3. Administering the Licensing Regime		
Publish a cohesive policy	We have one in place	Needs to be assessed against the new standard
Review policies every 5 years	Last reviewed in 2016	General review required and review against this standard and publish a draft policy document for consultation
Duration of licences – interim checks for 3 year licences	This is in place	No action
Liaise with police to see if a licence should be issued	We get DBS checks and if anything arises we consult the police	No action
Whistleblowing - need adequate whistleblowing policies in place internally	We have a whistleblowing policy where staff can raise concerns confidentially. The procedure is in the Employee Handbook under Confidential Reporting	No action
Changes to policy should see all licences reviewed	We have not reviewed all of our licences as a matter of routine when polices change	Review the need to look at licences as a result of the changes made in this policy
4. Gathering and Sharing Information		
The Disclosure and Barring Service - licensing authorities must consider as full a range of information available when making a decision to grant or to ensure a licensee remains suitable to holds a licence	There are procedures in place and reports containing full facts are given to Committee	No action
Enhanced DBS certificates with a check of the barred list to be made on all applicants	This is in place	No action

Councils should not seek information on other convictions not disclosed on a DBS check	This is in place	No action
Encourages the use of the DBS update service. Checks should happen on this every six months	Our policy requires drivers to subscribe or have to have a new DBS check which is checked every 12 months. Guidance states this should be done every 6 months for drivers in section 6.2	Amended to six month checks in section 5.5 and the private hire driver's licence conditions amended.
Common Law Police Disclosure	The onus here is on the police to send information at the time of arrest	To review with the Police and have a direct contact point.
Licensee self-reporting – licence holders should, within 48 hours, be required to inform us of any arrest, release or charge of a motoring offence, sexual offence, violence or dishonesty	Our licence conditions require disclosure of convictions only to be reported within 7 days for private hire drivers and operators only.	Amended in sections 4.22, 5.6 & 6.11 of the policy for drivers, vehicles proprietors and operators. Private hire driver, vehicle and operator conditions amended/included.
Referrals to the DBS or Police if a licence is revoked – guidance is that this should happen for situations where a licence has been revoked for a matter relating to child exploitation or vulnerable adult.	In place	Added to the policy at section 3.2
Working with the Police –action taken by the licensing authority as a result of information received should be fed-back to the police. A revocation or refusal on public safety grounds should also be advised to the Police	We actively do this on a case by case basis	Require a direct contact point with the police
Sharing information with other licensing authorities - Application forms to indicate that failure to disclose they have been refused or had a licence revoked may be a criminal offence	This is in place	No action

Communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information for consistency and robustness in decision-making.	Regular meetings with neighbouring authorities in place. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle drivers refusals and revocations (NR3) to share information	Added to the policy at 3.2 To look at the NR3 register or other ways of communicating refusals and revocations
Multi Agency Safeguarding Hubs (MASH)	We take part in the Police initiative, Operation Genga which is focused on serious organised crime and other bodies such as the Community Safety partnership	The processes need to be kept under constant review but there is nothing specific that arises out of the new guidance
Complaints against licensees – The need to keep adequate records of complaints against license holders	We log and retain complaints against individuals and keep records. We look at potential trends of drivers	No action
Complaints procedure – guidance for passengers on making complaints directly to the licensing authority that should be available on their web site and displayed in all licensed vehicles.	Information on how to complaint about a licence holder is already available on our web site but not displayed in licensed vehicles	Added to the policy - section 8 and added to the hackney carriage and private hire vehicle licence conditions Stickers on how to complain to be provided by the Council
Overseas convictions - certificates of good character - Where a person has had periods of time away from the UK they should have a CGC form the country of residence to assist in assessing if they are a fit and proper person to hold a licence	This is already in our policy for drivers and operators but not for applicants for vehicle licences	Added to the policy for vehicle applicants -section 4.21
5. Decision Making		
Training of decision makers - the Guidance advises that all those making decisions should be required to have undertaken necessary training	Training is not compulsory in Pendle	Make compulsory in line with the statutory guidance
The Guidance advocates a panel of decisions makers to be convened and for decision to be made by Members	The procedures we have are a good balance between routine decision making and cases that need referring to Committee	No action

Fit and proper test - that in cases where there is doubt about a decision and it is 50/50 as to whether fit and proper then a licence should not be issued.	Decisions should be made in line with our convictions policy taking the 50/50 measure into account	Added to the policy - section 3.5 and the proposed convictions policy
Criminal convictions and rehabilitation - how to deal with previous convictions – see Annex at page 35	The Guidance is more stringent than our current policy so we are out of line with it. For example it specifically precludes giving a licence for people convicted of exploitation. Other convictions have longer times between offences such as a minimum of 10 years for violence. A number of local authorities have adopted this guidance.	Recommendation to adopt new guidance added as appendix 10 in the policy
6. Driver Licensing		
Criminality checks for drivers – routinely check for new information every six months	DBS update carried out every 12 months at present	Section 5.5 amended to every 6 months
Driver - No driver on the barred list should be given a licence on the barred list -	If exceptional circumstances the applicant considered 'fit and proper' reasons must be recorded	Added to the convictions policy – see appendix 10
Safeguarding awareness - driver safeguarding training should be given	This is in place which includes child sexual exploitation and county lines.	No action
Language proficiency - drivers are expected to have the ability to understand key documents and be able to communicate with passengers – to have an oral and written English language skill test	No test currently required however must be able to read and understand the knowledge test questions	Section 5.9 of the policy amended to include an oral and written test. Nature of test to be agreed.
7. Vehicle Licensing		
Criminality checks for vehicle proprietors – annual basic DBS check	No criminality check presently required	Added to section 4.20 for all applicant(s) to include directors or partners in a company or partnership and to the licence conditions
CCTV – the view of Gov is that this is a positive benefit and is something that is to be encouraged for all vehicles. The	Would be beneficial when the Council received complaints for both the passenger and driver	This need to be consulted on with the public and trade

advice is to consult on introducing a policy of requiring cameras in cars		
Stretched Limousines – authority should licence	Procedures and conditions already in place to licence these vehicles	No action
8. Private Hire Vehicle Operator Licensing		
Criminality checks for private hire vehicle operators – to have an annual basic DBS check	A basic DBS check currently required every 3 years	Section 6.9 of the policy amended to annual
Booking and dispatch staff - should not present an undue risk to the public or the safeguarding of children and vulnerable adults - operator required to have a register of all staff that will take bookings or dispatch vehicles	Not currently required	Added to the policy - section 6.5 and to the licence conditions
Staff who are dispatching vehicles should have a basic DBS check to which the operator has had sight of before engaging them.	The responsibility will be with the operator even if they outsource any operations	Added to the policy - section 6.6 and to the licence conditions
Outsourcing of bookings - evidence that comparable protections are in place by the outsourced company	Not currently required	Added to the policy - section 6.7 and to the licence conditions
Employing ex-offenders – operators to have and provide their policy on employing ex-offenders that will be on their register	Not currently required	Added to the policy - section 6.8 and to the licence conditions
Record keeping – minimum requirements for bookings and duty under the data protection legislation to protect the information they record	Majority of this already required when taking a booking	Section 6.14 of the policy updated and data protection requirements included at 6.15

Use of passenger carrying vehicles (PCV) licensed drivers - consent of passenger required before a PCV driver is used.	Not currently required	Added to the policy - section 6.16 and to the licence conditions
9. Enforcing the Licensing Regime		
Joint authorisation of enforcement officers - Agreement to enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries	No joint agreement in place	To look at implementing the model for agreeing joint authorisation contained in the LGA Councillors' handbook
Setting expectations and monitoring – ensure drivers are aware of the policies that they must adhere to and properly informed – points based system	Penalty point scheme already adopted and our knowledge test requires applicants to have a knowledge of our policies and conditions.	No action
Suspension and revocation of driver's licences - option to suspend or revoke a licence and to give full consideration to the available evidence and the driver given the opportunity to state his or her case.	This is already in place.	No action