

The table below provides key extracts from the Secretary of State for Transport Statutory Taxi and Private Hire Vehicle Standards published July 2020 pursuant to section 177(1) of the Policing and Crime Act 2017. The table sets out the considerations of the Standards and proposed action of the Licensing Authority that stem from these Standards.

Item No.	Topic	Standard Paragraph No.	Key extracts from the Standards	Wirral Current Position	Proposed Action in response to the Standards	Estimated Timescale for Action
1.	Licensing Policies	3.1	The Department recommends all licensing authorities make publicly available <b>a cohesive policy document</b> 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.	Wirral does not currently have all the conditions and criteria related to Taxis and Private Hire licensing captured in a single, unified document.	It is agreed that this is an appropriate improvement to implement as soon as practically possible.	It is anticipated that existing documents, subject to some amendments, could be brought within one policy document within 6 months – Sept 2021
2.		3.5	Licensing authorities should <b>review their licensing policies every five years</b> , but should also consider <b>interim reviews</b> should there be significant issues arising in their area, and their performance annually.	Wirral has undertaken regular reviews of criteria and conditions relating to Private Hire and Hackney Carriage Licensing within these timescales.	Once the proposed single policy document is implemented it will be reviewed regularly as appropriate and at least every 5 years.	Once the proposed single policy document is in place it will specify how often it will be reviewed
3.	Engagement with the police	3.6	To help authorities monitor licensees' suitability, licensing authorities should <b>engage with their police force</b> to ensure that when	Agreed - Merseyside Police do provide	No further action required at this time other than to remind	With immediate effect

Table A

Appendix 2

			the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 4.11- ) to advise them.	Common Law Police Disclosures about problem licence-holders	Merseyside Police of the need to promptly advise the Licensing Authority of any problems concerning licence-holders	
4.	<b>Duration of Licences</b>	<b>3.7</b>	The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; <b>they should not be issued on a 'probationary' basis.</b>	Agreed – Wirral does not issue probationary licences.	No action required.	Not applicable as no action required
5.	<b>Whistle-blowing</b>	<b>3.8 &amp; 3.10</b>	Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. Licensing authorities should have <b>effective internal procedures</b> in place for staff to raise concerns and for any concerns to be dealt with openly and fairly...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.	Agreed – Wirral has internal procedures for staff to raise concerns and a "whistleblowing policy" is already in place	No further action required at this time other than to remind licensing staff of the existing procedures.	Reminder has been given to staff as to internal procedures for raising concerns

Table A

Appendix 2

6.	Local Consultation	3.12	Licensing authorities should <b>consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade.</b> Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women's groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy's activities.	Agreed – Wirral currently consults with appropriate parties depending upon the nature and effects of proposed policy changes.	The Licensing Authority will be consulting upon the following recommendations in the Statutory Standards:  Mandating the sign up to the DBS update service  CCTV in licensed vehicles	12 months
7.		3.13	Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change. Many areas convene <b>regional officer consultation groups or, more formally, councillor liaison meetings</b> ; this should be adopted by all authorities.	Agreed – The Licensing Authorities across the City Region meet regularly – currently weekly. The leaders of the authorities hold separate regular meetings.	No further action required at this time	Not applicable as no action required
8.	Implementing Changes	3.14	<b>Any changes in licensing requirements should be followed by a review of the licences already issued.</b> If the need to	Agreed – Wirral will always implement	Action will be taken in accordance with	Timescales will be influenced by the nature of the

Table A

Appendix 2

			change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The <b>implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.</b>	changes to licensing rules in an appropriate, pragmatic and reasonable manner whilst also recognising that public safety is the overriding concern	the introduction of any new requirements	change that is introduced
9.		3.15	Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. <b>Licensing authorities should record the reasons for any deviation from the policies in place.</b>	Agreed – Any decision to act outside of policy is made by Members and duly recorded	No further action required at this time	Not applicable as no action required
10.	DBS Checks	4.4	It should be noted that <b>licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate.</b> Whilst data protection legislation	Agreed – Wirral does not seek to circumvent the DBS process	No further action required at this time	Not applicable as no action required

Table A

Appendix 2

			(not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.			
11.	<b>Common Law Police Disclosure</b>	<b>4.9 – 4.11</b>	Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately... 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</b> and are being used.	Agreed – Wirral currently has a good relationship with Merseyside Police who provide Common Law Police Disclosures about problem licence- holders	No further action required at this time	Not applicable as no action required
12.	<b>Licensee Self-reporting</b>	<b>4.12</b>	<b>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</b>	Currently, Wirral require a licence holder to report any investigation	The current conditions be amended to require any licence-holder	Present a report to the Regulatory and General Purposes

Table A

Appendix 2

			<p><b>offence involving dishonesty or violence and any motoring offence.</b> An arrest for any of the offences within this scope should result in a <b>review by the issuing authority as to whether the licence holder is fit to continue to do so.</b> This must not however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, <b>authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.</b></p>	<p>into a criminal or motoring offence within 72 hours. A review of their licence is then undertaken.</p> <p>In addition, if the Licensing Manager becomes aware that a licensed driver has been arrested, with or without being charged, on suspicion of committing any criminal offence they have delegated authority to revoke a driver's licence</p>	<p>who is being investigated in connection with a criminal or driving offence to notify the Licensing Authority within 48 hours</p>	<p>Committee March 2021</p>
13.	Referrals to the DBS	4.14 – 4.15	<p>In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. A <b>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.</b> The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:</p>	<p>Agreed – Wirral do not currently make such referrals</p>	<p>That this power of referral be adopted and formally reflected in Wirral's policy documents.</p>	<p>Present a report to the Regulatory and General Purposes Committee March 2021</p>

Table A

Appendix 2

			<ul style="list-style-type: none"> <li>• an individual has harmed or poses a risk of harm to a child or vulnerable adult;</li> <li>• an individual has satisfied the “harm test”, or</li> <li>• received a caution or conviction for a relevant offence and;</li> </ul> <p>the person they are referring is, has or might in future be working in regulated activity;</p>			
14.	Working with the Police	4.17	<p>It is <b>vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible.</b> As part of building an effective working relationship between the licensing authority and the police, action taken by the licensing authority as a result of information received should be fed-back to the police.</p>	Agreed - Wirral currently has a good relationship with Merseyside Police concerning the sharing of information concerning problem licence-holders	No further action required at this time	Not applicable as no action required
15.		4.19	<p>To aid further the quality of the information available to all parties that have a safeguarding duty, <b>a revocation or refusal on public safety grounds should also be advised to the police.</b></p>	Currently, Wirral does notify the police of the outcome of any review of a licence following information received from the police but does not as a matter of course notify Merseyside Police of every revocation or	Subject to Merseyside Police being agreeable, an internal process can be put in place to ensure they are notified of every revocation or refusal on public safety grounds	Subject to liaison with Merseyside Police

Table A

Appendix 2

				refusal on public safety grounds		
16.	<b>Sharing Licensing Information with other LAs</b>	4.20	Obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. <b>Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority.</b> An applicant should also be <b>required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.</b>	Agreed – Wirral currently operates such a procedure within the application process.	No further action required at this time	Not applicable as no action required
17.		4.20	Licensing Authorities should explicitly advise on their <b>application forms that making a false statement or omitting to provide the information requested may be a criminal offence.</b>	Agreed – Wirral currently operates such a procedure within the application process.	No further action required at this time	Not applicable as no action required
18.		4.21 – 4.24	The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). Tools such as <b>NR3 should be used by licensing authorities to share information on a more consistent basis</b> to mitigate the risk of non-disclosure of relevant information by applicants. For these processes to be beneficial, all licensing authorities must <b>keep a complete and accurate record as to the reasons for refusal, suspension or</b>	Agreed – Wirral is currently in the process of ensuring all the new processes are in place to fully engage with the national register.	That we continue to move towards full engagement with the national register	Approximately three months to implement – June 2021



Table A

Appendix 2

			<b>revocation</b> of a licence in order that this might be shared if requested and appropriate to do so... Licensing authorities should not simply replicate a previous decision, <b>authorities must consider each application on its own merits and with regard to its own policies.</b>			
19.	<b>Multi-Agency Safeguarding Hubs (MASHs)</b>	<b>4.26 – 4.28</b>	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.	Agreed – Wirral currently liaises on an informal basis with a manager responsible for Children's Safeguarding matters	Formal communication to be set up with MASH	With immediate effect
20.	<b>Complaints against licensees</b>	<b>4.29</b>	Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. <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> Such a system will help authorities to build a fuller picture of the potential risks an	Agreed – Wirral currently operates a robust complaint monitoring system and regularly uses data therein to assist in decision-making on individual licence-holders / applicants	No further action required at this time	Not applicable as no action required

Table A

Appendix 2

			individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.			
21.		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.	Agreed – Wirral currently operates such procedures.	No further action required at this time	Not applicable as no action required
22.		4.31	To ensure that passengers know who to complain to, licensing authorities should <b>produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website.</b> <b>Ways to make complaint to the authority should be displayed in all licensed vehicles. An effective partnership in which operators can share concerns regarding drivers is also encouraged.</b>	Agreed – Wirral currently publishes information on its website about how to complain about taxi drivers and licence holders are required to display a sticker giving such information. There is an effective partnership with Private Hire Operators for them to report complaints and for officers to	No further action required at this time	Not applicable as no action required

Table A

Appendix 2

				obtain information from them		
23.		4.32	<b>Licensing Authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.</b>	Agreed – Stickers are provided to Vehicle Licence Holders and it is a condition of their licence that the stickers are displayed	Enforcement action when necessary	Ongoing
24.	<b>Overseas Convictions</b>	4.34 – 4.36	Licensing authorities should seek or require <b>applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas</b> in this circumstance to properly assess risk and support the decision-making process.	Agreed – Wirral currently has such a procedure in place	No further action required at this time	Not applicable as no action required
25.	<b>Administration</b>	5.2	Licensing authorities should <b>ensure that all individuals that determine whether a licence is issued or refused are adequately resourced</b> to allow them to discharge the function effectively and correctly.	Agreed – The level of resources will be kept under review	No further action required at this time	Not applicable as no action required
26.	<b>Training Decision Makers</b>	5.3	<b>All individuals that determine whether a licence is issued should be required to undertake sufficient training.</b> As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial	Agreed – Wirral currently has an informal system of Member training in place and Members attend formal training by a	Member training to be arranged before a Member takes part in the Licensing Committee or Regulatory Panel	Ongoing

Table A

Appendix 2

			decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training.	third party when it is available		
27.		5.4	<p>Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:</p> <ul style="list-style-type: none"> <li>• policies should be used as internal guidance, and should be supported by a member/officer code of conduct.</li> <li>• any implications of the Human Rights Act should be considered.</li> <li>• the rules of natural justice should be observed.</li> <li>• decisions must be reasonable and proportionate.</li> <li>• where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.</li> <li>• decision makers must avoid bias (or even the appearance of bias) and predetermination.</li> </ul> <p>data protection legislation.</p>	Agreed – Wirral currently operates such procedures	No further action required at this time	Not applicable as no action required
28.		5.5	When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they	Agreed – Wirral currently operates such procedures	No further action required at this time	Not applicable as no action required

Table A

Appendix 2

			must leave the room for the duration of the discussion or vote.			
29.	<b>Regulatory Structure</b>	<b>5.6 – 5.7</b>	It is <b>recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters</b> , with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation. It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4.	Agreed – Wirral currently operates such procedures	No further action required at this time	Not applicable as no action required
30.		<b>5.10</b>	Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias.	Agreed – Wirral does not currently operate such a procedure	No further action required at this time	Not applicable as no action required
31.		<b>5.11</b>	<b>All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate</b>	Agreed – Wirral currently operates such	No further action required at this time	Not applicable as no action required

Table A

Appendix 2

			<b>revocation of a licence.</b> It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.	procedures		
32.	<b>Fit and Proper Test</b>	<b>5.12 – 5.14</b>	Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.	Agreed – Wirral currently operates in accordance with this guidance	No further action required at this time	Not applicable as no action required
33.	<b>Criminal convictions and rehabilitation</b>	<b>5.15</b>	In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, <b>licensing authorities should have a clear policy for the consideration of criminal records.</b> This should include, for example, which offences would prevent an applicant from being licenced	Agreed – Wirral currently has a clear convictions policy	That the details of Wirral's current Convictions Policy be amended to make it consistent with the Department for Transport's Statutory Guidance	Present a report to the Regulatory and General Purposes Committee March 2021

Table A

Appendix 2

			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.			
34.	<b>Criminality checks for drivers</b>	6.2	<p>All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check.</p> <p><b>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 to the Update Service should still be subject to a check every six months.</b></p>	Currently, whilst applicants are encouraged to sign up to the DBS Update service it is not a mandatory requirement.	Consultation to be undertaken in respect of implementing this recommendation	Six months – Sept 2021
35.		6.3	In the interests of public safety, <b>licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either the children or adult barred list.</b> Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.	Agreed – the current Convictions Policy makes reference to the Sex Offenders Register but not the barred list.	That the current Convictions Policy be amended to expressly refer to an applicant being refused a licence if they are on the Sex Offenders Register and the barred list	Present a report to the Regulatory and General Purposes Committee March 2021

Table A

Appendix 2

36.	<b>Safeguarding Awareness</b>	6.5 – 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.	Agreed – Wirral currently has such procedures in place.	Develop the delivery of remote safeguarding training	2 months -May 2021
37.	<b>'County lines' exploitation</b>	6.8 – 6.13	Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs: <ul style="list-style-type: none"> <li>• Children and young people travelling in taxis or private hire vehicles alone;</li> <li>• travelling at unusual hours (during school time, early in the morning or late at night);</li> <li>• travelling long distances;</li> <li>• unfamiliar with the local area or do not have a local accent;</li> <li>• paying for journeys in cash or prepaid.</li> </ul>	Agreed – Wirral currently has such procedures in place.	Develop the delivery of remote safeguarding training	2 months – May 2021
38.	<b>Language proficiency</b>	6.14 – 6.15	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. A <b>licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.</b>	Agreed – Wirral does not currently have this as a requirement	The criteria for an individual to be licensed as a Private Hire or Hackney Carriage Driver be amended to include this requirement	Present a report to the Regulatory and General Purposes Committee March 2021



39.	<b>Criminality checks for vehicle proprietors</b>	<b>7.2 – 7.4</b>	<p><b>Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.</b> Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). <b>Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.</b></p> <p>However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.</p> <p>A refusal to license an individual as a driver or</p>	<p>Agreed - Wirral currently do not require require a basic DBS check from a Hackney carriage / Private Hire Vehicle Proprietor if they do not hold a Hackney Carriage or Private Hire Driver Licence</p>	<p>The criteria for licensing Private Hire and Hackney Carriage Vehicles be amended to include this requirement</p>	<p>Present a report to the Regulatory and General Purposes Committee March 2021</p>
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Table A

Appendix 2

			to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.			
40.		7.5	Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.	Agreed Wirral currently require a basic DBS check from a Private Hire Operator as an individual and, partners and company directors where applicable if they do not hold a Hackney Carriage or Private Hire Driver Licence.	Private Hire Operator and Vehicle conditions be amended to include this requirement	Present a report to the Regulatory and General Purposes Committee March 2021
41.	CCTV	7.9	<b>All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV</b>	Wirral currently has no requirement	The issue of CCTV in licensed vehicles is complex both	Six – twelve months to carry out the

Table A

Appendix 2

			<b>in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users</b> , including children or vulnerable adults, and taking into account potential privacy issues.	mandating the use of CCTV in licensed vehicles	technically and legally. Any consultation document will need careful preparation and liaison with other authorities who have mandated CCTV in vehicles	consultation process dependent upon officer resources
<b>42.</b>		<b>Annex – CCTV Guidance</b>	It is important to note that, in most circumstances, <b>a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller</b> . It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.	Wirral currently has no requirement mandating the use of CCTV in licensed vehicles	The issue of CCTV in licensed vehicles is complex both technically and legally. Any consultation document will need careful preparation and liaison with other authorities who have mandated CCTV in vehicles.	Six – twelve months to carry out the consultation process dependent upon officer resources.
<b>43.</b>		<b>7.13</b>	Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require	Wirral currently has no requirement mandating the	Wirral recognize that the issue of CCTV in licensed vehicles is complex	Six – twelve months to carry out the consultation

Table A

Appendix 2

			an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).	use of CCTV in licensed vehicles	both technically and legally. Any consultation document will need careful preparation and liaison with other authorities who have mandated CCTV in vehicles	process dependent upon officer resources
44.	<b>Stretched Limousines</b>	<b>7.14</b>	Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. <b>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</b> thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle	Agreed - Wirral does not impose any such blanket condition. Applications for such vehicles are considered on their merits.	No further action required at this time	Not applicable as no action required

Table A

Appendix 2

			operators.			
45.		7.15	Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, <b>in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers</b> , bearing in mind that refusal may encourage illegal private hire operation.	Agreed -Wirral consider applications for such vehicles on their merits.	No further action required at this time	Not applicable as no action required
46.	<b>Criminality checks for private hire vehicle operators</b>	<b>8.2 – 8.4</b>	Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. <b>Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</b> Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). <b>Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’</b>	Agreed – Wirral currently require a basic DBS check from individuals as well as partners or Directors of a company who apply for a Private Hire Operator Licence who do not hold a Private Hire or Hackney	Private Hire Operator conditions be amended to include this requirement on an annual basis	Present a report to the Regulatory and General Purposes Committee March 2021

			<p><b>threshold.</b></p> <p>However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.</p> <p>Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check.</p> <p>DBS certificate information can only be used</p>	<p>Carriage Driver Licence and will review licences separately. The check is require upon application and renewal.</p>		
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Table A

Appendix 2

			for the specific purpose for which it was requested and for which the applicant's full consent has been given.			
47.		8.5	A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.	Agreed – Wirral currently require a basic DBS check from individuals as well as partners or Directors of a company who apply for a Private Hire Operator Licence who do not hold a Private Hire or Hackney Carriage Driver Licence. Whist Operators do notify of any change in directors of a company this is not mandated as a requirement	Private Hire Operator conditions be amended to include this requirement	Present a report to the Regulatory and General Purposes Committee March 2021
48.	Booking and dispatch staff	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. <b>Licensing authorities should, as a condition of granting an operator licence, require a</b>	Agreed The Private Hire Operator conditions are currently subject to separate approval to	Present a report to the Regulatory and General Purposes Committee	March 2021

Table A

Appendix 2

			<b>register of all staff that will take bookings or dispatch vehicles is kept.</b>	include this requirement		
<b>49.</b>		<b>8.9</b>	<b>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.</b> DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.	Agreed The Private Hire Operator conditions are currently subject to separate approval to include this requirement	Present a report to the Regulatory and General Purposes Committee	March 2021
<b>50.</b>		<b>8.10</b>	The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.	Agreed The Private Hire Operator conditions are currently subject to separate approval to include this requirement	Present a report to the Regulatory and General Purposes Committee	March 2021



Table A

Appendix 2

51.		8.11	Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. <b>Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.</b>	Agreed The Private Hire Operator conditions are currently subject to separate approval to include this requirement	Present a report to the Regulatory and General Purposes Committee	March 2021
52.		8.12	<b>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.</b> 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.	Agreed The Private Hire Operator conditions are currently subject to separate approval to include this requirement	Present a report to the Regulatory and General Purposes Committee	March 2021
53.	<b>Record Keeping</b>	8.13	Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. <b>Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:</b> <ul style="list-style-type: none"> <li>• the name of the passenger;</li> <li>• the time of the request;</li> </ul>	Agreed The Private Hire Operator conditions are currently subject to separate approval to include this requirement	Present a report to the Regulatory and General Purposes Committee	March 2021

Table A

Appendix 2

			<ul style="list-style-type: none"> <li>• the pick-up point;</li> <li>• the destination;</li> <li>• the name of the driver;</li> <li>• the driver's licence number;</li> <li>• the vehicle registration number of the vehicle;</li> <li>• the name of any individual that responded to the booking request;</li> <li>• the name of any individual that dispatched the vehicle.</li> </ul>			
54.	<b>Use of passenger carrying vehicles (PCV) licensed drivers</b>	8.16	<p>PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. <b>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.</b></p>	Wirral's current Operator Conditions require the use of licensed private hire vehicles and licensed private hire drivers	No further action required at this time	Not applicable as no action required
55.	<b>Joint authorisation of enforcement officers</b>	9.2	<p><b>Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area.</b> An agreement between licensing authorities to jointly authorise officers enables the use</p>	Agreed – Wirral do not currently have joint authorisations in place but have it under review with	Review the effectiveness of joint authorisations with neighbouring authorities	May 2021

			<p>of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries.</p>	<p>neighbouring authorities</p>		
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