



Regulatory and General Purposes Committee

Date:	Tuesday, 23 March 2021
Time:	6.00 p.m.
Venue:	Microsoft Teams

This meeting will be webcast at
<https://wirral.public-i.tv/core/portal/home>

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AGENDA

1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee are asked to declare any disclosable pecuniary and non-pecuniary interests, in connection with any item on the agenda and state the nature of the interest.

2. MINUTES (Pages 1 - 4)

To approve the accuracy of the minutes of the meeting held on 19 January 2021.

3. MINUTES OF THE REGULATORY PANEL (Pages 5 - 16)

To approve the accuracy of the minutes of the meetings of the Regulatory Panel held on 11 November, 26 November, 16 December 2020 and 29 January 2021.

4. DEPARTMENT FOR TRANSPORT - STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS (Pages 17 - 106)

5. REVIEW OF PRIVATE HIRE OPERATOR LICENCE CONDITIONS (Pages 107 - 126)

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REGULATORY AND GENERAL PURPOSES COMMITTEE

Tuesday, 19 January 2021

<u>Present:</u>	Councillor	AER Jones (Vice-Chair in the Chair)	
	Councillors	AER Jones M Collins C Cooke G Davies K Greaney C Jones D Mitchell	L Rowlands J Stapleton I Williams KJ Williams S Williams C Muspratt (In place of T Norbury) A Wright (In place of A Hodson)
<u>Deputies:</u>	Councillors	C Muspratt (for T Norbury) A Wright (for A Hodson)	
<u>Apologies:</u>	Councillors	A Hodson T Norbury	

Vice-Chair in the Chair

9 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary and non-pecuniary interests, in connection with any item on the agenda and state the nature of the interest.

Councillor G Davies declared a non-pecuniary interest in Item 4 - Wirral Award (minute 12 refers), by virtue of having submitted two nominations.

Councillors A Jones, D Mitchell and C Cooke declared a non-pecuniary interest in item 4 - Wirral Award (minute 12 refers), by virtue of having been Members of the Wirral Award Working Party who considered the nominations.

10 MINUTES

Resolved – That the accuracy of the minutes of the meeting of the Regulatory and General Purposes Committee held on 18 November 2020 be approved.

11 **REFERRAL FROM COUNCIL - MOTION - WIRRAL COUNCIL ASKED TO BACK THE RSPCA'S FIREWORKS CAMPAIGN**

A motion, approved by Council, at its meeting on 7 December, 2020 (minute 45 refers) regarding the RSPCA'S Fireworks Campaign had been referred to this Committee, in accordance with the wording of the motion.

Councillor L Rennie, proposer of the motion, addressed the Committee and advised that one of the resolutions of the motion was to ask this Committee to investigate how the Council can work with our licensed venues to encourage the safe, responsible and neighbourly use of fireworks within their grounds.

Councillor Rennie proposed that Members of this Committee work with officers to encourage venues to comply with a Code of Conduct outlining how they could be good neighbours to people and animals within the vicinity of their premises should they wish to set off fireworks.

The Licensing Manager informed Members that she would research and investigate the matter to draw up a Code of Conduct to share with Councillors Rennie and Lewis (as proposer and seconder of the motion) and requested that any other Councillors of this Committee who wished to be involved notify the Democratic Services Officer.

Resolved – That the motion be noted and that a nominated group of Councillors from this Committee, together with Councillors Rennie and Lewis, work together with the Licensing Manager to draw up a Code of Conduct in order that venues be encouraged in the safe, responsible and neighbourly use of fireworks within their grounds.

12 **WIRRAL AWARD 2020**

Councillor G Davies declared a non-pecuniary interest in this matter by virtue of having submitted two nominations (minute 9 refers).

Councillors A Jones, D Mitchell and C Cooke declared a non-pecuniary interest in this matter, by virtue of having been Members of the Wirral Award Working Party who considered the nominations (minute 9 refers).

A report by the Director of Law and Governance requested agreement from the Committee that the Wirral Award be conferred on the nominees as recommended by the Wirral Award Working Party held on 10 December 2020. The Wirral Award is intended to confer civic recognition upon individuals or organisations resident or located in Wirral for an outstanding achievement within the previous twelve months, or for distinguished service to the Borough over a period of twenty years or more.

It was reported that once nominations were agreed, due to the current pandemic, certificates would be issued to the successful nominees or a virtual presentation ceremony would be arranged which would be attended by The Mayor of Wirral, the Leader of the Council, Group Leaders or their nominees, the Chair and spokespersons of the Regulatory and General Purposes Committee or their nominees and the award nominees.

Members considered the recommendations of the Wirral Award Working Party and the nominations which were attached to the report as an exempt appendix.

On a motion by Councillor M Collins and seconded by Councillor S Williams it was -

Resolved –

- (1) That the Wirral Award 2020 be conferred upon those recipients recommended by the Wirral Award Working Party.**
- (2) That the recommendation to make appropriate arrangements for the presentation ceremony to take place (if possible due to the current pandemic) as set out in paragraph 3.0 of the report or to hold a virtual ceremony be approved.**

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REGULATORY PANEL

Wednesday, 11 November 2020

Present:

Councillors	G Davies	D Mitchell
	AER Jones	S Williams

Apologies

Councillor	A Hodson
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The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

1 **APPOINTMENT OF CHAIR**

In the absence of the Chair, it was –

Resolved – That Councillor A Jones be appointed Chair for this meeting.

2 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

3 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest Test had been applied and favoured exclusion.

Members of the Panel observed 2 minutes' silence at 11.00 am for Armistice Day

4 **HACKNEY CARRIAGE DRIVER LICENCE (ALJ)**

The Director of Law and Governance submitted a report for Members to consider whether Mr ALJ should continue to hold a Hackney Carriage Driver Licence.

Mr ALJ attended the meeting by way of phone call and made representations in respect of a recent complaint made against him. The complainant was also in attendance by way of phone call together with the Investigating Officer. Members questioned the complainant and Investigating Officer and also Mr ALJ.

Members considered the complaint carefully and also the response made by Mr ALJ.

Members gave due consideration to all of the representations made and exercised their rights to consider each case on its individual merits in light of the representations made. Members also had regard to the event and the accounts provided.

Resolved – That Mr ALJ be allowed to continue to hold a Hackney Carriage Driver Licence.

REGULATORY PANEL

Thursday, 26 November 2020

Present: Councillor A Hodson (Chair)

Councillors G Davies
AER Jones
S Williams

Apologies: Councillor D Mitchell

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

5 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

6 PRIVATE HIRE VEHICLE LICENCE APPLICATION - RENAULT SCENIC, REGISTRATION NUMBER NA60 PMO

The Director of Law and Governance reported upon an application received to licence a Renault Scenic, registration number NA60 PMO, beyond the normal overage date for a licensed private hire vehicle.

The proprietor of the vehicle was unable to attend the meeting.

Resolved – That the application be deferred to a future meeting of the Regulatory Panel should the applicant wish to pursue the matter.

7 PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA PRIUS, REGISTRATION NUMBER AU60 ZXW

The Director of Law and Governance reported upon an application received to licence a Toyota Prius, registration number AU60 ZXW, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 19 February 2014 and the licence expired on 25 November 2020. The date of first registration of the vehicle was 25 November 2010. The vehicle had been examined at one of the

Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel inspected photographs of the vehicle.

Resolved – That the application to licence the Toyota Prius, registration number AU60 ZXW for six months be granted.

8 PRIVATE HIRE VEHICLE LICENCE APPLICATION - TOYOTA PRIUS, REGISTRATION NUMBER PY10 EVC

The Director of Law and Governance reported upon an application received to licence a Toyota Prius, registration number PY10 EVC, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 15 October 2015 and the licence expired on 25 November 2020. The date of first registration of the vehicle was 28 May 2010. On expiry of a previous licence on 19 April 2020 an application to grant a six month licence had been granted under delegated authority. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of phone call and Members of the Panel inspected photographs of the vehicle.

Resolved – That the application to licence the Toyota Prius, registration number PY10 EVC, for six months be granted.

9 APPLICATION TO LICENSE A SEAT ARONA AS A PRIVATE HIRE VEHICLE

The Director of Law and Governance reported upon an application received to licence a Seat Arona as a Private Hire Vehicle.

In September 2017 Members of the Licensing, Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. The criteria were set out within Appendix 1 attached to the report. A copy of the vehicle brochure providing further information regarding the vehicle specification was attached as Appendix 2 to the report.

Members of the Regulatory Panel were asked to consider whether they were satisfied whether the Seat Arona complied with the Council's criteria for licensing Private Hire Vehicles and whether it was a suitable vehicle to be licensed. Should this be the case Members were further asked to consider whether to license the Seat Arona, registration number DG68 CXC as a Private Hire Vehicle. The vehicle had been examined at one of the Council's

authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of phone call and Members of the Panel inspected photographs of the vehicle.

Resolved –

- (1) That the Seat Arona be considered as a suitable vehicle to be licensed as a Private Hire Vehicle.**
- (2) That the application to licence the Seat Arona, registration number DG68 CXC as a Private Hire Vehicle be granted.**

10 **APPLICATION TO LICENSE THE RENAULT TRAFIC NX8 AS A HACKNEY CARRIAGE VEHICLE**

The Director of Law and Governance reported upon an application received to licence a Renault Trafic NX8 as a Hackney Carriage Vehicle.

At a meeting of the Licensing, Health and Safety and General Purposes Committee on 25 November 2015, Members resolved that the consideration of applications for the approval of new makes and models of vehicles to be licensed as Hackney Carriage Vehicles be delegated to the Licensing Panel. The criteria for licensing these vehicles were set out within Appendix 1 attached to the report.

Members of the Regulatory Panel were asked to consider whether they were satisfied that the the Renault Trafic NX8 complied with the Council's criteria for licensing Hackney Carriage Vehicles and that it was a suitable vehicle to be licensed. Should this be the case Members were further asked to consider whether to licence the Renault Trafic NX8, registration number PO11 FSP as a Hackney Carriage Vehicle. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs and other documentation relating to the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference, together with Mr D Cummins, Trade Union representative. Members of the Panel inspected photographs of the vehicle and the documentation relating to the vehicle.

Resolved –

- (1) That the Renault Trafic NX8 be considered as a suitable vehicle to be licensed as a Hackney Carriage Vehicle.**

(2) That the application to licence the Renault Trafic NX8, registration number PO11 FSP as a Hackney Carriage Vehicle be granted.

11 **APPLICATION TO LICENSE AN LTI TX4 AS A HACKNEY CARRIAGE VEHICLE**

The Director of Law and Governance reported upon an application received to licence an LTI TX4, registration number DK09 DCO as a Hackney Carriage Vehicle.

The proprietor of the vehicle was unable to attend the meeting, however he had requested that the matter be determined in his absence.

Members of the Regulatory Panel requested that the applicant attend the meeting in order for the matter to be considered and further information be provided.

Resolved – That the application to licence an LTI TX4, registration number DK09 DCO be deferred until a future meeting of the Regulatory Panel with the applicant in attendance.

REGULATORY PANEL

Wednesday, 16 December 2020

Present: Councillor A Hodson (Chair)
Councillors G Davies D Mitchell
AER Jones S Williams

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

12 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

13 APPLICATION TO LICENSE A FORD KUGA AS A PRIVATE HIRE VEHICLE

The Director of Law and Governance reported upon an application received to license a Ford Kuga as a Private Hire Vehicle.

In September 2017 Members of the Licensing, Health and Safety and General Purposes Committee approved criteria for licensing Private Hire Vehicles. The criteria were set out within Appendix 1 attached to the report.

Members of the Regulatory Panel were asked to consider whether they were satisfied that the Ford Kuga complied with the Council's criteria for licensing Private Hire Vehicles and whether it was a suitable vehicle to be licensed. Should this be the case Members were further asked to consider whether to license the diesel fuelled Ford Kuga, registration number SD16 HLV as a Private Hire Vehicle. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs and a video of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel had inspected photographs of the vehicle.

Resolved –

- (1) That the Ford Kuga be considered as a suitable vehicle to be licensed as a Private Hire Vehicle.
- (2) That the application to license the Ford Kuga, registration number SD16 HLV as a Private Hire Vehicle be granted.

14 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - FORD FOCUS, REGISTRATION NUMBER LM10 ADV**

The Director of Law and Governance reported upon an application received to re-license a Ford Focus, registration number LM10 ADV, beyond the normal overage date for a licensed private hire vehicle. The vehicle had been licensed as a Private Hire Vehicle since 20 February 2018 and the current licence was due to expire on 16 December 2020. The date of first registration of the vehicle was 16 June 2010. On expiry of a previous licence on 16 June 2020 an application to grant a six month licence had been granted under delegated authority. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel inspected photographs of the vehicle.

Resolved – That the application to license the Ford Focus, registration number LM10 ADV, as a Private Hire Vehicle for six months be granted.

15 **APPLICATION TO LICENSE AN LTI TX4 AS A HACKNEY CARRIAGE VEHICLE**

The Director of Law and Governance reported upon an application received to licence an LTI TX4, registration number DK09 DCO as a Hackney Carriage Vehicle.

Members were advised that the proprietor of the vehicle wished to withdraw the application.

Resolved – That this matter be withdrawn.

REGULATORY PANEL

Friday, 29 January 2021

Present:

Councillors	G Davies	D Mitchell
	AER Jones	S Williams

Apologies Councillor A Hodson

The Chair announced that this meeting was being held virtually, was being webcast and a record would be retained.

16 **APPOINTMENT OF CHAIR**

In the absence of the Chair, it was –

Resolved – That Councillor A Jones be appointed Chair for this meeting.

17 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

18 **APPLICATION TO LICENSE A MERCEDES VITO AS A HACKNEY CARRIAGE VEHICLE**

The Director of Law and Governance reported upon an application received to license a Mercedes Vito, registration number LC11 MSY as a Hackney Carriage Vehicle.

The current criteria that a Hackney Carriage Vehicle must comply with before being granted a licence were outlined within the report.

It was reported that the applicant was the proprietor of a Hackney Carriage Vehicle, namely a Peugeot E7 until 10 May 2020 when the licence expired and that he had been unable to renew the licence as he was shielding due to the current pandemic. It was further reported that the applicant had purchased a new vehicle, the date of first registration is 25 November 2011 which was newer than the vehicle that was previously licensed and had applied for the grant of a new licence.

The proprietor of the vehicle attended the meeting by way of phone call. Members of the Panel had inspected photographs of the vehicle and the documentation relating to the vehicle.

Resolved –

- (1) That the application to license the Mercedes Vito, Registration Number LC11 MSY as a Hackney Carriage Vehicle be granted for six months.**
- (2) That matching wheel trims be fitted to the vehicle prior to the licence being issued.**

19 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - CITROEN RELAY, REGISTRATION NUMBER NJ60 OAE**

The Director of Law and Governance reported upon an application received to re-license a Citroen Relay, registration number NJ60 OAE, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 6 August 2018 and the current licence was due to expire on 5 February 2021. The date of first registration of the vehicle was 17 September 2010. On expiry of a previous licence on 5 August 2020 an application to grant a six month licence had been granted under delegated authority. The vehicle was used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational establishments. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel had inspected photographs of the vehicle.

Resolved – That the application to license the Citroen Relay, registration number NJ60 OAE, as a Private Hire Vehicle be granted for six months.

20 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - IVECO DAILY, REGISTRATION NUMBER WA60 EWG**

The Director of Law and Governance reported upon an application received to re-license an Iveco Daily, registration number WA60 EWG, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 31 August 2018 and the current licence expired on 20 December 2020. The date of first registration of the vehicle was 20 December 2010. The vehicle was used to undertake work exclusively under and in strict accordance with the terms and conditions of a contract issued by the Council to transport children to and from educational

establishments. The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of phone call and Members of the Panel had inspected photographs of the vehicle.

Resolved – That the application to license the Iveco Daily, registration number WA60 EWG, as a Private Hire Vehicle be granted for six months.

21 **PRIVATE HIRE VEHICLE LICENCE APPLICATION - VAUXHALL ZAFIRA, REGISTRATION NUMBER DK11 UHG**

The Director of Law and Governance reported upon an application received to re-license a Vauxhall Zafira, registration number DK11 UHG, beyond the normal overage date for a licensed Private Hire Vehicle. The vehicle had been licensed as a Private Hire Vehicle since 16 February 2015. The proprietor of the vehicle had applied to renew the Private Hire Vehicle Licence on 16 January 2021, the date of the first registration of the vehicle is 1 March 2011, therefore the licence had been granted to expire on 1 March 2021 when the vehicle reaches 10 years old. The applicant had requested that the licence be extended to 15 July 2021.

The vehicle had been examined at one of the Council's authorised testing stations and the pass certificate was available for Members together with photographs of the vehicle.

The proprietor of the vehicle attended the meeting by way of video conference and Members of the Panel had inspected photographs of the vehicle.

Resolved – That the application to license the Vauxhall Zafira, registration number DK11 UHG, as a Private Hire Vehicle be granted for six months.

22 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The Public Interest Test had been applied and favoured exclusion.

23 **PRIVATE HIRE DRIVER LICENCE (AB)**

The Director of Law and Governance submitted a report for Members to consider whether Ms AJB should continue to hold a Private Hire Driver Licence.

Ms AJB attended the meeting by way of video conference and made representations. Members questioned Ms AJB.

Members considered carefully the representations made by Ms AJB.

In determining the matter Members also gave serious consideration to their overriding responsibility in respect of the protection and safety of the public. The Panel applied the principle of proportionality enshrined within the Human Rights Act 1998 and considered that in seeking to ensure the legitimate aim of the protection and safety of the public, a revocation of the licence with immediate effect was justified in the circumstances.

Resolved – That, in the interests of public safety, Ms AJB’s Private Hire Driver Licence be revoked with immediate effect.



REGULATORY AND GENERAL PURPOSES COMMITTEE

23 MARCH 2021

REPORT TITLE	DEPARTMENT FOR TRANSPORT – STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to advise the Committee of the publication of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards document attached in Appendix 1 of this report and to seek approval of proposed actions in response to its recommendations.

This matter affects all Wards within the Borough.

RECOMMENDATIONS

It is recommended that the Regulatory and General Purposes Committee:-

1. Approve the proposed actions as set out in Table A attached in Appendix 2 of this report which provides a response to the recommendations contained within the Statutory Taxi and Private Hire Vehicle Standards document;
2. Approve the proposed revisions to the Council's Statement of Policy and Guidelines relating to the relevance of convictions when considering applications for Hackney Carriage and Private Hire Licences attached in Appendix 3 of this report; and
3. Authorise the Licensing Manager to amend current conditions and criteria in accordance with the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards document and undertake consultation on the adoption of the matters set out at paragraph 3.14 of this report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Department for Transport expects all Licensing Authorities to implement the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards (the document) unless there is compelling local reason not to do so.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Licensing Authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of relevant law. Therefore the council may determine that none or only part of the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards should be adopted. However, there is a risk that these standards would be cited 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.

3.0 BACKGROUND INFORMATION

- 3.1 The Policing and Crime Act 2017 (the Act) enables the Secretary of State for Transport to issue Statutory Guidance on exercising Taxi and Private Hire licensing functions to protect children and vulnerable adults from harm when using these services. Section 177(4) of the Act places a statutory duty upon any public authority which has licensing functions under taxi and private hire vehicle legislation to have regard to any such guidance. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes.
- 3.2 On 20 March 2019 a report was presented to this Committee which noted the Government's intention to introduce new Statutory Standards for Taxi Licensing and the Licensing Manager was given delegated authority to provide a response to the consultation in respect of what were at the time draft Taxi and Private Hire Vehicle Standards.
- 3.3 In accordance with the provisions within the Act, the Department for Transport (DfT) published the final Statutory Taxi and Private Hire Vehicle Standards in July 2020. This document is attached in Appendix 1 to this report.
- 3.4 The Statutory Taxi and Private Hire Vehicle Standards have been issued in light of evidence that taxis and private hire vehicles are viewed as a high-risk environment, specifically in terms of risks to passengers. It is reported in the document that this can be seen in the abuse and exploitation of children and vulnerable adults, facilitated and, in some cases, perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and are an ongoing issue.

- 3.5 The standards within the document have been developed to address the safeguarding of the public, in particular children and vulnerable adults. It is emphasised within the document that the importance of considering these standards cannot be overstated. The recommendations set out in the document are the result of detailed discussion with the trade, regulators and safety campaign groups.
- 3.6 It is a requirement that all licensing authorities should publish their consideration of the measures contained in the 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).
- 3.7 The Licensing Manager has reviewed the Licensing Authority's current conditions and criteria for licensing Hackney Carriage and Private Hire Drivers and Vehicles as well as Private Hire Operators against the DfT's Standards and the result of this review is set out in Table A attached in Appendix 2 to this report. Alongside each of the DfT's recommendations is a summary of the Licensing Authority's current position and any proposed action in response to the DfT's recommendation. Where possible an estimated timescale to complete the proposed action has been given.
- 3.8 A significant number of the DfT's Standards are already in place, due to work completed and policies already introduced by the Licensing Authority. Recommendations contained within the document which are not currently in place and which will require addressing include the following:
- A single and cohesive Taxi and Private Hire Licensing policy document;
 - The requirement for a Register to be kept by Private Hire Operators of their booking / despatch staff. Basic DBS checks to be made of such staff by the operators and prescriptive records to be maintained by Operators;
 - Oral and written English Language proficiency tests for drivers;
 - Reduction of the time period for notification of the investigation into offences by licence-holders from 72 hours to 48 hours;
 - Mandatory Basic DBS checks for Private Hire and Hackney Carriage Vehicle proprietors;
 - Mandatory annual Basic DBS checks for Private Hire Operator licence holders who do not hold a Private Hire or Hackney Carriage Driver Licence;
 - A requirement for Private Hire Operators to advise the Licensing Authority of any change in Directors or Partners of the business
 - Mandatory subscription by driver licence holders to the Disclosure and Barring Service (DBS) Update service;

- Twice yearly Disclosure and Barring Service (DBS) checks for licensed drivers;
- A stricter policy in respect of the consideration of previous convictions held by applicants for Hackney Carriage and Private Hire Driver Licences which would require applicants to show longer conviction-free periods than the Council currently requires;
- The responsibility of the Licensing Authority to refer individuals to the DBS for consideration to be added to the barred lists in certain circumstances, e.g. where it is believed the individual presents a risk of harm to a child and/or vulnerable adult;
- Multi-agency working between the Licensing Authority, the Police and the MASH team;
- Introduction of CCTV in licensed vehicles; and
- The authorisation of enforcement officers in other adjoining authorities

3.9 The purpose of the Statutory Taxi and Private Hire Vehicle Standards is to offer greater consistency across the country particularly on safeguarding children and vulnerable adults. Whilst some of the proposed actions will take time to deliver, as set out in Table A in Appendix 2 of this report, due to the need to consult with interested parties, there are others which can be implemented without the need for consultation, subject to the Committee's approval.

3.10 The Committee is invited to approve the revised Convictions Policy set out in Appendix 3 of this report. The amendments to this Policy are highlighted in bold and follow the DfT's recommendations. Table B attached in Appendix 4 of this report provides details of the current time periods that should elapse following a conviction before a licence will be granted alongside the proposed timescales. If approved, it is proposed that the revised Convictions Policy will replace the current policy with immediate effect.

3.11 The Committee is also being asked to approve the following amendments to the current licensing criteria and conditions where they do not match the DfT's Standards:

- The time period for notification of any investigation into offences by licence-holders to be amended to 48 hours;
- Oral and written English Language proficiency tests to be a requirement for applicants for Private Hire and Hackney Carriage Driver Licences;

- Authorisation be given to the Licensing Manager to refer individuals to the DBS for consideration to be added to the barred lists in certain circumstances; and
- Mandatory annual basic DBS checks be a requirement for Private Hire and Hackney Carriage Vehicle Proprietors and Operators who do not hold a Private Hire or Hackney Carriage Driver licence. If the applicant is a limited company this will apply to all individuals listed in an executive position on the Companies House Public Register.

3.12 If approved, it is proposed that the revised criteria or amended conditions will have effect, in respect of new applicants, 28 days from the date of approval, in respect of current licence holders, within 28 days of the notification of approval.

3.13 The recommendations relating to Private Hire Operator conditions contained within the Statutory Taxis and Private Hire vehicle Standards have been consulted upon and are subject to a separate report to this Committee.

3.14 The Committee is requested to authorise the Licensing Manager to undertake consultation in respect of the following recommendations contained within the Statutory Taxis and Private Hire Vehicle Standards document;

- Mandatory subscription to the Disclosure and Barring Service (DBS) Update service;
- Twice yearly Disclosure and Barring Service (DBS) checks for licensed drivers; and
- The introduction of CCTV in licensed vehicles

4.0 FINANCIAL IMPLICATIONS

4.1 There will be cost implications to undertaking consultation in respect of some of the recommendations within the Statutory Taxis and Private Hire Vehicles Standards. These costs are not available at this time. The costs of administering the licensing regime are recovered by the licensing fees charged to the Taxi and Private Hire trades.

5.0 LEGAL IMPLICATIONS

5.1 The Statutory Taxis and Private Hire Vehicles Standards have been issued under the Policing and Crime Act 2017 and came into effect on 20 July 2020.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 The implementation of the recommendations within the Statutory Taxis and Private Hire Vehicle Standards will impact on the staffing resource within the Licensing service. This will be kept under review. The costs of administering the licensing regime are recovered by the licensing fees charged to the Taxi and Private Hire trades.

7.0 RELEVANT RISKS

- 7.1 The Department for Transport expects the recommendations within the Statutory Taxis and Private Hire Vehicle Standards to be implemented unless there is a compelling local reason not to, there is a risk that the Council could be open to challenge if the new statutory guidance is not followed without sufficient justification. Adhering to the new statutory guidance will mitigate against any challenge to the Council's licensing regime. Failure to adopt the recommendations without good reason could put children and vulnerable adults at risk of harm should the Council not have in place a robust regime of testing the fitness and propriety of those working in the Hackney Carriage and Private Hire industry.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 This report requests the Committee authorise the Licensing Manager to undertake consultation on the adoption of certain recommendations contained within the Statutory Taxis and Private Hire Vehicle Standards where necessary.

9.0 EQUALITY IMPLICATIONS

- 9.1 The Statutory Taxis and Private Hire Vehicle Standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area. The adoption of recommendations made in this document will therefore have a positive impact on equality and diversity specifically for vulnerable individuals and children.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 Whilst Private Hire Vehicles contribute to harmful emissions including particulate matter, hydrocarbons and carbon monoxide which can be harmful to health there are no specific or anticipated environmental and climate implications that arise as a result of this report.

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APPENDICES

- Appendix 1 Statutory Taxis and Private Hire Vehicle Standards
- Appendix 2 Table A – Table setting out comparison between Standards and local policy inclusive of proposed actions
- Appendix 3 Revised Statement of Policy and Guidelines relating to the relevance of convictions when considering applications for Hackney Carriage and Private Hire Licences
- Appendix 4 Table B - Table setting out the proposed changes made to the existing Statement of Policy and Guidelines relating to the relevance of convictions when considering applications for Hackney Carriage and Private Hire Licences

BACKGROUND PAPERS

Letter from the Secretary of State issued with the Statutory Taxi and Private Hire Vehicle Standards

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	20 March 2019

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Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 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 expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 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.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 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. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “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.
- 2.8 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).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 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.
- 3.2 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.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 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 significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when 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.
- 3.7 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; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. 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 effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

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, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **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.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

Consultation at the local level

- 3.12 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. 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.
- 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 regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to 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 implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 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. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that 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. Whilst data protection legislation (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.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 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.
- 4.11 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.**

Licensee self-reporting

- 4.12 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. 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, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **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.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. 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.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, 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. **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.** 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.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. 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 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.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 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.

Complaints against licensees

4.29 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. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

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.

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. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective 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.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 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 circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. 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. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** 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 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. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

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 must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, 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.

5.7 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. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 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. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

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 of day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 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.

Criminal convictions and rehabilitation

- 5.15 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, 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.

- 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.
- 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.

6. Driver Licensing

Criminality checks for drivers

- 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. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 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 (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 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.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **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.** 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.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 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. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 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:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

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.

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.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). 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.

7.3 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.

7.4 A 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 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.

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.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 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.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 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 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).

Stretched Limousines

- 7.14 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. 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 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.
- 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, 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, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). 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.

8.3 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

8.4 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 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.

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.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 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. **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.**
- 8.9 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. 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.
- 8.10 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.
- 8.11 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 evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 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.

Record keeping

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. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- 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.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 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. **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.

- 8.17 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.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 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. An agreement between licensing authorities to jointly authorise officers enables the use 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. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 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. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 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.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most 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 or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, 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. 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.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

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 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.	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 review their licensing policies every five years , but should also consider interim reviews 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 engage with their police force to ensure that when	Agreed - Merseyside Police do provide	No further action required at this time other than to remind	With immediate effect

			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.	Duration of Licences	3.7	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; they should not be issued on a 'probationary' basis.	Agreed – Wirral does not issue probationary licences.	No action required.	Not applicable as no action required
5.	Whistle-blowing	3.8 & 3.10	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 effective internal procedures 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

6.	Local Consultation	3.12	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. 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 regional officer consultation groups or, more formally, councillor liaison meetings ; 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	Any changes in licensing requirements should be followed by a review of the licences already issued. 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

			<p>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 implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.</p>	<p>changes to licensing rules in an appropriate, pragmatic and reasonable manner whilst also recognising that public safety is the overriding concern</p>	<p>the introduction of any new requirements</p>	<p>change that is introduced</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 68</p>		<p>3.15</p>	<p>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. Licensing authorities should record the reasons for any deviation from the policies in place.</p>	<p>Agreed – Any decision to act outside of policy is made by Members and duly recorded</p>	<p>No further action required at this time</p>	<p>Not applicable as no action required</p>
<p>10.</p>	<p>DBS Checks</p>	<p>4.4</p>	<p>It should be noted that 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. Whilst data protection legislation</p>	<p>Agreed – Wirral does not seek to circumvent the DBS process</p>	<p>No further action required at this time</p>	<p>Not applicable as no action required</p>

			(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.	Common Law Police Disclosure	4.9 – 4.11	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. 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.	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.	Licensee Self-reporting	4.12	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	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

			<p>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. 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, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.</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.	<p>Referrals to the DBS</p>	<p>4.14 – 4.15</p>	<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 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. 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>

			<ul style="list-style-type: none"> • an individual has harmed or poses a risk of harm to a child or vulnerable adult; • an individual has satisfied the “harm test”, or • received a caution or conviction for a relevant offence and; <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 vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. 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, a revocation or refusal on public safety grounds should also be advised to the police.</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

				refusal on public safety grounds		
16.	Sharing Licensing Information with other LAs	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. 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.	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 application forms that making a false statement or omitting to provide the information requested may be a criminal offence.	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 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. For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or	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

			revocation 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, authorities must consider each application on its own merits and with regard to its own policies.			
19.	Multi-Agency Safeguarding Hubs (MASHs)	4.26 – 4.28	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.	Complaints against licensees	4.29	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 compliant, may be indicative of characteristics that raise doubts over the suitability to hold a licence. All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees. 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

			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 produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. 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.	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

				obtain information from them		
23.		4.32	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.	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.	Overseas Convictions	4.34 – 4.36	Licensing authorities should seek or require applicants to provide where possible criminal records information or a ‘Certificate of Good Character’ from overseas 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.	Administration	5.2	Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced 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.	Training Decision Makers	5.3	All individuals that determine whether a licence is issued should be required to undertake sufficient training. 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

			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"> • policies should be used as internal guidance, and should be supported by a member/officer code of conduct. • any implications of the Human Rights Act should be considered. • the rules of natural justice should be observed. • decisions must be reasonable and proportionate. • where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors. • decision makers must avoid bias (or even the appearance of bias) and predetermination. <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

			must leave the room for the duration of the discussion or vote.			
29.	Regulatory Structure	5.6 – 5.7	It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters , 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.		5.10	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.		5.11	All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate	Agreed – Wirral currently operates such	No further action required at this time	Not applicable as no action required

			revocation of a licence. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.	procedures		
32.	Fit and Proper Test	5.12 – 5.14	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.	Criminal convictions and rehabilitation	5.15	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, 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	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

			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.	Criminality checks for drivers	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>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.</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, 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. 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

36.	Safeguarding Awareness	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.	‘County lines’ exploitation	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"> • Children and young people travelling in taxis or private hire vehicles alone; • travelling at unusual hours (during school time, early in the morning or late at night); • travelling long distances; • unfamiliar with the local area or do not have a local accent; • paying for journeys in cash or prepaid. 	Agreed – Wirral currently has such procedures in place.	Develop the delivery of remote safeguarding training	2 months – May 2021
38.	Language proficiency	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 licensing authority’s test of a driver’s proficiency should cover both oral and written English language skills to achieve the objectives stated above.	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

<p>39.</p>	<p>Criminality checks for vehicle proprietors</p>	<p>7.2 – 7.4</p>	<p>Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). 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.</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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			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	All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV	Wirral currently has no requirement	The issue of CCTV in licensed vehicles is complex both	Six – twelve months to carry out the

			<p>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>mandating the use of CCTV in licensed vehicles</p>	<p>technically and legally. Any consultation document will need careful preparation and liaison with other authorities who have mandated CCTV in vehicles</p>	<p>consultation process dependent upon officer resources</p>
42.		<p>Annex – CCTV Guidance</p>	<p>It is important to note that, in most circumstances, 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. 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.</p>	<p>Wirral currently has no requirement mandating the use of CCTV in licensed vehicles</p>	<p>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.</p>	<p>Six – twelve months to carry out the consultation process dependent upon officer resources.</p>
43.		<p>7.13</p>	<p>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</p>	<p>Wirral currently has no requirement mandating the</p>	<p>Wirral recognize that the issue of CCTV in licensed vehicles is complex</p>	<p>Six – twelve months to carry out the consultation</p>

			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.	Stretched Limousines	7.14	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. 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 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

			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, 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 , 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.	Criminality checks for private hire vehicle operators	8.2 – 8.4	Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). 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’	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>threshold.</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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			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. Licensing authorities should, as a condition of granting an operator licence, require a	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

			register of all staff that will take bookings or dispatch vehicles is kept.	include this requirement		
49.		8.9	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. 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
50.		8.10	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

51.		8.11	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 evidence that comparable protections are applied by the company to which they outsource these functions.	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	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.	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.	Record Keeping	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. Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking: <ul style="list-style-type: none"> • the name of the passenger; • the time of the request; 	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

			<ul style="list-style-type: none"> • 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. 			
54.	Use of passenger carrying vehicles (PCV) licensed drivers	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. 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>	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.	Joint authorisation of enforcement officers	9.2	<p>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. 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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Statement of Policy and Guidelines relating to the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Licences

This Policy has been produced having regard to the Statutory Taxi and Private Hire Vehicle Standards issued pursuant to the Policing and Crime Act 2017 as well as guidance published by the Institute of Licensing, April 2018. The purpose of this policy is to explain how the Council will carry out its licensing functions when considering one aspect of whether an applicant is a fit and proper person to hold a licence.

Decision Making

The powers of the Council will be exercised in accordance with the Council's Constitution. Each application for a licence will be considered on its merits, and the Council will provide reasons when an application is refused.

DRAFT MARCH 2021

1 INTRODUCTION

- 1.1 The function of licensing is the protection of the public and the Council has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey passengers in safety.
- 1.2 The overriding aim of any Council when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Private Hire Operators (“operators”), must be the protection of the public and others who use, or can be affected by, Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the Council that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee, panel, or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 Licences for drivers, proprietors and operators of Hackney Carriages and Private Hire Vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
- 1.6 This document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person, namely the situation where a person has committed a criminal offence.
- 1.7 This document aims to provide guidance to any person with an interest in public hire and private hire licensing. In particular, but not exclusively:
- **Applicants for Private Hire and Hackney Carriage Licences (drivers, vehicles, and operators)**
 - Licensing Officers
 - Members of the **Regulatory Panel**
 - **Courts** hearing appeals against local authority decisions
- 1.8 This guidance will be used for the determination of **applications** in relation to Hackney Carriage Drivers and Private Hire Drivers, **Hackney Carriage and Private Hire Vehicles and Private Hire Operator Licences**.
- 1.9 Where Licensing Officers have delegated powers to grant licences they will utilise these guidelines when making a decision to grant a licence. **In all cases where applicants fall outside of this policy** applications for licences will be referred to the **Regulatory Panel** (the Panel). Whilst Officers and the Panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Panel may depart from the guidelines. **In such cases the Panel will give reasons for this departure**. Offences not specifically identified in these guidelines may also be considered depending on the circumstances.
- 1.10 In exercising its powers the Council must ensure:

- That a person is a fit and proper person
- That a person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safeguarding of children, young and vulnerable persons

2 DISCLOSURE AND BARRING SERVICE (DBS) CRIMINAL RECORD CHECK

- 2.1 **In respect of applications for Hackney Carriage and Private Hire Driver licences** the Council can consider all convictions, including spent convictions as appropriate, in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.
- 2.2 The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is **a fit and proper person to hold a licence**.
- 2.3 Information received from the Disclosure and Barring Service (DBS) will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary, and in any event will be destroyed in accordance with the requirements of the Data Protection Act **2018** and in accordance with good practice after the application is determined or any appeal against such determination is decided.
- 2.4 The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a **licence**. **In respect of driver applications** the Council will consider all information on an enhanced DBS and will take a serious view of any special Police warnings contained therein. Whether or not an applicant will be granted a licence will depend upon whether or not they can satisfy the Council that they are a fit and proper person to hold such a licence.
- 2.5 The Council may not be satisfied that an applicant is a fit and proper person to hold a **licence** for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
- 2.6 In considering evidence of an applicant's good character and fitness to hold a **licence**, where previous offences or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, the date of offence, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant.

3 FAILURE TO DISCLOSE A CONVICTION

- 3.1 When completing an application form for a Private Hire or Hackney Carriage Driver Licence it is an absolute requirement:
- To disclose **ALL** offences, including driving offences and all spent convictions, cautions, Police warnings and reprimands, and fixed penalties in the relevant box on the application form
 - To inform the Council if you are under investigation in respect of any criminal offence, if you are on police bail pending the outcome of a police investigation or whether any criminal proceedings in the Magistrates, Crown Court or other Tribunal/Court have been commenced against you

- To inform the Council if you have had any anti-social behaviour orders (or other orders/injunctions made by a court) issued against you, including details of any sentences upon breach relating to anti-social behaviour.

3.2 Failure to fully disclose any of these matters may lead to an application being refused and to a prosecution.

3.3 The Council has a responsibility to protect the public and, in this regard, may use information provided to prevent and detect fraud, to enforce legislation and to comply with statutory obligations, and may share the information, for the same purposes, **with other services within the Council as well as** other organisations.

Please contact us by emailing taxilicensing@wirral.gov.uk if you would like to discuss your application in confidence.

4 REGULATORY PANEL

4.1 In circumstances where an applicant has convictions which are outside of the timeframes referred to in this guidance and/or if there are any concerns about an applicant being 'fit and proper', the application will be referred to the **Regulatory** Panel who will consider the application. Applicants will be advised of the procedure which will enable their attendance before **the Panel** and they will be able to attend the Panel to put their case forward. Any person refused a licence has a right of appeal to the Magistrates' Court against the Council's decision within 21 days of being notified of the Council's decision.

4.2 Each applicant referred to **the Panel** will be considered on their individual merits. In those circumstances **the Panel** will decide whether the applicant is a fit and proper person to hold a licence. In certain cases, the Panel may consider it appropriate to grant a licence before the relevant period has elapsed, for instance where an offence is isolated and the circumstances of its commission are such that the Panel consider it is not relevant to the applicant's **suitability to hold a licence**. Alternatively, the Panel may consider that, notwithstanding the applicant being free of offences for the relevant period, it would not be appropriate to grant a licence.

4.3 The overriding consideration of the Panel will always be to protect the public. Applicants should be aware that the grant of a licence places a significant responsibility on the holder which by the nature of **the contact** with members of the public requires the holder to be a person proven to be capable of fulfilling the trust placed in them by the hirers of vehicles.

4.4. **Holding a Hackney Carriage or Private Hire Licence** is a responsible position and the Panel takes its public protection role very seriously. The Panel will only issue a licence if satisfied that a person is 'fit and proper'. If in doubt then a licence will not be issued.

4.5 **When considering applications for Hackney Carriage and Private Hire Driver Licences** the Panel can consider all criminal offences, including spent convictions and will also take into consideration cautions, police warnings and reprimands, fixed penalties and any anti-social order (or other order) issued by a court. The Panel will also consider factors such as whether someone is on police bail pending the outcome of an investigation or whether any criminal proceedings in a court have commenced.

4.6 Whilst an applicant may have a number of offences that, individually, meet the Council's policy guidelines, the overall offending history will be considered when assessing suitability for a licence. The Panel may depart from these guidelines at its discretion subject to the

circumstances. The policy guidelines provide a general guide to **applicants** on various types of offences.

5 GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS

- 5.1 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for **licences**.
- 5.2 The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an **application**.
- 5.3 If an applicant has a conviction for an offence not covered by the guidelines, regard will be had to the nature of the offence, the date of offence, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant when deciding whether to grant an application. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.
- 5.4 An applicant with a current criminal conviction will not be permanently barred from obtaining a licence, but an applicant will generally be expected to be free from convictions for a number of years, depending on the nature of their particular offences, before a licence will be issued. Each case will be decided on its own merits.
- 5.5 Multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which may be taken into account despite being outside the timeframes referred to in these guidelines. Such cases will generally be referred to the **Panel**.
- 5.6 **For the purpose of clarity, reference in these guidelines to “the completion of any sentence” shall be taken to mean the completion of any Community Order, or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court whether or not the term of imprisonment was suspended), whichever is later.**

6 SEXUAL AND INDECENCY OFFENCES

- 6.1 **Where an applicant has a conviction for any offence involving, or connected with, illegal sexual activity a licence will not be granted. In addition, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.**

7 VIOLENT OFFENCES

- 7.1 **Where an applicant has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed. Where an applicant has committed more than one violent offence then the application will be refused.**

Where an applicant has a conviction for violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since either the date of the offence, the date of conviction, or the completion of any

sentence imposed, whichever is later. Given the range of offences that involve violence the Council will carefully consider the nature of the offence and the sentence imposed when determining an application.

8 POSSESSION OF A WEAPON

- 8.1 **Where an applicant has a conviction for possession of a weapon or any weapon related offence, a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.**

9 PUBLIC ORDER OFFENCES

- 9.1 **Where an applicant has a conviction for a public order offence a licence will not be granted until at least 5 years have elapsed from the date of the offence, the date of conviction or the completion of any sentence imposed, whichever is later.** An applicant with more than one such offence in the previous 10 years will be expected to show a period of at least 7 years free of such offences from either the offence, the date of conviction, **the date of conviction or the completion of any sentence imposed, whichever is later.**

10 DRUG OFFENCES

- 10.1 A serious view is taken of any drug related offence, in particular offences involving possession with intent to supply.
- 10.2 Where an applicant has committed an offence relating to the supply of drugs, or for the production or cultivation of drugs, **a licence will not be granted until a period of at least 10 years have elapsed** from either the offence, **the date of conviction or the completion of any sentence imposed, whichever is later.**
- 10.3 Where an applicant has committed an offence for **possession of drugs** or relating to the possession of drugs a licence **will not be granted until at least 5 years have elapsed** from either the offence, **the date of conviction, or the completion of any sentence imposed, whichever is later.**
- 10.4 If there is evidence of persistent drug use or dependency a specialist medical examination or a drugs test may be required at the applicant's expense. If an applicant was an addict then they would generally be required to show evidence of **at least 7 years** free from drug taking after detoxification treatment.

11 DISHONESTY OFFENCES

- 11.1 **Licence holders** are expected to be honest and trustworthy. Drivers deal with cash transactions and valuable property may be left in their vehicles. Drivers often deliver unaccompanied property which gives an idea of the trust that is placed in licensed drivers. It would also be reasonably easy for a dishonest driver to defraud the public by demanding more than the legal fare. For all these reasons, a serious view is taken of any offence involving dishonesty. **Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.**

12 PERVERTING THE COURSE OF JUSTICE

12.1 Where an applicant has a conviction for any offence where perverting the course of justice is an element of the offence, a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

13 DISCRIMINATION

13.1 Where an applicant has a conviction involving, or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

14 EXPLOITATION

14.1 Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes but is not limited to the following: slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse.

15 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING OFFENCES

15.1 Where an applicant has been convicted of an offence concerned with or connected to Hackney Carriage or Private Hire activity a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

16 MOTORING OFFENCES

16.1 An applicant's driving record will be taken into account when considering applications for driver licences. The Council will consider the nature and volume of motoring offences when considering applications. Hackney Carriage and Private Hire Drivers are professional drivers charged with the responsibility of carrying the public, and as such a higher standard of driving is expected compared to other road users. Multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally. A poor record of driving will raise doubts about an applicant's fitness and indicate a disregard for the law.

16.2 When considering motoring offences the Council will consider the nature and seriousness of the offence(s) and will have regard to the following categories of offences.

16.3 DRIVING OFFENCES INVOLVING LOSS OF LIFE

16.3.1 An extremely serious view is taken of a driving offence resulting in the loss of life. Such offences include causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, or other similar offences. In such circumstances an application **will not be granted**.

16.4 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

16.4.1 A serious view is taken of any motoring offence for driving, attempting to drive, being in charge of a motor vehicle whilst under the influence of alcohol or drugs, and failure to supply a specimen. **Where an applicant has a conviction for drink driving or driving under the influence of drugs a licence will not be granted until at least 7 years have elapsed since either the date of the offence, the date of conviction, the completion of any sentence imposed, or the completion of a driving disqualification, whichever is later.** An applicant with more than one offence of this type will not be granted a licence.

16.5 SERIOUS MOTORING OFFENCES

16.5.1 Generally, the Council **classes a serious motoring offence as having occurred** when 6 or more penalty points have been imposed on a DVLA driving licence in respect of any single offence. However, some offences where less than 6 penalty points are imposed may, subject to the circumstances, be classed as a serious offence. Types of offences classed as a serious offence **can include, but are not limited to**, driving without insurance, dangerous driving, failure to stop after an accident and a driving disqualification under the 'totting up' procedure.

16.5.2 **Where an applicant has a conviction for a serious motoring offence, a licence will not be granted until at least 7 years have elapsed since either the date of the offence, the date of conviction, the completion of any sentence imposed, or the completion of a driving disqualification, whichever is later.**

16.6 USING A HAND-HELD DEVICE WHILST DRIVING

16.6.1 **Where an applicant has a conviction for using a hand-held mobile telephone or hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since either the date of the offence, the date of conviction, the completion of any sentence imposed, or the completion of a driving disqualification, whichever is later.**

16.7 MINOR MOTORING OFFENCES

16.7.1 **A minor motoring or vehicle related offence is considered to be one which does not involve the loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has not resulted in injury to any person or damage to any property including another vehicle and will normally result in less than 6 penalty points being imposed on a DVLA driving licence.**

16.7.2 **Where an applicant has 7 or more points on their DVLA driving record for minor motoring or similar offences a licence will not be granted until at least 5 years have elapsed since either the date of the offence, the date of conviction, the completion of any sentence imposed, or the completion of a driving disqualification, whichever is later.**

If you have any queries regarding your application please contact us by email at taxilicensing@wirral.gov.uk

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 Department for Transport's recommendations on the assessment of previous convictions and the current considerations set out in Wirral's Statement of Policy and Guidelines relating to the relevance of convictions when considering applications for Hackney Carriage and Private Hire Licences.

Item No.	Topic	Standard Paragraph No.	Key extracts from the Standards	Current Policy	Proposed Action in response to the Standards	Estimated Timescale for Action
1.		5.16 – 5.17 and Annex Assessment of Previous Convictions	<p>Annexed to the document are the Department's recommendations on the 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. 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>Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration</p>	Wirral currently operates a detailed policy concerning applicants / licence holders with convictions which has built into it the need for each matter to be considered on its own merits	That the details of the current Convictions Policy be amended to make it consistent with the Department's Statutory Guidance	Present a report to the Regulatory and General Purposes Committee March 2021

			<p>of their application. Where a period is given it should be taken to be a minimum in considering whether a licence should be granted or renewed in most 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 or retain a licence.</p>			
2.		Annex Assessment of Previous Convictions	<p>Crimes resulting in death</p> <p>Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.</p>	Will generally be refused	That the details of the current Convictions Policy be amended to make it consistent with the Department's Statutory Guidance	Present a report to the Regulatory and General Purposes Committee March 2021
		Annex Assessment of Previous Convictions	<p>Exploitation</p> <p>Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.</p>	The current policy does not specifically address the various crimes involving exploitation (although sexual abuse crimes are covered within the section relating to Sexual Offences).	That the details of the current Convictions Policy be amended to make it consistent with the Department's Statutory Guidance	Present a report to the Regulatory and General Purposes Committee March 2021
4.		Annex Assessment of Previous Convictions	<p>Offences involving violence against the person</p> <p>Where an applicant has a conviction for an</p>	An applicant who has committed a violent offence	That the details of the current Convictions Policy be amended to make it consistent	Present a report to the Regulatory and General Purposes

			<p>offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p>	<p>will generally not be licensed until a period of at least five years has passed since either the offence or date of conviction, if a term of imprisonment was imposed, ten years free from the end of the term of imprisonment</p>	<p>with the Department's Statutory Guidance</p>	<p>Committee March 2021</p>
Page 103		<p>Annex Assessment of Previous Convictions</p>	<p>Possession of a weapon Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p>	<p>An applicant with such an offence on their record, depending on the circumstances, will generally be refused a licence for a period of at least five years</p>	<p>That the details of the current Convictions Policy be amended to make it consistent with the Department's Statutory Guidance</p>	<p>Present a report to the Regulatory and General Purposes Committee March 2021</p>
6.		<p>Annex Assessment of Previous Convictions</p>	<p>Sexual offences Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who</p>	<p>Applicants who have committed an offence at any time for indecent exposure, indecent</p>	<p>That the details of the current Convictions Policy be amended to make it consistent with the Department's Statutory Guidance</p>	<p>Present a report to the Regulatory and General Purposes Committee March 2021</p>

			is currently on the Sex Offenders Register or on any barred list.	assault, importuning or any sexual offence, will generally not be granted a licence. Any licence holder who is registered under the sex offenders notification requirements on the Sex Offenders Register will generally not be granted a licence.		
7.		Annex Assessment of Previous Convictions	<p>Dishonesty</p> <p>Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p>	An applicant with a dishonest offence will generally be refused a licence for a period of at least five years	That the details of the current Convictions Policy be amended to make it consistent with the Department's Statutory Guidance	Present a report to the Regulatory and General Purposes Committee March 2021
8.		Annex Assessment of Previous Convictions	<p>Drugs</p> <p>Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have</p>	Where an applicant has committed an offence relating to the supply of drugs or cultivation of	That the details of the current Convictions Policy be amended to make it consistent with the Department's Statutory Guidance	Present a report to the Regulatory and General Purposes Committee March 2021

			<p>elapsed since the completion of any sentence imposed.</p> <p>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.</p>	<p>drugs the application will generally be refused for a period of at least 10 years. Where an applicant has committed an offence relating to the possession of drugs the application will generally be refused for a period of at least five years. If there is evidence of persistent drug use or dependency a specialist medical examination or drugs test may be required at the applicant expense</p>		
9.		Annex Assessment of Previous Convictions	<p>Discrimination</p> <p>Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of</p>	<p>The current policy refers to racially aggravated offences stating that applicants</p>	<p>That the details of the current Convictions Policy be amended to make it consistent with the</p>	<p>Present a report to the Regulatory and General Purposes Committee March 2021</p>

			any sentence imposed.	who have committed racially aggravated offences will generally be refused a licence for a period of five years	Department's Statutory Guidance	
10.		Annex Assessment of Previous Convictions	<p>Motoring convictions</p> <p>Drink driving/driving under the influence of drugs</p> <p>Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p>	A person who has been disqualified from driving as a result of a conviction for dink/drug driving is likely to be refused a licence for a period of at least two years	That the details of the current Convictions Policy be amended to make it consistent with the Department's Statutory Guidance	Present a report to the Regulatory and General Purposes Committee March 2021
11.		Annex Assessment of Previous Convictions	<p>Using a hand-held device whilst driving</p> <p>Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p>	The current policy does identify this offence specifically	That the details of the current Convictions Policy be amended to make it consistent with the Department's Statutory Guidance	Present a report to the Regulatory and General Purposes Committee March 2021



REGULATORY AND GENERAL PURPOSES COMMITTEE

23 MARCH 2021

REPORT TITLE	REVIEW OF PRIVATE HIRE OPERATOR LICENCE CONDITIONS
REPORT OF	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is for the Committee to consider revised Private Hire Operator Licence Conditions.

This matter affects all Wards within the Borough.

RECOMMENDATION/S

It is recommended that the Committee approve the revised Private Hire Operator Licence Conditions in Appendix 1 of this report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 A review of the current Private Hire Operator Licence Conditions has been undertaken as it is considered necessary and appropriate to amend the conditions in order to promote a higher level of public safety and ensure that the conditions are clear and unambiguous. The revised conditions, which are attached in Appendix 1 of this report, have been developed in accordance with the recommendations of the Department for Transport's Statutory Taxis and Private Hire Vehicle Standards. The Department for Transport expects all Licensing Authorities to implement the recommendations set out in the Statutory Taxi and Private Hire Vehicle Standards unless there is compelling local reason not to do so.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 It is considered both necessary and appropriate to revise the current Private Hire Operator conditions, therefore it is not considered an option not to revise the conditions.

3.0 BACKGROUND INFORMATION

- 3.1 A review of the current Private Hire Operator Licence Conditions has been undertaken to provide effective protection for members of the public. The review has had regard to the Department for Transport's Statutory Taxis and Private Hire Vehicle Standards. The review has also taken into account changes in technology since the development of the current conditions.
- 3.2 The amendments that have been made particularly relate to booking records, the recording of complaints and requirements relating to staff employed by the Operator.
- 3.3 The draft document has been subject to consultation with licensed Private Hire Operators. The summary of feedback from this consultation can be found in Table A attached in Appendix 2 of this report. The proposed conditions have also been shared with the other Licensing Authorities in the City Region to seek to achieve consistency across the City Region.
- 3.4 Following this consultation a final draft document has been developed incorporating feedback received from this consultation and this is attached in Appendix 1 of this report.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 The Local Government (Miscellaneous Provisions) Act 1976, section 55(3), provides that a district council may attach to the grant of a licence such conditions as they may consider reasonably necessary.

6.0 RESOURCE IMPLICATONS: ICT, STAFFING AND ASSETS

6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

7.1 It is intended that the revised conditions will provide an increase in the level of protection to the public using the services of a Private Hire Operator therefore there is a risk to public safety should the revised conditions not be approved.

8.0 ENGAGEMENT/CONSULTATION

8.1 The guiding principles for a fair consultation can be summarised as follows:

- It should be at a time when proposals are at a formative stage;
- Must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response;
- Those consulted should be made aware of the factors that are of decisive relevance to the decision;
- Adequate time should be given for consideration and response;
- The product of the consultation should be conscientiously taken into account by the decision makers in finalising their statutory proposals when the ultimate decision is taken.

8.2 Consultation has taken place with licensed Private Hire Operators through two separate meetings over a period of two months between 6 January 2020 and 25 February 2020. The summary of feedback from this consultation can be found in Table A attached in Appendix 2 of this report.

9.0 EQUALITY IMPLICATIONS

9.1 The revised conditions will improve the level of protection to all members of the public.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The operating of Private Hire Vehicles does contribute to the emission of harmful tailpipe pollutants such as particulates (soot), volatile organic compounds, hydrocarbons, carbon monoxide, ozone, lead, and various oxides of nitrogen.

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APPENDICES

Appendix 1 Draft Private Hire Operator Licence Conditions

Appendix 2 Table A - Summary of feedback from consultation

BACKGROUND PAPERS

Statutory Taxis and Private Hire Vehicle Standards

Current Private Hire Operator Conditions

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	25 November 2015 21 March 2018 20 March 2019



**PRIVATE HIRE OPERATOR
LICENCE CONDITIONS**

DRAFT REVISION MARCH 2021

PRIVATE HIRE OPERATOR LICENCE CONDITIONS

Holders of Private Hire Operator licences are required to ensure they comply with the following conditions at all times.

Should any of the below conditions be breached, the Private Hire Operator licence may be suspended or revoked and legal action may be taken in accordance with relevant legislation.

Please note where the conditions refer to 'in writing', this includes email. The email address for the Licensing Section is taxilicensing@wirral.gov.uk

These conditions may be revised, amended, or updated from time to time. If this occurs the licensed Operator will be advised accordingly and provided with a copy of the amended conditions.

PREMISES

1. Operators must only operate from premises listed on the Private Hire Operator licence.
2. All premises used by the Operator for the purpose of taking bookings must have valid planning permission, where required, and must comply in all other aspects with any rule, byelaw, or regulation governing its use including but not limited to, Health and Safety at Work etc Act 1974, The Regulatory Reform (Fire Safety) Order 2005, and the provision of public liability and employer's liability insurance.
3. All premises used by the Operator for the purpose of taking bookings must be kept clean, in good repair, adequately heated, ventilated, and well-lit.
4. Where any passenger waiting area is provided at an Operator's premises adequate seating must be provided. The area and any furniture and fittings must be kept clean and in good repair.
5. Any passenger waiting area provided must be separate from any drivers' rest area and the office / operations room.

LICENSED DRIVERS

6. No Operator shall cause, permit, or allow any person to drive any vehicle which the operator is using as a Private Hire Vehicle unless the driver holds a Private Hire Driver Licence issued by Wirral Council.

LICENSED VEHICLES

7. No Operator shall operate any vehicle as a Private Hire Vehicle unless the vehicle holds a Private Hire Vehicle Licence issued by Wirral Council.

DOORSIGNS AND LIVERY

8. A magnetic or adhesive door sign must be affixed on either both front or both rear doors of a vehicle at all times when the vehicle is available for use as a private hire vehicle. The door sign must measure at least 590mm wide by 220mm high and shall contain the following information:
 - a. the words "ADVANCE BOOKINGS ONLY" or "PRIVATE HIRE ONLY" in uppercase letters measuring at least 50% of the height of the name of the operator on the door sign and in all cases at least 30mm high. This wording must be positioned above all other information contained on the door sign
 - b. the name of the Private Hire Operator for which work is being undertaken
 - c. the preferred method of contact of the private hire operator for which work is being undertaken. This may include a telephone number, website address, smartphone/web app name, or similar
9. The Operator must provide each driver with a minimum of two door signs which comply with the above requirements.

10. As an alternative to affixed door signs a Private Hire Vehicle may have the following information displayed as livery on at least both sides of the vehicle:
 - a. the words “ADVANCE BOOKINGS ONLY” or “PRIVATE HIRE ONLY” in uppercase letters measuring at least 50% of the height of the name of the operator contained within the livery and in all cases at least 30mm high. This wording must be positioned above all other information contained within the livery
 - b. the name of the Private Hire Operator for which work is being undertaken
 - c. the preferred method of contact of the Private Hire Operator for which work is being undertaken. This may include a telephone number, website address, smartphone/web app name, or similar
11. Any proposed changes to the design of a door sign or livery must be presented to Wirral Council for approval before said change takes place.

INSURANCE

12. Operators must take all reasonable steps to ensure that every vehicle operated by them is at all times covered by an appropriate policy of insurance for carrying out Private Hire work. The Operator must have on record, details of the expiry date of the insurance relating to all vehicles that they operate and have a system in place to remove a vehicle from their system should the insurance of that vehicle expire.

DRIVER / VEHICLE DETAILS

13. The Operator must maintain at all premises used by them for the purposes of taking bookings, a list of all licensed drivers and vehicles operated by them (**the list**), which must include:
 - a. Full name of the driver
 - b. Date the driver commenced work with the Operator
 - c. Private Hire Driver licence number
 - d. Expiry date of the Private Hire Driver licence
 - e. Call-sign allocated to the driver, if applicable
 - f. Private Hire Vehicle plate number
 - g. Expiry date of Private Hire Vehicle licence
 - h. Vehicle registration number
 - i. Vehicle make and model
14. **The list** must be made available for inspection to an Authorised Officer upon request.
15. Operators holding a licence which permits more than one vehicle to be operated must send a copy of **the list** containing the information above to Wirral Council on the first Monday of each calendar month. The list may be sent via email (taxilicensing@wirral.gov.uk) or in the post.
16. Operators must not use the services of any driver without having noted the details above, ensuring at all times that the driver and the vehicle being used have current licences.

CONTRACT OF HIRE

17. Every contract of hire of a Private Hire Vehicle shall be deemed to be made with the Operator whether or not they provide the vehicle themselves and the Operator shall be liable under the terms of that contract.

BOOKING RECORDS

18. The Operator must make a record of every booking of a Private Hire Vehicle invited or accepted by the Operator, whether by accepting the booking directly or undertaking it at the request of another licensed Operator or if it is intended that the booking is to be sub-contracted to another Operator.
19. The record of each booking must be made before the start of each journey and must contain the following information:
 - a. Date and time the booking is made
 - b. Name of the passenger
 - c. Pick-up address/location
 - d. Destination address/location (see condition 6)
 - e. The name of the driver
 - f. The driver's licence number
 - g. The vehicle registration or Private Hire Vehicle licence number
 - h. Remarks, including how the booking was made, fare quoted where applicable
 - i. If the booking has been sub-contracted, the name of the Operator from which the work was sub-contracted
20. If the drop-off address/location was not known before the journey commenced, this information must be recorded immediately upon completion of the journey.
21. The record of bookings must be kept on either a computer database which must have the facility for printing records, or in chronological order in a book with consecutively numbered pages.
22. Any abbreviations used in the record of the booking must be cross referenced in a separate key.
23. The booking record is to be kept as a live record. Advance bookings should be kept as a separate log and include any amendments that are subsequently made, including but not limited to the cancellation of the booking.
24. For clarity, where any bookings are sub-contracted either by the Operator to another licensed Operator or are accepted by the Operator from another Operator a full record of the booking as detailed above including the name of the sub-contractor must be maintained.
25. The record of bookings must be kept for a minimum period of 12 months and must be made available to an Authorised Officer upon request.

CHARGES

26. The Operator must ensure that details of charges are provided on request to any person making a booking, prior to the commencement of any journey.
- 27. The Operator must provide Wirral Council with a current scale of fares on request.**
28. The Operator must ensure that the fares charged by drivers of Hackney Carriage Vehicles are no **greater** than those set by Wirral Council as shown on the taximeter.

STANDARD OF SERVICE

29. The Operator must provide a prompt, efficient, and reliable service to members of the public at all reasonable times ensuring vehicles attend the appointed time and place unless delayed or prevented by sufficient cause.
30. The Operator must ensure vehicles supplied are of suitable capacity for the number of passengers. This may require more than one vehicle to be supplied in order to comply with this condition. In these circumstances customers must be advised that their booking is subject to more than one vehicle.
31. Where customers indicate they have luggage to be transported in addition to passengers, vehicles supplied must have adequate space for their luggage.

STAFF

32. The Operator must not employ any staff before they have had sight of a Basic Disclosure and Barring Services (DBS) check certificate that has been carried out no more than 28 days prior to the proposed date for the commencement of their employment.
33. The Operator must have in place a written policy relating to circumstances when a DBS certificate shows evidence that an individual applicant wishing to work for them taking bookings and dispatching vehicles or has access to that information, has committed a criminal offence. This policy must be made available to an Authorised Officer on request. The purpose of the policy must be to ensure that any staff employed by the Operator do not pose a risk to the public or the safeguarding of children and vulnerable adults.
34. All staff employed by the Operator for the booking and dispatching of vehicles or has access to that information must undergo safeguarding training provided by the Council within two months of starting employment with the Operator.
35. Where the Operator employs staff to make provision for the acceptance of bookings they must ensure that the staff have read, understood, and comply with these conditions and other conditions of relevant licences. A written record confirming this must be kept and made available to Authorised Officers upon request.
36. The Operator must ensure that staff employed to make provision for bookings provide a high standard of customer care at all times.
37. A register of all staff undertaking the bookings and dispatching of vehicles must be maintained which includes the date they commenced employment with the Operator, evidence that a DBS check was carried out prior to their employment, and a record of when they undertook the safeguarding training with the Council.

COMPLAINTS

38. The Operator must have a complaints management system which is used to record and monitor all complaints received from members of the public.
39. In any part of the premises to which the public have access, and or on the website used for the purpose of taking bookings, the Operator shall prominently display a notice advising who complaints should be directed to in the first instance and the method for doing so.
40. On receipt of a complaint, the Operator must document in an electronic form or bound book with consecutively numbered pages the following information:
 - a. date and time the complaint was received
 - b. name and contact details of the complainant
 - c. name of driver(s) against whom the complaint has been made

- d. Private Hire Driver licence number
- e. vehicle registration number and licence number (plate number)
- f. details of the complaint including the date of the incident
- g. details of the actions taken by the Operator in response to the complaint
- h. date investigation was completed
- i. outcome of the complaint
- j. date complaint was reported to the Council

41. The complaint records referred to above shall be held and secured at the Operator's business address and shall be made available to an Authorised Officer at all reasonable times.

42. Details of any complaint that may constitute an offence or breach of a licence condition by any driver or which include, but is not limited to, reference to any of the following allegations, must be reported to Wirral Council within one working day:

- sexual misconduct, sexual harassment or inappropriate sexual attention
- inappropriate sexual conversation
- inappropriate conversation
- physical abuse
- verbal abuse
- behaviour that contravenes The Equality Act 2010 (**i.e. discrimination**)
- dishonesty
- driving standards
- a pattern of overcharging

43. The Operator must keep records of complaints for a minimum period of 12 months.

RADIO EQUIPMENT

44. An Operator using radio equipment must hold the relevant Business Radio User Licence issued by Ofcom and must make this licence available to an Authorised Officer upon request. Any radio equipment used by Operators must be maintained in good working order

LOST PROPERTY

45. The Operator must keep a record of lost property handed in to them by any driver.

46. The Operator must make the record of lost property available to an Authorised Officer upon request.

CONVICTIONS

47. The Operator must notify Wirral Council within **48** hours, in writing, details of any;

- a. investigation into any criminal offence
- b. warnings received
- c. cautions received
- d. criminal convictions received

48. If the Operator is a limited company condition 47 relates to any and all of its directors and/or company secretary. If it is a partnership then condition 47 applies to all partners.

49. The Council must be notified of any change in directors or partners involved in the Private Hire Operator business within 48 hours of any change coming into effect.

50. The holder of a Private Hire Operator Licence, including all directors of a company or partners in the business who do not hold a Private Hire or Hackney Carriage Driver Licence must provide the Council with a Basic Disclosure and Barring Service Certificate within 28 days of each anniversary of the licence and upon application for the renewal of the licence.

CHANGE OF ADDRESS

51. The operator must notify the Council, in writing, any change of their private address, or in the case of a limited company, any change to the registered office address, within 7 days of the change taking place.

IF YOU ARE AGGRIEVED BY ANY OF THE REQUIREMENTS CONTAINED IN THESE CONDITIONS YOU HAVE THE RIGHT OF APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS OF THE ISSUE OF THE LICENCE TO WHICH THESE CONDITIONS ARE ATTACHED.

Summary of Feedback on Draft Private Hire Operator Conditions

SUMMARY	COMMENTS
<p>DOORSIGNS</p> <p>8. A magnetic or adhesive door sign must be affixed on either both front or both rear doors of a vehicle at all times when the vehicle is available for use as a private hire vehicle. The door sign must measure at least 590mm wide by 220mm high and shall contain the following information:</p> <p>a. the words “ADVANCE BOOKINGS ONLY” or “PRIVATE HIRE ONLY” in uppercase letters measuring at least 50% of the height of the name of the operator on the door sign and in all cases at least 30mm high. This wording must be positioned above all other information contained on the door sign</p> <p>b. the name of the Private Hire Operator for which work is being undertaken</p> <p>c. the preferred method of contact of the private hire operator for which work is being undertaken. This may include a telephone number, website address, smartphone/web app name, or similar</p> <p>9. The Operator must provide each driver with a minimum of two door signs which comply with the above requirements.</p>	<p>Doorsigns are an advert for the company and not a safety issue. Any unlicensed driver can arrange for doorsigns and licence plates to be made and displayed on an unlicensed vehicle. Other measures should be taken to ensure that a licensed vehicle is identified as such on all four sides of the vehicle.</p>
<p>INSURANCE</p>	<p>There are concerns regarding holding insurance details. A number of drivers obtain insurance weekly and this is difficult to</p>

<p>12. Operators must take all reasonable steps to ensure that every vehicle operated by them is at all times covered by an appropriate policy of insurance for carrying out Private Hire work. The Operator must have on record, details of the expiry date of the insurance relating to all vehicles that they operate and have a system in place to remove a vehicle from their system should the insurance of that vehicle expire.</p>	<p>keep track of, particularly when a Private Hire Operator has a large number of vehicles.</p> <p>A driver can obtain a 12 month insurance policy and cancel it after a few days. Or the driver may default on the monthly payments. The operator will not find out.</p>
<p>BOOKING RECORDS</p> <p>18. The Operator must make a record of every booking of a Private Hire Vehicle invited or accepted by the Operator, whether by accepting the booking directly or undertaking it at the request of another licensed operator or if it is intended that the booking is to be sub contracted to another Operator.</p> <p>19. The record of each booking must be made before the start of each journey and must contain the following information:</p> <ol style="list-style-type: none"> a. Date and time the booking is made b. Name of the passenger c. Pick-up address/location d. Destination address/location (see condition 20) e. The name of the driver f. The driver's licence number g. The vehicle registration or Private Hire Vehicle licence number h. Remarks, including how the booking was made, fare quoted where applicable 	<p>A booking may be made several weeks in advance, particularly in respect of an airport booking. Operators undertaking this type of work operate in a different way to other operators.</p> <p>Passengers do not always identify the exact drop off location and may change their mind part way through the journey.</p> <p>The requirement for the driver's name is considered unnecessary as drivers are usually issued with a unique call sign which can be traced back to them.</p>

i. If the booking has been sub-contracted, the name of the operator from which the work was sub-contracted

20. If the drop-off address/location was not known before the journey commenced, this information must be recorded immediately upon completion of the journey.

21. The record of bookings must be kept on either a computer database which must have the facility for printing records, or in chronological order in a book with consecutively numbered pages./ provided by Wirral Council for the purpose of taking bookings.

22. Any abbreviations used in the record of the booking must be cross referenced in a separate key.

23. The booking record is to be kept as a live record. Advance bookings should be kept as a separate log and include any amendments that are subsequently made, including but not limited to the cancellation of the booking.

24. For clarity, where any bookings are sub-contracted either by the Operator to another licensed Operator or are accepted by the Operator from another Operator a full record of the booking as detailed above including the name of the sub-contractor must be maintained.

<p>25. The record of bookings must be kept for a minimum period of 12 months and must be made available to an Authorised Officer upon request.</p>	
<p>CHARGES</p> <p>26. The Operator must ensure that details of charges are provided on request to any person making a booking, prior to the commencement of any journey.</p> <p>27. The Operator must provide Wirral Council with a current scale of fares and inform Wirral Council, in writing, of any change to the scale of fares they intend to charge prior to the changes taking effect.</p> <p>28. The operator must ensure that the fares charged by drivers of Hackney Carriage Vehicles are no more than those set by Wirral Council as shown on the taximeter.</p>	<p>It is not considered necessary to notify the Council with a table of fares and when changes are made to that table.</p>
<p>STAFF</p> <p>32. The Operator must not employ any staff before they have had sight of a Basic Disclosure and Barring Services (DBS) check certificate that has been carried out no more than 28 days prior to the proposed date for the commencement of their employment.</p> <p>33. The Operator must have in place a written policy relating to circumstances when a DBS certificate shows evidence that an</p>	<p>There are concerns regarding the DBS requirement as this could delay the start date for new employees.</p>

individual applicant wishing to work for them taking bookings and dispatching vehicles or has access to that information, has committed a criminal offence. This policy must be made available to an Authorised Officer on request. The purpose of the policy must be to ensure that any staff employed by the Operator do not pose a risk to the public or the safeguarding of children and vulnerable adults.

34. All staff employed by the Operator for the booking and dispatching of vehicles or has access to that information must undergo safeguarding training provided by the Licensing Authority within two months of starting employment with the Operator.

35. Where the Operator employs staff to make provision for the acceptance of bookings they must ensure that the staff have read, understood, and comply with these conditions and other conditions of relevant licences. A written record confirming this must be kept and made available to Authorised Officers upon request.

36. The Operator must ensure that staff employed to make provision for bookings provide a high standard of customer care at all times.

37. A register of all staff undertaking the bookings and dispatching of vehicles must be maintained which includes: the date they commenced employment with the Operator, evidence that a DBS check was carried out prior to their employment and a record of

There are concerns regarding staff having to take time out for safeguarding training and the cost implications if staff have to attend a session located away from their place of work.

when they undertook the safeguarding training with the Licensing Authority

COMPLAINTS

38. The Operator must have a complaints management system which is used to record and monitor all complaints received from members of the public.

39. In any part of the premises to which the public have access, and or on the website used for the purpose of taking bookings, the Operator shall prominently display a notice advising who complaints should be directed to in the first instance and the method for doing so.

40. On receipt of a complaint, the Operator must document in an electronic form or bound book with consecutively numbered pages the following information:

- a. date and time the complaint was received
- b. name and contact details of the complainant
- c. name of driver(s) against whom the complaint has been made
- d. private hire driver licence number
- e. vehicle registration number and licence number (plate number)
- f. details of the complaint including the date of the incident
- g. details of the actions taken by the Operator in response to the complaint
- h. date investigation was completed

i. outcome of complaint

j. date complaint was reported to the Licensing Authority

41. The complaint records referred to above shall be held and secured at the Operator's business address and shall be made available to an Authorised Officer at all reasonable times.

42. Details of any complaint that may constitute an offence or breach of a licence condition by any driver or which include but is not limited to reference to any of the following allegations must be reported to Wirral Council within one working day:

- Sexual misconduct, sexual harassment or inappropriate sexual attention
- Inappropriate sexual conversation
- Inappropriate conversation
- Physical abuse
- Verbal abuse
- Behaviour that contravenes The Equality Act 2010
- Dishonesty
- Driving standards
- A pattern of overcharging

Or

Details of all complaints must be reported to Wirral Council within one working day.

43. The Operator must keep records of complaints for a minimum period of 12 months.

It was identified that a list of specific complaints that are of concern to the Council should be included in the conditions.

The list should include more types of complaint

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