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Licensing

Statutory Taxi & Private Hire Vehicle Standards Additional Requirements - Criminality Checks

Purpose

- 1.1 Derby City Council has a responsibility to ensure that those persons holding hackney carriage/private hire drivers licences are 'fit and proper' to do so.
- 1.2 The report details what additional measures the Council could introduce to further address the concerns around safeguarding of the public, in particular reference is made to children and vulnerable adults.

Recommendation(s)

- 2.1 That Committee consider the report and responses to the consultation and subsequently approve the additional conditions as set out in Appendices 1, 2 and 3.

Reason(s)

- 3.1 The Statutory Taxi & Private Hire Vehicles Standards published by the Department for Transport relate specifically to the protection of children and vulnerable persons and sets out the steps Local Authorities can take to review and strengthen their existing licensing regimes. It is expected that the recommendations are implemented unless there is a compelling local reason not to and if approved will be attached to each licence as it comes up for renewal.

Supporting information

- 4.1 The Policing & Crime Act 2017 enabled the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable adults from harm.
- 4.2 The government introduced new standards for the taxi and private hire vehicle trades across England and Wales. This is the latest step to be taken by the government to reduce the risk of harm to passengers and to help improve consistency across local authorities and represents a significant step-change in the way in which local authorities will licence drivers, vehicles and operators.

Drivers

- 4.3 As a Licensing Authority, the Council is required to be satisfied that those holding a Hackney carriage and/or private hire driving licence are deemed 'fit and proper' to do so.
- 4.4 Currently, this is achieved upon first application by requiring a number of mandatory steps to be completed such as DBS and DVLA checks as well as completion of driver and knowledge test together with attendance on a safeguarding training session.
- 4.5 Drivers are asked to sign up to the DBS update service so that checks can be made should any intelligence come to light which may bring into doubt a driver's ability to remain licensed with Derby City Council. However, unless concerns are raised, the DBS and DVLA checks are only carried out on application and renewal which could mean a substantial period of time elapsing before further checks are made.
- 4.6 Although a licensed driver is bound by the conditions of their licence, sometimes information is not disclosed leaving the Council unaware of any possible issues that may not have been reported to them.
- 4.7 It is requested that members approve the proposed amendments to the drivers conditions at Appendix 2 which will allow Derby City Council to access the records so that checks can be carried out at least every 6 months.
- 4.8 Should the Licensing Authority be unable to access the online record for a driver, a driver will still be required to undertake an Enhanced Check, at an additional cost to the driver.

Private Hire Operators, Dispatch & Booking Staff

- 4.9 At the present time, there are no requirements for DBS checks to be carried out on Private Hire Operators or their booking staff, all of whom are in possession of personal/sensitive data. As these are not notifiable occupations, only the lower level of a Basic Disclosure can be applied for by the person.
- 4.10 In relation to Private Hire Operators, it is requested that members approve an addition to existing checks in that all operators will be required to submit a Basic Disclosure from the DBS as part of their application or renewal process. Where the operator is a company, the requirement will be relevant to all directors of the company.
- 4.11 Where the operator is a licensed driver, this additional requirement will not be required as the driver will already have completed an Enhanced Check and be subject to the 6 month review proposed at Paragraph 4.7.
- 4.12 The Statutory Standards highlight that it is not only the drivers who have contact with the travelling public. Operators therefore also have a responsibility to demonstrate that the staff that have contact with the public or oversee the dispatching of vehicles do not pose a risk.

- 4.13 It is proposed that the conditions at Appendix 1 be approved which include the requirement for an operator to maintain a register of their booking/dispatch staff which should evidence the sight of a Basic DBS certificate for each person. This will add another layer of protection for the travelling public. The conditions also require the Basic level of DBS to be recorded for each person

Vehicles

- 4.14 The Statutory Standards require that a Basic DBS check be undertaken annually for vehicle owners/proprietors. It is therefore recommended that vehicle proprietors of both Hackney Carriage and Private Hire Vehicles provide an annual Basic Disclosure from the DBS. A Basic check provides details of “unspent” convictions and conditional cautions of the applicant.
- 4.15 The requirement would not be required where the owner/proprietor is a driver licensed with Derby City Council as they would already be conditioned to provide an enhanced DBS check.
- 4.16 All parties affected by changes implemented as a result of the recommendations in this report and the results of consultation will be written to directly.

Public/stakeholder engagement

- 5.1 As approved by Committee, a 12 week consultation period for comments on the proposed changes to conditions as outlined in Appendices 1, 2 and 3 attached to this report has been undertaken. The responses are attached at Appendix 4.

Other options

- 6.1 Not to implement the changes.

Financial and value for money issues

- 7.1 It is envisaged that the cost for implementation and maintenance of this licensing function will be covered by the existing licence fees. Fees are evaluated on an annual basis to ensure cost recovery is maintained.

Legal implications

- 8.1 There are legislative provisions in place which allow for the attachment of conditions to a licence if considered reasonably necessary, namely -

Section 47(1) of The Local Government (Miscellaneous Provisions) Act 1976 for hackney carriages.

Section 48(2) of The Local Government (Miscellaneous Provisions) Act 1976 for private hire vehicles.

Section 51(2) of The Local Government (Miscellaneous Provisions) Act 1976 for private hire drivers.

Section 55(3) of The Local Government (Miscellaneous Provisions) Act 1976 for operators.

The proposals detailed by the Licensing Team are in line with the recommendations made within the DfT Statutory Taxi & Private Hire Vehicle Standards which seeks by their implementation to raise the standards of the taxi licensing regime within the City of Derby.

Climate implications

- 9.1 None directly arising from this report.

Other significant implications

- 10.1 None

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Lionel Desa, Solicitor	08/03/2023
Finance		
Service Director(s)		
Report sponsor	Samantha Dennis, Service Director	06/03/2023
Other(s)	Michael Kay	21/03/2023

Background papers:	DfT Statutory Taxi & Private Hire Vehicle Standards
List of appendices:	Appendix 1 – Proposed additional Private Hire Operator Licence Conditions
	Appendix 2 – Proposed amendments to Hackney Carriage/Private Hire Driver Licence conditions
	Appendix 3 – Proposed amendments to Hackney Carriage/Private Hire Vehicle Licence conditions
	Appendix 4 – Responses to consultation