

Taxi and private hire vehicle licensing: protecting users

1. Introduction

Thank you for taking the time to read the consultation document and to respond to the questions. Your answers will help us to firm up statutory guidance to taxi and private hire vehicle (PHV) licensing authorities on how their licensing powers can be exercised in order to safeguard children and vulnerable adults.

The easiest way to respond to this consultation is online:

<https://www.smartsurvey.co.uk/s/taxis-licence/>

The online version allows you to save your response and continue it later and to save or print off a copy for your records.

Confidentiality and data protection

The Department for Transport (DfT) is carrying out this consultation to gather views and evidence on measures for inclusion within the statutory guidance issued to taxi and PHV licensing authorities. This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain any information that allows you to be identified, DfT will, under data protection law, be the controller for this information.

As part of this consultation we're asking for your name and email address. This is in case we need to ask you follow-up questions about any of your responses. You do not have to give us this personal information. If you do provide it, we will use it only for the purpose of asking follow-up questions.

We may contract a third party to analyse the responses we receive to the consultation. If you provide your contact details, we may share this information with a contractor in case they need to contact you regarding your consultation response.

DfT's privacy policy has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer. You can view it at <https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>.

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Your information will be kept securely and destroyed within 12 months after the consultation has been completed. Any information provided through the online questionnaire will be moved from their system to our internal systems within 2 months of the consultation end date.

Find out more about the [Department for Transport's data protection and privacy policy](#).

2. Personal details

1. Your name and email address. We will only use this if we need to contact you to ask about any of your responses.

Your name

Your email

3. About you

2. Are you responding: *

- as an individual?
- as a taxi driver?
- as a PHV driver?
- as a taxi intermediary?
- as a PHV operator?
- a licensing authority
- the police
- other (specify)?

4. Administration of the licensing framework

3. The draft statutory guidance recommends that all those involved in the determination of licensing matters should receive training covering licensing procedures, natural justice, child sexual abuse and exploitation, disability and equality in addition to any other issues deemed locally appropriate (paragraph 2.18). Do you agree with the recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Training is critical to ensure a good understanding of the issues being considered and the need to make sound, transparent and unbiased decisions. Currently, all councillors and officers involved in licensing related decision making are required to undertake training in licensing procedures, natural justice, child sexual abuse and exploitation, disability and equality. It would be useful to review the content once further information is published following the outcome of the consultation exercise.

4. The draft statutory guidance recommends a council structure for dealing with licensing matters (paragraphs 2.20-2.24). Do you agree with this proposed structure?

- Yes
- No
- No Opinion

Comment below if you want to explain your answer.

The Council recognises the importance of making sound, transparent and unbiased decisions in relation to licensing matters. Following the published outcomes set out in the Jay and Casey reports, the Council reviewed its structure for dealing with these matters. This saw the introduction of a penalty point scheme and a revised scheme of delegation that involved both officer decisions and Licensing Sub Committee decisions. The penalty point scheme recognises that the majority of matters can be dealt with simply but where this is not the case, matters can be considered by a panel of elected members. Depending on the outcome of the consultation exercise and the final statutory guidance, it may be necessary to review this structure.

5. Implementing changes to the licensing policy and requirements

5. The draft statutory guidance recommends that all issued licences should be reviewed following changes in licensing policy (paragraph 2.29). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Changes to licensing policy could be wide-ranging or specific. A transitional period may be appropriate but this will need to be proportionate dependent on seriousness or risk. Any reviewing of licences will require a resource, regular auditing can be factored in to any cost-recovery work when setting fees and charges but wider reviews may not.

6. The Disclosure and Barring Service

6. The draft statutory guidance recommends that all drivers should be subject to an enhanced Disclosure and Barring Service (DBS) with barred lists check for individuals applying for or renewing taxi and PHV driver licences (paragraph 2.32). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

The Council already requires this level of check in its application processes.

7. The draft statutory guidance recommends that all licence holders should be required to subscribe to the DBS update service (paragraph 2.38). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

The Council already requires that all licence holders subscribe to the DBS update service and confirm their continuous registration and nomination via a declaration to such.

8. The draft statutory guidance recommends that appropriate DBS checks are conducted every 6 months (paragraph 2.39). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

The Council already undertakes audits of DBS checks periodically. Additional resources would be required to undertake DBS checks of all licence holders every 6 months.

7. Licensee self-reporting

9. The draft statutory guidance recommends that drivers and operators should be required to notify the issuing authority within 48 hours upon arrest and release, charge or conviction of any motoring offence or any offence involving dishonesty, indecency or violence (paragraph 2.41). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

This recommendation is already undertaken to an extent in that the Councils' current driver and operator conditions state that they must report to us within 14 days any arrest, charge or summons.

8. Referrals to DBS and the police

10. The draft statutory guidance recommends that licensing authorities should make referrals to the DBS when it considers that an applicant or licence holder is thought to present a potential risk of harm to the public (paragraph 2.43). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

This is not a process currently undertaken by the licensing team. When appropriate, referrals are made by the local authorities safeguarding board following LADO meetings, case reviews etc.

9. Overseas convictions

11. The draft statutory guidance recommends that a check of overseas criminality information or 'Certificate of Good Character' should be required, when an individual has spent a period of more than 3 continuous months outside the UK when over the age of 18 (paragraph 2.47). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

The Council agrees with the requirement for a 'Certificate of Good Character' to be required when an individual has spent an extended period of continuous time outside the UK. Our current requirement is that if an individual is not a United Kingdom (UK) national and has not lived within the UK for at least five years, they will need to obtain a certificate of good conduct from the relevant national embassy. Will there be any other checks made or would we be reliant on the individual telling us they have spent a period of more than 3 continuous months outside the UK?

10. Other information

12. The draft statutory guidance recommends that licensing authorities should require applicants / licensees to disclose if they have been licensed elsewhere, or have had an application for a licence refused, or have had a licence revoked or suspended by any other licencing authority (paragraph 2.57). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

The Council already requires this information is provided by applicants/licensees.

13. The draft statutory guidance recommends that licensing authorities should use tools such as the national register of taxi and PHV driver licence refusals and revocations (NR3) to improve information sharing (paragraph 2.58). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Additional resources will be required to undertake this.

14. The draft statutory guidance recommends that the authority considering the application / renewal should consult and consider other licensing decisions in its assessment, when an applicant / licensee discloses they: have had an application refused, or had a licence revoked or suspended elsewhere (paragraph 2.60). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Additional resources will be required to undertake this.

11. Multi-agency safeguarding hub (MASH)

15. The draft statutory guidance recommends that multi-agency safeguarding hubs (or similar) should be established by licensing authorities to improve the sharing of relevant information (paragraph 2.64). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

The Council already operates a MASH.

12. Complaints against drivers and operators

16. The draft statutory guidance recommends that licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that must be displayed in licensed vehicles (paragraph 2.66). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

The Council already provides this guidance and requires this information is provided in vehicles that it licences. The Council supports this recommendation because it will ensure that relevant information is provided in vehicles that are not licensed by us but operate in our area. The lack of control over 'out of town' vehicles is an issue the Council has raised concerns about previously on a number of occasions.

13. Safeguarding awareness

17. The draft statutory guidance recommends that all licensing authorities should require drivers to undertake safeguarding training as a condition of licensing (paragraph 2.72). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Mandatory safeguarding training for drivers and operator-representatives is already required by the Council as part of its licensing requirements.

14. Language proficiency

18. The draft statutory guidance recommends that all licensing authorities should consider whether an applicant for a licence is able to communicate in English orally and in writing with customers (paragraph 2.79). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

The Council does not currently require applicants/licensees to undertake a formal English test, although the proposal to introduce a requirement is part of a consultation exercise being currently undertaken.

15. Enforcement

19. The draft statutory guidance recommends that 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 (paragraph 2.81). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

The Council have been concerned about 'cross-border' operations for some time and have raised these concerns on a number of occasions previously. We have experienced a significant number of vehicles / drivers licensed elsewhere operating in our area and already participate in joint enforcement exercises with other licensing authorities. The additional compliance work that this generates is significant and will need to be factored in to the annual review of cost recovery.

16. Criminal record checks for PHV operators

20. The draft statutory guidance recommends that PHV operators (applicants or licensees) should be subject to a basic DBS check (paragraph 2.91). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Currently most individual operators are drivers so we see their enhanced check. We would support the recommendations made in this section.

17. PHV operators - ancillary staff

21. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to keep a register of all staff that will take bookings or dispatch vehicles (paragraph 2.97). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

Not currently required. We would support the recommendations made in this section.

22. The draft statutory guidance recommends that PHV operators should be required to evidence that they have had sight of a basic DBS check on all individuals listed on the above register (paragraph 2.97). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

Not currently undertaken. We would support the recommendations made in this section.

23. The draft statutory guidance recommends that PHV operators should be required to provide to the licensing authority their policy on employing ex-offenders that will take bookings or dispatch vehicles as a condition of licensing (2.98). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

Not currently undertaken. We would support the recommendations made in this section.

18. PHV operators - use of passenger carrying vehicles (PCV) licensed drivers

24. The draft statutory guidance that a PHV operator may not use a driver who does not hold a PHV licence (but may hold a PCV licence) to use a public service vehicle to carry out a PHV booking. This would be a condition of the operator's licence (paragraph 2.100). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

We would support the recommendations made in this section.

19. PHV operators – record keeping requirements

25. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to record the information detailed in paragraph 2.101. Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

The Council already requires this information to be recorded. We would support the recommendations made in this section.

20. In-vehicle visual and audio recording - CCTV

26. The draft statutory guidance recommends that licensing authorities should carefully consider potential public safety benefits and potential privacy issues when considering mandating that taxis and PHVs have CCTV installed (paragraphs 2.104 to 2.109). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Although we support this recommendation, the Council does not currently mandate that taxis and PHVs have CCTV installed.

27. The draft statutory guidance recommends that CCTV recordings in taxis and PHVs should be encrypted and accessible only by licensing authority officials (if acting a data controller), the police or when subject to a data subject access request (paragraph 2.114). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Although we support this recommendation, the Council does not currently mandate that taxis and PHVs have CCTV installed.

21. Stretched limousines

28. The draft statutory guidance recommends that licensing authorities should consider licensing vehicles with an Individual Vehicle Approval certificate, even if the passenger capacity is unclear, but under the strict condition that the vehicle will not be used to carry more than 8 passengers (paragraph 2.118). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

The Council has a policy in place for licensing limousines that carry fewer than nine passengers and would not want to take licensing responsibility for vehicles that have space for more but are restricted to eight via condition. We believe the Individual Vehicle Approval (IVA) regime should be able to stipulate a safe carrying capacity.

22. Previous convictions guidance

29. The draft statutory guidance recommends that the Department for Transport should issue guidance on the assessment of previous convictions (paragraph 2.50). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

The guidance is useful. As stated previously, the Council has adopted a penalty point scheme which is more onerous than the proposed guidance.

30. Annex A of the draft statutory guidance provides a list of offences to aid consistency in the 'fit and proper' assessment for licences. Do you think that the list provides enough detail to do this?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

The Council's penalty point scheme is more detailed. As guidance relating to previous convictions, the categorisation in to types probably provides enough detail, with the exception of motoring convictions which, by not providing any minimum time periods, is not consistent with the detail provided for other types of convictions.

31. Are there any offences that should be added to the list in Annex A?

- Yes
 No
 No opinion

23. Other offences

32. If you answered yes, please list the offence(s) and the period you consider appropriate to prevent the granting of a licence under most circumstances.

Not applicable.

24. Impact assessment

33. Do you have data relating to alleged offences committed in licensed vehicles either against or by passengers? If you have and are prepared to share this with us please add to your response.

No.

34. If have any comments or other data that may be relevant to the Impact Assessment please provide this.

No.

Ways to respond

Email this completed document to:

SG-Consultation2019@dft.gov.uk

Or post it to:

Department for Transport
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33 Horseferry Road
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