

## Review of the Statutory Taxi and Private Hire Vehicle Standards

The Statutory Taxi and Private Hire Vehicle Standards document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their functions. The following table sets out the present situation for this authority

	Heading	Statutory Taxi and Private Hire Vehicle Standards recommendations / measures including paragraph number(s)	Current Position
<b>1. Introduction</b>			
		<p>Paragraphs 1.1 to 1.7</p> <p>Paragraph 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. <b>The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.</b></p>	The standards are a recent introduction and this authority currently does not have all the recommendations and measures in place.
		<p>Paragraph 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.</p>	This authority has a Whistleblowing procedure – August 2019. and Working Safety with Children and Vulnerable Adults Protocol – May 2020 some of this is dealt with at Devon County Council.
<b>2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards</b>			
		<p>Paragraph 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.</p>	The standards are a recent introduction and this authority currently does not have all the recommendations and measures in place.
		<p>Paragraph 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give</p>	

		<p>considerations the weight which is proportionate in the circumstances. <b>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.</b> It is not a question of box ticking; the standards must be considered rigorously and with an open mind.</p>	
		<p>Paragraph 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. <b>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.</b> 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).</p>	<p>Recommendations and measures to be considered and implemented on a rolling programme.</p>
<b>3. Administering the licensing regime - Policies</b>			
		<p>Paragraphs 3.1 – 3.5  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. When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public.  <b>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.</b></p>	<p>This authority introduced its current policy in 2009 with amendments in 2015 and 2019 – it is proposed to carry out a full policy review in 2021. Then to be reviewed every five years.</p>
		<p>Paragraph 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.  <i>"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</i></p>	<p>This authority does not carry out persistent and rigorous enforcement of the regulatory functions available to it.   Enforcement to be reviewed.</p>

		<i>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.”</i>	
		Paragraph 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. <b>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.</b>	Put mechanisms in place to ensure policy is reviewed annually with full review every five years.
	Duration of licenses	Paragraph 3.7 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.	This authority does not issue (driver) licenses on a probationary basis. We grant one and three licenses for drivers and one and five year licenses for operators, although the current policy only states one year for operators. <b>The current policy requires amendment. No consultation required.</b>
	Whistleblowing	Paragraphs 3.8 to 3.11 Paragraph 3.8 <b>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.</b>  <i>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.</i>	This authority has a Whistleblowing Procedures (August 2019)
		Paragraph 3.10 <b>Local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.</b> If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.	

	<p>Consultation at the local level</p>	<p>Paragraphs 3.12 to 3.13 Paragraph 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.</p>	<p>This authority reviews its contact list for each consultation.</p>
		<p>Paragraph 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 <b>licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.</b> Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.</p>	<p>Neighbouring areas are consulted through the Devon Licensing Officers Group (DLOG) that meets every six weeks. Consultation on policy is regularly discussed.  Councillor Liaison meetings to do not take place – but portfolio holders are kept up to date. Determine whether councillor liaison meetings are required.</p>
	<p>Changing licensing policy and requirements</p>	<p>Changing licensing policy and requirements  Paragraphs 3.14 to 3.15 Paragraph 3.14 <b>Any changes in licensing requirements should be followed by a review of the licences already issued.</b></p>	<p>This is not in our current policy. It is proposed to be included in review of policy. Each application/renewal would be treated on its merits.</p>
		<p>Paragraph 3.15 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>Reasons are given when deviating from policy but these reasons will need to be reviewed in light of these standards.</p>
<p><b>4. Gathering and Sharing Information</b></p>			
	<p>The Disclosure and Barring Update Service (DBS)</p>	<p>Paragraphs 4.5 to 4.8 Paragraph 4.5 Subscription to the update service and with an individual's consent allows licensing authorities to request large numbers of certificate status checks on a daily basis. Paragraph 4.7 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.</p>	<p>This authority does not have this within the current policy requiring drivers to sign up to update service. It is proposed to require current drivers on renewal. New applicants will be required to sign up to update service straight away. <b>Amendment to the current policy required. No consultation required.</b></p>

	Common Law Police Disclosure	<p>Paragraphs 4.9 to 4.11</p> <p>Paragraph 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. <b>Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.</b></p>	There are close links with the police and information shared. It is not known what information and sharing protocols are being used and in place. This is to be investigated between this authority and police to see how effective and efficient current information sharing procedures and protocols are working.
	Licensee self-reporting	<p>Paragraphs 4.12 – 4.13 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.</p>	This authority has this within the current policy. However, the licensee self-reporting in our current policy states 'within seven days' <b>this needs to be changed to 48 hours. No consultation required.</b>
	Referrals to the Disclosure and Barring Service and the Police	<p>Paragraphs 4.14 to 4.16 Paragraph 4.14 <b>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.</b></p>	This is not within the current policy. It is proposed to add this on the review of the policy.
	Sharing licensing information with other licensing authorities	<p>Paragraph 4.20 to 4.25 Paragraph 4.20 <b>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.</b></p> <p>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.</p>	This authority requires applicants for a licence to declare these details during the application process.
		<p>Paragraph 4.21 <b>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.</b></p>	This authority like the majority had not yet signed up to the national database for sharing refusal or revocation information. However, an application is in the process to sign up. <b>This needs to be included in the policy. No</b>

			<b>consultation required.</b>
Multi-agency Safeguarding Hub (MASH)	<p>Paragraphs 4.26 to 4.28 Paragraph 4.28</p> <p>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.</p>		This authority has a procedure relating to making safeguarding referrals to MASH but not dealt with by licensing and therefore is not included in the policy. This is to be investigated.
Complaints against licensees	<p>Paragraphs 4.29 to 4.36 Paragraph 4.29</p> <p><b>All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.</b></p>		This authority has recently set up an online form this will enable the data is recorded and reports can be run. Previously this has been carried out manually.
	<p>Paragraph 4.30</p> <p>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.</p>		This is the approach that is taken, but lack of resource is an issue for a consistent approach and to following up and investigating complaints in a timely manner. More officer time is needed for this function and enforcement of the taxi trade.
	<p>Paragraph 4.31</p> <p>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.</p> <p>Ways to make complaint to the authority should be displayed in all licensed vehicles.</p>		<p>We have recently set up a form to report a complaint.</p> <p>This authority provides for each vehicle an internal plate that sets out details of how to make a complaint.</p> <p>We have recently set up a form to report a complaint.</p>
Overseas Convictions	<p>Paragraph 4.34 to 4.36 Paragraph 4.35</p> <p>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.</p>		This authority requires applicants for a licence, to obtain and submit a 'Certificate of Good Conduct' from their country of origin, of previous residence

			as part of the 'fit and proper' test.
<b>5. Decision Making</b>			
Administration of the licensing framework	Paragraphs 5.1 to 5.2 Paragraph 5.1 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.		A scheme of delegation is in place – but is not included in the policy. This will be included in the review of policy.
Training decision makers	Paragraph 5.3 to 5.5 Paragraph 5.3 <b>All individuals that determine whether a licence is issued should be required to undertake sufficient training.</b>		Licensing Officers have undertaken accredited training provided by the Institute of Licensing. Refresher/advanced courses are attended when available. Committee Members are also mandated to attend training before sitting on a Licensing and Regulatory Committee
The regulatory structure	Paragraphs 5.6 to 5.11 Paragraph 5.6 To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorise council officers via a transparent scheme of delegation.		A scheme of delegation is in place – but is not included in the policy. This will be included in the review of policy.
	Paragraph 5.11 <b>All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.</b>		This authority does not have a formal arrangement in place for dealing with serious matters that may require the immediate revocation of the licence. However, this will need to be reviewed in light of these standards.
Fit and proper test	Paragraphs 5.12 to 5.14 Paragraph 5.12 <b>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 day or night ?</b>		This is set out in the report for the Licensing and Regulatory Committee to consider when determining the application.
	Paragraph 5.13 If on the balance of probabilities, the answer to the question is 'no' the individual should not hold a licence.		

		<p>Paragraph 5.14</p> <p>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.</p>	<p>Whilst the Licensing and Regulatory Committee has never overtly adopted the principle that, when considering whether an applicant was fit and proper to hold a licence.</p> <p><b>This standard to be adopted.</b></p>
	Annex – Assessment of previous Criminal convictions and rehabilitation	<p>Pages 35-36</p> <p>Paragraphs 5.15 to 5.17</p> <p>Paragraph 5.15</p> <p>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.</p>	<p>This is included within the policy. This may be subject to change following the policy review, in light of these standards and any other guidelines relating to this matter, including the Institute of Licensing guidelines.</p>
		<p>Paragraph 5.16</p> <p>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.</p>	
		<p>Paragraph 5.17</p> <p>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>	
<b>6. Driver Licensing</b>			
	Criminality Checks for drivers	<p>Paragraphs 6.1 to 6.4</p> <p>Paragraph 6.1</p> <p>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.</p>	<p>This authority request an enhanced criminal record check of the barred lists from the DBS for all driver</p>



			licence holders or new applicants.
		<p>Paragraph 6.2</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 up to the Update Service should still be subject to a check every six months.</p>	<p>This authority like many have signed up to conducting DBS checking every 3 years.</p> <p><b>The current policy will require changing. It is proposed to require current drivers to sign up on renewal. New drivers will be required to sign up immediately. The online checking facility costs the drivers £13 per year – paid to the Disclosure and Barring Service. No consultation required.</b></p>
		<p>Paragraph 6.3</p> <p><b>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.</b> (unless there are exceptional circumstances)</p>	<p>This authority does not issue a licence to a person on the barred list, however, this is not in the policy. <b>This is to be included in the policy.</b></p>
	Safeguarding Awareness	<p>Paragraphs 6.5 to 6.7</p> <p>Paragraph 6.6</p> <p>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:</p> <ul style="list-style-type: none"> <li>• provide a safe and suitable service to vulnerable passengers of all ages;</li> <li>• recognise what makes a person vulnerable; and</li> <li>• understand how to respond, including how to report safeguarding concerns and where to get advice.</li> </ul>	<p>This authority like many has requested all driver applicants to undergo Safeguarding awareness.</p> <p><b>This is not within our current policy. It is proposed to make this a mandatory requirement for all drivers to undertake safeguarding training which will include county lines exploitation but this will require a change to our current Hackney Carriage and Private Hire Policy.</b></p> <p>This will be included in the review of policy.</p> <p>The impact of Covid-19 means sessions and meeting are not</p>

			<p>possible for groups or individuals.</p> <p><b>This needs further review and this authority is exploring with the other seven Devon Authorities alternative virtual and remote Safeguarding packages.</b></p>
	'County Lines' exploitation	<p>Paragraphs 6.8 to 6.13 Paragraph 6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.</p>	<p><b>It is proposed to make this a mandatory requirement for all drivers to undertake safeguarding training which will include county lines exploitation but this will require a change to our current Hackney Carriage and Private Hire Policy.</b> This will be included in the review of policy.</p>
	Language proficiency	<p>Paragraphs 6.14 to 6.15 Paragraph 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.</p>	<p>This authority does not have anything currently in place. This will be introduced in the review of the current policy. <b>This needs further investigate to seek the best options available to facilitate this matter. Consultation required.</b></p>
		<p>Paragraph 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.</p>	
<b>7. Vehicle Licensing</b>			
	Criminality checks for vehicle proprietors	<p>Paragraphs 7.2 to 7.6 Paragraph 7.2 <b>Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.</b></p>	<p>This authority does not have in our current policy the requirement for vehicle proprietors to obtain a basic DBS. <b>This needs to be mandated in the policy.</b> This will be included in the review of policy.</p>

		<p>Paragraph 7.4</p> <p>A refusal to licence 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</p>	<p>This authority does not have a policy on dealing with a person who holds a vehicle proprietors licence and not a driver's licence.</p> <p>It is proposed to apply the 'fit and proper' test on dealing with licensed vehicle proprietors. This will be included in the review of the policy.</p>
		<p>Paragraph 7.5</p> <p>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.</p>	<p>This authority does not have this in the current policy. It is proposed to apply the 'fit and proper' test for each of the directors or partners in that company or partnership.</p> <p>This will be included in the review of the policy.</p>
In-vehicle visual and audio recording - CCTV	<p>Paragraphs 7.7 to 7.13</p> <p>Paragraph 7.8</p> <p>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:</p> <ul style="list-style-type: none"> <li>• deterring and preventing the occurrence of crime;</li> <li>• reducing the fear of crime;</li> <li>• assisting the police in investigating incidents of crime;</li> <li>• assisting insurance companies in investigating motor vehicle accidents.</li> </ul> <p>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.</p>	<p>This is to be included in the review of the policy but it will not be mandatory for the installation of audio and CCTV; there have been no formal reporting or investigation by police for incidents within licensed vehicles that we are aware of.</p> <p>Costs are met by the vehicle owner and costs are prohibitive at a minimum of £500 per CCTV unit. (This quote was obtained from another authority).</p> <p>Making this a mandatory requirement places the Data responsibilities on this authority.</p> <p>This will be included in the review of policy.</p> <p><b>This requires further review with the</b></p>	

			<b>licence holders. Consultation required.</b>
		Paragraph 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.	
	Stretched Limousines	Paragraphs 7.14 to 7.15 Paragraph 7.14 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.	This authority has this included in our current policy.
<b>8. Private Hire Vehicle Operator Licence</b>			
	Criminality checks for private hire vehicle operators	Paragraphs 8.2 to 8.6 Paragraph 8.2 <b>Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</b>	Current policy does not require a basic check. <b>This needs to be made mandatory for licensed private hire vehicle operators should undertake an annual basic disclosure from the DBS.</b> This will be included in the review of the policy.
		Paragraph 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.	This authority does not have this in the current policy. <b>It is proposing to apply the 'fit and proper' test on dealing with licensed private hire vehicle operators.</b> This will be included in the review of the policy.
		Paragraph 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	This authority does not have this in the current policy. <b>It is proposing to apply the 'fit and proper' test on dealing to each of the directors or partners in that</b>

		licensing authority of any change in directors or partners.	<b>company or partnership.</b> This will be included in the review of the policy.
Booking and dispatch staff	Paragraphs 8.7 to 8.12 Paragraph 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public.  <b>Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.</b>		This authority does not have this in the current policy. <b>It is proposing to make it a condition of granting an operator licence to require a register of all staff that will take bookings or dispatch vehicles is kept.</b> This will be included in the review of policy.
	Paragraphs 8.9 to 8.12 Paragraph 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.  Paragraph 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.  Paragraph 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.  Paragraph 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.		This authority does not have this in the current policy. <b>It is proposing that the matters raised in paragraphs 8.9 to 8.12 become policy and a condition of granting an operator licence that the operator has had sight of a Basic DBS on all individuals listed on their register of booking and dispatch staff.</b> This will be included in the review of policy.
Record Keeping	Paragraphs 8.13 to 8.15  Paragraph 8.13		This authority has the some of this information included in the current policy.

		<p><b>Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:</b></p> <ul style="list-style-type: none"> <li>• the name of the passenger;</li> <li>• the time of the request;</li> <li>• the pick-up point;</li> <li>• the destination;</li> <li>• the name of the driver;</li> <li>• the driver's licence number;</li> <li>• the vehicle registration number of the vehicle;</li> <li>• the name of any individual that responded to the booking request;</li> <li>• the name of any individual that dispatched the vehicle.</li> </ul>	<p>It is proposed to amend the operator condition to include as a minimum, all the information recommended in paragraph 8.13. This will be included in the review of policy.</p>
Use of passenger carrying vehicles (PCV) licensed drivers	<p>Paragraphs 8.16 to 8.17 Paragraph 8.16</p> <p><b>The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.</b></p> <p>Paragraph 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.</p>	<p>This authority does not have this included in the current policy. <b>It is proposing to make it a condition of licence that 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 without the informed consent of the booker.</b> This will be included in the review of policy. How often this occurs is unknown.</p>	
<b>9. Enforcing the Licensing Regime</b>			
Joint authorisation of enforcement officers	<p>Paragraph 9.2 Licensing authorities should, where the need arises, jointly authorises 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.</p>	<p>This authority has currently no joint authorisations for officers from other authorities in place.</p> <p><b>A review can be undertaken with the Devon Licensing Officer Group (DLOG)</b></p>	
Setting expectations and monitoring	<p>Paragraph 9.3 to 9.4 Paragraph 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</p>	<p>This authority has a complaints procedure within the current policy, but this is out of date as we have recently set up an online form to enable a report of a complaint.</p>	

		<p>when considering the renewal of licences and of any additional training that may be required.</p>	<p>See - Recording &amp; Monitoring complaints. The issue of enforcement and compliance needs to be discussed when the current issues relating to COVID 19 have settled down.</p> <p>It is important that there is capacity to deal with the more serious complaints. <b>Policy needs changing. No consultation required.</b></p>
	<p>Suspension and revocation of driver licences</p>	<p>Paragraphs 9.5 to 9.10 Paragraph 9.6 Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately.</p>	<p>This authority does not have this included in the current policy. <b>It is proposing to introduce in the review of the policy dealing with licensed drivers who have been served an immigration penalty or convicted of an immigration offence.</b> This will be included in the review of policy.</p>
		<p>Paragraph 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.</p>	<p>This authority is not aware that this scenario has occurred and an expedited re-licensing process is not in place. <b>It is proposing to introduce an expedited re-licensing policy for those drivers who have successfully appealed a revocation or the original allegations were unfounded.</b> This will be included in the review of policy.</p>