

Members' Briefing

Review of Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Drivers, Vehicles and Private Hire Operators

The Council last reviewed its policy in 2020, with amendments made to vehicle age, emissions standards and vehicle signage. Since this review, the Department for Transport has published its 'Statutory Taxi and Private Hire Vehicle Standards' (July 2020). The standards focus on establishing common core minimum standards across the taxi and private hire sector, and aim to protect children and vulnerable adults.

The Department for Transport expects all licensing authorities to implement these recommendations unless there are **compelling local reasons not to**.

The licensing authority intends to publish a comprehensive document that outlines its consideration of the standards and how it intends to implement them. This will form the basis of a review of the policy and relevant conditions in 2022.

The following is an overview of the proposed changes:

Hackney Carriage and Private Hire Drivers

- Mandate the requirement for all hackney carriage and private hire drivers to be signed up to the DBS Update Service, and give consent to the licensing authority checking the status of their DBS at least every six months. Those who fail to sign up to the DBS Update Service shall be subject to six-monthly enhanced DBS checks, complete with checks of the Barred Lists.
- Addition of statement in policy to confirm that checks of the children and adult Barred Lists must be undertaken in addition to the enhanced DBS check. This is for clarity only; the Council already does this.
- Require hackney carriage and private hire drivers to obtain a new enhanced DBS check, complete with checks of the Barred Lists, where the DBS Update Service indicates that there have been changes to their record.
- Require an applicant to submit a 'Certificate of Good Character' where they have spent an extended period (six or more continuous months) outside the UK. Where the time spent outside the UK was prior to the applicant turning 18 years old, this may not be required but will be considered on a case-by-case basis.
- Require licence holders to disclose to the Council in writing, within 48 hours, any arrest, charge, conviction, caution, fixed penalty notice or community resolution imposed on them during the period of licence.

- Specify the following as an offence for which up to 6 local authority penalty points can be applied to a hackney carriage or private hire driver's licence: *Failure to notify the Licensing Authority, in writing, of any arrest, charge, conviction, caution, fixed penalty notice or community resolution within 48 hours during period of licence.*
- Failure by any applicant or current licence holder to disclose an arrest, charge, conviction, caution, fixed penalty notice or community resolution, that the licensing authority is subsequently advised of, may be seen as behaviour that questions honesty and therefore the suitability of the applicant or current licence holder.
- Requirement for all applicants and current licence holders to disclose if they have a licence suspended by another licensing authority, in addition to already being required to disclose whether a licence has been refused or revoked.

Hackney Carriage and Private Hire Vehicles

- Mandate basic Disclosure and Barring Service checks for vehicle proprietors every 12 months, and advise registration to the DBS Update Service. Individuals who are already licensed as hackney carriage or private hire drivers (and thus have a six-monthly enhanced DBS check) need not comply with this requirement.
- Require that where the applicant for a hackney carriage or private hire vehicle licence is a company or partnership, all directors or partners of that company or partnership shall provide a basic Disclosure and Barring Service check. Where directors or partners are already licensed as hackney carriage or private hire drivers (and thus have a six-monthly enhanced DBS check), they need not comply with this requirement.
- Where the applicant for a hackney carriage or private hire vehicle licence has spent an extended period (six or more continuous months) outside of the UK, they must supply a Certificate of Good Character from their embassy or from the country in which they have been living.
- Mandate the display of this information in all licensed vehicles, in a format and style prescribed by the Council. This signage will include the vehicle licence number, contact details for the licensing authority and a QR code that, upon scanning with a smartphone or similar device, directs the customer to the online feedback form.

Private Hire Operators

- Mandate basic Disclosure and Barring Service checks for private hire operators every 12 months, and advise registration to the DBS Update Service. Individuals who are already licensed as hackney carriage or private hire drivers (and thus have a six-monthly enhanced DBS check) need not comply with this requirement.
- Require that where the applicant for a private hire operator licence is a company or partnership, all directors or partners of that company or partnership shall

provide a basic Disclosure and Barring Service check. Where directors or partners are already licensed as hackney carriage or private hire drivers (and thus have a six-monthly enhanced DBS check), they need not comply with this requirement.

- Where the applicant for a private hire operator licence has spent an extended period (six or more continuous months) outside of the UK, they must supply a Certificate of Good Character from their embassy or from the country in which they have been living.
- Requirement for all private hire operators to keep a register of all staff that take bookings or dispatch vehicles.
- Requirement for all private hire operators to evidence that they have had sight of a basic Disclosure and Barring Service check on all individuals listed on their register of booking and dispatch staff.
- Requirement for all private hire operators to provide the licensing authority with their policy on employing ex-offenders in a role that would involve taking bookings or dispatching vehicles.
- Requirement for private hire operators, and/or their staff, to advise customers if their booking is to be fulfilled by a public service vehicle (PSV) and explain that PSV drivers are not subject to the same background checks as private hire drivers.

Licensing Authority Actions / Decisions

- Commitment to reviewing the Statement of Licensing Policy at least every five years, with provision made for interim reviews where necessary
- Requirement for Council to consider whether it is appropriate to make a referral to the DBS where a hackney carriage and/or private hire drivers licence is revoked, or an application refused.
- Requirement for Council to consider whether it is appropriate to notify the police where a hackney carriage and/or private hire drivers licence is revoked, or an application refused, if done so on public safety grounds.
- Information stored on the National Anti-Fraud Network (NR3) may be used to inform the licensing authority's decision on whether an applicant or current licence holder is 'fit and proper' to hold a licence.

The licensing authority intends to finalise its draft policy, incorporating all of the above, by the end of January 2022. The draft policy will be subject to a public consultation period of 4-6 weeks, with any responses received being presented to the Licensing and Regulation Committee for consideration.

CCTV

The Department for Transport's 'Statutory Taxi and Private Hire Vehicle Standards' recommends that all licensing authorities undertake a review into whether installation of CCTV in hackney carriage and private hire vehicles is proportionate and necessary.

The licensing authority is currently gathering relevant information to inform a comprehensive review of whether CCTV should be mandated in hackney carriage and private hire vehicles licensed by Winchester City Council. Part of this review will include gathering views from the taxi and private hire trade and the general public.

It is the intention of the licensing authority to obtain these views in conjunction with consultation responses to the policy review.