

# Non-Statutory Licensing Committee

9 September 2020

<b>Report title</b>	Statutory Taxi & Private Hire Vehicle Standards	
<b>Wards affected</b>	All wards	
<b>Accountable director</b>	Ross Cook, Director of City Environment	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee</b>	Greg Bickerdike	Service Lead – Licensing
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<b>Report to be/has been considered by</b>	None.	

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## Recommendation for decision:

The Non-Statutory Licensing Committee is recommended to:

1. Approve a 12-week public consultation of the proposals to harmonise Licensing Services' policies and procedures with the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards.

## Recommendation for noting:

The Non-Statutory Licensing Committee is asked to note:

1. The actions taken by Licensing Services to harmonise Licensing Services' policies and procedures with the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards.

## **1.0 Purpose**

- 1.1 To inform the Non-Statutory Licensing Committee of the recommendations made by the Department for Transport's 'Statutory Taxi & Private Hire Vehicle Standards' with implications for Licensing Services.

## **2.0 Background**

- 2.1 The Department for Transport (DfT) published its 'Statutory Taxi & Private Hire Vehicle Standards' (Standards) on 21 July 2020.
- 2.2 A review of Licensing Services' operation has been completed. Some of the changes have already been implemented, whilst it is proposed that others undergo a full 12-week public consultation to obtain valuable feedback before implementation.

## **3.0 Increased Frequency of Driver's Disclosure and Barring Service (DBS) Checks**

- 3.1 The most significant recommendation in the Standards is that drivers should undergo an enhanced DBS check at least every six months. Currently, drivers are required to undergo an enhanced DBS check every three years, in line with the renewal of their driver licence.
- 3.2 Conducting biannual DBS checks would increase the cost to drivers six-fold, totalling £476.94 over three years.
- 3.3 An alternative solution is requiring drivers to provide proof that they have subscribed to the DBS Update Service, which costs £13 per year. The requirement to evidence their continuous subscription to the update service would need to be a condition of licence.
- 3.4 After applying for a DBS certificate, the driver would subscribe to the service and nominate Licensing Services as an authority that could view the status of their online certificate every day. The DBS then conduct a weekly check for new conviction information. If there is new information, the certificate's status is updated to advise that a new certificate is required.
- 3.5 It is currently a condition of licence that drivers must notify Licensing Services in writing of any convictions. Failure to notify Licensing Services will normally result in a two-month suspension of the licence, in accordance with section 5.1.18 of the Council's 'Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions'. During this suspension period, the licence holder would be required to apply for a new DBS certificate and provide it to the Council, then undergo a review of their licence.
- 3.6 If the driver does not show their new certificate to Licensing Services within 28 days of receiving it, a copy of the certificate can be requested from the DBS.

3.7 If a driver changes their address, the certificate remains valid. If the driver changes their name, they will be required to apply for a new DBS certificate and then link this with their old certificate.

3.8 There are circumstances in which individuals are not permitted by the DBS to subscribe to the update service and they should still be subject to an enhanced DBS check every six months. It is proposed that these licence holders are issued short-term driver badges lasting six months, which are extended by six months upon provision of a new DBS certificate.

#### **4.0 Requiring Basic DBS Checks of Vehicle Licence Holders**

4.1 Most vehicle licence holders are driver licence holders, as the vehicles cannot be driven without a Hackney Carriage or Private Hire Driver Licence.

4.2 However, the Standards recommend conducting annual basic DBS checks on all vehicle licence holders. This will have implications for vehicle leasing and accident management companies, who own licensed drivers but do not drive nor undertake licensed work themselves.

4.3 It is proposed that vehicle licence holders who do not have a driver licence are required to provide a basic DBS certificate to Licensing Services every 12 months. Where the licence holder is a limited company, all the directors would be required to undergo a basic check every 12 months and if a new director joined, a new basic DBS certificate would need to be provided. This would be included on the vehicle licence conditions.

#### **5.0 Notification of Convictions**

5.1 The Standards recommend that licence holders should notify Licensing Services within 48 hours of an arrest and release, charge or conviction for sexual, violent, dishonest or motoring offences. The current requirement is 14 days. This could be implemented by varying this condition of licence.

#### **6.0 Duration of Driver Licences**

6.1 It is recommended by the Standards that driver licences should be issued for three years by default. Short term licences can be issued to licensees who have a time-limited right to work in the UK, but licences should not be issued for one year on a probationary basis, even if a licensee has a history of convictions or complaints.

6.2 Any issues should be investigated by Licensing Compliance and resolved by way of a mid-licence review, where appropriate.

6.3 A check of the driver's DVLA driving licence would take place each year and the DBS update service checks for convictions every week.

6.4 Applicants who are provided with a 'manual' certificate by the DBS and are not eligible for the update service would be granted a three-year licence but would be issued with a driver badge that expires after six months. When a new DBS certificate is provided, another six-month driver badge would be issued free of charge, each time until the licence expires.

## **7.0 CCTV**

7.1 An investigation on the proportionality of CCTV, formally known as surveillance cameras, within licensed vehicles is recommended. Licensing Services has provided evidence of the number of crimes in Wolverhampton that involve taxis (302 in 2019) and the Non-Statutory Licensing Committee recently approved a public consultation on their use. This is being redrafted to give regard to the Standards before consultation commences and will be included in the wider consultation.

## **8.0 Private Hire Operators**

8.1 The Standards recommend the following conditions of licence:

- A. The requirement for a basic DBS check and the notification of any convictions to the employer should be included in employment contracts for roles with responsibility for taking bookings or dispatching vehicles.
- B. An 'employing ex-offenders' policy, for roles with responsibility for taking bookings or dispatching vehicles, must be in use and visible to Licensing Services.
- C. The name of any individual that dispatched a vehicle from the base must be logged with the fare, along with the name of any driver that responded to the booking request (i.e. including those that were unsuccessful in being allocated the fare).
- D. If a fare is subcontracted, the original operator must be able to show that the contracted operator complies with the above conditions.
- E. The use of Public Service Vehicle (PSV) driven by a 'Passenger Carrying Vehicle' licensed driver to fulfil a fare, without the informed consent of the booker is prohibited. The booker must be informed that the driver is subject to different checks and not required to have an enhanced DBS check.

8.2 Phillip Kolvin Q.C. has also recommended that Private Hire Operators inform Licensing Services of all complaints against drivers.

## **9.0 Taxi Licensing Policies**

9.1 It is proposed that the below policies will be collated into a 'Taxi Licensing Policy' on the Council's website, to improve the transparency of Licensing Services:

- A. Right to work in the UK checks
- B. Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions
- C. Delegations of Authority to Officers
- D. Schedule of Training for Licensing Decision Makers
- E. Driver, Vehicle and Operator Licence Conditions
- F. Vehicle Requirements
- G. Licence Plate Exemption Requirements

## **10.0 Consultation**

- 10.1 It is proposed that the recommendations outlined in sections 3.0 to 9.0 of this report undergo a 12 week consultation. Consultees will include:
  - A. City of Wolverhampton Councillors
  - B. The hackney carriage and private hire trade, including all licence holders
  - C. The public, as customers of the trade
  - D. All other Licensing Authorities, including Transport for London
  - E. Department for Transport
  - F. West Midlands Police
  - G. Transport for West Midlands
  - H. West Midlands Licensing Authorities
  - I. Wolverhampton's Multi-Agency Safeguarding Hub (MASH)
  - J. Pubwatch
  - K. Black Country Chamber of Commerce
  - L. City of Wolverhampton Council Equalities Team

## **11.0 Department for Transport Response**

- 11.1 The Department for Transport expects these recommendations to be implemented unless there is a compelling local reason not to. The Council is expected to provide an update of their consideration of the Standards by the end of January 2021. The

department also expects the Council to publish its consideration of the measures contained in the Standards along with the policies and delivery plans that stem from them.

- 11.2 The recommendations detailed in sections 12.0 to 15.0 of this report have been, or will be, implemented without consultation due to their simplicity.

## **12.0 Safeguarding**

- 12.1 Whilst there is already a comprehensive safeguarding module in the driver training programme, the Standards specifically reference two resources, the DfT's 'Together we can tackle child abuse' toolkit and the Home Office's 'County Lines' materials.
- 12.2 Worcestershire County Council, who provide all training to the Council's applicants, have reviewed this documentation and all areas are incorporated into the driver training programme.

## **13.0 Passenger Complaints**

- 13.1 The Standards recommend requiring a sticker within licensed vehicles which displays information on how to complain directly to the Council about the driver, vehicle or operator.
- 13.2 Licensing Services have acquired the telephone number 01902 558294 which can be stylised as '01902 55 TAXI' for a memorable complaints number. This will then be advertised within all licensed vehicles.

## **14.0 Determination of Licensing Hearings by Officers**

- 14.1 The Standards do not recommend that the determination of licence hearings is undertaken by officers. This is to ensure that the investigation of complaints and the review of licences as a result of those complaints is separate.
- 14.2 This is already the case at Wolverhampton, with Licensing Compliance a separate function and no officer having responsibility for investigating and decision making. This recommendation is likely targeted at smaller authorities, who may have just one officer responsible for all taxi licensing and compliance.
- 14.3 Whilst it is not practicable for Councillors to be involved in every licence application or review due to the volume of applicants and licence holders at Wolverhampton, contentious decisions are referred to the Non-Statutory Licensing Sub-Committee.
- 14.4 The documentation of the training undertaken by deciding officers will be consulted on and presented to committee.

## **15.0 Reporting of Revocations to the DBS and police**

- 15.1 When a licence is revoked due to the holder representing a risk to a child or vulnerable adult, this is now reported to the DBS. They will then consider whether the individual should be added to a barred list.
- 15.2 Where a licence is refused or revoked on the grounds of public safety, the police are now informed as a matter of routine.

## **16.0 Financial implications**

- 16.1 There is no cost to undertake a consultation as all consultees can be reached via email or advised of the consultation on the council's online Consultation Hub. The resource of administering the consultation will be met out of existing budgets.

[SB/28082020/I]

## **17.0 Legal implications**

- 17.1 Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Standards.

[JB/28082020/A]

## **18.0 Equalities implications**

- 18.1 The Equalities Team will be included as a consultee, to understand any implications of the recommendations.

## **19.0 Climate change and environmental implications**

- 19.1 There are no climate change nor environmental implications arising from the recommendations of this report.

## **20.0 Human Resources implications**

- 20.1 There are no Human Resources implications arising from the recommendations of this report.

## **21.0 Corporate Landlord implications**

- 21.1 There are no Corporate Landlord implications arising from the recommendations of this report.

## **22.0 COVID-19 implications**

- 22.1 There are no COVID-19 implications arising from the recommendations of this report.

**23.0 Schedule of background papers**

- 23.1 Statutory Taxi & Private Hire Vehicle Standards, Department for Transport, 21 July 2020
- 23.2 Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions, City of Wolverhampton Council, 20 March 2019