

Implementing the Department for Transport's 'Statutory taxi and private hire vehicle standards' in Licensing Services

Consultee Capacity

1. In what capacity are you responding to this consultation? (Select all that apply)
(Required)

- A private hire, hackney carriage or dual driver licensed by City of Wolverhampton Council
- A private hire or hackney carriage vehicle proprietor licensed by City of Wolverhampton Council
- A private hire operator licensed by City of Wolverhampton Council
- A private hire or hackney carriage driver, vehicle or operator licence holder with another licensing authority i.e. another Council or Transport for London (TfL)
- An employee of another licensing authority
- An employee of a police force
- An employee of another regulator (please specify in box below)
- A vehicle leasing company
- An accident management company
- Someone who uses private hire or hackney carriage vehicles
- Someone with a disability
- City of Wolverhampton Council employee (please provide your email address in the box below)
- Other (please specify below)

Enhanced DBS Checks

The Department for Transport recommends that driver licence holders undergo enhanced DBS checks every six months.

Rather than pay for a new certificate every six months, it is proposed that drivers be required to subscribe to the DBS update service at a cost of £13 per year. This service checks for new offences and information on the police national computer every week, meaning that a new DBS certificate would no longer be required when renewing a driver licence, provided that the driver remained subscribed to the service.

After applying for a DBS certificate, drivers and applicants will receive an email advising them that they need to subscribe to the DBS update service within a month.

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.

Should the certificate status change, indicating a new offence or information, drivers would be required to apply for a new certificate within 48 hours and provide the DBS certificate to Licensing Services within 7 days of the certificate date.

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.

2. Do you support these proposals?

(Required)

- Yes
- No

Comments

Online Portal

The Council is launching an online portal, to make it easier for licence holders to update their details, such as their address. The licence conditions attached expressly permit the use of the online portal to update details, however current licence holders will not be penalised should they choose to use the online portal to notify Licensing Services of a change in details.

3. Do you support these proposals?

(Required)

- Yes
- No
- Comments

Basic DBS Check

The Department for Transport recommends that applicants for vehicle licences undergo an annual basis DBS check.

This would only apply to vehicle licence applicants who do not have a dual hackney carriage or private hire driver licence, as they currently undergo an enhanced DBS check.

It is proposed that applicants for vehicle licences, that do not hold a current driver licence, be required to provide a basic DBS certificate dated no more than three months prior to the date of licence application.

Should the certificate contain information, this shall be considered in line with the Council's 'Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions'. Applicants may be required to attend a hearing to determine whether they are 'fit and proper' to hold a vehicle licence.

If the applicant is a company or partnership, basic DBS certificates will need to be provided for all directors or partners. A hearing may be held with one, some or all of the individuals concerned. If a new director or partner joined, they would need to provide Licensing Services with a new basic DBS certificate.

4. Do you support these proposals?

(Required)

- Yes
- No

Comments

Licences

The Department for Transport recommends that driver licences should be issued for three years by default.

It is proposed that applications for one-year or two-year licences would not be permitted after March 2021.

A check of drivers' DVLA driving licences would take place each year and the DBS update service checks for convictions every week. 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. This system would also apply to those with a time-limited right to work in the UK or on the recommendation of the driver's medical practitioner.

5. Do you support these proposals?

(Required)

- Yes
- No

Comments

Conditions

The Department for Transport recommends the following conditions of licence for Private Hire Operators:

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.

An 'employing ex-offenders' policy, for roles with responsibility for taking bookings or dispatching vehicles, must be in use and visible to Licensing Services.

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).

If a fare is subcontracted, the original operator must be able to show that the contracted operator complies with the above conditions.

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.

Some of these conditions are effectively included by Wolverhampton's Private Hire Operator Licence Conditions. Draft Private Hire Operator Licence Conditions, which include changes required to implement the Department for Transport recommendations are included in this consultation's documents.

6. Do you support these proposals?

(Required)

- Yes
- No

Comments

Notification of offences

The Department for Transport recommends 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.

It is proposed that licence holders be required to notify the Licensing Authority, within 48 hours, of any arrest, charge, conviction, caution or issuance of a Fixed Penalty Notice.

7. Do you support these proposals?

(Required)

- Yes
- No

Comments

Taxi Licensing Policy

The Department for Transport recommends that Licensing Authorities publish a 'Taxi Licensing Policy' on their website. It is proposed that the below policies will be published, to improve the transparency of Licensing Services:

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

8. Do you support these proposals?

(Required)

- Yes
- No

Are there any other policy documents that you think should be included or do you have any other comments?

Cameras

Licensing Services do not currently permit licence holders to install inward facing cameras or cameras with audio recording in licensed private hire or hackney carriage vehicles. This is to protect the privacy of passengers from unregulated CCTV systems installed by drivers. However, it is recognised that surveillance cameras can deter crime and are helpful when investigating complaints.

The Department for Transport has recommended an investigation on the proportionality of CCTV, formally known as surveillance cameras, within licensed vehicles. Non-Statutory Licensing Committee has approved a public consultation on their use, following the submission of crimes recorded by West Midlands Police involving taxis. A Data Protection Impact Assessment is included in the consultation documents, along with a draft Surveillance Camera Policy.

The documents outline a council-run system, where drivers would not have direct access to the data. Internal video recording would take place whenever the vehicle was being used as a taxi and audio recording would only be triggered by:

- A passenger pressing the panic button
- The driver pressing the panic button
- The G-force sensor indicating a crash
- Shouting detected by a microphone
- A door opening when vehicle is in motion

9. It is likely that this system will cost between £500 and £1,000 per vehicle.

Do you think that all private hire and hackney carriage vehicles licensed by City of Wolverhampton should be required to install this system?

(Required)

- Yes
- No

Comments

To help drivers with insurance claims, it is proposed that the surveillance camera system has video-only cameras at the front and rear of the vehicle, facing out the windscreens which will record video footage at all times the vehicle is in use, as a 'dash-cam' would. This would include when the vehicle is not being used for private hire or hackney carriage journeys.

10. Do you support this proposal?

(Required)

- Yes
- No

Comments

11. Is there anything else that you would like to comment on?

Equalities Monitoring

Under the Equality Act 2010, the Council has a responsibility to ensure that we do not unfairly discriminate in the services we provide. To help us ensure that our Equal Opportunities policy is working, please provide the following information by ticking the appropriate boxes.

Providing this information is optional. Any information provided will be treated in the strictest confidence and will only be used for statistical monitoring, to help ensure our services are accessible to everyone.

12. What gender are you?

- Female
- Male
- Gender fluid / Gender neutral / None gender
- Other
- Prefer not to say

13. Is your gender identity the same as the gender you were assigned at birth?

- Yes
- No
- Prefer not to say

14. What is your ethnic origin?

- Asian or Asian British – Indian
- Asian or Asian British – Pakistani
- Asian or Asian British – Bangladeshi
- Chinese
- Other Asian or Asian British
- White and Black African
- White and Black Caribbean
- White and Asian
- Other Mixed Background
- Black or Black British – African
- Black or Black British – Caribbean
- Other Black or Black British
- White - British
- White - Irish

- White Gypsy / Irish Traveller
- White - Other European
- Other White
- Arab
- Any Other
- Prefer not to say

15. Do you have a disability which affects your day to day activities, which has lasted, or you expect to last, at least a year?

- Yes
- No
- Not sure
- Prefer not to say

16. What religion are you?

- Buddhist
- Christian
- Hindu
- Jewish
- Muslim
- Sikh
- No Religion
- Any Other Religion
- Prefer not to say

17. Please indicate how old you are:

- Under 16
- 16 - 24
- 25 - 34
- 35 - 44
- 45 - 54
- 55 - 64
- 65 or Over
- Prefer not to say

18. What is your sexual orientation?

- Lesbian / Gay woman
- Bisexual
- Gay Man
- Heterosexual / Straight
- Unsure
- Other
- Prefer not to say