

Public Document Pack



Dear Councillor

PLANNING AND LICENSING COMMITTEE - WEDNESDAY, 10TH FEBRUARY, 2021

I am now able to enclose, for consideration at next Wednesday, 10th February, 2021 meeting of the Planning and Licensing Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
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| 4. | <u>Taxi Vehicle Policy</u> (Pages 3 - 92) |
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Yours sincerely



Chief Executive

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Agenda Item 4

Committee: Planning and Licensing Committee	Date: 10 February 2021
Subject: National Standards and Taxi Policy	Wards affected: All
Report of: Paul Adams, Licensing Manager	Public
Report Author: Paul Adams, Licensing Manager Telephone: 01277312500 E-mail: paul.adams@brentwood.gov.uk	For information

Summary

The DFT have published the Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing, this report considers these standards and brings together the Council's policies and procedures into one policy document, reviewing areas of our existing policy to ensure that the minimum standards are met, ready for consultation with the taxi trade and stakeholders.

Recommendations

Members are asked to:

- R1. Note the DFT Statutory and Private Hire Vehicle Standards.
- R2. Consider the revised policy and any changes that the Statutory Taxi and Private Hire Vehicle Standards have required.
- R3. Agree that the revised policy go out for consultation, with any consultation responses being reported back to this committee for further consideration.

Main Report

Introduction and Background

1. July 2020 the Department for Transport Published its Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing, and is attached as **Appendix A**.

The main aspects of the standards are:

- Administering the licensing regime including a local licensing policy.
- Decision making including training of decision makers.

- Gathering and sharing information. Including the use of the Disclosure and Barring Service (DBS) checking process, and sharing of information with other licensing authorities
 - Fit and proper test including relevance of criminal convictions
 - Minimum requirements for driver licensing.
 - Criminality checks for vehicle licence holders
 - CCTV in vehicles
 - Criminality checks for operator licences
 - Operator record keeping requirements
2. Brentwood Borough Council has a number of policies, procedures and conditions that relate to the licensing of Hackney Carriage Vehicles and Drivers, Private Hire Vehicles, Drivers and Operators.
 3. In order to meet the recommendation that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on Taxi and Private Hire vehicle licensing. A single policy document titled Hackney Carriage and Private Hire Licensing Policy has been created, attached as **Appendix B**, which has incorporated the below existing documentation. A summary of the changes to the existing documents is also provided.
 4. **Appendix C**, Statements of Policy relating to the relevance of Convictions. This Policy has been replaced by the assessment of previous convictions provided in the standards. The motoring convictions standard has been expanded to give more definition, which is in line with the Institute of Licensing guidance on previous convictions as well as the inclusion of convictions that are relevant to taxi licensing offences.
 5. **Appendix D**, Private Hire Driver pre licensing Conditions and Hackney Carriage Bylaws. The conditions have been updated to reflect the timeframe and scope that notifications of convictions etc. need to be made to Council. The driver dress code has also been updated.
 6. The additional pre licensing requirements have been added which is in line with the standards:
 - Sign up to the DBS update service (after the initial DBS check has been completed).
 - The requirement for a Certificate of Good Conduct has been updated to be in line with the national standards.
 - Have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of hackney carriage and private hire licence.
 - Have met the Council's Language proficiency requirements.
 - Pass a PATS training course.
 - Undertaken the Council's CSE and safeguarding training.

7. Consideration of the method of assessment for language proficiency is still being investigated. It is proposed that people that hold a recognised qualification that has been taught in English will meet this standard. For those that do not have a qualification, they will need to participate in an assessment process via an approved assessment centre subject to local availability.
8. **Appendix E**, Private Hire Operator Conditions. These conditions have been updated to reflect the revised records that need to be kept and the requirement to check the suitability of employees against the council's suitability criteria.
9. The Private Hire Operator pre licensing requirements also now includes the requirement to provide a basic disclosure from the DBS (unless the applicant is also a licensed driver with Brentwood Council), with a fit and proper test being applied to the applicant.
10. **Appendix F**, Hackney Carriage and Private Hire Vehicle specification and licence conditions remains unchanged at this time. A full review of this section of the policy will be undertaken this year, with consideration being given around the promotion of the use of electric and hybrid vehicles.
11. The vehicle proprietor pre licensing requirements now includes the requirement to provide a basic disclosure from the DBS (unless the applicant is also a licensed driver with Brentwood Council), with a fit and proper test being applied to the applicant.
12. As part of this review interested parties will be consulted with including licence holders and their representatives, and the public.

Issue, Options and Analysis of Options

13. The Council as a Licensing Authority must comply with the National Standards unless it has good reason not to do so. In order to meet the recommendation that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing the existing policies and procedures have been updated to reflect the requirements of the national standard.
14. Changes to Council policy will come into immediate effect for new licence applicants once the policy is adopted. Changes to suitability criteria around criminal convictions will also be applied with immediate effect to existing licence holders. Changes around training requirements and record keeping will be applied to existing licence holders, with a reasonable period for implementation relevant to the requirements imposed.

Reasons for Recommendation

15. This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have an opportunity to consider those before adoption.

Consultation

16. Consultation on the draft policy will be undertaken. All licence holders will be written to inviting them to view the draft policy, and to make any comments in writing to the Licensing Department.

17. Consultation will also be undertaken with other stakeholders such as disability access groups, safeguarding and transport professionals.

18. The draft policy will also be published on the Council's website for comments.

19. The consultation period will run for 6 weeks. Any relevant representations made will be reported to this committee to consider those before referral to Full Council for adoption

References to Corporate Plan

20. There are no references to the corporate plan.

Implications

Financial Implications

Name & Title: Louise Moss, Senior Accountant

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21. There are no financial implications for Brentwood Council.

Legal Implications

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22. The granting of Licences is a legal function of the authority and the introduction of the national standards by the Department of Transport must be applied to the Council's policies and procedures unless there is good reason not to do so.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

23. The revision of the policy has been required by the Department for Transport national standards. A revised Community and Equality Impact Assessment should be undertaken before the final policy is published. There are no Diversity and Equality Implications at this stage.

Background Papers (include their location and identify whether any are exempt or protected by copyright)

- Statutory Taxi and Private Hire Standards.
- IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

Appendices to this report

- **Appendix A** - Department for Transport, Statutory Taxi and Private Hire Vehicle Standards.
- **Appendix B** – Draft Hackney Carriage and Private Hire Licensing Policy.
- **Appendix C** – Statements of Policy relating to the relevance of Convictions.
- **Appendix D** - Private Hire Driver pre licensing Conditions and Hackney Carriage Bylaws
- **Appendix E** – Private Hire Operator Conditions and Pre Licence Requirements.
- **Appendix F** - Hackney Carriage and Private Hire Vehicle specification and licence conditions.

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Hackney Carriage and Private Hire Licensing Policy

April 2021 – April 2026

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1. Introduction

- 1.1. The overriding aim of Brentwood Borough Council when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and others who use, or can be affected by, Hackney Carriage and Private Hire services.
- 1.2. This policy brings together, into one cohesive document, all previous policy and procedures on all aspects Hackney Carriage and Private Hire Licensing in Brentwood.
- 1.3. Each case will always be considered on its merits having regards to this policy. Brentwood Borough Council will only depart from this policy where it considers appropriate to do so. This will normally happen where Brentwood Borough Council considers that there are exceptional circumstances which warrant a different decision.
- 1.4. This policy came into effect on the XXXXXXXXXX 2021 and will be reviewed every 5 years, or sooner should there be a significant issue in Borough, or reason to consider all or part of this policy.
- 1.5. This policy has been developed with regards to the Department for Transport Statutory Taxi and Private Hire Vehicle Standards and other relevant guidance. Consultation on this policy has been undertaken with both the Hackney Carriage and Private Hire trade; and with groups that are likely to be the trade's customers, such as groups representing disabled people, organisations with a wider transport interest etc. a full list of those that were consulted is attached as Appendix H.
- 1.6. This policy will come into immediate effect for new licence applicants. For existing licence holders, the suitability criteria around criminal convictions will be applied with immediate effect, along with the conditions of licences. Changes of training requirements and record keeping will be applied to existing licence holders, with a reasonable period for implementation relevant to the requirements imposed. Where this is the case the time frame given will be stated in this policy against the requirement.

2. Decision Making

- 2.1. 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.
- 2.2. Brentwood Borough Council's Scheme of Delegation is attached as Appendix H
- 2.3. All Hackney Carriage and Private Hire matters under the Council Constitution are dealt with by the Council's Planning and Licensing Committee or by its Licensing Sub-Committee. The Brentwood Borough Council Constitution is published on the [Council's website](#).
- 2.4. All individuals that determine whether a licence is issued will be required to undertake sufficient training. This includes Members and Officers. This training will at least meet the minimum requirements of the DFT standards. Member training requirements and obligations are contained within the Council Constitution.

3. Failure to Disclose Information

- 3.1. Withholding information when submitting an application can be interpreted as deception and may lead to refusal of the application for this reason alone.
- 3.2. Failure to notify the Licensing Department of any arrest, conviction, caution or other relevant matter during the duration of the licence in accordance with a licence condition or bylaw, will also be treated as deception and may lead to refusal/revocation/suspension of a licence for this reason alone.

4. Complaints against licence holders

- 4.1. Complaints about licence holders will be recorded on the Council's database. All complaints will be investigated, and appropriate action taken, which may include, no further action, a written warning, referral to a licensing sub-committee for consideration, or suspension or revocation of the licence.
- 4.2. A pattern of complaints about a licence holder may be sufficient on the balance of probabilities to take more formal action than an individual complaint may warrant alone.
- 4.3. Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to conviction may also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

5. Driver Licences

5.1. Overview

- 5.1.1. For the safety and protection of the public, any person that drives a Private Hire or Hackney Carriage Vehicle that is licensed by Brentwood Borough Council, must hold the relevant driver's licence that is also issued by Brentwood Borough Council.
- 5.1.2. For the purposes of this policy the term "driver's licence" will refer to a Hackney Carriage or Private Hire Driver's licence, or a Combined licence where the holder is entitled to drive both types of vehicles.
- 5.1.3. Drivers cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59).
- 5.1.4. In determining if a person is "fit and proper", this authority will consider the updated expression "safe and suitable" and will largely apply the test:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'
- 5.1.5. Failure to comply with any pre licensing requirement or condition of the licence may be grounds for refusal of application or revocation of the licence for that reason alone.

5.2. Duration of Licences

- 5.2.1. A Driver's licence will normally be issued for a three year duration.
- 5.2.2. Any shorter duration will only be issued if it is appropriate in the specific circumstances of the case, such as when the applicant has requested a one year licence or where required, which may include but is not limited to the licence holder's leave to remain in the UK is time-limited.

5.3. Pre-Licensing Requirements

- 5.3.1. To qualify for a driver's licence you must:
 - Be aged 21 or over.
 - Hold a full DVLA or equivalent driver's licence for at least 3 years.
 - Have the right to work in the UK.
 - Submit a fully completed application form.
 - Be subject to an Enhanced DBS check
 - Sign up to the DBS update service (after the initial DBS check has been completed).
 - If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided.

- Have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence.
- Have met the Council's Medical Fitness Criteria which is in line with the DVLA Group 2 standard.
- Have met the Council's Safeguarding and Child Sexual Exploitation Awareness Training criteria.
- Have passed the Council's Knowledge Test.
- Have met the Council's approved disability awareness training requirements.
- Have met the Council's Language proficiency requirements.
- Have paid the licence fee (please see current fees list).

5.4. Disclosure and Barring Service (DBS) Check

- 5.4.1. An enhanced DBS check must include a check of the children and adult barred Lists (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2).
- 5.4.2. Licence holders should maintain their DBS Certificate through the DBS Update service continuously through the duration of their licence, failure to do so is likely to lead to the immediate suspension of the licence.
- 5.4.3. Existing licence holders will need to undertake a new enhanced DBS check and maintain their DBS Certificate within 6 months from the implementation of this policy, or at the next renewal of their licence if that is sooner.

5.5. Assessment of Previous Convictions

- 5.5.1. The criteria for determining whether an individual should be granted or retain a Hackney Carriage driver's licence are identical to the criteria for a Private Hire driver's licence, the two are considered together.
- 5.5.2. Appendix A sets out the council's criteria for assessing previous convictions for all driver applications and licence holders.

5.6. Previous Refusals and Revocations of Hackney Carriage and Private Hire Licences

- 5.6.1. A check of the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence (NR3 database) will be made for every licence application.
- 5.6.2. The applicant will also be required to disclose if they hold or have previously held a licence with another authority, and if they have had an application for a licence refused, revoked or suspended by any other licensing authority.
- 5.6.3. Where an applicant has a previous refusal, suspension or revocation by another authority, contact will be made with the relevant licensing authority to seek further information. If information is disclosed, this information will be taken into account in determining the applicant's fitness to be licensed.
- 5.6.4. Brentwood Borough Council's policy on how we use the NR3 Database can be found at Appendix F

5.7. Medical Fitness Criteria

- 5.7.1. Up to the age of 70 years, drivers will be required to undergo a medical examination to DVLA Group 2 standards as to their fitness to drive, every three years, or any lesser period that the examining doctor may decide.
- 5.7.2. Those drivers suffering from known and notified medical disorders and those over 70 years of age, will be required to undergo a medical examination to Group 2 standards annually, or any lesser period that the examining doctor may decide.
- 5.7.3. All medical examinations will be at the expense of the individual driver. The Council reserves the right in accordance with the Local Government (Miscellaneous Provisions) Act 1976 to require an applicant or driver to undertake an independent medical examination to DVLA Group 2 standards at such clinic or hospital as the Council may direct.
- 5.7.4. All medical examinations must be undertaken at one of the Council's agreed medical examination providers as in Appendix B.

5.8. Safeguarding and Child Sexual Exploitation Awareness Training

- 5.8.1. All new applicants must have undergone the Council's approved Safeguarding and Child Sexual Exploitation Awareness Training before a licence is granted.
- 5.8.2. Licence holders must undertake the Council's approved refresher training where required every 3 years.
- 5.8.3. The Council's approved Safeguarding and Child Sexual Exploitation Awareness Training courses and providers are detailed in Appendix C.

5.9. Disability Awareness Training

- 5.9.1. All new applicants must have undergone the Council's approved Disability Awareness Training before a licence is granted.
- 5.9.2. Licence holders must undertake the Council's approved refresher training where required every 3 years.
- 5.9.3. The Council's approved Disability Awareness Training courses and providers are detailed in Appendix D.
- 5.9.4. The cost of this training is not included in the licence fee and must be paid by the applicant or licence holder direct to the training provider.

5.10. Language Proficiency Requirements

- 5.10.1. All new applicants must undertake the Council's language proficiency assessment before a licence will be granted. This assessment will cover both oral and written English language skills.
- 5.10.2. Existing licence holders will need to undertake this assessment within 12 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.
- 5.10.3. The Council's approved language proficiency assessment process and providers are detailed in Appendix E.
- 5.10.4. The cost of this training is not included in the licence fee and must be paid by the applicant or licence holder direct to the training provider.

5.11. Knowledge Test

- 5.11.1. The Council's Knowledge Test is an electronic test that covers different sections as set out in Appendix G.
- 5.11.2. An application fee allows a maximum of 2 attempts at the knowledge test.
- 5.11.3. There is a fee for additional tests that must be paid for before the test is taken.
- 5.11.4. If you are not successful on a particular test, you will only be expected to answer questions on the sections you did not previously pass.

5.12. Conditions

- 5.12.1. The non-compliance with a licence condition may lead to revocation or suspension of a licence for this reason alone.

5.13. Private Hire Driver Conditions

- 5.13.1. A licence holder, on changing his address, shall notify the Council of such change within seven days by email to licensing@brentwood.gov.uk
- 5.13.2. Any of the following events in respect of licence holder must be reported by email to licensing@brentwood.gov.uk within 48 hours giving full details:
- a) Any charge or conviction
 - b) Any caution (issued by the Police or any other agency)
 - c) An arrest and release for any offence (whether or not charged)
 - d) Issue of any fixed penalty notice for any matter;
 - e) Any harassment or other form of warning or order within the criminal law, including Anti-Social Behaviour Orders or similar.
 - f) Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA licence.
- 5.13.3. A driver shall at all times when working, wear their badge on their person so that it is clearly visible.
- 5.13.4. No person shall, being the driver of a Private Hire Vehicle, without reasonable excuse:
- a) Refuse to attend the needs of, or refuse assistance to any person with a disability, whether or not they are the user of a wheelchair.
 - b) Refuse to permit the carriage of a dog used as a guide dog for a blind or partially sighted person, a hearing dog for those otherwise impaired, or an assistance dog.
 - c) No person shall, being the driver of a Private Hire Vehicle, charge for carrying a guide dog, hearing dog or assistance dog, or for the carriage of a wheelchair.
- 5.13.5. A driver shall not refuse to carry fewer persons than the number marked on the plate.
- 5.13.6. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
- 5.13.7. The driver of a Private Hire Vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall:
- a) Unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
 - b) When picking up the hirer, make his presence known in person and shall not attract the hirer's attention by sounding their horn, shouting or making any other disturbing noise.
- 5.13.8. A driver shall:
- a) Convey a reasonable quantity of luggage;
 - b) Afford reasonable assistance in loading and unloading such luggage.

5.13.9. If the Private Hire Vehicle is fitted with a meter, the driver shall, at the commencement of the journey, activate the meter so that the word “HIRED” is clearly visible and shall keep the meter operating until the termination of the hiring. “Commencement of the journey” means:

- a) When the hirer enters the vehicle;
- b) When the driver has attended at an appointed place and has made their presence known to the hirer.
- c) When the driver has presented themselves at an appointed place at a specified time.

5.13.10. The driver of a Private Hire Vehicle shall at all times when the vehicle is hired:

- a) Take all reasonable precautions to ensure the safety of persons travelling in, entering or alighting from their vehicle;
- b) Be clean, respectable, of smart appearance and act with civility towards all persons and shall comply with the reasonable requirements of the hirer(s).

5.13.11. The driver of a Private Hire Vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

5.13.12. Once a Private Hire Vehicle has been hired, a driver shall not carry anyone else during that hire, without the explicit consent of the first hirer.

5.13.13. The driver shall not demand from any hirer of a Private Hire Vehicle a fare greater than that agreed with the Operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

5.13.14. The driver of a Private Hire Vehicle shall, immediately after the termination of the hiring, search the vehicle for any property, which may have been accidentally left therein. On finding any property left in his vehicle, a driver shall carry it as soon as possible and in any case within 72 hours, to the Town Hall, Ingrave Road, Brentwood, CM158AY, and deposit it there.

5.14. [Hackney Carriage Bylaws](#)

5.14.1. For the purpose of this consultation there are no changes proposed to the Hackney Carriage Bylaws. The existing documents will be added to this policy document for completeness.

6. Private Hire Operator Policy and Conditions

6.1. Overview

- 6.1.1. For the safety and protection of the public, Private Hire Operators within Brentwood must have a licence issued by Brentwood Borough Council. The licence permits you to accept bookings for Private Hire work.
- 6.1.2. If you intend to take bookings from an operating base situated outside Brentwood, you must apply for an Operator's licence from the appropriate local council.
- 6.1.3. The objective in licensing Private Hire Vehicle Operators is to protect the public, who may be using Operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a Private Hire Vehicle Operator licence also pose no threat to the public and have no links to serious criminal activity. Although Private Hire Vehicle Operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.
- 6.1.4. Private Hire Vehicle Operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.
- 6.1.5. Failure to comply with any condition of the licence may be grounds for revocation of the licence for that reason alone.

6.2. Duration of Licences

- 6.2.1. An Operator licence will normally be issued for a five year duration.
- 6.2.2. Any shorter duration will only be issued if it is appropriate in the specific circumstances of the case, when the licensee has request it or where required, which may include but is not limited to the licence holder's leave to remain in the UK is time-limited.

6.3. Suitability of applicant/licence holder

- 6.3.1. A Private Hire Vehicle Operator licence may be applied for by a company or partnership; the 'fit and proper' test will be applied to each of the directors or partners in that company or partnership.
- 6.3.2. The Council will consider whether an applicant or licence holder with a conviction for offences provided in Appendix A, other than those relating to driving, meet the 'fit and proper' threshold.
- 6.3.3. 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 Private Hire Vehicle Operator licence; this decision will be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

6.4. Pre Licensing Requirements

- 6.4.1. To apply for a Private Hire Operator licence you need to submit the following:
 - A completed application form
 - Have the right to work in the UK.
 - A basic disclosure from the DBS (unless the applicant is also a licensed driver with Brentwood Borough Council)
 - If any applicant has, from the age of 10 years, has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided.
 - The fee (please see current fees list)

6.5. Conditions

- 6.5.1. Existing licence holders will need to be compliant with all the below condition within 6 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.
- 6.5.2. **General Conditions**
 - 6.5.2.1. The licence holder must not permit the display of the word "Taxi", "Cab" or "Hackney Carriage" on any Private Hire Vehicles operated by them.

6.5.2.2. The Licence holder must notify in writing any change of address of the licence holder or the address of the operating centre by email to licensing@brentwood.gov.uk immediately within 48hrs of the change.

6.5.3. [Criminality Checks/reporting Convictions and Other Relevant Matters](#)

6.5.3.1. The licence holder must complete a basic disclosure from the DBS annually (unless the licence holder is also a licensed driver with Brentwood Borough Council - Should the individual cease to hold a driver licence a basic certificate will be required immediately)

6.5.3.2. Any of the following events in respect of licence holder, director or partner must be reported by email to licensing@brentwood.gov.uk within 48 hours giving full details:

- Any conviction (criminal or driving matter)
- Any caution (issued by the Police or any other agency)
- Issue of any Magistrate's Court summons against them
- Issue of any fixed penalty notice for any matter;
- Any harassment or other form of warning or order within the criminal law, including Anti-Social Behaviour Orders or similar
- Their arrest for any offence (whether or not charged)

6.6. [Booking and Dispatch Staff](#)

6.6.1. An up-to-date register of all staff that take bookings or dispatch vehicles must be kept. This record shall be produced on request to any Authorised Officer of the Council or to any Constable for inspection.

6.6.2. When being added to the register, all individuals must have provided a recently issued (within 3 months) Basic DBS. This should be compatible with the Operator's policy on employing ex-offenders. Alternatively the Operator could use a 'responsible organisation' to request the check on their behalf.

6.6.3. A record that the Operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

6.6.4. Individuals that take bookings and/or dispatch vehicles for an Operator must be required, as part of their employment contract, to advise the Operator of any convictions while they are employed in this role.

6.6.5. 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.

6.6.6. Operators may outsource booking and dispatch functions, however Operators have an obligation to protect children and vulnerable adults and they must evidence that comparable protections are applied by the company to which they outsource these functions.

6.6.7. Operators or applicants for a licence must provide to the Licensing Authority, 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 Operator's licence, those with a conviction for offences provided in the annex to this document (Appendix A – 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.

6.7. Record Keeping

6.7.1. Operators must record the following information for each booking:

- the name of the passenger
- the time of the request
- the pick-up point
- the destination
- the name of the driver
- the driver's licence number
- the vehicle registration number of the vehicle
- the name of any individual that responded to the booking request
- the name of any individual that dispatched the vehicle

6.7.2. Records must be retained for a minimum of twelve months

6.8. Use of passenger carrying vehicles (PCV) licensed drivers

6.8.1. 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 is not permitted without the informed consent of the booker. 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.

7. Vehicle Licences

7.1. Overview

7.1.1. The objective of vehicle licensing is to protect the public, who trust that vehicles dispatched are above all else safe. It is important therefore that Brentwood Borough Council is assured that those granted a vehicle licence pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles used to carry passengers are properly licensed and so maintain the safety benefits of the licence regime.

7.2. Duration of Licences

7.2.1. A Vehicle licence will only be issued for a one year duration.

7.3. Suitability of the Applicant/Licence Holder

7.3.1. Private Hire Vehicle licence may be applied for by a company or partnership; the 'fit and proper' test will be applied to each of the directors or partners in that company or partnership.

7.3.2. The Council will consider whether an applicant or licence holder with a conviction for offences provided in Appendix A, other than those relating to driving, meet the 'fit and proper' threshold.

7.3.3. 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 licence; this decision will be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

7.4. Pre Licensing Requirements

7.4.1. To apply for a Vehicle licence you need to submit the following:

- A completed application form
- A basic disclosure from the DBS (unless the applicant is also a licensed driver with Brentwood Borough Council)
- If any applicant has, from the age of 10 years, has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided.
- The fee (please see current fees list)
- The original V5C vehicle registration certificate (log book), which must be in the applicants name and current address
- The bill of sale
- A MOT and compliance check
- A valid insurance certificate
- The old licence plate and window card (if renewing the licence)

7.4.2. Existing licence holders will need to comply with the above basic disclosure requirement within 6 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.

7.5. Vehicle specification and conditions including CCTV.

7.5.1. For the purpose of this consultation there are no changes proposed to the existing vehicle specification or conditions. These will be subject to review later this year. The existing documents will be added to this policy document for completeness.

Appendix A – Assessment of Previous Convictions

1. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
2. Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" may also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
3. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
4. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases.

1. Crimes resulting in death.

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

2. Exploitation.

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

3. Offences involving violence against the person.

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

4. Possession of a weapon.

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

5. Sexual offences.

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

6. Dishonesty.

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

7. Drugs.

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

8. Discrimination.

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

9. Motoring convictions.

Hackney Carriage and Private Hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

10. Drink driving/driving under the influence of drugs.

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

11. Using a hand-held device whilst driving.

Where an applicant has a conviction for using a held-hand mobile telephone or a handheld device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

12. Hackney Carriage and Private Hire offences.

Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or Private Hire (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

13. Vehicle use offences.

Where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages and Private Hire Vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Appendix B- Agreed Medical Examination Providers

The following medical providers are approved by the Council to undertake a medical examination to the group 2 standards for licence holders and applicants.

- The GP surgery at which the applicant /licence holder is registered.
- Cotswolds Medicals
- D4 Medicals
- Where any of the above options are not available, any medical provider with the written consent of the Council's Licensing Manager.

Appendix C - Approved Safeguarding and Child Sexual Exploitation Awareness Training

The following courses and providers are approved by the Council to satisfy the licensing requirements for the Safeguarding and Child Sexual Exploitation Awareness Training licence holders and applicants.

- Blue Lamp Trust – Taxi Safeguarding elearning.

Appendix D - Approved Disability Awareness Training courses and providers

The following courses and providers are approved by the Council to satisfy the licensing requirements for the Disability Awareness Training.

- Passenger Assistant Training Scheme (PATS) - The Community Transport Association (CTA) published a list of PATS Training Suppliers, which you can download from the [CTA: Passenger Assistant Training suppliers by county](#) web page.

Appendix E– Approved Language Proficiency Assessment providers

The following providers are approved by the Council to satisfy the licensing requirements for assessment of language proficiency.

- To be agreed.
- <https://tfl.gov.uk/info-for/taxis-and-private-hire/english-language-requirement>

Appendix F - Policy on the NR3 Database

Policy to be inserted.

Appendix G - Knowledge Test

The Knowledge test is a multiple choice electronic test that is split into 6 sections, and consists of 55 questions lasting for a maximum of 50 minutes.

	Topic	Description	Pass mark
1	Highway code 10 questions	Questions relate to things like speed limits, stopping distances, pedestrian crossings, parking and are similar to questions asked on the DVLA theory test.	10
2	Road signs 5 questions	Road signs that you need to recognise.	5
3	Places of interest 10 questions	Landmarks such as pubs, clubs, restaurants, schools, churches, and public buildings you need to be aware of.	9
4	Routes 15 questions for Hackney Carriage drivers only	You'll be expected to select the shortest route between 2 places in the borough. It'll be assumed that there are no roadworks, blockages or anything to stop you going by the direct route. You should note things like roundabouts, no entry signs and one-way streets when giving your answer.	13
5	Conditions and law 10 questions	Conditions relate to both Hackney Carriages and Private Hire Vehicles and drivers.	10
6	Numeracy 5 questions	Questions relate to the cost of fares and the change you must give the customer.	5

Appendix H – Scheme of Delegation

- To be added.

Appendix J – List of Consultees for this policy

- Hackney Carriage Licence Holders
- Private Hire Licence Holders
- Taxi Trade Consultative Group - TTCG
- To be added to.

Appendix K - Useful Documents

- [Statutory Taxi and Private Hire Standards](#) – July 2020
- [Taxi and Private Hire Vehicle Licensing Best Practice Guidance](#) –March 2010
- [IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#) – April 2018
- [Licensing authority guide to right to work checks](#) – 23 January 2018
- [Overseas Criminal Record Checks Guidance](#) – December 2020
- [Assessing fitness to drive – a guide for medical professionals](#) – February 2020
- [Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance](#) – February 2017
- [Taxis and Private Hire Vehicles Carrying Disabled Passengers – Advice for Licensing Authorities](#) – 15 September 2010
- [Taxis and Private Hire Vehicles Carrying Disabled Passengers – Advice for Drivers and Operators](#) – 15 September 2010
- [DPTAC \(Disabled Persons Transport Advisory Committee\) position on taxis and PHV](#) – August 2020
- [Government Response to report of the task and finish group on taxi and private hire vehicle licensing.](#) – February 2019
- [Guidance for Operators of stretch limousines](#) – March 2011
- [Coronavirus \(COVID-19\):taxis and PHVs](#) -12 January 2021
- [Licensing motorcycles and private hire vehicles](#) – July 2012
- [Private Hire Vehicle Licensing guidance note](#) – August 2011
- [Councillor Handbook: Taxi and PHV Licensing](#) – November 2017
- [Developing an approach to mandatory CCTV in taxis and PHVs](#) – January 2019



Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 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. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 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.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 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. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **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.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 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. **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.** 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).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends 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.
- 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.

“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 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.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 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. **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.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. 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.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **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.**

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.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 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. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 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 **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. 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.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. 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. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **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.**

Licensee self-reporting

- 4.12 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. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **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.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **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.** 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.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **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.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 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.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 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.

4.31 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. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 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 (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. 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. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

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 of day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 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.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. 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.

- 5.16 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.
- 5.17 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.

6. Driver Licensing

Criminality checks for drivers

- 6.1 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. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). 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.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **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.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 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:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

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.

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.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A 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 vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 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.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 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:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

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.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. 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.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

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 i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

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 licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 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. **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.**
- 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. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 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. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 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.

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.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **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.

- 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.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 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. 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. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

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 when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

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.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most 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 or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

BRENTWOOD BOROUGH COUNCIL

LICENSING OF HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVERS

POLICY STATEMENT REGARDING THE RELEVANCE OF CONVICTIONS

1. The fact that a person has a criminal record does not necessarily mean that he or she is unfit to hold a Combined Hackney Carriage & Private Hire Vehicle Driver's Licence. A balanced judgement concerning an applicant's fitness and propriety will be made, taking into account only those offences which are considered relevant to the applicant's suitability.

2. In deciding the relevance of convictions, offences committed many years in the past will have less relevance. Similarly, a series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. The importance of rehabilitation will be weighed against the need to protect the public.

3. To ensure consistent and fair treatment as to whether a criminal or motoring conviction renders an applicant unsuitable, the following guidelines will be applied:

(a) Each case will be decided on its own merits.

(b) An applicant with a current conviction for crime need not be permanently barred from obtaining a licence but should expect to remain free from conviction for three to five years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.

(c) The following examples afford a general guide on the action to be taken in respect of convictions.

(i) Violence

As hackney carriage and private hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions should be shown before an application is entertained and, even then, a strict warning should be administered.

(ii) Dishonesty

Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. For these reasons, a serious view should be taken of any conviction involving dishonesty. In general, a period of three to five years free of conviction should be required before entertaining an application.

(iii) Indecency Offences

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences should be refused until they can show a substantial period (at least three to five years) free of such offences. More than one conviction of this kind should preclude consideration for at least five years. In either case, if a licence is granted, a strict warning as to future conduct should be issued.

(iv) Drugs

An applicant with a conviction for a drug-related offence should be required to show a period of at least three years free of convictions before an application is entertained or five years after detoxification treatment if he/she was an addict.

(v) Drunkenness

With a Motor Vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least three years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant has an alcohol dependency, a special medical examination should be arranged before the application is entertained. If the applicant is found to have an alcohol dependency, a period of at least five years should elapse after successful completion of a course of rehabilitation treatment before a further licence application is considered.

Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above).

In some cases, a warning may be sufficient.

(vi) Major Traffic Offence

An isolated conviction for reckless driving or driving without due care and attention, etc, should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers.

More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of one to three years free from convictions has elapsed.

(vii) Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding, etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence, then a hackney carriage or private hire vehicle driver's licence may be granted after its restoration but a warning should be issued as to future conduct.

With regard to the accruing of nine points by drivers who already hold such a licence from the Council, bearing in mind the number of miles they drive, it is expected that they might be more likely than the average motorist to get convictions for minor speeding offences. A formal written warning will normally be issued by the Head of Environmental Health & Public Protection Services,

provided that the total of nine penalty points was reached in increments of no more than three and in periods longer than two years.

(d) Where the applicant does not meet the criteria set out in the Council's Combined Hackney Carriage & Private Hire Vehicle Driver's Licence Pre-Licensing Conditions, applications will be considered by the Licensing/Appeals Committee and the Committee will have regard to the set criteria.

Driver's Licence - Pre-Licensing Conditions

1.0 In order that licensed drivers are reliable and of a satisfactory standard, a person being considered for a driver's licence shall:

- 1.1 - have attained the age of 21 years;
- 1.2 - have held a full DVLA licence granted under the Road Traffic Acts to drive a motor car with a manual gear box, for not less than THREE years. (See Note 5);
- 1.3 - not have been disqualified from driving at any time within the immediately preceding TWO year period; A driver who has obtained a pass certificate from the Driving Standards Agency in respect of the Taxi/Private Hire Test Assessment is considered to be of a satisfactory standard regardless of the period which has been elapsed since disqualification;
- 1.4 - not have accumulated more than EIGHT penalty points endorsed upon his driving licence within the immediately preceding TWO year period;
- 1.5 - not have been cautioned for or convicted of a criminal offence involving the threat and/or use of violence and/or any offence of a sexual nature, unless that conviction is deemed spent by virtue of the Rehabilitation of Offenders Act 1974;
- 1.6 - not have been cautioned for or convicted of a criminal offence involving the element of dishonesty within the immediately preceding THREE year period, unless that conviction is deemed spent by /virtue of the Rehabilitation of Offenders Act 1974;

2.0 The applicant shall produce:

- 2.1 - his current valid DVLA driving licence on which is shown the applicant's home address;
- 2.2 - in the case of first application under these conditions only, either his birth certificate or current passport and, where there is a change of surname, either marriage certificate or deed poll, as appropriate;
- 2.3 - in the case of first application only, two satisfactory written references as to character from persons to whom the applicant shall have been recently known for a minimum period of TWO years. (See Note 1);
- 2.4 - a Medical Report in the form prescribed by the Council before the application shall be determined, unless a current Medical Report is held by the Council. In certain cases the Medical Report may be referred for further medical consultation or assessment;

3.0 Form of application

- 3.1 - The applicant shall satisfactorily complete an application form on which must be shown all cautions and convictions which by virtue of the Rehabilitation of Offenders Act 1974 are deemed not to be spent. (See Note 2).
- 3.2 - The application form, together with all relevant documents, two passport size recent colour photographs of the applicant and the fee shall be presented in person by the applicant for the purpose of an interview with an authorised officer.

4.0 In the case of first application only, the applicant shall pass the Council's knowledge test on the first or subsequent occasions.

5.0 A person being considered for a Combined Hackney Carriage & Private Hire Vehicle Driver's Licence who has surrendered such a licence previously or who has not held one during the previous TWELVE months shall be treated as a person being considered for a licence on the first occasion.

Note 1

References from relations of the applicant will not be accepted as suitable.

Note 2

Applicants should be aware that the Council will make enquiries with regard to this application to the Criminal Records Bureau.

Note 3

All relevant information will be taken into account when consideration is given to an application for a Combined Hackney Carriage & Private Hire Vehicle Driver's Licence and it may be that the standards and conditions are waived or varied or added to at the discretion of the Council.

Note 4

The Council reserves the right to alter the number of penalty points specified in 1.4 hereto, to accord with any alteration made by Statute or Order by the Secretary of State.

Note 5

The Deregulation (Taxis & Private Hire Vehicles) Order 1998 amends the Local Government (Miscellaneous Provisions) Act 1976 to include Northern Ireland Driver Licences.

The Driving Licences (Community Driving Licence) Regulations 1996 also permits full driver licences issued by EC Member States to count towards the qualification requirement.

Schedule 1 - Interpretation

In these Conditions

"Licensed Driver" means "the holder of a combined hackney carriage & private hire vehicle driver's licence".

"Council" means "Brentwood Borough Council".

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Brentwood District Council with respect to hackney carriages in the District of Brentwood.

Interpretation

1. Throughout these byelaws "the Council" means Brentwood District Council and "the district" means the District of Brentwood.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the Licence granted to him in respect of the carriage to be legibly marked on the outside and inside of the carriage on plates affixed thereto, such plates to be of the colour, size and shape as determined by the Council, but such plate or plates must be surrendered to the Council on the expiry, suspension or revocation of the licence.
- (b) A proprietor of a hackney carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall at all times keep and maintain the carriage in accordance with the standards set out in the Council's Licensing Conditions current at the time and in particular shall comply with the following requirements to:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;
 - (c) provide any necessary windows and provide a means of opening and closing not less than one of the said windows on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) the carriage to be so constructed as to carry luggage for passengers and to provide means for securing luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position to be readily available for use;
 - (i) provide at least one door in the front of the carriage and two doors in the rear for use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
 - (j) have fitted in the carriage in a position approved by the Council an electric light for the use of any person being driven therein and sufficient to illuminate the interior thereof;
 - (k) provide for such access for disabled passengers to the carriage as set out in the Council's said Licensing Condition.
4. The proprietor of a hackney carriage shall cause the carriage to be provided with a taximeter which shall be so constructed, attached and maintained as to comply with the following requirements, that is to say:-
 - (a) the taximeter shall be fitted with a key, flag, switch or other device the operating of which will bring the machinery of the taximeter into action and cause the work "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag, switch or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity the fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

- (e) the taximeter shall be so placed that all letters and figures on the face thereof shall be at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring and the switch for operating the light providing the said illumination shall be incorporated in and operated in conjunction with the key, flag, switch or other device which brings the machinery of the taximeter into action and no other method of operating the said light shall be employed;
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. The proprietor or a driver of a hackney carriage shall not place any advertisement sign, light, either inside or outside the carriage, which is not required by law to be displayed or fitted, except:-
- (a) as required by other byelaws hereto;
 - (b) a "TAXI" sign which has a minimum width of twenty inches and six inches in height and is not illuminated when the carriage is not available for hire, save for a London style cab which is fitted as standard with a roof mounted "TAXI" sign;
 - (c) a inscription not exceeding thirty six inches in size identifying the proprietor of such carriage or the association of proprietors to which he belongs on the panels of the rear doors;
 - (d) a panel not exceeding ten inches by six inches inside such carriage for advertisement purposes provided that such panel is not illuminated and is not readily visible from the outside of the carriage.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district of their several employments

6. The driver of a hackney carriage provided with a taximeter shall:-
- (a) when standing or plying for hire keep the key, flag, switch or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag, switch or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, being the hours between half and hour after sunset and half an hour before sunrise, and also at any time at the request of the hirer;
 - (d) report immediately to the Council any failure of the taximeter.
7. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided with the fittings thereof or with the seals affixed hereto.
8. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
- (a) proceed with reasonable speed to one of the stands fixed in that behalf and specified in the First Schedule hereto or other approved place;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it as specified in the First Schedule hereto and, if more than one stand is fixed as specified in the First Schedule hereto, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, and where the physical layout of the stand allows, station the carriage immediately behind (or where the stand does not allow this, to the side of) the carriage or carriages on the stand and so as to face in the same direction;
 - (d) where the physical layout of the stand allows, from time to time, when any other carriage immediately in front is driven off or moved forward
 - (e) remain with the carriage and be ready to be hired at once by any person when his carriage has remained on the stand for a longer period of time than any other carriage waiting to be hired on the said stand.
9. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the service of any other person for the purpose.
10. A proprietor or driver of a hackney carriage who shall have agreed or shall have been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the carriage.
12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
13. The proprietor or driver of a hackney carriage shall not there allow to be conveyed in the front of the carriage:-
 - (a) any child below the age of ten years; or
 - (b) more than one person above that age.
14. The driver of a hackney carriage shall not convey in the hackney carriage any animal belonging to, or in the custody of, himself or the proprietor of the vehicle. Any animal belonging to or in the custody of any passenger which, in the driver's discretion, may be conveyed in that carriage, shall only be conveyed in the rear of the carriage.
15. If an identity card has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire and when hired, display the identity card in such a position and manner as to be plainly visible.
16. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:-
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in removing such luggage to and from the entrance of any building, station or place at which he may take up or set down such person.
17. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed in the following table contained in the Second Schedule hereto, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

 Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.
18. The proprietor or driver of a hackney carriage shall, if requested by the hirer of the hackney carriage, provide him with a written receipt for the fare paid.
19.
 - (a) The proprietor of a hackney carriage shall cause a current statement of fares issued by the Council and prescribed in the Second Schedule hereto to be exhibited inside the carriage, in clearly distinguishable letters and figures.
 - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this Byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages

20. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property.
21. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found or handed to him:-
 - (a) carry it as soon as possible and in any event within 72 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council's Environmental Services and leave it in the custody of the officer in charge of the office;
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Environmental Services, whichever is the greater) but not more than five pounds (£5.00).

Penalties

22. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds (£2.00) for each day during which the offence continues after conviction therefore.

Repeal of Byelaws

23. The byelaws relating to hackney carriages which were made by the Brentwood District Council and which were confirmed by one of Her Majesty's Principal Secretaries as coming into operation on the first day of April 1986 are hereby repealed.

THE COMMON SEAL OF BRENTWOOD DISTRICT COUNCIL
was hereunto affixed pursuant to a Resolution passed at a
meeting of the Council held on the Third day of March
One Thousand, Nine Hundred and Ninety Two in the presence of:-

(Signed) J SHAWCROSS
CHAIRMAN OF THE COUNCIL

(Signed) KENNETH A BAKER
ASSISTANT CLERK OF THE COUNCIL

L.S.

The foregoing byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 11th day of November 1992.

(Signed) P R PICKERING
An Assistant Secretary in the Department of Transport
on behalf of the Secretary for Transport

Home Office
London SW1

PRIVATE HIRE VEHICLE OPERATOR'S LICENCE

PRE-LICENSING CONDITIONS

1.0 In order that a satisfactory and reliable private hire vehicle service is provided in the Borough, a person being considered for a Private Hire Vehicle Operator's Licence shall:

1.1 have been a full time licensed Private Hire Vehicle Driver or Hackney Carriage Driver within the Borough for not less than TWO years immediately preceding the first application.

1.2 be a person who would not be refused a Private Hire Vehicle Driver's Licence or a Hackney Carriage Driver's Licence by virtue of any caution or conviction contained in the Pre-Licensing Conditions for such licences.

1.3 satisfactorily complete an application form on which must be shown all cautions and convictions recorded against him except those which are spent by operation of the Rehabilitation of Offenders Act 1974.

1.4 in the case of first application only, produce two written references as to character from persons to whom the applicant shall have been recently known for a minimum period of TWO years. (See Note 1).

NOTE 1 References from relations of the applicant will not be accepted as suitable.

NOTE 2 All relevant information will be taken into account when consideration is given to an application for a Private Hire Vehicle Operator's Licence, and it may be that the standards and requirements are waived or amended or added to at the discretion of the Council.

NOTE 3 A licence will not be issued in the name of a company or partnership if any officer of that company or member of that partnership would be refused a licence to drive a Private Hire Vehicle or Hackney Carriage by reason of convictions recorded against him.

NOTE 4 Where a Private Hire Vehicle Operator's Licence is granted, the Local Planning Authority will be advised accordingly.

SCHEDULE 1 - INTERPRETATION

In these Conditions

"Council" means "Brentwood Borough Council".

"Borough" means "Brentwood Borough Council Administrative Area".



HACKNEY CARRIAGE LICENCE CONDITIONS

- 1.0 The licence is valid for the period stated thereon, unless previously surrendered or revoked
- 2.0 The plate supplied by the Council bearing the number of the licence granted and the number of passengers for which the vehicle is licensed shall be displayed on the outside of the vehicle adjacent to the rear number plate.
 - 2.1 A tariff card supplied by the Council stating the number of the licence, the current tariff, the proprietor's name and the registration mark of the vehicle shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling in the vehicle
 - 2.2 The vehicle shall not be used to convey a greater number of passengers than prescribed in the licence for the vehicle
- 3.0 Advertisements, signs and lights
 - 3.1 A Hackney carriage shall be fitted with a TAXI roof sign which is illuminated when the vehicle is for hire and which is not illuminated when the vehicle is not available for hire.
 - 3.2 Save for purpose-built vehicles which have an integral TAXI roof sign, the TAXI roof sign shall have a minimum width of 20 inches.
 - 3.3 There shall be displayed such signs and in such locations on and in the vehicle as may be required by the Council in writing.
 - 3.4 Prior to any signs or advertisements being displayed on and in the hackney carriage, the written approval of the Head of Environmental Health and Licensing shall be obtained by the licence holder.
- 4.0 No material alteration or change in the manufacturer's specification, design, condition or appearance of the vehicle shall be made without the prior written approval of the Council.
- 5.0 Reasonable accommodation shall be provided for the hirer's luggage. Vehicles not constructed with separate luggage accommodation shall be provided with a fixed fence or secure parcel shelf, so as to prevent the contents being dislodged into the passenger and driver compartments. (See Schedule 1).

- 6.0 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a fire extinguisher having the appropriate BS EN3 1996 approval with a minimum rating of 5A-34B. Such equipment shall be accessible to the occupiers of the carriage. (See Schedule 3).
- 7.0 Any vehicle first used before 1.4.1987 must be fitted with rear seat belts as if that vehicle was first used on or after that date.
- 8.0 The holder of a Hackney Carriage Licence shall submit the vehicle for mechanical and/or such other inspection as the Council may require. (See Schedule 2)

8.1 The vehicle shall be fitted with an approved taxi meter which complies with the requirements of the Councils Hackney Carriage Byelaws.

8.1.1 An approved taxi meter shall be one which has Public Carriage Office and British Standards Institution approval.

8.1.2 A taxi meter must be capable of displaying the fare structure as required by the Council.

8.1.3 A taxi meter must be programmed as a calendar clock meter so that the operation of the meter is achieved by the use of a single button/switch, irrespective of the time of day or day of week.

8.1.4 Condition 8.1.3 above shall not apply to a taxi meter already fitted to a hackney carriage licensed by the Council on or before 26.10.93 nor to a taxi meter transferred from such an existing licensed hackney carriage when the proprietor changes that vehicle, provided that such a meter remains in good working order and is suitable in style and type to be fitted to the new vehicle.

9.0 Use of Trailers

9.1 No trailer is to be towed when the vehicle is used for hire unless it complies with all relevant requirements of current legislation in respect of construction and use, lighting and insurance.

9.2 Any trailer so used must be fitted with a securely fastened cover which can be hard top or canvas tarpaulin type.

9.3 A spare wheel and tyre for the trailer shall be carried when a trailer is in use.

9.4 When a trailer is used with the vehicle, the identifying plate issued by the Council shall be displayed on the rear of the trailer.

9.5 Any trailer towed when the vehicle is used for hire shall be submitted for mechanical and/or such other inspection as the Council may require.

10.0 During the period of the licence, the holder shall:

10.1 be in direct control of the day to day running of the carriage.

- 10.2 provide such supporting evidence in connection with 10.1 as may be required by the Council from time to time.
- 11.0 The appropriate documents as required by the Council in writing shall be produced to the Head of Environmental Health and Licensing as follows in respect of:
- 11.1 a certificate/cover note of continuous motor vehicle insurance, including the appropriate cover for public hire and reward prior to the expiry of the current document
- 11.2 the Department of Transport Test Certificate.
- 11.2.1 in respect of the first certificate required by virtue of the Road Traffic Acts, one year from the date of first registration.
- 11.2.2 in respect of subsequent certificates, prior to the expiry of the current certificate.
- 11.3 the Vehicle Registration Document within SEVEN days of the request being served.
- 11.4 The "report of thorough examination" as required by virtue of Regulation 9 and Schedule 1 of the Lifting Operations and Lifting Equipment Regulations 1998 prior to the expiry of the current document .
- 12.0 The licence holder must notify the Head of Environmental Health and Licensing of any change of home address as soon as it is reasonably practicable to do so, and in all cases within SEVEN days. All notifications shall be confirmed by the production to an authorized officer of the Vehicle Registration Document on which the new address is shown, except in the case of leased vehicles where the owner's name is shown.
- 13.0 Notification of Convictions
- 13.1 In the event that the licence holder is cautioned for or convicted of any criminal offence, he shall within SEVEN days of the date of such caution or conviction report such caution or conviction in writing to the Head of Environmental Health and Licensing and give particulars of each caution or conviction and any penalty points imposed in respect of it.
- 13.2 In the event that the licence holder is issued with a fixed penalty notice, he or she shall produce the said notice to the Head of Environmental Health and Licensing within SEVEN days of receipt of the said notice.
- 13.3 Following any convictions or the issue of any fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA licence, that licence must be produced to the Head of Environmental Health and Licensing within SEVEN days of its return from DVLA or a court or a fixed penalty office following the endorsement of the offence thereon.
- 14.0 The Council reserves the right to amend or delete these conditions or to impose further conditions at any time.

Note 1

In addition to the above conditions, licence holders are reminded that there are a Number of statutory requirements relating to Hackney Carriage licensing in the Town Police Clauses Acts, Public Health Acts, Local Government (Miscellaneous Provisions) Act 1976 and the Council's Byelaws of which they should make themselves aware.

Note 2

The licence is not transferable to any vehicle. However, if the vehicle is sold during the Period of the licence, the licence holder MUST give written notice of the sale to the Head of Environmental Health and Licensing with details of the new owner within FOURTEEN days.

Note 3

Vehicles will not be licensed to carry more than the maximum number of adult passengers recommended to be carried in the vehicle according to the manufacturer's specifications.

Note 4

The Lifting Operations and Lifting Equipment Regulations 1998 place duties on vehicle owners and employers in respect of competence of users of such equipment. It is recommended that proprietors of hackney carriages to which these Regulations apply obtain a copy of the Health & Safety Commission book "Safe use of lifting equipment" which contains Regulations, Approved Code of Practice and Guidance.

Schedule 1 – Interpretation

In these conditions

"Council" means "Brentwood Borough Council"

"Environmental Health and Enforcement Manager" includes "any Authorised Officer of that Department.

"Fixed fence" means "a substantial fence securely fixed in position". A loosely fitted "dog guard" which is held in place by rubber suction feet or spring apparatus is not acceptable.

"Inspection" means "mechanical and body inspection as required by Schedule 2 to these conditions"

"Taxi roof sign" means "a sign stating the word "TAXI" which is a minimum of 20 inches in length and which is capable of being illuminated only when the vehicle is for hire." The word FOR HIRE may also be included upon such sign.

Schedule 2 – Vehicle Inspection

Damage and Corrosion of the body.

Ground Level Checks

Doors - Seating - Heating - Lighting - Floors - Carpets - Fare Charges Displayed - Luggage Arrangements - Licence Plate - Rear Bumper - Front Bumper - For Hire Device - Mirrors.

Cab Items

Horn - Panel Lights - Gauges - Interior Light Switch - Driving Seat - Mirror Setting - Fire Extinguisher (see schedule 3) - Seat Belts - Signage - Smoking Signage.

Other Items

Fold Away Seat - Drivers Safety Screen - Passenger Steps – Wheelchair Ramps and lifting equipment - Luggage Guard

Under-Bonnet Item

Wiring Security - Brake Pipes - Brake Flexible Hose - Oil & Fuel Leaks - Exhaust Flange and Manifold Security - Emission of Smoke - Operation of Bonnet - Battery Security.

Steering

Steering Column, Drop Arm, Box Security - Drag Link - Drag Link Ends - Steering Box/Rack, Oil Leaks and Condition - Track Rod, Play in Rod Ends - Steering Lock Stops, No Fouling - Swivel Pins, Bushes, Thrusts – Stub Axles - Wheel Bearings - Idler Security Condition.

Under Vehicle

Coil Suspension/Spring - Suspension Bushes and Fulcrum Pins - Suspension Main Member, Bottom Retaining Pins - Shock Absorbers & Rubbers - Shock Absorbers Links and Arms - Broken/Displaced Leaves - Leaf Clip - Shackle Pins & Bushes - Hanger Brackets and Chassis Bracket - U Belts - Transmission - Exhaust System Emission - Chassis -Engine Mountings - Body.

Brakes

Flexible Brake Hoses - Brake Fluid Leaks, Including Master Cylinder - Footbrake Operation - Brake Meter Test - Pipe Condition - Cable/Rod/Pivots/Fulcrum & Pins - Handbrake, Rods, Cables, Shafts/Pivot/Compensation.

Wheels/Tyres

Hub Bearings - Wheels - Tyres - Spare Wheel.

Schedule 3

The fire extinguisher must be of a suitable type having the appropriate BS EN3 1996 approval with a minimum rating of 5A-34B.

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

- 1.0 The licence is valid for the period stated thereon, unless previously surrendered or revoked
- 2.0 The plate supplied by the Council bearing the number of the licence granted and the number of passengers for which the vehicle is licensed shall be displayed on the outside of the vehicle adjacent to the rear number plate.
 - 2.1 A card supplied by the Council stating the number of the licence, the number of passengers which may be carried and the holder of the operators licence shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling in the vehicle
 - 2.2 The vehicle shall not be used to convey a greater number of passengers than prescribed in the licence for the vehicle
- 3.0 Advertisements, signs and lights
 - 3.1 A private hire vehicle shall display such signs and in such locations on the vehicle as may be required by the Council.
 - 3.2 Prior to any other signs or advertisements being displayed on or in the private hire vehicle, written approval of the Head of Environmental Health and Licensing must be obtained.
- 4.0 The display of roof signs of any description or the display of the word "TAXI" or "CAB" whether in singular or plural and whether alone or as part of another word or the words "FOR HIRE" or any form of wording which may in any way suggests that the vehicle on which it is displayed is presently available to take up any passengers wishing to hire it or would be so available if not already hired is not permitted.
- 5.0 No material alteration or change in the manufacturer's specification design condition or appearance of the vehicle shall be made without prior written approval of the Council.
- 6.0 Reasonable accommodation shall be provided for the hirer's luggage. Vehicles not constructed with separate luggage accommodation shall be provided with a fixed fence or secure parcel shelf, so as to prevent the contents being dislodged into the passenger and driver compartments. (See Schedule 1)
- 7.0 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a fire extinguisher having the appropriate BS EN3 1996 approval with a minimum rating of 5A-34B. Such equipment shall be accessible to the occupiers of the carriage. (See Schedule 3).
- 8.0 Any vehicle first used before 1.4.1987 must be fitted with rear seat belts as if that vehicle was first used on or after that date.

- 9.0 If the private hire vehicle is fitted with a taximeter, it shall be a meter approved by the Public Carriage Office (Metropolitan Police) and the British Standards Institution.
- 9.1 A taximeter must be programmed as a calendar clock meter so that the operation of the meter is achieved by the use of a single button/switch, irrespective of the time of day or day of week, and must be capable of displaying the fare structure notified to the Council by the operator.
- 10.0 The holder of a Private Hire Vehicle Licence shall submit the vehicle for mechanical and/or such other inspection as the Council may require. (see schedule 2).
- 11.0 Use of Trailers
- 11.1 No trailer is to be towed when the vehicle is used for hire unless it complies with all relevant requirements of current legislation in respect of construction and use, lighting and insurance.
- 11.2 Any trailer so used must be fitted with a securely fastened cover which can be hard top or canvas tarpaulin type.
- 11.3 A spare wheel and tyre for the trailer shall be carried when a trailer is in use.
- 11.4 When a trailer is used with the vehicle, the identifying plate issued by the Council shall be displayed on the rear of the trailer.
- 11.5 Any trailer towed when the vehicle is used for hire shall be submitted for mechanical and/or such other inspection as the Council may require.
- 12.0 The appropriate documents as required by the Council in writing shall be produced to the Head of Environmental Health and Licensing as follows in respect of:
- 12.1 a certificate/cover note of continuous motor vehicle insurance, including the appropriate cover for private hire and reward prior to the expiry of the current document
- 12.2 the Department of Transport Test Certificate.
- 11.2.1 in respect of the first certificate required by virtue of the Road Traffic Acts, three years from the date of first registration.
- 11.2.2 in respect of subsequent certificates, prior to the expiry of the current certificate.
- 12.3 the Vehicle Registration Document within SEVEN days of the request being served.

- 13.0 The licence holder must notify the Head of Environmental Health and Licensing of any change of home address as soon as it is reasonably practicable to do so, and in all cases within SEVEN days. All notifications shall be confirmed by the production to an authorized officer of the Vehicle Registration Document on which the new address is shown, except in the case of leased vehicles where the owner's name is shown.
- 14.0 Notification of Convictions
- 14.1 In the event that the licence holder is cautioned for or convicted of any criminal offence, he shall within SEVEN days of the date of such caution or conviction report such caution or conviction in writing to the Head of Environmental Health and Licensing and give particulars of each caution or conviction and any penalty points imposed in respect of it.
- 14.2 In the event that the licence holder is issued with a fixed penalty notice, he or she shall produce the said notice to the Head of Environmental Health and Licensing within SEVEN days of receipt of the said notice.
- 14.3 Following any convictions or the issue of any fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA licence, that licence must be produced to the Head of Environmental Health and Licensing within SEVEN days of its return from DVLA or a court or a fixed penalty office following the endorsement of the offence thereon.
- 15.0 The Council reserves the right to amend or delete these conditions or to impose further conditions at any time.

Note 1

In addition to the above conditions, licence holders are reminded that there are a Number of statutory requirements relating to Private Hire licensing in the Local Government (Miscellaneous Provisions) Act 1976 which they should make themselves aware.

Note 2

The licence is not transferable to any vehicle. However, if the vehicle is sold during the Period of the licence, the licence holder MUST give written notice of the sale to the Head of Environmental Health Licensing with details of the new owner within FOURTEEN days.

Note 3

Vehicles will not be licensed to carry more than the maximum number of adult passengers recommended to be carried in the vehicle according to the manufacturer's specifications.

Schedule 1 – Interpretation

In these conditions

“Council” means “Brentwood Borough Council”

“Head of Environmental Health and Licensing” includes “any Authorised Officer of that Department.

“Fixed fence” means “a substantial fence securely fixed in position”. A loosely fitted “dog guard” which is held in place by rubber suction feet or spring apparatus is not acceptable.

“Inspection” means “mechanical and body inspection as required by Schedule 2 to these conditions”

“Hours of darkness” means “as per the Road Traffic Regulations Act 1967”

Schedule 2 – Vehicle Inspection

Damage and Corrosion of the body.

Ground Level Checks

Doors - Seating - Heating - Lighting - Floors - Carpets - Fare Charges Displayed - Luggage Arrangements - Licence Plate - Rear Bumper - Front Bumper - For Hire Device - Mirrors.

Cab Items

Horn - Panel Lights - Gauges - Interior Light Switch - Driving Seat - Mirror Setting - Fire Extinguisher (see schedule 3) - Seat Belts - Signage - Smoking Signage.

Other Items

Fold Away Seat - Drivers Safety Screen - Passenger Steps – Wheelchair Ramps and lifting equipment - Luggage Guard

Under-Bonnet Item

Wiring Security - Brake Pipes - Brake Flexible Hose - Oil & Fuel Leaks - Exhaust Flange and Manifold Security - Emission of Smoke - Operation of Bonnet - Battery Security.

Steering

Steering Column, Drop Arm, Box Security - Drag Link - Drag Link Ends - Steering Box/Rack, Oil Leaks and Condition - Track Rod, Play in Rod Ends - Steering Lock Stops, No Fouling - Swivel Pins, Bushes, Thrusts – Stub Axles - Wheel Bearings - Idler Security Condition.

Under Vehicle

Coil Suspension/Spring - Suspension Bushes and Fulcrum Pins - Suspension Main Member, Bottom Retaining Pins - Shock Absorbers & Rubbers - Shock Absorbers Links and Arms - Broken/Displaced Leaves - Leaf Clip - Shackle Pins & Bushes - Hanger Brackets and Chassis Bracket - U Belts - Transmission - Exhaust System Emission - Chassis - Engine Mountings - Body.

Brakes

Flexible Brake Hoses - Brake Fluid Leaks, Including Master Cylinder - Footbrake Operation - Brake Meter Test - Pipe Condition - Cable/Rod/Pivots/Fulcrum & Pins - Handbrake, Rods, Cables, Shafts/Pivot/Compensation.

Wheels/Tyres

Hub Bearings - Wheels - Tyres - Spare Wheel.

Schedule 3

The fire extinguisher must be of a suitable type having the appropriate BS EN3 1996 approval with a minimum rating of 5A-34B.

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