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## FORMAL ADOPTION OF THE ROCHFORD DISTRICT COUNCIL HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

### 1 PURPOSE OF REPORT

- 1.1 To approve the adoption of a new Rochford District Council Hackney Carriage and Private Hire Licensing Policy 2021-26.

### 2 INTRODUCTION

- 2.1 In July 2020, the Department of Transport (DoT) published the statutory taxi and private hire vehicle standards, which are a set of minimum standards to regulate better the taxi and private hire vehicle sector, focusing on protecting children and vulnerable adults. The DoT has published the standards following detailed discussion with the trade, regulators and safety campaign groups and the Government now expects these standards to be implemented, unless there is a compelling local reason not to.

### 3 CURRENT STRUCTURE

- 3.1 Rochford District Council does not currently have a specific policy in relation to Hackney Carriage & Private Hire Licensing.
- 3.2 Both the Rochford District Council conditions and the Institute of Licensing guidance already mirror the requirements of the DoT minimum standards; however, the minimum standards now require the local authorities to bring together, into one document, all previous policy and procedures on all aspects of Hackney Carriage and Private Hire Licensing within the Rochford District.

### 4 THE NEW POLICY

- 4.1 Paragraph 3.2 of the DoT minimum standards states:

*“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.”*

The proposed Rochford District Council Hackney Carriage and Private Hire Licensing Policy 2021-26 covers the following areas:

- Decision Making
- Failure to Disclose Information
- Complaints against licence holders
- Driver Licences

- Private Hire Operator Policy and Conditions
- Vehicle Licences

4.2 The proposed Hackney Carriage and Private Hire Licensing Policy is attached as Appendix A.

## **5 PROCESS OF IMPLEMENTING THE NEW POLICY**

5.1 Rochford District Council already works to the key aspects of the proposed new policy; however, some local processes have been amended to follow the DoT requirements. The detailed processes that have now been implemented to ensure compliance are set out in Appendix B.

## **6 THE CONSULTATION PROCESS**

6.1 As outlined within the DoT minimum standards:

*“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 trade’s customers...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.*

*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.”*

### **Licensed Trade Consultation**

6.2 On 21 July 2020, the Council contacted all Hackney Carriage and Private Hire drivers by email, advising them of the new statutory minimum standards; explaining that the majority of the minimum standards were already in place and that the Council would be looking at the logistics of introducing those new requirements.

6.3 In November 2020, the licensing team conducted a consultation with all licence holders (347). This consultation was open for 28 working days between 13/11/2020 and 23/12/2020. At the conclusion of the licence holders’ consultation, there were 187 responses.

6.4 In summary:

- 82.9% supported the requirement for the DBS update service.
- 85.6% supported the amendment to the self reporting proposal.

- 83.4% supported the review by the Licensing & Appeals Committee for new applicants disclosing refusal, revocation or suspension of previous licence.
- 96.3% supported the requirement to pass a suitability (covering both oral and written English language skills) and knowledge test designed to ensure that applicants have sufficient knowledge to provide a safe and reliable service to the travelling public.
- 88% supported the change requiring Private Hire Vehicle operators to demonstrate they hold a register of all staff and a Basic DBS for all staff listed on their register.
- 40.1% supported the requirement for Safeguarding Training and County Lines Exploitation Training.
- 67.4% did not support the 7 motoring offences as outlined in the Institute of Licensing Minimum Standards guidance. Most of the responses asked for 12 points.
- 56.7% did not support the requirement for Vehicle Proprietors to provide a basic disclosure check annually.
- 55.6% did not support the re-introduction of the rear loading Wheelchair Accessible vehicles.

### **Public Consultation**

- 6.5 In March 2021, the Council launched the public consultation on the proposed Hackney Carriage and Private Hire Licensing Policy.
- 6.6 An additional press release was issued on 4 June 2021 to encourage more responses. The public consultation concluded on 5 July 2021.
- 6.7 The Council received only 11 responses.
- 6.8 In summary:
- 81.8% supported the need for the decision makers to have comprehensive training on licensing matters.
  - 90.9% supported the need for drivers to self-report when they are convicted of offences.
  - 72.7% supported the proposed procedures in relation to complaints.
  - 54.5% supported the condition relating to motoring offences and the 7 penalty point restriction.

- 54.5% supported the requirements of Safeguarding training and Child Sexual Exploitation training (including County Lines).
- 90.9% supported the requirements for licensed vehicle owners to have a Basic DBS annually
- 90.9% supported the requirements for licensed operator owners to have a Basic DBS annually
- 63.6% supported the re-introduction of rear loading wheelchair accessible vehicles.

6.9 Following the conclusion of the public consultation, amendments will be made to condition 67.6 relating to the acceptance of Rear Loading Wheelchair Accessible vehicles. The condition currently states:

*“Permit loading of wheelchairs ONLY through the side door(s) of the vehicle. Vehicles that load the wheelchairs through the tailgate will not be accepted for licensing unless a mechanical lift is present with rear side doors. Those Hackney Carriage proprietors whose vehicles are rear loading shall replace their vehicle with a vehicle that is side loading if the vehicle is changed or when the licence is renewed after the vehicle reaches 12 years of age.”*

6.10 The revised proposed wording is:

*“Permit loading of wheelchairs through the side door(s) or the rear of the vehicle, provided a combined seat belt cutter and break glass hammer is securely fitted in the rear of the vehicle within close reach of the passenger”.*

## **7 RISK IMPLICATIONS**

7.1 Although it remains the case that the Council, in common with all licensing authorities, must reach its own decision, both on overall policies and on individual licensing matters in light of the relevant law, it is likely that the Statutory Taxi and Private Hire Vehicle Standards would be referenced in any legal challenge to the Council’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to any defence put forward by the Council. 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.

## **8 RESOURCE IMPLICATIONS**

8.1 There are no direct resource implications arising from the adoption of this policy. Any proposed changes to the licensing charging structure will be subject to a separate future decision.

**9 LEGAL IMPLICATIONS**

- 9.1 The Council has a legal duty to comply with the Department of Transport's statutory taxi and private hire vehicle standards.

**10 EQUALITY AND DIVERSITY IMPLICATIONS**

- 10.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

**11 RECOMMENDATION**

- 11.1 It is proposed that the Committee **RESOLVES**

That the Hackney Carriage and Private Hire Licensing Policy 2021-2026 be approved.



Louisa Moss

Assistant Director, People & Communities

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**Background Papers:-**

None.

For further information please contact Steven Greener on:-

Phone: 01702 318148

Email: [Licensing@rochford.gov.uk](mailto:Licensing@rochford.gov.uk)

If you would like this report in large print, Braille or another language please contact 01702 318111.





# **Hackney Carriage and Private Hire Licensing Policy**

## **2021 – 2026**

Prepared by: Rochford District Council
Author: Principal Licensing Officer
Date: August 2021
Version: 1.4

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# 1. Introduction

1.1. The overriding aim for Rochford District Council ( 'the 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 document, all previous policy and procedures on all aspects Hackney Carriage and Private Hire Licensing in the Rochford District.

1.3. Each case will always be considered on its merits having regards to this policy. The Council will only depart from this policy where it considers appropriate to do so. This will normally happen where 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 reason to consider all or part of this policy.

1.5. This policy has been developed with regards to the Department for Transport (DFT) 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.

1.6. A full list of those that were consulted on this policy is attached as **Appendix K**.

1.7. 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. Rochford District Council's Scheme of Delegation is attached as **Appendix J**
- 2.3. All Hackney Carriage and Private Hire matters under the Council Constitution are dealt with by the Council's Licensing Committee or by its Licensing Sub-Committee. The Council's 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 Elected Members, who sit on the Committees 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, penalty points on their Hackney Carriage / Private Hire Drivers Licence, 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 Council. 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.

4.4. Rochford District Council's Penalty Points scheme is attached as **Appendix B**

## 5. Driver Licences

### Overview

5.1. For the safety and protection of the public, any person that drives a Private Hire or Hackney Carriage Vehicle that is licensed by the Council, must hold the relevant driver's licence that is also issued by the Council.

5.2. 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.

5.3. Drivers cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59).

5.4. In determining if a person is "fit and proper", the Council 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?'

5.5. 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.

## Duration of Licences

- 5.6. A Driver's licence will normally be issued for a three year duration.
- 5.7. 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.
- 5.8. Applicants must be 21 years of age and hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months before an application can be submitted.
- 5.9. The UK left the European Union on the 31st January 2020. Therefore, the above requirement is subject to any agreement reached between the EU states and the UK on the validity of EC/EEC driving licenses after the transition period.

## Pre-Licensing Requirements

- 5.10. 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 ([www.rochford.gov.uk/licensing](http://www.rochford.gov.uk/licensing)).

### Disclosure and Barring Service (DBS) Check

- 5.11. An enhanced DBS check must include a check of the children and adult barred Lists
- 5.12. 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.
- 5.13. 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.

### Assessment of Previous Convictions

- 5.14. 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.
- 5.15. **Appendix A** sets out the council's criteria for assessing previous convictions for all driver applications and licence holders.

### Previous Refusals and Revocations of Hackney Carriage and Private Hire Licences

- 5.16. 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.
- 5.17. 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.
- 5.18. 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.
- 5.19. All applicants previously refused, suspended or had a licence revoked will present their case to members of the committee to determine whether they meet the 'fit and proper person' test.

5.20. The Council's policy on how we use the NR3 Database can be found at **Appendix H**

### Medical Fitness Criteria

- 5.21. Up to the age of 65 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.
- 5.22. Those drivers suffering from known and notified medical disorders and those over 65 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.
- 5.23. 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.
- 5.24. The Council's approved Group 2 Medical providers are detailed in **Appendix C**.

### Safeguarding and Child Sexual Exploitation Awareness Training

- 5.25. All new applicants must have undergone the council's approved Safeguarding and Child Sexual Exploitation Awareness Training before a licence is granted.
- 5.26. Licence holders must undertake the Council's approved refresher training where required every 3 years.
- 5.27. The Council's approved Safeguarding and Child Sexual Exploitation Awareness Training courses and providers are detailed in **Appendix D**.
- 5.28. 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.

### Disability Awareness Training

- 5.29. All new applicants must have undergone the council's approved Disability Awareness Training before a licence is granted.

5.30. Licence holders must undertake the Council's approved refresher training where required every 3 years.

5.31. The Council's approved Disability Awareness Training courses and providers are detailed in **Appendix E**.

5.32. 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.

### Language Proficiency Requirements

5.33. 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.

5.34. 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.

5.35. The Council's approved language proficiency assessment process and providers are detailed in **Appendix G**.

5.36. 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.

### Knowledge Test

5.37. The Council's Knowledge Test is an electronic test that covers different sections as set out in **Appendix I**.

5.38. An applicant cannot complete the test without a valid Enhanced DBS certificate.

5.39. The cost of this test is not included in the licence fee and must be paid by the applicant prior to completing the test

5.40. If the applicant fails their knowledge test they will be able to re-take it a further 3 times provided a period of 28 days elapses between tests. This is to ensure that the applicant has sufficient time to revise.

5.41. If the applicant is unsuccessful on their fourth attempt their application will be refused as the applicant has not been able to evidence that they have the appropriate skills and attributes to satisfy the Council that they are fit and proper to be a licensed driver.

5.42. A new application can be made but a period of 12 months is required to elapse before another attempt can be made to enable the applicant to develop the necessary skills. The Council believes that this condition is necessary to ensure that applicants do not continue to take the knowledge test to their own financial detriment when they do not have the necessary knowledge to pass.

## Conditions

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

## Private Hire Driver Conditions

5.44. A licence holder, on changing his address, shall notify the Council of such change within seven days by email to [licensing@Rochford.gov.uk](mailto:licensing@Rochford.gov.uk)

5.45. Any of the following events in respect of licence holder must be reported by email to [licensing@Rochford.gov.uk](mailto:licensing@Rochford.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.
- 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.

5.46. A driver shall at all times when working, wear their badge on their person so that it is clearly visible.

5.47. 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.

5.48. A driver shall not refuse to carry fewer persons than the number marked on the plate.

5.49. 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.

5.50. 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.

5.51. A driver shall:

- a) Convey a reasonable quantity of luggage;
- b) Afford reasonable assistance in loading and unloading such luggage.

5.52. 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.

5.53. 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).

5.54. 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.

5.55. 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.

5.56. 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.

5.57. 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 Civic Offices, South Street, Rochford, Essex, and deposit it there.

## 6. Private Hire Operator Policy and Conditions

### Overview

6.1. For the safety and protection of the public, Private Hire Operators within the District must have a licence issued by the Council. The licence permits you to accept bookings for Private Hire work.

6.2. If you intend to take bookings from an operating base situated outside the District, you must apply for an Operator's licence from the appropriate local council.

6.3. 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 the Council 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.

6.4. 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.

6.5. Failure to comply with any condition of the licence may be grounds for revocation of the licence for that reason alone.

### Duration of Licences

6.6. An Operator licence will normally be issued for a five year duration.

6.7. 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.

### Suitability of applicant/licence holder

6.8. 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.

6.9. 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.

6.10. 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.

## Pre Licensing Requirements

6.11. 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 the 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 ([www.rochford.gov.uk/licensing](http://www.rochford.gov.uk/licensing))

## Conditions

6.12. 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

## General Conditions

6.13. The licence holder must not permit the display of the word "Taxi", "Cab" or "Hackney Carriage" on any Private Hire Vehicles operated by them.

6.14. 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@Rochford.gov.uk](mailto:licensing@Rochford.gov.uk) immediately within 48hrs of the change.

## Criminality Checks/reporting Convictions and Other Relevant Matters

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

6.16. Any of the following events in respect of licence holder, director or partner must be reported by email to [licensing@Rochford.gov.uk](mailto:licensing@Rochford.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.
- Their arrest for any offence (whether or not charged)

### Booking and Dispatch Staff

6.17. 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 Rochford District Council or to any Police Constable for inspection.

6.18. 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.

6.19. 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.

6.20. 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.

6.21. 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.

6.22. 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.

6.23. Operators or applicants for a licence must provide to the Council 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.

### Record Keeping

6.24. 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

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

### Use of passenger carrying vehicles (PCV) licensed drivers

6.26. 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

### Overview

- 7.1. 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 the 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.

### Duration of Licences

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

### Suitability of the Applicant/Licence Holder

- 7.3. 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.
- 7.4. 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.
- 7.5. 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.

### Pre Licensing Requirements

- 7.6. To apply for a Private Hire 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 the 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 ([www.rochford.gov.uk/licensing](http://www.rochford.gov.uk/licensing))
- 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)

7.7. 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.

#### Vehicle specification and conditions including CCTV.

7.8. For the purpose of this consultation there are no changes proposed to the existing vehicle specification or conditions.

<https://www.gov.uk/government/publications/surveillance-camera-commissioner-response-to-the-department-for-transport-consultation-on-taxis>

7.9. These are outlined below:

- The Licence holder shall not install safety cameras in a licensed vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
- Safety cameras are only to be used for the purposes of driver safety. This may also benefit passengers;
- All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness;
- All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear;
- All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-



red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers;

- Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008) and any guidance on this topic, which is subsequently published;
- The image from any camera must not be used for any commercial purpose or circulated on any social media website etc.
- The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
- If safety cameras are fitted to licensed vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Act applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Act. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.
- It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

## 8. Disciplinary And Enforcement Measures

8.1. The principle purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. The Government believes that regulators should have access to effective sanctions that are flexible and proportionate and that ensure the protection of workers, consumers and the environment when tackling non-compliance by businesses.

In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime with a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference.

8.2. Where a licence holder has been referred to the Licensing and Appeals Sub-Committee, it has the power to order the revocation or suspension of the licence. Where a licence is due to be renewed as an alternative to revocation, the Sub-Committee may decide that the appropriate action is to order that the licence should not be renewed.

- 8.3. The Authority operates a penalty point scheme of enforcement whereby points may be issued by authorised officers to licence holders who are found to be in breach of legislation, byelaws, this policy or conditions. The penalty point scheme will apply to drivers, operators and vehicles.
- 8.4. The relevance of offences and convictions for prospective applicants and existing licence holders is outlined in the Authority's Assessment of Previous Convictions at **Appendix A**.
- 8.5. If any licence holder seeks to surrender their licence whilst they are under investigation for a criminal offence or other conduct that could result in the suspension or revocation of their licence, we will usually refuse to accept the surrender; continue with the investigation and determine the outcome.

## 9. Fees

- 9.1. The power to charge a fee for a **driver's licence** (both Hackney Carriage and Private Hire is found in section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976, which provides that:

Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

- 9.2. The power to levy a fee for **vehicle and operator's** is contained within s.70:

Subject to the provisions of subsection (2) of this section, a district council may charge such **fees for the grant of vehicle and operators' licences** as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

  - (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
  - (b) the reasonable cost of providing hackney carriage stands; and
  - (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.
- 9.3. In the legal case Hemming [2012] EWHC 1260 (Admin) and [2013] EWCA Civ 591, the court determined surpluses as well as deficits are to be carried forward. The licensing authority is

not entitled to make a profit. The court did not require pin-point precision year on year.

- 9.4. The council does not have to adjust the licence fee every year to reflect any previous deficit or surplus, so long as it 'all comes out in the wash' eventually. And the adjustment does not have to be precise: a rough and ready calculation which is broadly correct will do.
- 9.5. Rochford District Council will review the fees in line with the Policy every 5 years or if significant changes to legislation or policy is required.

## 10. 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.

#### 14. Revocation or refusal of a previous licence

Where an applicant has previously held a licence and was either refused or revoked, it will be for the licensing authority to decide what action to take in the light of the reason for the refusal or revocation.

## 11. Appendix B – Penalty Points Scheme

- 11.1. The penalty points system for recording non-compliance with Hackney Carriage or Private Hire requirements will operate as follows: -
- 11.2. Rochford Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation or the requirements of this policy are dealt with. Where it is decided that the use of penalty points is appropriate they will be issued in accordance with the rate in the attached schedule.
- 11.3. Before penalty points are issued there must be sufficient evidence to prove the offence or breach of conditions.
- 11.4. Each case will be considered on its merits
- 11.5. When points are issued the proprietor or driver will be sent written confirmation within 10 working days. There is a right of appeal to the Head of Legal Services
- 11.6. Points issued remain live for a period of 2 years from date of issue. Points will be deleted after this two year period.
- 11.7. The Appeals committee may take into account previous penalty points if a trend is identified or considered relevant by the members.

- 11.8. Any driver, proprietor or operator accumulating 12 points in a two-year period will be required to appear before a panel of the appeals committee.
- 11.9. When a driver, proprietor or operator is brought before the appeals committee, the panel may exercise one of the following options:-
- Suspend the licence;
  - Revoke the licence;
  - Issue written warning;
  - Extend the two year period in which points remain live;
  - Take no further action.
  - Any other action the panel feels appropriate (including Penalty Points)
- 11.10. Any driver, operator or proprietor required to appear before the appeals committee having accumulated 12 points shall be entitled to make representations to the panel or be legally represented at the hearing.
- 11.11. Nothing in this penalty points system will stop the council from taking action under any appropriate legislation.
- 11.12. This penalty points system will be reviewed as necessary thereafter.



## **12. Appendix C- 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.
- Cotswold Medicals Ltd
- Where any of the above options are not available, any medical provider with the written consent of the Council's Licensing Manager.

## **13. Appendix D - 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 Classroom based course  
(in person or virtually using video conferencing facilities)

## **14. Appendix E - 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.

- Andrews Taxi's (Southend) – 01702 200200
- Dick Robinson - 07850 453117
- Kinect Services – 01702 597995
- Cabbietraining.co.uk – Wendy Clarke – 07739 320050

## **15. Appendix F - Approved Driving Assessors**

The following providers are approved by the Council to satisfy the licensing requirements for the conducting a driving assessment on existing licence holders and new applicants.

- Blue Lamp Trust – [www.bluelamptrust.org.uk](http://www.bluelamptrust.org.uk)
- Diamond Advanced Motoring – [www.advancedmotoring.co.uk](http://www.advancedmotoring.co.uk)
- Fleet & Corporate Training – 07956 321678 (based in Southend)

## 16. Appendix G – Approved Language Proficiency Assessment providers

We expect all licensed taxi and private hire drivers to have a sufficient command of the English language, so that they can communicate freely and clearly with passengers and officials, including in stressful and emergency situations. Drivers are also expected to be able to identify situations where there may be passenger safeguarding concerns and to possess sufficient communication skills to report those concerns. The ability to converse effectively in English also helps avoid job related misunderstandings such as wrong directions, fare disputes, collecting the wrong customer and misunderstanding a customer’s assistance needs. Applicants for private hire vehicle or hackney carriage drivers licences are therefore required to undertake an assessment of their communication skills, for which an additional fee will be payable.

Candidates who can demonstrate that they have previously completed an English-language qualification at a suitable level will be exempt from the additional assessment - see below for further details on previous qualifications.

### **Previous Qualifications**

Candidates who can demonstrate (by producing the original certificate and/or examination transcript) that they have previously passed a relevant English-language qualification at a suitable level, which was assessed by a recognised and accredited qualification awarding body, will not be required to take the additional speaking and listening assessment.

It is not possible to provide an exhaustive list of all the qualifications that will be accepted - however, typical examples may include:

- GCSE or GCE O-level (grade C or higher) or Scottish Intermediate 2
- GCE A-level or Scottish Higher
- NVQ, BTEC, City and Guilds or similar vocational qualification (level 2 or higher)
- Higher education award (for example a degree, HND or HNC)
- qualification equivalent to any of the above, issued by a recognised examining body in an English-speaking country other than the UK
- a TOEFL, IELTS or ESOL qualification at CEFR level B2 or higher (or equivalent)

Technical or IT-related qualifications are unlikely to be acceptable for this purpose. We will be looking for qualifications which include a significant amount of verbal or written content in the English language.

If a candidate does not hold one of these qualifications, or cannot produce acceptable evidence of the qualification, they will be required to undertake the speaking and listening assessment.

It will consist of a conversation of up to 15 mins duration between the applicant and the nominated licensing officer, which will take place at the Rochford District Council offices or via electronic video conferencing and will be recorded. The applicant will be provided with their own copy of the recording of the conversation.

In all cases, the licensing team's decision as to whether to accept a qualification not listed above will be final.

## **17. Appendix H - Policy on the NR3 Database**

[Requests for information, disclosure of information, and use of information as a result of an entry on National Register of Refusals and Revocations \(NR3\)](#)

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

### **Overarching principles**

This policy covers the use that this authority Rochford District Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

This authority, Rochford District Council has signed up to the NR3. This means that when an application for a licensed drivers' licence is refused, or when an existing drivers' licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, this authority Rochford District Council will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing

that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 365 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 365 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

### **Making a request for further information regarding an entry on NR3**

When an application is made to this authority, Rochford District Council for the grant of a new, or renewal of, a licensed driver's licence, this authority Rochford District Council will check the NR3.

This authority Rochford District Council will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If this authority discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include

details of this authority's Rochford District Council data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form attached to this policy.

It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

### **Responding to a request made for further information regarding an entry on NR3**

When this authority Rochford District Council receives a request for further information from another authority a clear written record will be made of the request having been received.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

This authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

We will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority is satisfied that the other authority's (the 2<sup>nd</sup> authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but this authority Rochford District Council (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the 'Hackney Carriage and Private Hire Licensing Policy. Where the reason for a refusal to grant or a revocation relates to a conviction which is within the timescales determined in those guidelines, there is a presumption that the information will be disclosed.

Where the reason for a refusal to grant or a revocation relates to a conviction which is outside the timescales determined in those guidelines, there is a presumption against disclosure of the information. However in every case consideration will be given to the full

circumstances of the decision and there may be occasions where information is provided or withheld otherwise than in accordance with the presumptions above.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years

### **Using any information obtained as a result of a request to another authority**

When Rochford District Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a drivers' licence. This will be in accordance with the usual process for determining applications contained in 'Hackney Carriage and Private Hire Licensing Policy'.

Rochford District Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority Rochford District Council will make in relation to the application.

## 18. Appendix I - Knowledge Test

Rochford District Council have 2 Knowledge tests as part of the application process. The initial test is a multiple choice electronic test consisting of 7 questions lasting for a maximum of 7 minutes.

	Topic	Description	Pass mark
1	<b>Maths and English</b>	An applicant will be required to know basic Maths and English	All:  6 out of 7

The second Knowledge test is also a multiple-choice electronic test that is split into 5 sections, and consists of up to 54 questions lasting for a maximum of 35 minutes.

	Topic	Description	Pass mark
1	<b>Roads</b>	An applicant will be required to know the roads at either end of a given road from any part of Rochford District Council area; it could be a main road, a through road or a minor road.	Hackney Carriage Only:  17 out of 18
2	<b>Routes</b>	An applicant is required to know how they would travel from a given road or location to another road or location using the shortest route keeping to roads in the district of Rochford.	Hackney Carriage Only:  4 out of 5
3	<b>Places of Interest</b>	You will need to identify the locations of pubs, clubs, hotels, restaurants, parks, public buildings and historic sites etc. in the Rochford District area. Good local knowledge is essential.	Hackney Carriage Only:  4 out of 5
4	<b>Highway Code and Road Signs</b>	Questions relate to things like speed limits, stopping distances, pedestrian crossings, parking	All:  15 out of 16

		and are similar to questions asked on the DVLA theory test.	
5	<b>Conditions and Law</b>	This section is based on the conditions applying to drivers both prior to being licensed and also once licensed. You will need a good understanding of these conditions and the restriction placed upon drivers	All: 8 out of 10

## 19. Appendix J – Scheme of Delegation

Circumstances can arise which require the Council to take emergency action, such as the receipt of an allegation of serious misconduct by a licence holder.

In these circumstances the Council’s constitution provides that in situations which arise between the Licensing and Appeals Committee or Executive meetings and require emergency action, which cannot reasonably await the next meeting, the Chief Executive, Assistant Director of Governance and Community Strategy or relevant Assistant Director, has authority to take such action in consultation with the Chair, Vice-Chair and Portfolio Holder of the Licensing and Appeals Committee (or with such of the latter as are available for consultation) or with the relevant Portfolio Holder and subject to a subsequent report to the next meeting of the Licensing and Appeals Committee.

The Assistant Director of People & Communities; the Principal Licensing Officer; Licensing Officers or member of the Licensing Sub-Committee can:

- suspend the licence of a vehicle under section 60 of the Local Government (Miscellaneous Provisions) Act 1976 where the vehicle owner has failed to renew the certificate of compliance;
- suspend vehicle licences under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 where he/she is not satisfied as to the fitness of the vehicle to be used as a hackney carriage or private hire vehicle;
- suspend the licences of drivers under section 60 of the Local Government (Miscellaneous Provisions) Act 1976 where the driver’s medical certificate or DBS Disclosure has expired and no objections to the suspension have been received.

## 20. Appendix K – List of Consultees for this policy

Rochford District Council have consulted with the following groups as part of the implementation process of this policy:

- Hackney Carriage Licence Holders



- Private Hire Licence Holders
- Private Hire Operators
- Neighboring Authorities
- Essex Police
- Parish and District Councilors
- Essex Safeguarding Board
- Local Community Groups

## 21. Appendix L – 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
  - [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



**BRIEFING NOTE**

**TO:** Licensing Committee

**FROM:** Steven Greener, Principal Licensing Officer

**RE:** Implementation of the Hackney Carriage and Private Hire Licensing Policy

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**Introduction**

1. In July 2020, Department of Transport published the Statutory taxi and private hire vehicle standards. 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.
2. The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.

**CURRENT STRUCTURE**

3. Rochford District Council do not currently have a policy in relation to Hackney Carriage & Private Hire Licensing.
4. Rochford District Council have a requirement that all drivers, vehicle owners and operators follow the Rochford District Council Hackney Carriage and Private Hire, Driver, Vehicle and Operator Licence Conditions. The last update to the conditions was conducted in March 2019.
5. In addition to the conditions, the Licensing Committee supported the adoption of the Institute of Licensing (IoL) 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' which was published in April 2018.
6. Both the Rochford District Council conditions and the IoL guidance mirrors the requirements of the Department of Transport Minimum standards, however the minimum standards require the local authorities to bring together, into one document, all previous policy and procedures on all aspects Hackney Carriage and Private Hire Licensing within the Rochford District.

## THE NEW POLICY

7. Paragraph 3.2 of the Department of Transport Minimum standards states  
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.
  
8. The policy covers the following areas
  - a. Decision Making
  - b. Failure to Disclose Information
  - c. Complaints against licence holders
  - d. Driver Licences
  - e. Private Hire Operator Policy and Conditions
  - f. Vehicle Licences

## **A. DECISION MAKING**

9. The policy states All individuals that determine whether a licence is issued will be required to undertake sufficient training. This includes Elected Members, who sit on the Committees and Officers. This training will at least meet the minimum requirements of the Department of Transport standards. Member training requirements and obligations are contained within the Council Constitution.

10. Paragraph 5.3 of the Minimum standards states:

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.

### **Current Practice with Rochford District Council.**

11. In 2021, Members Services organised training for members and licensing officers by a third party which included licensing procedures, natural justice and case study material.

12. Future training will need to include the understanding of Child Sexual Abuse and Exploitation, in addition to disability and equality awareness and the making of difficult and potentially controversial decisions

13. Failure of members not attending the training resulted in the members being removed from the Licensing or Appeals Committee.

## **B. FAILURE TO DISCLOSE INFORMATION**

14. 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**

15. 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.
16. 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.
17. The Department of Transport Minimum Standards states in paragraph 4.11  
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.

### **Proposed changes to the current processes.**

18. At the present time, Rochford District Council conduct an enhanced Disclosure and Barring Service upon initial application and at each renewal. This check also includes the checking of the child and vulnerable adult barring list.
19. At the moment, it is at the discretion of the driver, vehicle owner or operator to subscribe to the DBS update service. Through the update service, 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.

20. At the present time, we use Essex County Council to complete our Enhanced Disclosure and Barring Service checks.
21. As outlined within our policy we propose a condition to state that all drivers must sign up and maintain subscription to the Disclosure and Barring Service Update service.
22. We have spoken to a provider that is able to complete our Enhanced Disclosure and Barring Service checks and they are also able to conduct monthly checks on our licence holders to see whether there are any changes to the DBS certificate or whether they have stopped subscription to the update service. There is a small charge for this service and the fee will be added to the licence holders renewal fees.
23. The fee will be £6 per year.

### **SHARING LICENSING INFORMATION WITH OTHER LICENSING AUTHORITIES**

24. As regularly stated in the Department of Transport Minimum standards, 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.
25. Paragraph 4.20 of the minimum standards states that  
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.
26. 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
27. Paragraph 4.10 of the minimum standards outlines that the Local Government Association 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').
28. Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of nondisclosure of relevant information by applicants.

### **Rochford District Council's Process**

29. In 2020 Rochford District Council Licensing team adopted the NR3 database and continue to check new applicants against the register.

30. We are currently in the process of agreeing a shared delegation of powers with members of the South Essex Authorities.



### **C. COMPLAINTS AGAINST LICENCE HOLDERS**

31. 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.
32. Paragraph 4.29 of the standards states:
- 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.
- 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).
33. 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.
34. Paragraph 4.31 states:
- 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

#### **Current structure within Rochford District Council**

35. We currently record complaints on our Diamond licensing system under the relevant licence holders profile. The information is stored in accordance with GDPR and includes a summary of the complaint and what action was taken.
36. In 2017, Rochford District Council Licensing team introduced the use of a Penalty points scheme. The scheme follows the principals of a normal driving licence and the Licensing Officers or members of the Committee can award points on the holders Rochford District Council licence for minor issues including minor complaints.
37. This scheme has worked well since its introduction.

**Additional measures to ensure robust Complaints Processes within Rochford District Council.**

- 38. To support the process of driver feedback, the licensing team wanted to introduce an easy mechanism for passenger feedback.
- 39. In conjunction with our supplier of our Hackney Carriage and Private hire plates, they have designed a card and card holder that will fit around the driver's headrest. The card has been designed so the passenger can either scan the QR code to take them to the Rochford District Council website or they can type in the website address directly to access the feedback form.
- 40. The form is date and time stamped to assist us with identifying the driver, should drivers share a vehicle or use a temporary vehicle.
- 41. Upon submission of the form, the information is send directly to the Licensing generic email address and officers will review the submissions and contact the passenger(s) if they have highlighted concerns over the drivers behaviour.



## **D. DRIVERS LICENCES**

### **Fit and Proper Person Test**

42. In 2018, Rochford District Council formally adopted the Institute of Licensing 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'.
43. The document outlined the expectations of drivers, vehicle owner and operators in relation to criminal convictions and motoring offences.
44. The Department of Transport minimum standards documentation follows the majority of the Institute of Licensing documentation and emphasises the importance of the 'fit and proper person' test.
45. It states in paragraph 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?**

46. Paragraph 5.13 continues
- If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
47. Finally, 5.14 states:
- 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.

### **Motoring Convictions**

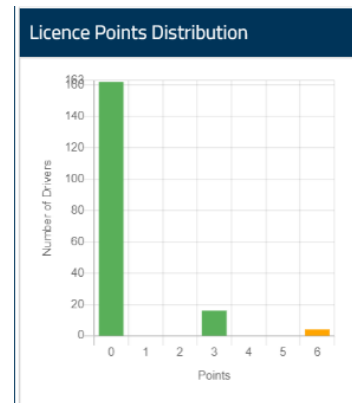
48. Paragraph 5.16 of the Department of Minimum Standard draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
49. The standards highlights 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.
50. The Department of Transport Minimum Standards Motoring convictions section states:  
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.

51. Rochford District Council have adopted the Institute of Licensing condition relating to motoring offences, this has taken the above further by breaking down the minor and major traffic offences.
52. The Institute of Licensing document states:  
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.

## Rochford District Council Drivers

53. Since the introduction of the Institute of Licensing Suitability guidance document in 2018, the Licensing and Appeals Committee have held hearings for four (4) individuals that have exceeded the 7 points requirements.
- a. Two (2) drivers received a driving ban for excessive points
  - b. Two (2) drivers had 9 points for minor motoring offences.
54. We currently use a provider 'Taxi Plus' to conduct our DVLA checks. These are completed every 6 months on all our licensed drivers.
55. The system shows we currently have 182 drivers using the system, 4 of our drivers currently have 6 points, 16 drivers have 3 points and the majority of our drivers have no points.
56. Rochford District Council Licensing team propose to maintain the 7 points requirements.



## DRIVER TRAINING REQUIREMENTS

57. The Department of Transport Minimum Standards requires drivers to complete Safeguarding Awareness Training and training on 'County Lines' Exploitation.
58. Rochford District Council Licensing team arranged for all existing drivers to complete Safeguarding and County Lines training in March 2019.
59. Any new drivers applying for a driver's badge had to complete an e-learning assessment that covers the principals of the Safeguarding training and was supported by Essex Police and Rochford District Council Safeguarding officer.
60. In July 2020, Rochford District Council Licensing Team were contacted by a company called the Blue Lamp Trust.
61. The Blue Lamp Trust is a non-profit organisation dedicated to promoting and enhancing community safety. Charitable funds are raised through our range of road safety courses and taxi driver assessments with DVSA-approved assessors.
62. On 8<sup>th</sup> September 2020, Rochford District Council Safeguarding officer participated in one of the Blue Lamp Trust Safeguarding Virtual Classroom courses. The feedback from the officer was very positive and the course covered a number of key areas including Child Sexual Exploitation, Human Trafficking and modern slavery, county lines (cuckooing), terrorism, older persons, Domestic Abuse and a small aspect of Disability Awareness.

- 63. Rochford District Council will be asking for all drivers to complete this Blue lamp trust virtual classroom training before the renewal of their drivers' badge (every 3 years), similar to our current requirements for Disability Awareness training.
- 64. The cost of the course is £12.00 per session.

### **LANGUAGE PROFICIENCY**

- 65. The Minimum Standards says 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. 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.
- 66. Rochford District Council currently have a suitability test that is conducted using Video Conferencing facilities, the applicant will have at least a 15 minute conversation regarding the application process prior to conducting the suitability (Maths and English) test.

## **E. VEHICLE LICENSING**

### **Criminality checks for vehicle proprietors**

67. The Department of Transport Minimum Standards emphasise Enhanced DBS and barred list checks are not available for vehicle licensing and Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.
68. Rochford District Council will be asking Vehicle owners to subscribe to the update service using our DBS provider.

### **In-vehicle visual and audio recording – CCTV**

69. 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:
  - a. deterring and preventing the occurrence of crime;
  - b. reducing the fear of crime;
  - c. assisting the police in investigating incidents of crime;
  - d. assisting insurance companies in investigating motor vehicle accidents.
70. Rochford District Council already have a comprehensive list of conditions in relation to Dashboard cameras and CCTV.

### **Stretched Limousines**

71. 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.
72. 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.
73. Rochford District Council currently licence 4 stretched limousines for 8 passengers.

## **F. PRIVATE HIRE VEHICLE OPERATOR LICENSING**

### **Criminality checks for vehicle proprietors**

74. 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.
75. Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. The Department of Transport Minimum Standards asks Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually
76. Rochford District Council will be asking Operators to subscribe to the update service using our DBS provider.

### **Booking and dispatch staff**

77. 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.
78. Department of Transport states 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.
79. Rochford District Council propose to include this condition within our Operators licence conditions as part of the application and renewal process.

### **Use of passenger carrying vehicles (PCV) licensed drivers**

80. 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.
81. The Department of Transport asks 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.



82. Rochford District Council propose to include this condition within the Rochford District Council conditions.