

Appendix 1

Department for Transport Statutory Taxi & Private Hire Vehicle Standards

Comparison between Reading Borough Councils current Taxi and Private Hire Policies and the Statutory Standards

	Statutory Standards Element	Current	Proposal	Impact on licence holders	Officers Rationale
1	Joint Enforcement	Reading Borough Council (RBC) officers can only enforce for breaches made by licence holders licensed with Reading Borough Council.	<p>Joint authorisation of enforcement officers of licensing authorities (LAs) that have adopted these common standards.</p> <p>To improve information sharing between authorities.</p>	Officers from all neighbouring authorities will be able to enforce for breaches against the common standards and taxi and private hire legislation by any licence holders. Standards will be raised across the board on a regional basis. Multi-agency operations and joint enforcement working will improve. There will be more equity and consistency in enforcement over local authority boundaries.	This will allow enforcement officers to ensure licensed drivers and vehicles that operate in Reading from other LA's are of a high standard and they comply with all legislation whilst in Reading, and that any RBC licensed drivers and vehicles which are operating in neighbouring authorities continue to adhere to the same high standards that are expected of them. This will allow enforcement officers from either RBC or other authorities to take the appropriate action against any drivers or vehicles that do not comply.

2	Delegations for Decisions	Reading Borough Council Licensing Officers are delegated to make all decisions on new applications and can suspend licences with immediate effect. Reviews of licences and revocation of a licence are dealt with by the Licensing Sub-Committee.	The statutory standards now state all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service. We therefore propose no change to the current arrangements for applications or reviews and will continue to utilise the Licensing Applications Committee and Licensing Sub Committees as before, but we will add in this recommendation availing this additional option to revoke licences.	New applicants with relevant convictions will be able to present their case to a Licensing Sub-Committee. Managers will be able to take immediate action in cases where there is a risk to the public and there is not time to arrange a Licensing Sub-Committee. This will be carried out through consultation and approval of the chair of the Licensing Applications Committee when possible.	Extending the delegated powers of Licensing Officers to refuse new applications for example because the applicant has not informed RBC of other transgressions or the applicants previous convictions preclude them from obtaining a licence. This would reduce the workload on Licensing Officers and the need to put them before a Licensing Subcommittee. We would increase our agility and capacity to revoke licences in the most serious of cases.
3	Frequency of DBS Enhanced Criminal Checks	On new application and then every three years on renewal.	Every six months.	We will compel drivers to subscribe to the auto-update subscription service which will save them money and make the process more efficient for us. As they are more frequent this increases the volume of DBS returns for officers to check.	There is a new process to be carried out by officers where the DBS check is to be conducted every six months instead of 3 years. This will increase the workload of officers but will ensure that any convictions etc committed by licensed drivers can be dealt with at the earliest opportunity. It is a

					significant safety improvement.
4	Time period for licence holders to notify the Council of any arrest, charges, and other offences	14 days for any convictions, 28 days for any cautions, fixed penalties or court case pending.	48 hours for arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.	No significant impact on licence holders.	This is just a change in time limits that licensed drivers will be required to adhere to leading to increased safety.
5	How to complain and signage in vehicles	Council contact details for complaint displayed on the rear of the internal vehicle disc displayed in front windscreen.	Signage to be displayed in vehicles giving guidance for passengers on how to complain and such signage to be displayed where it can easily be read. Failure to display could lead to suspension and a possible review of their driver's licence.	No significant impact. It will improve the customer experience.	Licence holders will need to display an additional sign in the vehicle which has been produced by the licensing team. There will be no cost for the sign on the first occasion but any signs that are required to be replaced will incur a charge of £5.00. The sign will only need to be replaced if it is lost or damaged. If the vehicle is changed the licence holder can change the sign from the old vehicle to the new one.
6	Immediate revocation of licences	Where there are concerns regarding a licensed driver or vehicle or operator that cannot wait until the next Licensing Sub-Committee then officers can consult with the Chair of the Licensing Committee who can immediately revoke a licence.	The standard states Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an	Revocations, when needed, are likely to happen quicker.	This ensures that an independent decision has been made regarding the immediate revocation of a licence balanced against the recommendation to act immediately in certain circumstances.

			immigration offence the licence should be revoked immediately. The proposal is to maintain the current system but introduce the additional option (as recommended in the standards) to allow a manager to make an immediate decision if necessary.		
7	Mandatory Safeguarding Training	Safeguarding training and a test is mandatory for all existing driver licence holders and for all new applicants.	Existing licensees will be required to undertake refresher training and a test every three years.	This is an additional cost and time commitment for existing licence holders. The cost of the training is currently £22.50.	This method is currently undertaken. Any driver failing to undertake this training will have their licence suspended while they resolve matters.
8	Language proficiency	Reading Borough Council currently have no criteria for an applicant/license holder to take an English Proficiency test. Currently there is a declaration on the application form stating that they can understand and write written English, and all new driver applicants are required to have a driver interview with a licensing officer before a licence is issued.	All new applicants must take an English Proficiency test unless they can provide an appropriate educational certificate for a qualification related to both written and spoken English. English language proficiency requirements will apply to new applicants from date of adoption of these standards. Discretion to refer an existing licence holder for	This places an additional burden on drivers but a possible saving to the applicant if they have an appropriate educational certificate. If an appropriate educational certificate cannot be produced, then there will be a financial implication in a requirement to take a course.	This will ensure that new applicants and licensed drivers and operators have a good understanding of English through a recognised educational certificate provided by a recognised provider. This will apply to ALL licensed drivers and operators. This has been a matter of some concern and raised following recent enforcement activities and committee meetings where applicants or current licensed drivers have not had a good

			an assessment on a case-to-case basis.		understanding of English causing mis understandings.
9	Criminality checks for vehicle proprietors	No requirements for licensed vehicle proprietors to provide a DBS certificate.	Licensed vehicle proprietors must provide an annual basic disclosure certificate from the DBS unless they are also a licensed driver. However, if they no longer continue to be a licensed driver then a basic DBS is to be carried out as soon as possible.	The Cost of a basic DBS is currently £18.	This will ensure that all licensed vehicle proprietors will have been checked by licensing officers and that a basic due diligence check will have been carried out to ensure that they are fit and proper.
10	Criminality checks for private hire operators	Licensed private hire operators must provide a basic disclosure check from the DBS every 1 or 5 years on renewal unless they are also a licensed driver.	Licensed private hire operators must provide an annual basic disclosure check from the DBS unless they are also a licensed driver. However, if they no longer continue to be a licensed driver then a basic DBS is to be carried out as soon as possible.	Small impact as nearly all licensed operators licensed by Reading Borough Council also hold a driver licence. The current cost is £18 for a basic DBS.	This will ensure that all licensed vehicle operators will have been checked by licensing officers and that a basic due diligence check will have been carried out to ensure that they are fit and proper.
11	Private Hire Operator Booking and dispatch staff	No requirement for operators to make criminality checks on booking and dispatch staff.	Private hire operators must have written policies and procedures in place to ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals and set out its approach on employing staff that are ex-offenders. Where a booking is outsourced, the operator	Some impact on operators who must develop policies and procedures. Basic criminal conviction disclosure cost is currently £18.	This will have a due diligence impact on the operator to ensure that their staff are suitable to be carrying out the roles for which they are employed.

			must ensure the third-party have adequate arrangements in place as outlined above.		
12	Whistle-blowing	Reading Borough Council has a Whistleblowing policy in place.	That licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.	No impact on either Staff or licence holders.	Reading Borough Council is committed to the highest possible standards of openness, honesty, and accountability. In line with that commitment, staff are encouraged, if they have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. The policy has the support of the Council's recognised trade unions.
13	Common Law Police Disclosure	Where public protection is an issue, the Police are able to pass information to us in order we can swiftly mitigate the danger.	No change.	No impact.	This facility has existed before the statutory standards, so we will continue to work closely with TVP and share information between us.
14	Sharing of information with other Licensing Authorities and use of NR3S	Policies and information sharing protocols with neighbouring authorities have been in place for some time.	The national database NR3S is now being utilised to share information on a wider and more consistent basis.	Some increased administration in updating the database is required.	It improves the safety for users by ensuring applicants actions in other Local Authority areas can be considered and can no longer hide refused applications in other areas, revocations, or other misdemeanours.

15	Improving intelligence sharing and new duties on Licensing Authorities.	RBC have been sharing intelligence and information with other local authorities regarding their licensed drivers operating in Reading for a number of years.	The duty to report concerns about out-of-area drivers, if any licensing authority in England has information about a taxi or PHV driver licensed by another authority, that is relevant to safeguarding or road safety concerns, it must share that information with the authority that issued that driver's licence within 10 days of becoming aware.	No change in our current practices.	This practice will extend the intelligence and information we receive from other local authorities regarding our licensed drivers as previously we have only received this from a small number of local authorities.
16	Requirement to respond to local authorities when intelligence or information is received	This is something that we currently undertake when any information or intelligence is received and depending on the nature of the report determines on how it is dealt with for e.g.: either added to the drivers record or if serious taken to a licensing sub-committee.	Licensing authorities who receive concerns about drivers they have licensed must, within 20 working days of receiving the concerns, inform, in writing, the licensing authority that reported the concerns whether they have suspended or revoked the driver's licence (or intend to suspend or revoke the licence). They must also provide reasons for the action they have taken or intend to take.	No change in current practices, but we must continue to ensure we retain sufficient staffing resource to meet the deadlines.	This practice will show to our licensed drivers that we expect them to continue with the high standards that we require of them even when they are operating outside of our borough and that we will take the appropriate action against them on receiving a report if required.
17	Requirements of operators sub-contracting work	While operators can outsource some functions e.g.: telephone contact centre, the acceptance of PHV bookings and	Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be	This will ensure operators take responsibility for their safeguarding requirements and ensure that operators who they out-source to are also fully aware of their responsibilities.	This will require operators to take more responsibility ensuring that who they sub-contract their work to also take their responsibilities seriously. This will be monitored through operators

		<p>provision of PHVs can only be undertaken by a licensed operator - these functions cannot be outsourced. Operators can sub-contract bookings, but this can only be to another licensed operator. Therefore, the fact that they are licensed should provide the necessary assurance that appropriate safeguarding provisions are in place. We are in the process of updating our operator conditions which will require operators to undertake due diligence when sub-contracting bookings, to ensure companies they use have comparable safeguarding policies.</p>	<p>required to evidence that comparable protections are applied by the company to which they outsource these functions.</p>		<p>visits that enforcement officers carry out.</p>
18	'County Lines' exploitation	<p>Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport and store drugs and money between locations. This is now going to be included</p>	<p>County Lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs using dedicated mobile phone lines or other forms of deal lines across Police or Local Authority boundaries by often</p>	<p>Extended training for licence holders through Safeguarding.</p>	<p>This will enable licence holders to identify the signs of children and young people travelling in taxis and private hire vehicles alone, travelling at unusual hours during school time, early hours of the morning or late at night, travelling long distances, being unfamiliar with the local</p>

		into the safeguarding training provided through BFfC.	exploiting young or vulnerable people.		area and paying for journeys by cash or the journey is pre-paid. This will enable the licence holder if they believe a child or vulnerable person is at risk of harm to either call the police or use the local safeguarding process.
19	In-vehicle visual and audio recording - CCTV	RBC does not have a current policy for the use of CCTV in vehicles.	The government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. DfT's view is that CCTV can provide additional deterrence to prevent this and it can provide a safer environment for the benefit of passengers and licence holders.	There will be a cost to the licence holder of the purchase of the CCTV system, there is also the question of who will be in control of the data: the licence holder or RBC. This will be more challenging to implement amongst the PH trade as vehicles are owned and operated by different people.	Best practice will be sought, and a consultation will take place with both the Hackney and private hire trades along with other external partners and interested parties. Following this consultation, a full report will be presented to the licensing committee to determine the next steps.
20	Stretched Limousines	RBC currently has a procedure for licensing limousines contained within the current vehicle specifications document.	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	No impact on licence holders or officers.	This document is currently being reviewed which may change the way RBC looks at licensing limousines in line with the statutory standards.

			scope of the private hire vehicle regime and the safety benefits this provides.		
21	Duration of licences	<p>The licensing sub-committee currently issue licences for a shorter period where it thinks it is appropriate to do so as an opportunity for an applicant to prove that they are a fit and proper person to hold a licence for the full duration of 3 years. In the first instance we will consider whether an applicant is fit and proper to hold a licence. Once this determination is made, if an applicant is considered fit and proper to hold a licence, we will then consider the appropriate length. While the majority of licences are issued for the maximum period, if there are particular circumstances that would make it appropriate to do so, we will issue a licence for a shorter period, but will not be issued</p>	<p>Shorter duration licences should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g.: when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.</p>	<p>The shorter durations of licences are determined by the licensing sub-committee after listening to the facts presented by the licensing team and the representation of the applicant.</p>	<p>It is a fine line between what a sub-licensing committee determine as a specific circumstance and issuing a licence because of the applicants 'previous history and using a shorter period as a test to make sure they do not commit any breaches of conditions or other offences. Licenses will not be issued on a probationary basis, and we should take note of this requirement.</p>

		on a 'probationary' basis			
22	Fit and Proper test	<p>The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Licensing Sub-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.</p>	<p>Licensing authorities have a duty to ensure that any person to whom they grant a hackney 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?" If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.</p>	<p>No current change except when new councillors join the committee, and this is part of their training. The licensing sub-committee currently use this process when making a determination on whether to grant a licence or not. The decision is only made after reviewing all of the facts placed before them.</p>	<p>This process ensures that the right people are issued a licence and all of the right safeguards are in place.</p>
23	Multi-agency Safeguarding Hub (MASH)	<p>All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e.: the sharing of necessary and relevant information between stakeholders)</p>	<p>Reporting between licensing officers and MASH takes place as and when incidents come to either parties' attention.</p>	<p>Formal reporting procedures for information sharing including what information will be provided should be agreed to assist both Licensing Officers and MASH. These agreements will ensure both parties are consistent with information sharing</p>	<p>Licensing and MASH deal with incidents where children and vulnerable adults may become victims of abuse. The exchange of information will help reduce the likelihood of perpetrators to operate in and around taxis and private hire services.</p>

				which may affect the safety of children and vulnerable adults.	
24	Convictions Policy	A current criminal convictions policy which some of the enhanced convictions recommendations we have already adopted and are incorporated into our current policy.	An enhanced convictions policy that adds further conviction categories and extends some of the time scales applicants are expected to be clear of offences. It reflects the statutory standards - see separate conviction policy comparison table below.	Existing licence holders may have convictions that fall in the timescales within the proposed policy. All existing licences will be considered in line with the new policy and where there is concern, they will be reviewed by the Licensing Sub-Committee.	This will be carried out on a case-by-case basis and if officers are concerned then the licensed driver should be referred to a licensing sub-committee. The standard has raised the bar and older convictions are now to be considered.