

Summary of DfT Statutory Taxi & Private Hire Vehicle Standards Consultation Proposals and Responses

General

1. Licensee self-reporting	
DfT 4.12	Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence
Current Situation	72 hours of any cautions, convictions or warnings including but not limited to driving endorsements, driving convictions, police warnings and reprimands, cautions, community service orders, restraining orders, fixed penalties immigration offences, or other relevant matters, including road traffic offences such as speeding.
Proposal	48 hours (2 days) of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence
Responses	
Licensed Driver	No Problem
Licensed Operator	Not sure councils can really facilitate 48 hours given they are shut across weekends so there needs to be a clear method by which reporting could take place across weekends/bank holiday weekend etc. Do not agree with having to report arrest and release where there is no further action or pending possible action - policy should be more specific in this respect to avoid having to disclose mistaken/innocent arrests that result in NFA.
Resident	I believe that 48 hours is too fast and would not be possible to achieve on some occasions, the current 72 hours is adequate. I feel that an arrest and release with no bail or charges should not be notifiable.

Licensed Operator	<p>We support the use of the 'NR3' database in the short-term. However, in the long-term we believe the most effective way of ensuring all licensing authorities are aware of any given driver's licensing history is through mandating use of a national, real-time database that all licensing authorities and operators use to track driver licence revocation and refusals. This will ensure that authorities have all relevant historical safety records when making assessments of a driver's fitness and propriety, should a driver look to become licensed elsewhere. We have been discussing this with DfT directly and would be happy to explore it further with you to understand how we can best move it forward.</p>
Business or Organisation	<p>The time durations are only reasonable whilst licensing authorities have provisions in place</p> <ol style="list-style-type: none"> a) To make reporting as easy as possible to do b) The ability to deal with the reporting once reported. <p>As many licensing authorities are struggling to currently meet all licensing obligations a robust system needs to be in place for reporting and managing. This will need to take account of lengthy holiday periods like Easter where authorities are shut for over 72 hours.</p>

2. Referrals to the Disclosure and Barring Service

DfT 4.14	<p>In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the DBS.</p>
DfT 4.15	<p>The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:</p> <ul style="list-style-type: none"> • an individual has harmed or poses a risk of harm to a child or vulnerable adult; • an individual has satisfied the 'harm test'; or • received a caution or conviction for a relevant offence and; • the person they are referring is, has or might in future be working in regulated activity; <p>if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.</p>

Current Situation	Not routinely undertaken
Proposal	Relevant matters to be referred to the DBS in accordance with the current guidance.
Responses	
Licensed Driver	No Problem
Licensed Operator	Agree - makes entire sense
Licensed Operator	YES
Resident	Agree
Business or Organisation	Happy with current arrangements

Drivers

3. Criminality checks for drivers	
DfT 6.2	All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
Current Situation	Yearly
Proposal	Every 6 months or as when required
Responses	
Licensed Driver	No Problem
Licensed Operator	Agree - batch checking should make this easy therefore its efficiency makes this an obvious action to take. Issue with lapsed Update Service membership will still be prevalent until subscription by direct debit is permitted - appreciate this is not an SCDC issue.
Licensed Operator	Yearly OR as and when
Resident	Agree
Business or Organisation	Whilst a small cost will be incurred by drivers, there will be considerable benefits for them, operators and the licensing authorities, once they are all on the update service

4. Language proficiency	
DfT 6.14	A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.
DfT 6.15	A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.
Current Situation	English language proficiency and numeracy is examined to an extent in the Competency test, which all applicants must pass
Responses	
Licensed Driver	No Problem
Licensed Operator	Long overdue - we fully behind anything that enhances language and communication proficiency levels - its always been a vital part of providing a high level service and has sometimes been badly disregarded in the name of 'inclusiveness ' or correctness in perceived discrimination - having decent English skills has always been a essential rather than 'desired' attribute to make a successful licensed driver.
Licensed Operator	Definitely
Resident	agree

Proposal

Operators

5. Booking and dispatch staff	
DfT 8.8	<p>Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public.</p> <p>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.</p>

Current Situation		Not currently a condition of the licence
Proposal		It will become a condition of the licence that the operator will be required to keep a register of all staff taking bookings
DfT 8.9	Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.	
Current Situation		Not currently a condition of the licence
Proposal		It will become a condition of the licence that the operator must ensure that all booking and dispatch staff will be required to undertake a DBS check at the start of their employment and then yearly. Booking and Dispatch staff that work abroad will be required to have a Certificate of Good Character at the start of their employment and then yearly.
Responses		
Licensed Driver	No Problem	
Licensed Operator	Agree with this move and hope Council have a practical attitude to the various forms of Good Character/Good conduct verification's that may come from abroad.	
Resident	It should read "Dispatch staff that work aboard should provide their countries equivalent of DBS or good character certificate" as they may not have exactly the same as the UK.	
Licensed Operator	We support the intention behind each of these standards - to prevent any bad actors within an operator facilitating harmful activities on TPH trips. It is, however, worth noting that modern, app-based operators such as Uber also use technology to process bookings and dispatch vehicles, and often do not rely solely on human agents. In many cases, it does not make sense to keep a register of staff that take bookings or dispatch vehicles as there may be none involved in this specific process.	

	As you implement this standard in your record keeping policies, we would encourage you to reflect these different business models so it is clear where requirements do or do not apply.
Business or Organisation	As it is common practice as a condition of the licence that operators must ensure that all booking and dispatch staff will be required to undertake a DBS check at the start of their employment and then yearly, we do not see any difficulties. Regarding Booking and Dispatch staff that work abroad being required to have a Certificate of Good Character at the start of their employment and then yearly, we feel this is an over-regulatory, impractical and unrealistic requirement that should not be taken forward.

6. Use of passenger carrying vehicles (PCV) licensed drivers	
DfT 8.16	PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.
Current Situation	Not currently a condition of the licence
Proposal	It will become a condition of the licence that the operator must not use a PCV licensed driver and PSV to fulfil a booking without the consent of the booker. Where used, the booker must be advised in writing that the driver is subject to different checks and not required to have an enhanced DBS check.
Responses	
Licensed Driver	No Problem
Resident	Agree
Business or Organisation	As PCV (PSV) drivers have different checks and measures and testing arrangements, we do not believe they should be used for PHV or taxi bookings. Licensed Operator

	<p>While I agree in principle that passengers need to be informed if a PSV vehicle is being used, it is misleading to imply that the driver is subject to different tests, in practice PSV drivers are required to be CRB checked and be of good repute, the difference is in that it is the operators decision on his or her suitability.</p>
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