

Report Title:	<b>Adopting Statutory Taxi &amp; Private Hire Vehicle Standards</b>
Contains Confidential or Exempt Information?	No – Part 1
Member reporting:	Councillor D Cannon, Lead Member for Public Protection and Parking
Meeting and Date:	Licensing Panel 13 October 2020
Responsible Officer(s):	Russell O’Keefe, Executive Director, Place David Scott, Head of Communities
Wards affected:	All



## REPORT SUMMARY

The government has issued “Statutory Taxi & Private Hire Vehicle Standards”. This report seeks approval for the updating of RBWM policies and conditions so that they meet these new standards.

Some minor amendments to RBWM policies and conditions are required to reflect changes in personnel and job titles in the RBWM Licensing team. This report seeks approval for those changes.

## 1. DETAILS OF RECOMMENDATIONS

**RECOMMENDATIONS:** That the Licensing Panel notes the report and:

- i) **Agrees that the current RBWM Hackney Carriage Driver and Vehicle Policy & Conditions, the RBWM Private Hire Driver and Vehicle Policy & Conditions and the RBWM Private Hire Operator Policy & Conditions (“RBWM policies”) be amended to meet the new Statutory Taxi & Private Hire Vehicle Standards, as set out in this report.**
- ii) **Agrees that a consultation with the trade should be carried out before the proposed changes to the RBWM policies are formally adopted.**
- iii) **Agrees that, once that consultation process has been completed, the final decision on implementing the changes is delegated to the Head of Communities, in consultation with the Licensing Panel Chair and the Lead Member for Public Protection, unless the consultation process provides results which would best be considered by the full Licensing Panel.**
- iv) **Approves minor amendments to RBWM policies to reflect changes in personnel and job titles in Licensing.**

## 2. REASONS FOR RECOMMENDATIONS AND OPTIONS CONSIDERED

- 2.1 In 2018 a report on hackney carriage (taxi) and private hire vehicle (PHV) licensing, commissioned by the Department of Transport, was published. It was called “Taxi and Private Hire Vehicle Licensing - Steps towards a safer and more robust system”.
- 2.2 One of the recommendations in this report was that the government should legislate for national minimum standards for taxi and PHV driver and operator

licensing. The aim was to ensure that no licensing authority could be considered as easier than any other to obtain a taxi or PHV drivers' or operators' licence, and so ensure higher standards of public safety.

- 2.3 The Policing and Crime Act 2017 enables the issuing of statutory guidance to protect children and vulnerable adults, and by extension all passengers, when using taxi and PHV services.
- 2.4 On 21 July 2020 the Department of Transport issued the Statutory Taxi & Private Hire Vehicle Standards. These can be found at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 2.5 The standards state (at paragraph 1.3);  
“There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to**” (*DoT report emphasis*).
- 2.6 The main elements of the statutory standards, how they compare with current RBWM policies and recommended changes to those policies are set out in Appendix A.
- 2.7 The recommended changes to RBWM policies are separated out for ease of reviewing in Appendix B.
- 2.8 The specific changes to the wording of RBWM policies that would be required in adopting the new standards are set out in Appendix C.
- 2.9 Members are now asked to agree that the current RBWM Hackney Carriage Driver and Vehicle Policy & Conditions, the RBWM Private Hire Driver and Vehicle Policy & Conditions and the RBWM Private Hire Operator Policy & Conditions be amended, as recommended in Appendix B and set out in Appendix C, so as to be fully brought line with the new statutory standards.
- 2.10 Members are further asked to agree that the RBWM policies are updated to reflect some changes in personnel and job titles as set out in Appendix D

### **3. KEY IMPLICATIONS**

- 3.1 The adoption of the Statutory Taxi & Private Hire Vehicle Standards in RBWM will ensure that the Royal Borough complies with these new standards and meets government expectations.
- 3.2 It will also provide clarity and consistency in taxi and PHV driver and operator licensing across the country. This will ensure that no licensing authority is seen as an “easy” place to obtain a licence and standards of public safety should be enhanced.
- 3.3 The changes in personnel and job titles set out in Appendix D are purely administrative and reflect current job titles for officers working in the RBWM Licensing team.

#### **4. FINANCIAL DETAILS / VALUE FOR MONEY**

4.1 None

#### **5. LEGAL IMPLICATIONS**

5.1 Conditions can be attached to vehicle licences by virtue of sections 47 & 48 of the Local Government (Miscellaneous Provisions) Act 1976.

5.2 The Policing and Crime Act 2017 enables the issuing of statutory guidance to protect children and vulnerable adults, and by extension all passengers, when using taxi and PHV services. Licensing authorities are under a legal duty under section 177 of this Act to have regard to statutory standards.

5.3 The Secretary of State has asked all licensing authorities to provide an update to the Department of Transport of their consideration of these new Standards six months after their publication, so by the end of January 2021. In approving the changes outlined in this report Members will ensure a positive update from RBWM to the Secretary of State in good time for the January deadline.

#### **6. RISK MANAGEMENT**

6.1 Any changes to current RBWM policies would be subject to consultation with the trade, but as they would be based on statutory standards it is highly unlikely that they would be subject to legal challenge

#### **7. POTENTIAL IMPACTS**

7.1 Equalities - No EQIA is anticipated at this stage as this is a national scheme with no discretion on our part.

7.2 Climate change/sustainability  
There are no potential impacts of the recommendations in relation to climate change/sustainability.

7.3 Data Protection/GDPR  
Under the changes proposed in this report, any personal data that is not already being processed under RBWM/Licensing data protection/GDPR procedures and protections will be subject to those same procedures and protections.

#### **8. CONSULTATION**

8.1 The changes to RBWM policies set out in this report will be subject to appropriate consultation with the trade.

#### **9. TIMETABLE FOR IMPLEMENTATION**

9.1 If Members agree to the changes set out in this report there will be a 28-day consultation with the trade. Once that consultation process has been completed the final decision on implementing the changes can be brought to the next Licensing Panel, or, if Members are in agreement, this decision can be delegated to the Head of Communities in consultation with the Licensing Panel Chair and the Lead Member for Public Protection, unless the consultation process provides results which would best be considered by the Licensing Panel.

9.2 The consultation on in-car CCTV (Appendix A paragraph 19) will be treated separately and reported back to a future Licensing Panel because at this stage this is a consultation only and not a proposal to change current RBWM policies.

## 10. APPENDICES

10.1 This report is supported by 4 appendices:

- Appendix A - Comparison between the main elements of the statutory standards and current RBWM policies, including recommended changes to RBWM policies
- Appendix B - The recommended changes to RBWM policies separated out for ease of reviewing
- Appendix C - The specific changes to the wording of RBWM policies that will be required in adopting the new standards
- Appendix D - The changes in personnel and job titles in RBWM policies required to reflect current job titles for officers working in the RBWM Licensing team.

## 11. BACKGROUND DOCUMENTS

11.1 The Statutory Taxi & Private Hire Vehicle Standards can be found at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

11.2 Current RBWM policies can be found at [https://www.rbwm.gov.uk/sites/default/files/2020-04/licensing\\_hackney\\_driver\\_vehicle\\_policy\\_conditions.pdf](https://www.rbwm.gov.uk/sites/default/files/2020-04/licensing_hackney_driver_vehicle_policy_conditions.pdf) (Hackney Carriage)

[https://www.rbwm.gov.uk/sites/default/files/2020-04/licensing\\_private\\_hire\\_driver\\_vehicle\\_conditions.pdf](https://www.rbwm.gov.uk/sites/default/files/2020-04/licensing_private_hire_driver_vehicle_conditions.pdf) (Private Hire Vehicle)

[https://www.rbwm.gov.uk/sites/default/files/2020-04/licensing\\_private\\_hire\\_operator\\_policy\\_and\\_conditions.pdf](https://www.rbwm.gov.uk/sites/default/files/2020-04/licensing_private_hire_operator_policy_and_conditions.pdf) (Operators)

## 12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Cannon	Lead Member for Public Protection and Parking	28/09/2020	01/10/2020
Cllr Bhangra	Chair of the Licensing Panel	28/09/2020	01/10/2020
Duncan Sharkey	Managing Director	28/09/2020	28/09/2020
Russell O'Keefe	Executive Director, Place	28/09/2020	20/09/2020
David Scott	Head of Communities	23/09/2020	28/09/2020

### REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Licensing Panel Decision	No	No
Report Author: Greg Nelson, Trading Standards & Licensing Manager 01628 683561 / 07970 776526		

## Appendix A

### Comparison between the main elements of the statutory standards and current RBWM policies, including recommended changes to RBWM policies

Department of Transport Statutory Taxi & Private Hire Vehicle Standards	Current RBWM Policies & Recommended Changes
<p><b>1. Licensing policy.</b> The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standard</p> <p>When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public.</p>	<p>All procedures and requirements, including a 'fit and proper' person test, licence conditions and vehicle standards are contained within the RBWM policies which are publicly available</p> <p>The primary aim of these policies is to protect the public</p> <p><b>No changes required</b></p>
<p><b>2. Police Liaison</b> To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public, they use their Common Law Police Disclosure powers to advise them</p>	<p>RBWM Licensing has arrangements in place with Thames Valley Police to ensure the rapid exchange of information relating to licensees</p> <p><b>No changes required</b></p>
<p><b>3. Whistleblowing</b> Local authorities should ensure they have an effective 'whistleblowing' policy and that all staff are aware of it.</p>	<p>RBWM has in place a RAISING CONCERNS AT WORK (WHISTLEBLOWING) POLICY AND PROCEDURE which applies to all staff</p> <p><b>No changes required</b></p>
<p><b>4. Consultation</b> Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade.</p> <p>Licensing authorities should engage with neighbouring authorities to identify any concerns and issues that might arise from a proposed change</p>	<p>Consultation with the trade on changes to RBWM policies is standard procedure.</p> <p>Where changes affect other parties or groups they are also consulted</p> <p>There is regular engagement with neighbouring licensing authorities</p> <p><b>No changes required</b></p>

<p align="center"><b>Department of Transport Statutory Taxi &amp; Private Hire Vehicle Standards</b></p>	<p align="center"><b>Current RBWM Policies &amp; Recommended Changes</b></p>
<p><b>5. Licence Review</b> Any changes in licensing requirements should be followed by a review of the licences already issued</p>	<p>This will be carried out as an operational procedure but requires no changes to RBWM policies <b>No changes required</b></p>
<p><b>6. Notification by Licence Holders</b> 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.</p> <p>An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so</p>	<p>RBWM currently requires notification within 7 days. This tighter requirement should be adopted to bring RBWM into line with the new standards</p> <p><b>Recommendation 1;</b> <b>That RBWM policies be amended to;</b></p> <ul style="list-style-type: none"> <li><b>i) require RBWM licence holders to notify RBWM Licensing 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, and</b></li> <li><b>ii) require that any such arrest results in a review by licensing officers as to whether the licence holder is fit to continue to hold the licence</b></li> </ul>
<p><b>7. Referrals to DBS and the police.</b> In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS; for example, 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 in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the DBS</p>	<p>This is not current practice but this safeguarding requirement should be adopted to bring RBWM into line with the new standards</p> <p><b>Recommendation 2;</b> <b>That RBWM policies be amended to require that RBWM Licensing makes referrals to the DBS;</b></p> <ul style="list-style-type: none"> <li><b>i) when a decision to refuse or revoke a licence is because the individual is thought to present a risk of harm to a child or vulnerable adult;</b></li> <li><b>ii) an individual has harmed or poses a risk of harm to a child or vulnerable adult;</b></li> <li><b>iii) an individual has satisfied the ‘harm test’; or received a caution or conviction for a relevant offence and;</b></li> <li><b>iv) the person they are referring is, has or might in future be working in regulated activity</b></li> </ul>

<p align="center"><b>Department of Transport Statutory Taxi &amp; Private Hire Vehicle Standards</b></p>	<p align="center"><b>Current RBWM Policies &amp; Recommended Changes</b></p>
<p><b>8. Previous Licensing History</b> 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</p>	<p>This is not current practice but this previous history requirement should be adopted to bring RBWM into line with the new standards <b>Recommendation 3;</b> <b>That RBWM policies be amended to require that;</b></p> <ul style="list-style-type: none"> <li><b>i. applicants and licensees be required to disclose if they hold or have previously held a licence with another authority, and</b></li> <li><b>ii. Applicants 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</b></li> </ul>
<p><b>9. Liaison with MASH</b> 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>This will be carried out as an operational procedure but requires no changes to RBWM policies</p> <p><b>No changes required</b></p>
<p><b>10. Complaint Recording</b> All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees</p>	<p>This is carried out as a standard operating procedure and requires no changes to RBWM policies</p> <p><b>No changes required</b></p>
<p><b>11. Passenger Information</b> 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 vehicle</p>	<p>The Licensing section of the RBWM will be updated to provide guidance for passengers on making complaints</p> <p>It is already a requirement for hackney carriages to display their tariff which includes information on how to contact RBWM Licensing</p> <p>There is no such requirement for RBWM licenced private hire vehicles</p> <p><b>Recommendation 4;</b> <b>That RBWM policies be amended to require that RBWM licenced private hire vehicles be required to display to passengers information on how to contact RBWM Licensing</b></p>

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<p><b>12. Overseas convictions.</b> Where an applicant had had periods living or working overseas, or has previously spent an extended period (three or more continuous months) outside the UK, licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas to properly assess risk and support the decision making process</p>	<p>It is current practice to require a 'Certificate of Good Character' when an applicant has previously lived outside the UK</p> <p><b>No changes required</b></p>
<p><b>13. Fit and proper test.</b> 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: <u>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</u></p> <p>If, on the balance of probabilities, the answer to the question is 'no', <u>the individual should not hold a licence</u></p> <p>Licensing authorities have to make difficult decisions but 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'. <u>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.</u> The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can</p>	<p>The RBWM policy and conditions are more prescriptive. Moving to the approach set out in the new standard will provide clarity for officers and members when dealing with borderline decisions so as to give the benefit of the doubt to the public, not the applicant or licensee</p> <p><b>Recommendation 5; That RBWM policies be amended to include the following; When considering whether an applicant or licensee is fit and proper to hold a RBWM licence the following question will be posed: "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"</b></p> <p><b>If, on the balance of probabilities, the answer to this question is 'no', the individual will not be granted a RBWM licence</b></p> <p><b>If the licensing officer or Licensing Panel Sub Committee is only "50/50" as to whether an applicant or licensee is 'fit and proper', they will not be granted a RBWM licence</b></p>

<p align="center"><b>Department of Transport Statutory Taxi &amp; Private Hire Vehicle Standards</b></p>	<p align="center"><b>Current RBWM Policies &amp; Recommended Changes</b></p>
<p>take into consideration conduct that has not resulted in a criminal conviction.</p>	
<p><b>14. Conviction policy.</b> In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances.</p> <p>The new standards include the Department of Transport’s recommendations on the assessment of previous convictions</p>	<p>The Department of Transport’s recommendations on the assessment of previous convictions are clearer and more robust than current RBWM policies and so should be adopted to bring RBWM into line with these standards and to ensure consistency across the country</p> <p><b>Recommendation 6;</b> <b>That RBWM policies be amended to replace the current guidelines on previous convictions with those set out in “Annex – Assessment of previous convictions” of the new standards</b></p>
<p><b>15. DBS Checks</b> In respect of 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 requiring an enhanced DBS check</p> <p>In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.</p>	<p>RBWM policies currently require that applicants must provide an enhanced DBS check. There is currently no requirement to carry out a check of the children and adult Barred Lists</p> <p><b>Recommendation 7;</b> <b>That RBWM policies be amended to</b></p> <ul style="list-style-type: none"> <li><b>i) require a check of the children and adult Barred Lists in respect of all individuals applying for or renewing a taxi or private hire vehicle driver’s licence, and</b></li> <li><b>ii) state that, in the interests of public safety, RBWM will not issue a licence to any individual that appears on either barred list</b></li> </ul>
<p><b>16. Safeguarding awareness.</b> All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training</p> <p>Safeguarding training should include the ways that drivers can identify “county lines” exploitation</p>	<p>This has recently been adopted into RBWM policies and all RBWM licenced drivers are now required to undergo safeguarding training</p> <p>Up to now this has not included “county lines” exploitation but when it restarts (the training is currently suspended due to COVID 19) arrangements will be made with the training provider to include this element</p>

<p style="text-align: center;"><b>Department of Transport Statutory Taxi &amp; Private Hire Vehicle Standards</b></p>	<p style="text-align: center;"><b>Current RBWM Policies &amp; Recommended Changes</b></p>
<p><b>17. Language Proficiency</b> A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve</p> <ul style="list-style-type: none"> <li>- the 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 of signs of exploitation</li> <li>- oral proficiency to enable the identification of potential exploitation through communicating with passengers and their interaction with others</li> </ul>	<p>RBWM does not currently set any requirement for English language proficiency of RBWM licenced drivers. The new standard does not make this mandatory but sets out what should be considered if such a requirement is implemented.</p> <p>There are incidents where a driver's poor English has been a hinderance either to the driver or a passenger, or to licensing officers when trying to communicate with a driver or establish the facts in a dispute or complaint.</p> <p>Licensing officers believe that a mandatory test of English language proficiency for all existing licence holders is unnecessary, but it should be required of new applicants to ensure that standards of English are improved over time. However, officers believe that where there is reasonable cause to believe that the English language skills of an existing licence holder are insufficient to meet the needs of the job, and in particular the objectives listed opposite, that driver be required to undertake English language proficiency testing, both written and oral.</p> <p><b>Recommendation 8;</b> <b>That RBWM policies be amended to include;</b></p> <ul style="list-style-type: none"> <li>i) <b>a requirement that all applicants for a RBWM driver's licence take a mandatory test of their English language proficiency, both written and oral, as part of the application process. This will not apply where an applicant can provide evidence of a UK secondary school level qualification taught and examined in English, or equivalent if taught and examined in English and which demonstrates the applicant's ability to read, write, speak and listen in English</b></li> <li>ii) <b>a licensing officer may require that an existing RBWM driver's licence holder undertakes a test of their English language proficiency, both written and oral, if the officer has reasonable cause to believe that the</b></li> </ul>

Department of Transport Statutory Taxi & Private Hire Vehicle Standards	Current RBWM Policies & Recommended Changes
	<p>English language skills of that driver are insufficient to meet the needs of the job, and in particular;</p> <ul style="list-style-type: none"> <li>- the 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 of signs of exploitation, and</li> <li>- oral proficiency to enable the identification of potential exploitation through communicating with passengers and their interaction with others</li> </ul>
<p><b>18. Vehicle Licensing</b> Enhanced DBS and barred list checks are not available for vehicle licensing.</p> <p>Licensing authorities should require a basic disclosure from the DBS for vehicle proprietors and that a check is undertaken annually</p>	<p>This is to cover situations where the proprietor of a licenced vehicle is neither a driver or an operator.</p> <p>There is currently no such requirement in RBWM policy.</p> <p><b>Recommendation 9;</b> <b>That RBWM policies be amended to include a requirement that where the proprietor of a RBWM licenced vehicle is neither a RBWM licenced driver or an operator, they must provide a basic disclosure from the DBS upon application and then annually</b></p>
<p><b>19. In-Vehicle CCTV</b> All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.</p>	<p>RBWM does not currently set any requirement for in-vehicle CCTV. The new standard does not make this mandatory but requires a consultation on the benefits and drawbacks</p> <p><b>Recommendation on Consultation;</b> <b>Such a consultation be carried out as part of the consultation with drivers on the amendments to RBWM policies set out in this report, and the results reported to a future Panel meeting</b></p>
<p><b>20. Stretched Limousines</b> Stretched large limousines which clearly seat more than eight passengers should not be licenced as PHVs because they are outside the licensing regime for PHVs, unless the number of seats is difficult to determine.</p>	<p>RBWM policies currently require that PHVs have “eight or less passenger seats”</p> <p><b>No changes required</b></p>

<p style="text-align: center;"><b>Department of Transport Statutory Taxi &amp; Private Hire Vehicle Standards</b></p>	<p style="text-align: center;"><b>Current RBWM Policies &amp; Recommended Changes</b></p>
<p>Any such cases should be considered on its own merits under the strict condition that the vehicle will not be used to carry more than eight passengers</p>	
<p><b>21. Provisions for PHV operators.</b> Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</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> <p>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.</p> <p>Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above.</p>	<p>Current RBWM requirements do not comply with the standard. They require an enhanced DBS but in practice this is rarely invoked because the vast majority of RBWM licenced operators are also licenced as PHV drivers and therefore undergo 3 yearly enhanced DBSs for that purpose.</p> <p>RBWM policies should be changed to reflect the requirements set out in the new standard</p> <p>This is already a requirement in RBWM policy</p> <p>There is currently no such requirement in RBWM policy so they should be amended accordingly to add this requirement.</p> <p>There is currently no such requirement in RBWM policy so they should be amended accordingly to add this requirement.</p> <p><b>Recommendation 10;</b> <b>That RBWM policies be amended to</b></p> <ul style="list-style-type: none"> <li><b>i) require that a request for a basic disclosure from the DBS is made for private hire vehicle operators and that a check is undertaken annually.</b></li> <li><b>ii) Require operators to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff; to ensure that Basic DBS checks are conducted on any</b></li> </ul>

<p align="center"><b>Department of Transport Statutory Taxi &amp; Private Hire Vehicle Standards</b></p>	<p align="center"><b>Current RBWM Policies &amp; Recommended Changes</b></p>
	<p><b>individuals added to the register; and that this is compatible with their policy on employing ex-offenders</b></p> <p>iii) <b>require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above.</b></p>
<p><b>22. Setting Expectations and Monitoring</b> Licensing authorities should ensure that drivers are aware of the policies that they must adhere to and are properly informed of what is expected of them and the repercussions of failing to do so.</p> <p>Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee.</p>	<p>RBWM policies are clearly set out on the RBWM website.</p> <p>These policies set out all of the requirements on drivers, vehicles and operators and the repercussions of not fully complying with them.</p> <p>RBWM Licensing operates just such a points based system, this is set out in full in the relevant policies</p> <p>No changes required</p>
<p><b>23. Illegal Workers</b> Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately</p>	<p>This is not currently included in RBWM policies.</p> <p><b>Recommendation 11; That RBWM policies be amended to include a requirement that where a RBWM licence holder has been served an immigration penalty or convicted of an immigration offence, the licence will be revoked immediately</b></p>

## **Appendix B**

### **The recommended changes to RBWM policies**

#### **Recommendation 1;**

**That RBWM policies be amended to;**

- i) require RBWM licence holders to notify RBWM Licensing 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, and**
- ii) require that any such arrest results in a review by licensing officers as to whether the licence holder is fit to continue to hold the licence**

#### **Recommendation 2;**

**That RBWM policies be amended to require that RBWM Licensing makes referrals to the DBS;**

- i) when a decision to refuse or revoke a licence is because the individual is thought to present a risk of harm to a child or vulnerable adult;**
- ii) an individual has harmed or poses a risk of harm to a child or vulnerable adult;**
- iii) an individual has satisfied the ‘harm test’; or received a caution or conviction for a relevant offence and;**
- iv) the person they are referring is, has or might in future be working in regulated activity**

#### **Recommendation 3;**

**That RBWM policies be amended to require that;**

- i) applicants and licensees be required to disclose if they hold or have previously held a licence with another authority, and**
- ii) applicants 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**

#### **Recommendation 4;**

**That RBWM policies be amended to require that RBWM licenced private hire vehicles be required to display to passengers information on how to contact RBWM Licensing**

#### **Recommendation 5;**

**That RBWM policies be amended to include the following;**

**When considering whether an applicant or licensee is fit and proper to hold a RBWM licence the following question will be posed:**

- “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 this question is ‘no’, the individual will not be granted a RBWM licence**
- If the licensing officer or Licensing Panel Sub Committee is only “50/50” as to whether an applicant or licensee is ‘fit and proper’, they will not be granted a RBWM licence**

#### **Recommendation 6;**

**That RBWM policies be amended to replace the current guidelines on previous convictions with those set out in “Annex – Assessment of previous convictions” of the new standards**

**Recommendation 7;**

**That RBWM policies be amended to**

- i) require a check of the children and adult Barred Lists in respect of all individuals applying for or renewing a taxi or private hire vehicle driver's licence, and**
- ii) state that, in the interests of public safety, RBWM will not issue a licence to any individual that appears on either barred list**

**Recommendation 8;**

**That RBWM policies be amended to include;**

- i) all applicants for a RBWM driver's licence take a mandatory test of their English language proficiency, both written and oral, as part of the application process. This will not apply where an applicant can provide evidence of a UK secondary school level qualification taught and examined in English, or equivalent if taught and examined in English and which demonstrates the applicant's ability to read, write, speak and listen in English**
- ii) a licensing officer may require that an existing RBWM driver's licence holder undertakes a test of their English language proficiency, both written and oral, if the officer has reasonable cause to believe that the English language skills of that driver are insufficient to meet the needs of the job, and in particular;**
  - the 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 of signs of exploitation, and**
  - oral proficiency to enable the identification of potential exploitation through communicating with passengers and their interaction with others**

**Recommendation 9;**

**That RBWM policies be amended to include a requirement that where the proprietor of a RBWM licenced vehicle is neither a RBWM licenced driver or an operator, they must provide a basic disclosure from the DBS upon application and then annually**

**Recommendation 10;**

**That RBWM policies be amended to;**

- i) require that a request for a basic disclosure from the DBS is made for private hire vehicle operators and that a check is undertaken annually.**
- ii) require operators to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff; 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**
- iii) require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above.**

**Recommendation 11;**

**That RBWM policies be amended to include a requirement that where a RBWM licence holder has been served an immigration penalty or convicted of an immigration offence, the licence will be revoked immediately**

**Recommendation on Consultation;**

**That a consultation be carried out with the trade on the installation of CCTV in RBWM licenced hackney carriages and private hire vehicles and the results reported to a future Panel meeting**

## **Appendix C**

### **The changes to RBWM policies that would be required in adopting the new standards**

#### **Recommendation 1**

##### **In the Hackney Carriage Driver & Vehicle Policy and Conditions;**

In Hackney Carriage Vehicle Conditions, paragraph 16, CONVICTIONS, CAUTIONS AND FIXED PENALTIES;

Replace;

The Driver shall, within 7 days, disclose to the Council in writing any details of any conviction, Police caution or fixed penalty (e.g. points on driving licence) other than a parking fine imposed on him/her during the course of the licence

With;

(a) The Driver shall notify RBWM Licensing in writing 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.

(b) The Driver shall, within 7 days, disclose to RBWM Licensing in writing details of any other conviction, police caution or fixed penalty (e.g. points on driving licence) other than a parking fine imposed on him/her during the course of the licence.

(c) Any such arrest, charge or conviction in paragraph (a) shall result in a review by licensing officers as to whether the licence holder is fit to continue to hold the licence.

##### **In the Private Hire Driver & Vehicle Policy and Conditions**

In PRIVATE HIRE DRIVER CONDITIONS, paragraph 10 CONVICTIONS, CAUTIONS AND FIXED PENALTIES;

Replace;

The Driver shall, within 7 days, disclose to the Council in writing any details of any conviction, Police caution or fixed penalty (e.g. points on driving licence) other than a parking fine imposed on him/her during the course of the licence

With;

(a) The Driver shall notify RBWM Licensing in writing 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.

(b) The Driver shall, within 7 days, disclose to RBWM Licensing in writing details of any other conviction, police caution or fixed penalty (e.g. points on driving licence) other than a parking fine imposed on him/her during the course of the licence.

(c) Any such arrest, charge or conviction in paragraph (a) shall result in a review by licensing officers as to whether the licence holder is fit to continue to hold the licence.

## **Recommendation 2**

### **In the Hackney Carriage Driver & Vehicle Policy and Conditions;**

In DISCLOSURE GUIDANCE / REQUIREMENTS on the final page;

Between the penultimate and last paragraphs add;

RBWM Licensing will make referrals to the DBS;

- i) when a decision to refuse or revoke a licence is because the individual is thought to present a risk of harm to a child or vulnerable adult;
- ii) an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- iii) an individual has satisfied the 'harm test'; or received a caution or conviction for a relevant offence and;
- iv) the person they are referring is, has or might in future be working in regulated activity

### **In the Private Hire Driver & Vehicle Policy and Conditions**

In DISCLOSURE GUIDANCE / REQUIREMENTS on the final page;

Between the penultimate and last paragraphs add;

RBWM Licensing will make referrals to the DBS;

- i) when a decision to refuse or revoke a licence is because the individual is thought to present a risk of harm to a child or vulnerable adult;
- ii) an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- iii) an individual has satisfied the 'harm test'; or received a caution or conviction for a relevant offence and;
- iv) the person they are referring is, has or might in future be working in regulated activity

## **Recommendation 3**

### **In the Hackney Carriage Driver & Vehicle Policy and Conditions;**

In APPLICATION REQUIREMENTS;

Insert new paragraph (g);

(g) All applicants and licensees are required to disclose if they hold or have previously held;

- (i) a hackney carriage or private hire drivers' licence with another authority, and
- (ii) if they have ever had an application for a hackney carriage or private hire drivers' licence refused, or a licence revoked or suspended by any other licensing authority

Re-letter all subsequent paragraphs

### **In the Private Hire Driver & Vehicle Policy and Conditions**

Insert new paragraph (g);

(g) All applicants and licensees are required to disclose if they hold or have previously held;

- (i) a hackney carriage or private hire drivers' licence with another authority, and
- (ii) if they have ever had an application for a hackney carriage or private hire drivers' licence refused, or a licence revoked or

suspended by any other licensing authority

Re-letter all subsequent paragraphs

#### **Recommendation 4**

##### **In the Private Hire Driver & Vehicle Policy and Conditions**

In PRIVATE HIRE VEHICLE CONDITIONS, paragraph 8. SIGNAGE FOR PRIVATE HIRE VEHICLES, replace sub-paragraph (a)

(a) A Company sticker must be displayed in the middle of the front windscreen displaying the name (logo and colours) of the operator.

With

(a) A Company sticker must be displayed in the middle of the front windscreen displaying the name (logo and colours) of the operator. Information for passengers on how to contact RBWM Licensing must be displayed inside the vehicle.

#### **Recommendation 5**

##### **In the Hackney Carriage Driver & Vehicle Policy and Conditions;**

In FIT AND PROPER, add a new paragraph 3.15;

3.15 When considering whether an applicant or licensee is fit and proper to hold a RBWM licence the following question will be posed:

- “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 this question is ‘no’, the individual will not be granted a RBWM licence
- If the licensing officer or Licensing Panel Sub Committee is only “50/50” as to whether an applicant or licensee is ‘fit and proper’, they will not be granted a RBWM licence

##### **In the Private Hire Driver & Vehicle Policy and Conditions**

In paragraph 3. FIT AND PROPER add a new paragraph (o)

(o) When considering whether an applicant or licensee is fit and proper to hold a RBWM licence the following question will be posed:

- “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 this question is ‘no’, the individual will not be granted a RBWM licence
- If the licensing officer or Licensing Panel Sub Committee is only “50/50” as to whether an applicant or licensee is ‘fit and proper’, they will not be granted a RBWM licence”

#### **Recommendation 6**

##### **In the Hackney Carriage Driver & Vehicle Policy and Conditions;**

In FIT AND PROPER

Replace paragraph 3.1 with;

3.1 A licence shall not be granted where an applicant has been convicted of an offence of a type set out in the assessment of previous convictions in the Hackney Carriage and Private Hire Driver Licences Statement of Policy about Relevant Convictions, below, which;

(a) has not yet been rehabilitated in terms of the Rehabilitation of Offenders Act 1974 (as amended), or

(b) does not meet the requirements of the assessment of previous convictions set out in the Driver Licences Statement of Policy about Relevant Convictions

(c) In addition, where there are relevant spent convictions these may also be considered.

The Council will take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.

Replace paragraph 3.2 with;

3.2 A conviction for any of the offences listed in the assessment of previous convictions in the Hackney Carriage and Private Hire Driver Licences Statement of Policy about Relevant Convictions will result in immediate licence suspension or revocation by the Licensing Officers. Where a RBWM licence holder has been served an immigration penalty or convicted of an immigration offence, the licence will be revoked immediately. Should a Hackney Carriage Drivers licence holder be charged with an offence that is deemed to be of such a nature that it poses a serious risk to the public, the Licence shall be immediately suspended by the Licensing Officers until such time that the issue has been resolved

In the HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS;

Replace paragraph 3;

A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but must show 5 years free from conviction, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.

With

A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but they must meet the requirements of the assessment of previous convictions set out below before an application is entertained. Passenger safety will always be the priority when considering previous convictions of an applicant.

Replace paragraph 4;

The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the Authority considers that the conviction renders the applicant unsuitable. In making a decision, the Licensing Authority will consider the nature of the offence(s), when the

offence(s) took place and the age of the applicant when the offence(s) were committed and any other factors which may be relevant. The Licensing Authority may wish to refer to any guidelines to which it adheres and applicants may have applications refused by Officers under delegated powers in accordance with those guidelines. There is a right of appeal from an officer decision to an Appeals Panel in every case.

With;

The disclosure of a criminal record for any lesser offences or any other concerning information will not debar an applicant from gaining a licence unless officers considers that the conviction or information renders the applicant not a fit and proper person to hold a licence. In making their decision, officers will consider the nature of the offence(s), when the offence(s) took place, the age of the applicant when the offence(s) were committed and any other factors which may be relevant. There is a right of appeal from an officer decision to a Licensing Panel Sub Committee in every case.

Delete

- "Listed below are the guidelines that the Licensing Authority will refer to:-" and
- paragraphs 1 to 8 (inclusive)

Insert

- "The assessment of previous convictions is as follows:"
- paragraphs "Crimes resulting in death" to "Using a hand held device whilst driving" (inclusive) from pages 35/36 of the Statutory Taxi & Private Hire Vehicle Standards found at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf)

Replace;

Nothing in this guidance / policy will remove an applicant's right to appeal to a Magistrates Court against the Council's refusal to grant or renew a licence, or decision to suspend or revoke a licence, or against any conditions which may have been imposed on any such licence by the local authority. Such appeal is to be made within 21 days of the refusal or decision.

With

Nothing in this guidance / policy will remove an applicant's right to appeal to a Magistrates Court against the Council's refusal to grant or renew a licence, or decision to suspend or revoke a licence, or against any conditions which may have been imposed on any such licence by the local authority. Such appeal is to be made in writing within 21 days of the refusal or decision.

### **In the Private Hire Driver & Vehicle Policy and Conditions**

In 3. FIT AND PROPER;

Replace paragraph (a) with;

- (a) A licence shall not be granted where an applicant has been convicted of an offence of a type set out in the assessment of previous convictions in the

Hackney Carriage and Private Hire Driver Licences Statement of Policy about Relevant Convictions, below, which;

- i. has not yet been rehabilitated in terms of the Rehabilitation of Offenders Act 1974 (as amended), or
- ii. does not meet the requirements of the assessment of previous convictions set out in the Driver Licences Statement of Policy about Relevant Convictions
- iii. In addition, where there are relevant spent convictions these may also be considered.

The Council will take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.

Replace paragraph (b) with;

(b) A conviction for any of the offences listed in the assessment of previous convictions in the Hackney Carriage and Private Hire Driver Licences Statement of Policy about Relevant Convictions will result in immediate licence suspension or revocation by the Licensing Officers. Where a RBWM licence holder has been served an immigration penalty or convicted of an immigration offence, the licence will be revoked immediately. Should a Private Hire Drivers licence holder be charged with an offence that is deemed to be of such a nature that it poses a serious risk to the public, the Licence shall be immediately suspended by the Licensing Officers until such time that the issue has been resolved

In the HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS;

Replace paragraph 3;

A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but must show 5 years free from conviction, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.

With

A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but they must meet the requirements of the assessment of previous convictions set out below before an application is entertained. Passenger safety will always be the priority when considering previous convictions of an applicant.

Replace paragraph 4;

The disclosure of a criminal record or other information will not debar an applicant from gaining a licence unless the Authority considers that the conviction renders the applicant unsuitable. In making a decision, the Licensing Authority will consider the nature of the offence(s), when the offence(s) took place and the age of the applicant when the offence(s) were committed and any other factors which may be relevant. The Licensing

Authority may wish to refer to any guidelines to which it adheres and applicants may have applications refused by Officers under delegated powers in accordance with those guidelines. There is a right of appeal from an officer decision to an Appeals Panel in every case.

With;

The disclosure of a criminal record for any lesser offences or any other concerning information will not debar an applicant from gaining a licence unless officers considers that the conviction or information renders the applicant not a fit and proper person to hold a licence. In making their decision, officers will consider the nature of the offence(s), when the offence(s) took place, the age of the applicant when the offence(s) were committed and any other factors which may be relevant. There is a right of appeal from an officer decision to a Licensing Panel Sub Committee in every case.

Delete

- "Listed below are the guidelines that the Licensing Authority will refer to:-" and
- paragraphs MINOR TRAFFIC OFFENCES to DISHONESTY (inclusive)

Insert

- "The assessment of previous convictions is as follows:"
- paragraphs "Crimes resulting in death" to "Using a hand held device whilst driving" (inclusive) from pages 35/36 of the Statutory Taxi & Private Hire Vehicle Standards found at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf)

Replace;

Nothing in this guidance / policy will remove an applicant's right to appeal to a Magistrates Court against the Council's refusal to grant or renew a licence, or decision to suspend or revoke a licence, or against any conditions which may have been imposed on any such licence by the local authority. Such appeal is to be made within 21 days of the refusal or decision.

With

Nothing in this guidance / policy will remove an applicant's right to appeal to a Magistrates Court against the Council's refusal to grant or renew a licence, or decision to suspend or revoke a licence, or against any conditions which may have been imposed on any such licence by the local authority. Such appeal is to be made in writing within 21 days of the refusal or decision.

## **Recommendation 7**

### **In the Hackney Carriage Driver & Vehicle Policy and Conditions;**

In APPLICATION REQUIREMENTS;

Replace paragraph (e)

- (e) All new applicants must complete an Enhanced Disclosure & Barring Service (DBS) Disclosure Form and upon receipt of result, present it alongside the HCD

licence application. The DBS can only be accepted at the time of licensing if it is less than 3 months from the date of issue.

With

(e) All new applicants must complete an Enhanced Disclosure & Barring Service (DBS) Disclosure Form and carry out a check of the children and adult Barred Lists. Upon receipt of the result, present it alongside the HCD licence application. The DBS can only be accepted at the time of licensing if it is less than 3 months from the date of issue. In the interests of public safety, the Council will not issue a licence to any individual that appears on either barred list

### **In the Private Hire Driver & Vehicle Policy and Conditions**

In APPLICATION REQUIREMENTS

Replace paragraph (e)

(e) All new applicants must complete an enhanced Disclosure & Barring Service Disclosure Form and upon receipt of result, present it alongside the PHD licence application. The Disclosure & Barring Service Disclosure (DBS) can only be accepted at the time of licensing if it is less than 3 months from the date of issue

With

(e) All new applicants must complete an Enhanced Disclosure & Barring Service (DBS) Disclosure Form and carry out a check of the children and adult Barred Lists. Upon receipt of the result, present it alongside the PHD licence application. The DBS can only be accepted at the time of licensing if it is less than 3 months from the date of issue. In the interests of public safety, the Council will not issue a licence to any individual that appears on either barred list

## **Recommendation 8**

**In the Hackney Carriage Driver & Vehicle Policy and Conditions;**

In 2. APPLICATION REQUIREMENTS insert a new paragraph (n);

(n) All applicants for a RBWM hackney carriage driver's licence are required to take a mandatory test of their English language proficiency, both written and oral, as part of the application process. This will not apply where an applicant can provide evidence of a UK secondary school level qualification taught and examined in English, or equivalent if taught and examined in English and which demonstrates the applicant's ability to read, write, speak and listen in English

In FIT AND PROPER insert a new paragraph 3.16;

3.16 If a licensing officer has reason to believe that the English language proficiency of an existing RBWM hackney carriage driver's licence holder is insufficient to meet the needs of the job, and in particular;

- a) the ability to understand written documents, such as policies and guidance,
- b) the ability to understand training and written policies and guidance relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation, and
- c) oral proficiency to enable reasonable communication with passengers, and in particular the identification of potential exploitation through communicating with passengers and their interaction with others,

the licensing officer will require that the applicant or licence holder undertakes English language proficiency testing, both written and oral, and provide the results of those tests within 28 days. Failure to comply with this requirement may result in the refusal of the application, or the suspension of an existing licence until the testing is completed.

### **In the Private Hire Driver & Vehicle Policy and Conditions**

In 2. APPLICATION REQUIREMENTS insert a new paragraph (q);

(q) All applicants for a RBWM hackney carriage driver's licence are required to take a mandatory test of their English language proficiency, both written and oral, as part of the application process. This will not apply where an applicant can provide evidence of a UK secondary school level qualification taught and examined in English, or equivalent if taught and examined in English and which demonstrates the applicant's ability to read, write, speak and listen in English

In FIT AND PROPER insert a new paragraph (p);

(p) If a licensing officer has reason to believe that the English language proficiency of an existing RBWM private hire driver's licence holder, is insufficient to meet the needs of the job, and in particular;

- a) the ability to understand written documents, such as policies and guidance,
- b) the ability to understand training and written policies and guidance relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation, and
- c) oral proficiency to enable reasonable communication with passengers, and in particular the identification of potential exploitation through communicating with passengers and their interaction with others,

the licensing officer will require that the applicant or licence holder undertakes English language proficiency testing, both written and oral, and provide the results of those tests within 28 days. Failure to comply with this requirement may result in the refusal of the application, or the suspension of an existing licence until the testing is completed.

### **Recommendation 9**

#### **In the Hackney Carriage Driver & Vehicle Policy and Conditions;**

In HACKNEY CARRIAGE VEHICLE CONDITIONS,

In 1. PRE LICENSING CONDITIONS;

Insert new paragraph (j);

(j) Where the proprietor of a RBWM licenced hackney carriage or private hire vehicle is neither a RBWM licenced driver or operator, they must provide a basic disclosure from the DBS upon application to licence the vehicle and then annually

#### **In the Private Hire Driver & Vehicle Policy and Conditions**

In 1. PRE LICENSING CONDITIONS;

Insert new paragraph (j);

(j) Where the proprietor of a RBWM licenced hackney carriage or private hire vehicle is neither a RBWM licenced driver or operator, they must provide a basic disclosure from the DBS upon application to licence the vehicle and then annually

## **Recommendation 10**

### **In the Private Hire Operator Policy & Conditions**

In 1. GENERAL CONDITIONS;

Insert new first three paragraphs;

New applicants and existing operators are required to provide a basic disclosure from the DBS upon first application and then annually.

All operators are required to provide evidence, upon request, that they have had sight of a basic DBS check on all individuals listed on their register of booking and dispatch staff; 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

New applicants and existing operators are required to provide their policy on employing ex-offenders in roles that would be on the register as above. New applicants must provide this upon application, existing operators upon request.

In 4. TOUTING SOLICITING & TRAINING;

Delete paragraphs (c) and (d) and re-letter subsequent paragraphs

## **Recommendation 11**

This recommendation (concerning a requirement that where a RBWM licence holder has been served an immigration penalty or convicted of an immigration offence, the licence will be revoked immediately) has been incorporated into the changes set out in Recommendation 6, above.

## **Consultation Recommendation**

**That a consultation be carried out with the trade on the installation of CCTV in RBWM licenced hackney carriages and private hire vehicles and the results reported to a future Panel meeting**

Current hackney carriages and private hire vehicle drivers and operators will be given the following information and asked the following questions;

In the Department of Transport's Statutory Taxi & Private Hire Vehicle Standards, published in July 2020, there is a section "In-vehicle visual and audio recording – CCTV" where the use and benefits of in-car CCTV in licenced vehicles is discussed.

There is further information in the standard in "Annex – CCTV Guidance"

The standard can be found at;

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf)

The Department of Transport's view is that in-car CCTV in licenced vehicles can provide deterrence to prevent harm to passengers.

It will also protect drivers against false accusations and provide evidence of verbal and physical attacks on and threats to drivers.

The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

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

The Council has not yet taken a position on the installation of CCTV in RBWM licenced vehicles but is aware that some RBWM licenced drivers have already installed this equipment.

At this stage we are gathering information on the potential benefits and drawbacks of requiring that RBWM licenced vehicles have CCTV installed and we would welcome your views by answering the following questions;

1) Do you have in-car CCTV in your RBWM licenced vehicle?

2) If yes;

- what made you decide to install the CCTV?
- how much did it cost?
- what have been the benefits and drawbacks of having CCTV in your vehicle?
- would you recommend CCTV to other RBWM licenced drivers?
- what are your views on the Council making CCTV mandatory in all RBWM licenced vehicles, at the cost of the licence holder?

3) If no;

- have there been any incidents in your time as a licenced driver when CCTV would have been of use to you?
- What do you see as the potential benefits and drawbacks of having CCTV in your vehicle?
- would you consider installing CCTV at your own cost?
- what are your views on the Council making CCTV mandatory in all RBWM licenced vehicles, at the cost of the licence holder?

## Appendix D

### Changes to RBWM policies to reflect current job titles of officers in the RBWM Licensing team

1) In RBWM Private Hire Driver and Vehicle Policy & Conditions, "PRIVATE HIRE DRIVERS & LICENSING REQUIREMENTS", opening paragraph;

Change;

In this document, any reference to Licensing Officers means the Enforcement Principal, Trading Standards and Licensing Team Leader, the Licensing Enforcement Officers and Assistant Licensing Enforcement Officers of the Royal Borough of Windsor and Maidenhead. "Council" means the Royal Borough of Windsor and Maidenhead.

To;

In this document, any reference to Licensing Officers means the Trading Standards and Licensing Manager, the Licensing Enforcement Officers and Assistant Licensing Enforcement Officers of the Royal Borough of Windsor and Maidenhead. "Council" means the Royal Borough of Windsor and Maidenhead.

2) In RBWM Private Hire Driver and Vehicle Policy & Conditions, "PRIVATE HIRE DRIVER CONDITIONS", opening paragraph;

Change:

"Licensing Officers" means the Enforcement Principal, Trading Standards and Licensing Team Leader, the Licensing Enforcement Officers and Assistant Licensing Enforcement Officers of the Royal Borough of Windsor and Maidenhead. "Council" means the Royal Borough of Windsor and Maidenhead.

To;

"Licensing Officers" means the Trading Standards and Licensing Manager, the Licensing Enforcement Officers and Assistant Licensing Enforcement Officers of the Royal Borough of Windsor and Maidenhead. "Council" means the Royal Borough of Windsor and Maidenhead.

3) In RBWM Private Hire Driver and Vehicle Policy & Conditions, "PRIVATE HIRE VEHICLE CONDITIONS", opening paragraph;

Change:

"Licensing Officers" means the Enforcement Principal, Trading Standards and Licensing Team Leader, the Licensing Enforcement Officers and Assistant Licensing Enforcement Officers of the Royal Borough of Windsor and Maidenhead. "Council" means the Royal Borough of Windsor and Maidenhead.

To;

"Licensing Officers" means the Trading Standards and Licensing Manager, the Licensing Enforcement Officers and Assistant Licensing Enforcement Officers

of the Royal Borough of Windsor and Maidenhead. "Council" means the Royal Borough of Windsor and Maidenhead.

4) In RBWM Private Hire Operator Policy & Conditions, opening paragraph;  
Change;

In these Conditions "Licensing Officers" means the Enforcement Principal, Team Leader Licensing, the Licensing Enforcement Officers and the Assistant Licensing Enforcement Officers of the Royal Borough of Windsor and Maidenhead. "Council" means the Royal Borough of Windsor and Maidenhead. "Authorised Officer" has the same meaning as section 80 Local Government (Miscellaneous Provisions) Act 1976.)

To;

In these Conditions "Licensing Officers" means the Trading Standards & Licensing Manager, the Licensing Enforcement Officers and the Assistant Licensing Enforcement Officers of the Royal Borough of Windsor and Maidenhead. "Council" means the Royal Borough of Windsor and Maidenhead. "Authorised Officer" has the same meaning as section 80 Local Government (Miscellaneous Provisions) Act 1976.)

5) In RBWM Hackney Carriage Driver & Vehicle Policy and Conditions, opening paragraph;  
Change;

In this document, any reference to Licensing Officers means the Enforcement Principal, Trading Standards and Licensing Team Leader, the Licensing Enforcement Officers and Assistant Licensing Enforcement Officers of the Royal Borough of Windsor and Maidenhead. "Council" means the Royal Borough of Windsor and Maidenhead.

To;

In this document, any reference to Licensing Officers means the Trading Standards and Licensing Manager, the Licensing Enforcement Officers and Assistant Licensing Enforcement Officers of the Royal Borough of Windsor and Maidenhead. "Council" means the Royal Borough of Windsor and Maidenhead.