

Appendix B

DfT Statutory Taxi and Private Hire Vehicle Standards Lancaster City Councils Position

DfT standard	Action required
1. Introduction	No specific actions at this stage.
2. Consideration of the Standards	
2.2. Educating the public on safe usage of taxis and private hire	To work with other local authorities, hospitality sector, public transport providers, college and universities and the taxi trade to develop an educational message on the safe use of taxis and private hire vehicles. (annex in DfT standards Staying safe – Guidance for Passengers)
2.8 Requires the Council to publish consideration of the standards and policies and delivery plans that stem from the standards	This will primarily be delivered via the Committee process. The recommendation contained within this report is that regular progress reports are provided to the Committee. These will be public documents and available to the DfT.
3. Administering the Licensing Regime	
3.1 Recommends that licensing authorities produce and make available a comprehensive taxi licensing Policy document	This is supported. It is recognised that this has been done in a number of local authorities and ensures that all parties are aware of the standards, policies and procedures in place. It is envisaged that such a document would be finalised at the end of the review process when all relevant policies/ procedures/ standards have been reviewed.
3.2-3.5 The primary and overriding objective of the policy referred to (3.1 of the standards) must be to protect the public	This is accepted; however officers also consider that the review of policy and procedures should include consideration of driver safety. It is accepted that policies should be reviewed in accordance with the time periods stated in the standards , however advice and guidance should be sought from relevant agencies (including the DfT) as to how reviews can be fully effective when licences are issued for 3 and 5 year periods and conditions can only be imposed on the grant of a licence

3.6 Use of Common Law Police Disclosure powers	Data sharing agreements are in place with Lancashire Constabulary. These will be reviewed to ensure that they are up to date.
3.8-3.11 Licensing Authorities to have a whistleblowing policy.	A review of the Councils whistleblowing policy will be undertaken to ensure the policy meets the requirements of the DfT standards.
3.12-3.13 Consultation at local level	Consultation on proposed changes will be undertaken in accordance with the standards and the Govt "Code of Practice on Consultation" 2008. However consultation will need to have regard to the unique circumstances presented by the pandemic, eg, accessibility, conflicting demands on peoples time etc
3.14-3.15 Changing licensing policy and requirements	This requirement has become standard practice amongst authorities who have undertaken detailed reviews of taxi policies and standards including Rochdale and Rotherham Councils. Appropriate reviews would be undertaken once the policy changes have been implemented
4. Gathering and Sharing Information	
4.2-4.8 Disclosure and Barring service	The Council is largely compliant with the DfT standards outlined. The multiple status check facility is not currently utilised, but this will be considered as part of the review.
4.9- 4.11 Common law Police disclosures	Arrangements are in place and appear to work well, but these will be reviewed to ensure that they are effective and efficient.
4.12- 4.13 Licensee self-reporting	This is an area that had already been identified as needing review via a review of taxi/ private hire licensing conditions, code of conduct identified in the Licensing Workplan approved by the Committee in November 2019.
4.14- 4.16 Referrals to the DBS and Police	Procedures will need to be formalised and adopted in terms of referring relevant decisions to refuse or revoke a licence to the DBS. This work will be undertaken as a priority and reported to the Committee at the next update on this matter.
4.17-4.19 Working with the Police	Processes will need to be formalised in terms of notifying the police of action taken following receipt of intelligence from the police or any revocation/ refusal on public safety grounds. This work will be undertaken as a priority and reported to the Committee at the next update on this matter.
4.20-4.25 Sharing information with other licensing authorities	Applicants/ licensees are already required to disclose if they have previously had licences refused, revoked or suspended by another authority. In January 2020 the Licensing committee supported sign up to the NR3 register, progress has been delayed due to covid. As a priority Licensing officers will review systems in place in terms of recording refusals / revocations and suspensions and report to the Committee at the next update on this matter.
4.26-4.28 Multi agency safeguarding hub (MASH)	The Council will review arrangements in place with partnership agencies to ensure decisions are made having fullest knowledge in respect of safeguarding issues.

4.29- 4.33 Complaints about licensees	The Council will review if taxi/ private hire complaints recording system to ensure it meets the requirements of the DfT standards including, recording of complaints, trends analysis, complaint categories and trigger actions, information on how to make a complaint.
4.34-4.36 Overseas convictions	The Council will ensure that the Licensing Policy (ref para 3.1) documents the procedure/policy in respect of foreign convictions/ certificates of good conduct.
5. Decision Making	
5.1-5.2 Administration	The administration of the Licensing Framework is compliant with that detailed in this part of the DfT standards.
5.3-5.5. Training decision makers	Training is undertaken on a regular basis; however, this will be reviewed to ensure all relevant officers and members are fully trained in the relevant subject areas and that all such training is documented.
5.6-5.11 The regulatory structure	The review of the regulatory structure will need to include legal and licensing officers. It is noted that the standards advocate a sub-committee or Panel drawn from a wider regulatory committee to determine individual taxi applications/ reviews. This does not reflect current practice; it may be appropriate to review current arrangements as part of the next review of the Councils Constitution.
5.12-5.14 Fit and proper test	This is a tried and tested consideration within the Council in relation to taxi/ private hire driver and operator applications. the approach taken will be fully documented and explained within the final taxi licensing policy. (ref para 3.1)
5.15-5.17 Criminal convictions and rehabilitation	The Council has already formally adopted the policy document referred to in para 5.16 of the standard, this will be reviewed against the Annex – Assessment of previous Convictions contained within the DfT Standards – This will be undertaken as a priority and reported to Committee at the next update on this matter.
6. Driver Licensing	
6.1- 6.4 Criminality checks for drivers	The Council is compliant with section 6.1-6.3 of the DfT Standards. Para 6.4 would be a matter for consideration by Lancashire County Council.
6.5-6.7 Safeguarding awareness	Safeguarding awareness training and assessment is undertaken by all driver applicants as part of the “fit and proper” standard. The training forms part of the City and Guilds qualification and includes formal assessments. As part of the overall review of licensing policies and procedures, the driver training programme will be reviewed to ensure it includes all subject areas that promote passenger, public and driver safety.
6.8-6.13 County lines exploitation	As detailed above driver training programmes are to be reviewed to ensure all areas relevant to passenger, public and driver safety are included in driver training and assessment.
6.14-6.15 Language proficiency	The Council has recently reviewed its basic skills and driver knowledge test and is confident that it meets DfT standards.
7. Vehicle Licensing	

7.2-7.6 Criminality checks for vehicle proprietors	The Council does not currently require a basic DBS disclosure for vehicle proprietors. The Policy will be amended to reflect this. The majority of licensed vehicle proprietors are also licensed drivers and are therefore already subject to the enhanced DBS disclosure.
7.7-7.13 CCTV	<p>The relevant considerations regarding the mandating of CCTV in licensed vehicles is detailed in the standards.</p> <p>The standards do not refer to protection that CCTV may offer the driver as well as the passengers.</p> <p>The Council will review complaints received together with the guidance framework included as an annex within the standards.</p> <p>The Council will consult with authorities who have mandated the use of CCTV, Rossendale being the most local to Lancaster, and utilise relevant information to assist decision making. The Council was also represented at a recent Institute of Licensing working group meeting to look at use of CCTV within licensed vehicles.</p>
7.14-7.15 Stretched limousines	The Council has not recently been approached regarding applications to licence stretch limousines as private hire vehicles. A policy on this issue will be included within the finalised taxi policy. (ref para 3.1 of the standards)
8. Private Hire Vehicle Operator Licensing	
8.2-8.6 Criminality checks	<p>The Council currently requires a basic disclosure for all private hire operators on submission of an application. The DfT standards require this to be done on an annual basis. This will be amended as a priority and reported to the Committee at the next update on this matter.</p> <p>It is acknowledged that the majority of private hire operators are also licensed drivers and are therefore subject to enhanced DBS disclosures.</p>
8.7-8.12 Booking and dispatch staff	The Licensing unit had already identified in the Nov 2019 workplan a need to update and review its private hire operator licence conditions. It is envisaged that revised private hire operator conditions will address all the matters highlighted in this section of the standards document.
8.13- 8.15 Record keeping	Much of this information is already recorded but will be updated as part of the review of licence condition.
8.16-8.17 Use of passenger carrying vehicles (PCV)	The requirements of the standards are not currently addressed in private hire operator licence conditions, this will be reviewed.
9. Enforcing the licensing regime	
9.2 Joint authorisation of licensing officers	This part of the standard is something that will require joint consideration with other local authorities, involving both members and officers forums.

9.3-9.4 Setting expectations and monitoring	These elements will be detailed within the taxi/ private hire policy. The publicity in respect of complaint processes has been detailed earlier (4.29-4.33) and will be documented within the taxi/ private hire policy. (ref 3.1)
9.5-9.10 Suspension and revocation of drivers' licences	The information detailed in the standards, replicates the considerations of the Council when considering suspensions and revocations. The legal provisions in respect of such provisions are longstanding and utilised appropriately, evidenced by the lack of decisions being overturned in appeals.