

Appendix A

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

DfT standard	Actions identified in the report of 8 October 2020	Progress report 18 March 2021
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)	The continuation of the pandemic and workload has limited the opportunities for the development of this work A preliminary survey was commenced in Jan 2021 and is ongoing to identify the level of public understanding regarding the different types of licensed vehicles and how they operate. A proposed draft taxi licensing policy has been developed and will be considered as a separate agenda item, the proposed draft taxi policy includes provision of passenger information leaflets and public information charters to be displayed in licensed vehicles. Further amends may be required following consultation on the proposed draft taxi policy
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.	As per comment on 8 October.

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.	In November 2019 The Committee approved a Licensing workplan, for 2020, progress on the workplan was hampered by the pandemic. The workplan identified the need to review hackney carriage and private hire licensing conditions, this work has now been progressed, and incorporated within the proposed draft taxi policy, which is included as a separate agenda item for this meeting
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	<p>This is accepted; however officers also consider that the review of policy and procedures should include consideration of driver safety.</p> <p>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</p>	<p>In producing the proposed draft taxi policy officers have been very much aware of the DFT requirement that public safety must be the overriding objective.</p> <p>However, officers have also ensured that driver safety is a relevant consideration within the proposed draft taxi policy.</p>
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.	Officers are working to obtain the most recent version and review as necessary, a corporate view may be required.
3.8-3.11 Licensing Authorities to have a whistle blowing policy.	A review of the Councils whistleblowing policy will be undertaken to ensure the policy meets the requirements of the DfT standards.	Officers have had regard to the Councils Raising Concerns Policy (Whistleblowing) in the development of the proposed draft taxi policy. A specific section (3.8) is included in the draft policy on whistleblowing
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	A separate agenda item deals with the proposed draft taxi policy and provides details as to the recommended consultation process in respect of the proposed draft policy

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	Not relevant at this stage
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.	The proposed draft taxi policy has strengthened the requirement for licencees self-reporting of conduct matters. Previously requirements were that licence holders had to notify the Council of convictions within 7 days. The proposed draft taxi policy has amended the notification period to 48 hours (in line with DfT statutory standards) and also requires that a wider range of conduct issues such as cautions, fixed penalty notices etc have to be notified to the Council
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.	This requirement has been built into the proposed draft policy. Discussions are ongoing with DBS to ensure referrals are made as per their requirements. Officers are in the process of activating an online referral account as this is the preferred method of communication.
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 happens regularly; however it has been identified that the current practice requires formalising by way of written procedure. Officers to

	This work will be undertaken as a priority and reported to the Committee at the next update on this matter.	<p>establish most appropriate course/department of Lancashire Constabulary to liaise with.</p> <p>This requirement has been built into the proposed draft policy.</p>
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.	<p>The Cabinet member with responsibility for licensing approved licensing to sign up to the NR3 register. Officers now have access and have been trained in use of the register, completing searches and requesting those who LCC refuse/ revoke.</p> <p>Application forms and privacy notices will require updating to reflect this amendment – will report update at next Committee.</p>
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.	An informal review has recently taken place in respect of complaints received in 2019 /2020. The purpose of this was to identify the % of complaints where CCTV installed in the vehicle may have assisted investigations. The proposed draft taxi policy addresses complaints and introduces a annually reporting process to the committee and new requirements on operators to record complaints and to provide records of complaints to the licensing office on a regular basis. In addition, there is a requirement on all licencees to report serious complaints/ safeguarding concerns to the licensing team.

		A team training session has been completed to ensure all users of the system which records complaints, is done so consistently by all Officers.
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.	This is detailed in the proposed draft taxi policy at section 4.4. drivers, 5.3. vehicle licence holders and 6.3 private hire operators, and requires the applicants for each type of licence to provide a certificate of good character if they have been outside the UK for more than 3 months in line with information detailed in the DfT standards
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.	The commitment re officer and member training is detailed in the proposed draft taxi policy at section 3.3
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)	As outlined on in the report of the 8 October this is already enshrined within custom and practice. The following proposals within the proposed draft policy strengthen and support existing practice <ul style="list-style-type: none"> 1. Requirement for enhanced licensee self-reporting of conduct matters 2. The strengthening of requirements in respect of reporting safeguarding concerns

		<ol style="list-style-type: none"> 3. The requirements on private hire operators to log complaints and provide the log to the licensing team on a 6-monthly basis 4. The requirement on licensed drivers to report all road traffic accidents/ incidents – as mechanism for monitoring driving standards 5. Amendment to the medical requirements so that they are fully aligned to the DVSA group 2 standard
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.	A review has been undertaken of the current conviction policy has been undertaken against the criteria detailed in the DfT standards. The existing conviction policy advocates that the same consideration should be given to driver, vehicle and private hire operators in respect of consideration of any convictions. The DfT statutory standards highlight circumstances where convictions relevant to a licensed driver may not be relevant to a private hire operator e.g some motoring convictions. This has been reflected in Appendix A of the proposed draft taxi licensing policy
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	Officers are satisfied the current qualification required by new applicants meets the requirements as set out in 6.5-6.7.

	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.	The safeguarding presentation that is delivered to applicants at Lancaster and Morecambe College has been reviewed. Council and Police Officers have updated the content to reflect updated local priorities
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.	The proposed draft taxi policy requires vehicle licence holders to provide a basic DBS disclosure and a statutory declaration. This requirement is dispensed with if the applicant is already a licensed driver. A licensed driver is automatically subject to an 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. 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>	<p>Licensing officers have undertaken a review of complaints received 2019 and 2020 to see whether CCTV in licensed vehicles would have assisted in the investigation of complaints received. It is estimated that 40% of complaint investigations may have been assisted by the availability of CCTV. The nos of complaints analysed was approximately 80.</p> <p>Informal discussions with colleagues at Rossendale have revealed that the taxi trade is happy with CCTV being in licensed vehicles and feel protected by its presence, both in terms of personal protection from bad behaviour and false allegations from customers.</p> <p>At a recent meeting of Lancaster taxi working group, a trade representative expressed a view that CCTV would provide protection to taxi drivers, but the cost of effective CCTV was prohibitive.</p>

		The DfT standards are clear that public safety has to be the overriding objective of taxi licensing. Officers have conducted some preliminary calculations as to what fare increases would cover the cost of CCTV in licensed vehicles
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)	The proposed draft taxi policy outlines the Councils position in respect of the licensing of stretch limousines. This is detailed in section 5.11. of the proposed taxi policy
8. Private Hire Vehicle Operator Licensing		
8.2-8.6 Criminality checks	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. It is acknowledged that the majority of private hire operators are also licensed drivers and are therefore subject to enhanced DBS disclosures.	The proposed draft taxi policy includes a condition to be imposed on the grant of a private hire operator's licence (see proposed draft policy Appendix P) requiring private hire operators to provide an annual DBS certificate to the licensing office. Private hire conditions can only be imposed on the grant of a licence and therefore it is recognised that it will take some time until this requirement is imposed upon all private hire operators, but as noted in the report of 8 October the majority of private hire operators are also licensed drivers and are therefore subject to enhanced levels of DBS checks.
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.	The proposed draft taxi policy, includes at Appendix P a revised set of private hire operator licence conditions. The proposed conditions seek to provide additional public protection measures including operators being required to <ol style="list-style-type: none"> 1. Require criminality checks for booking and dispatch staff (including those not employed by the operator)

		<p>2. Have and implement a documented safeguarding policy</p> <p>3. Provide appropriate training for all staff</p>
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.	The proposed draft taxi policy includes at Appendix P a revised set of private hire operator licence conditions, these include a number of new and additional requirements in relation to record keeping. Once again, the basis for such records is the protection of public safety
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.	The proposed draft taxi policy makes provision at Appendix P for specific requirements in relation to PCV vehicles (minibuses ie greater than 8 passenger seats)
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.	The issue of joint enforcement of local authority officers has not been pursued as part of the proposed draft taxi policy. The reasons for this are detailed in the agenda item report relative to the proposed draft taxi policy, but in principle relates to there not currently being a significant problem with vehicles licensed in other areas working within the Lancaster City Council boundary
9.3-9.4 Setting expectations and monitoring	<p>These elements will be detailed within the taxi/ private hire policy.</p> <p>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)</p>	<p>The proposed draft taxi policy does not advocate a points base approach to enforcement, this is something that will be reconsidered at the first review of the policy. The emphasis has been on the prompt development of an overarching policy.</p> <p>It is envisaged that following approval of the taxi policy meetings/ forums will be held for the taxi trade to explain the requirements of the policy.</p> <p>The public information charters to be displayed in all licensed vehicles details the conduct expected of passengers and provides information on keeping</p>

		safe as well as detailing how to make a complaint/compliment
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.	The proposed draft taxi policy includes a chapter (Ch7) on the Councils approach to enforcement and rights of appeal against decisions made by the Council