



NOTICE OF MEETING

LICENSING COMMITTEE

FRIDAY, 24 FEBRUARY 2023 AT 3.00 PM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Anna Martyn, Local Democracy Officer - Tel 023 9283 4870

Email: democratic@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Public health guidance for staff and the public due to Winter coughs, colds and viruses, including Covid-19

- Following the government announcement 'Living with Covid-19' made on 21 February 2022 and the end of universal free testing from 1 April 2022, attendees are no longer required to undertake any asymptomatic/ lateral flow test within 48 hours of the meeting; however, we still encourage attendees to follow the public health precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish.
- We strongly recommend that attendees should be double vaccinated and have received any boosters they are eligible for.
- If unwell we encourage you not to attend the meeting but to stay at home. Updated government guidance from 1 April 2022 advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April 2022, anyone with a positive Covid-19 test result is still being advised to follow this guidance for five days, which is the period when you are most infectious.
- We encourage all attendees to wear a face covering while moving around crowded areas of the Guildhall.
- Although not a legal requirement, attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that protects us from coughs, colds and winter viruses, including Covid-19.
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

Licensing Committee Members:

Councillors Scott Payter-Harris (Chair), George Madgwick (Vice-Chair), Yinka Adeniran, Dave Ashmore, Kimberly Barrett, Stuart Brown, Tom Coles, Jason Fazackarley, Charlotte Gerada, Lewis Gosling, Ian Holder, Leo Madden, Linda Symes, Benedict Swann and Daniel Wemyss

Standing Deputies

Councillors Matthew Atkins, Lee Hunt, Abdul Kadir, Gemma New, Steve Pitt, Asghar Shah, John Smith and George Fielding

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the deputation (eg. for or against the recommendations). Email requests are accepted. Contact: the Democratic Services Officer as listed above.

AGENDA

- 1 **Apologies for Absence**
- 2 **Declarations of Members' Interests**
- 3 **Minutes of the Previous Meeting** (Pages 5 - 8)

RECOMMENDED that the minutes of the Licensing Policy meeting held on 25 July 2022 be approved as a correct record.

- 4 **Town Police Clauses Act 1847 and Part II, Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Matters - Amendments to Adopted Statement of Licensing Policy** (Pages 9 - 150)

Purpose

1. To consider the responses to the public consultation which took place between the period 01 August and 31 October 2022.
2. To consider the proposed amendments to the adopted statement of licensing policy for the control and supervision of the hackney carriage and private hire trades within Portsmouth ("the PCC policy") as set out in Appendix A of this report, having regard to the statutory Taxi and Private Hire Vehicle Standards guidance issued by the Secretary of State for Transport in July 2020.

RECOMMENDED

1. **That the Licensing Committee considers the recommendations numbered (1) to (37) in the report attached as Appendix A and duly notes/determines amendments to the PCC policy as it considers appropriate.**
2. **That the amendments to the policy will come into effect on 1 April 2023.**

- 5 **Vehicle Specification Requirements - Salvaged Vehicles**

The 2016 adopted policy guidelines in respect of the general vehicle specifications (for both hackney carriages and private hire vehicles) state that vehicle licences will not be granted or renewed in circumstances where a vehicle has been "written off" for the purposes of the then industry recognised categories A, B, C and D. (Minute 9/2016 refers).

Since 2016 some proprietors have subsequently licensed vehicles which have been "written off/ salvaged" following technical examination by appropriately qualified persons. The council was initially unaware that a salvage marker had been placed on the V5 registration document issued by DVLA in respect of such vehicles. Affected proprietors have now asked for the committee to

consider this policy directive in relation to both category S (structural repairs) and category N (non-structural repairs). They say that vehicles are now routinely written off for relatively "minor" damage and repairs due to excessive third-party costs such as temporary vehicle hire pending insurance assessment and examination.

Accordingly, the committee are asked to consider the following recommendation:

The Licensing Committee notes the current policy on salvaged vehicles and instructs the Licensing Manager to carry out a period of formal consultation with all interested parties and to report back with recommended good practice advice and policy guidance on the suitability or otherwise of licensing vehicles with either a category S or category N marker recorded.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed), viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

Agenda Item 3

LICENSING COMMITTEE

MINUTES OF A MEETING of the Licensing Committee held on Monday 25 July 2022 at 3pm at the Guildhall, Portsmouth

Present

Councillors Scott Payter-Harris (Chair)
George Madgwick (Vice-Chair)
Yinka Adeniran
Dave Ashmore
Kimberly Barrett
Stuart Brown
Tom Coles
Lewis Gosling
Leo Madden
Asghar Shah
Benedict Swann
Daniel Wemyss

1. Apologies for Absence (AI 1)

Apologies were received from Councillors Jason Fazackarley, Ian Holder and Linda Symes.

2. Declarations of Members' Interests (AI 2)

No interests were declared.

3. Minutes of the Previous Meeting (AI 3)

RESOLVED that the minutes of the previous meeting be approved as a correct record.

4. Town Police Clauses Act 1847 and Part II, Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Matters - Amendments to Adopted Statement of Licensing Policy (AI 4)

Nickii Humphreys introduced the report and in response to questions clarified the following points:

Recommendation 4.2

Licence holders are currently required to inform the council within 24 hours of any arrest, detention, or charge against them. The recommendation is to increase this to 48 hours.

The rationale may be that some drivers may be in custody for more than 24 hours and therefore would not be able to report it to the council.

Recommendation 4.5 Sharing information

The council shares information locally. The council is being pushed to sign up to the NR3 database and record refusals and revocations of licences. It does not include people details of people who may not pursue an application if officers have indicated at an early stage that they would not support it.

On the council's application form, applicants are asked whether they have ever made an application and not pursued it.

Recommendation 6 Driver Licensing.

The DfT requires checks to be carried out on drivers every six months. Carrying this out online is easier for officers and cheaper for drivers. A manual DBS check form costs the drivers £45 every six months.

Recommendation 3.4 Changing Licensing Policy and Requirements.

The new policy requirements were not being applied retrospectively. The Department for Transport is recommending a change in that approach. Drivers would be notified when their licence is up for renewal and their suitability as a driver would be reviewed at that point. If they fall foul of this new policy, the matter would go to a subcommittee for determination.

Recommendation 23 All drivers enhanced check every six months.

No driver receives anything less than an enhanced check.

The committee then examined the proposed amendments listed in appendix B of the report and made the following comments:

Recommendation 5.1 Training Decision Makers

It was noted that no member can sit on a subcommittee without training, but this is not necessarily to be undertaken on an annual basis. It is incumbent on all members to take responsibility for their learning and ask the officers to go over any points or updates on planning law.

In response to a question from members, Ben Attrill, Legal Advisor explained that the Equality Act requires specific elements of training to be delivered and documented. He recommended that annual training be mandatory.

Recommendation 5.3 Fit and Proper Test.

In response to a question from the committee, the Licensing Manager explained that this recognises that although there has never been a definition of what a fit and proper person is, the committee is asked to make decisions based on the definition in the Act. The DfT is suggesting that the committee use the paragraph in 5.3 and that if there is any doubt, the application should be refused.

In terms of current policy, demo what we do re: the criteria of f and proper. No. of criteria we look at as well as what the DfT puts forward. This is put into the policy.

The Legal Advisor added that recently there has been a push to make the criteria more stringent. In response to questions, he explained that the Licensing Authority has revoked licences and refused applications. The applicants have the right to appeal to the Magistrates Court within 21 days of a delegated decision. The delegated officer acts on behalf of the Licensing Authority when making these decisions.

The Licensing Manager added that officers would only make these decisions when there is a public safety issue that needs to be acted on urgently.

Members agreed that this paragraph should be included in the council's policy.

Recommendation 10 Age Limits for Wheelchair Accessible Vehicles.

The policy was changed in December 2020 to ensure that vehicles can enter the Clean Air Zone (CAZ).

In response to questions, the Licensing Manager explained that the council is engaging with the owners of the only outstanding vehicles that are not currently CAZ compliant regarding the renewal of their licence. As they have shown that they have placed an order for a new vehicle with the potential delivery date, the licences for their current vehicles have been extended.

It is important that the committee has sufficient evidence to make any changes to its policies. It has been demonstrated previously that there is a marked increase in inspection failure rates for cars over 8 years old.

During the consultation many comments were made by the taxi trade that the cost of WAVs would far exceed those of normal saloon type vehicles. There is concern that the number of WAVs available would reduce.

Members asked that the following amendments be made:

Number 37 be added to the scheme of delegation set out in appendix A.

In section 1: Introduction to the Proposals / Consultation paragraphs 1.2 and 1.3 be included in a covering letter - this is the consultation process.

The Licensing Manager explained that an online survey would be produced which would highlight the sections where changes are recommended. The proposals will also be on the council's website.

Every driver, operator and proprietor will be contacted by email to inform them of the proposed changes and encourage them to engage.

The committee asked the Licensing Manager:

- 1) To work with the officer who has previously assisted the trade to obtain funding.
- 2) To extend the length of time that the consultation will be live to 31 October.

It was noted that drivers who breach the rules regarding the display of magnetic livery and those whose vehicles are not suitable for magnetic livery will be obliged to display permanent livery.

DECISIONS

Noted and approved the contents of the report and appendices and delegates authority to the Head of Service to arrange for the formal distribution and consultation on any agreed proposed amendment to the PCC policy and for responses to be received between 01 August and 31 October 2022.

Agreed to meet on a future date after 31 October 2022 to consider any policy amendments (in light of and having regard to any representations received) and with a view to agree an implementation date for the policy and any approved changes.

Noted/ approved the use of the existing penalty points system and other delegated powers to enforce the requirement that PCC prescribed livery must be displayed on licensed vehicles as set out in paragraph 3.4 of the report.

5. Trial to allow PCC Licensed Private Hire Vehicles in Bus Lanes in Portsmouth (AI 5)

Matt Abbott made a deputation expressing his concerns about private hire vehicles using bus lanes.

Deputations are not recorded in the minutes but may be viewed here [Licensing Committee meeting, 25 July 2022 on Livestream](#)

Nickii Humphreys, Licensing Manager introduced the report and reminded the committee that this was for noting and that it would only apply to Portsmouth City Council licensed vehicles.

In the discussion that followed, members noted that the decision to run this trial had already been made and that the Cabinet Member for Traffic & Transportation would consider the outcome and decide whether to continue it. It will also come back to this committee.

DECISION

The committee noted the report.

Signed by the chair, Councillor Scott Payter-Harris

Agenda Item 4



Title of meeting: LICENSING COMMITTEE - 24 February 2023

Subject: Town Police Clauses Act 1847 and Part II, Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Matters - Amendments to Adopted Statement of Licensing Policy

Report by: DIRECTOR OF CULTURE, LEISURE AND REGULATORY SERVICES

Wards affected: ALL

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 To consider the responses to the public consultation which took place between the period 01 August and 31 October 2022.
- 1.2 To consider the proposed amendments to the adopted statement of licensing policy for the control and supervision of the hackney carriage and private hire trades within Portsmouth ("the PCC policy") as set out in Appendix A of this report, having regard to the statutory Taxi and Private Hire Vehicle Standards guidance issued by the Secretary of State for Transport in July 2020.

2. Recommendations

- 1) That the Licensing Committee considers the recommendations numbered (1) to (37) in the report attached as Appendix A and duly notes/determines amendments to the PCC policy as it considers appropriate.
- 2) That the amendments to the policy will come into effect on 1 April 2023.

3. Background

- 3.1 On 24 February 2016, the Licensing Committee considered and approved its Statement of Licensing Policy (minute 09/2016 refers). This decision was subsequently approved by full Council on 22 March 2016 (minute 27/2016 refers).
- 3.2 Full Council delegated approval to the Licensing Committee to retain overall responsibility for the policy, to include any future amendments, variations, substitutions or deletions as may be required and after appropriate consultation.

Subsequent ad hoc changes/variations to the policy have been considered and approved by the committee on merit (and after trade consultation) between 2016 and 2020 in so far as this relates to:

- Licensed vehicle age limits
- The use of magnetic livery on licensed vehicles
- The use of operator signage
- The Task & Finish Group report on taxi and private hire licensing and the subsequent government response
- The draft DfT consultation on statutory taxi and private hire matters
- The Equality Act 2010 relating to wheelchair accessible vehicles (WAV'S)
- Proposals to support the Portsmouth Clean Air Zone (CAZ)

3.3 The Licensing Committee previously considered this matter at its meeting on [25 July 2022](#) and approved the formal distribution and public consultation of the proposed amendments to the PCC policy.

It also agreed to meet on a future date to consider any policy amendments (in light of and having regard to any representations received) and with a view to agree an implementation date for the policy and any approved changes.

3.4 The Secretary of State for Transport published statutory best practice guidance for taxi and private hire vehicle standards in July 2020. This is reproduced at **Appendix B** and puts, on a formal footing, the expected standards to both initially ensure and to consequently maintain public safety. The council, as the local licensing authority, has a legal duty pursuant to section 177 of the Police & Crime Act 2017 to "have regard" to the statutory standards. The guidance states that the expectation is that the recommendations are implemented "unless there is a compelling local reason not to" (see paragraph 1.3 of the guidance).

The Committee has previously been advised that the PCC policy is, in the main, compliant with the statutory standards now expected but there are some areas that require further consideration and determination as shown in the recommended changes at **Appendix A**.

4. **Public Consultation - Key Facts**

4.1 Public consultation took place in relation to the proposed recommendations between 1st of August and 31st of October 2022. The consultation was undertaken by way of an online survey. Emails were sent to all licensed hackney carriage and private hire drivers, vehicle proprietors, trade representatives, lease car companies and private hire operators.

In addition notification of the survey was also given to members of the public, other local licensing authorities, councillors and MP's for the city.

4.2 A copy of the data and responses to the consultation are attached as **Appendix C** to this report but key facts arising from this consultation are highlighted below:

- 390 responses received in total
- 74% (290) response from members the public
- 10% (39) response from hackney carriage drivers
- 4% (16) response from hackney carriage vehicle proprietors
- 8.9% (9%) response from private hire drivers
- 0% response from private hire vehicle proprietors
- 0.77% (3) response from private hire operators
- 0.26% (1) response from trade representatives
- 0% response from licensed vehicle leasing companies

4.3 In overall terms, those who responded to the survey agreed with the recommendations as set out in the report considered by the Committee in July 2022.

4.4 The question which elicited most responses related to the proposed recommendation to extend the upper age limit for wheelchair accessible vehicles (WAVs) from 8 years of age to 12 years of age.

Whilst the overall view was supportive of the proposal, many responses were received, presumably from licensed drivers and hackney vehicle proprietors, that the amendment to the policy should apply to all licensed vehicles, not just WAV vehicles.

4.5 Having due regard to the views expressed, the recommendation in relation to the upper age limit for licensed vehicles has now been amended to reflect an increase from 8 years to 12 years for all licensed vehicles not just WAVs. This recommendation also includes measures for licensing staff, in consultation with the council's approved vehicle examiner, to target and intervene in respect of those vehicles which are not maintained to a satisfactory standard. Further information as regards this recommendation is embedded in **Section 10 of Appendix A** to this report.

4.6 Further amendments to the original recommendations have been made in relation to criminal convictions and rehabilitation. Again, the survey responses supported the guidelines proposed by the statutory guidance in relation to the relevance of convictions and therefore it is proposed that these guidelines are adopted as set out in Section 5 (Appendix B) of the recommendations document attached as **Appendix A** to this report.

However, there are additions to these guidelines which are proposed to be retained from the current policy on the relevance of convictions and behaviour.

These relate to any offences committed under the statutory licensing regime (i.e. byelaws or breach of conditions) which are not covered in the statutory guidance recommendations and, additionally, dealing with general inappropriate conduct which does not result in a conviction.

Finally, arising from the results of the consultation process, amendments have been made to recommendation number (10) which relates to licensee self-reporting. The current policy for PCC is that licence holders are required, by way of condition and policy, to notify the Council within 24 hours of any arrest, detention or charges against them. The statutory guidance recommends that such notifications should be made within 48 hours. Having regard to the representations received, it is proposed that the recommendation is amended in order to retain the current policy of 24 hours, or the next working day.

5. **Reasons for recommendations**

5.1 Statutory guidance makes it clear that taxis and private hire vehicles can be high risk environments and steps must be taken to secure the safety of children and vulnerable adults (as well as the wider public). Accordingly, it is necessary to consider and approve appropriate and proportionate changes to the current PCC policy having regard to:

- The Statutory Guidance now in force
- Representations from trade representatives, operators, vehicle proprietors and drivers together with any public or professional body responses
- Representations from those dealing with children or the vulnerable
- Representations from the general public
- Proposed amendments submitted by your reporting officer together with an emphasis on "streamlining" work processes where applicable - for example recommending the use of "on-line" DBS checks

6. **Equality impact assessment**

An Integrated Impact Assessment has been prepared and is attached as **Appendix D**.

7. **Legal implications**

The legal implications are embodied within the review document at **Appendix A**.

8. **Finance comments**

None applicable directly to this report and proposed recommendations but guiding principles for "Fees and Charges" are contained within chapter 16 of the adopted PCC policy document.

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Signed by:

Appendices:

- A)** Proposed recommendations for the amendment of the current hackney carriage and private hire statement of licensing policy
- B)** DfT Statutory Taxi and Private Hire Vehicle Standards - July 2020
- C)** Summary of Responses to the Formal Consultation
- D)** Integrated Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Adopted Statement of Licensing Policy effective April 2016 as amended	PCC Website at: https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/hackney-carriage-private-hire-licensing-policy-final-v3.pdf
Statutory Taxi & Private Hire Vehicle Standards - July 2020	https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards
LGA Taxi & Private Hire Licensing - Councillor Handbook - July 2021	https://www.local.gov.uk/publications/councillor-handbook-taxi-and-phv-licensing-2021
Town Police Clauses Act 1847	Published Statute
Part II, Local Government (Miscellaneous Provisions) Act 1976	Published Statute
Equality Act 2010	Published Statute

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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 Signed by:

Amendments to Hackney Carriage and Private Hire Statement of Licensing Policy

Final Recommendations - February 2023

www.portsmouth.gov.uk



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Section 1: Introduction to the Recommendations

- 1.0 This document sets out a number of recommendations for determination by the Licensing Committee in relation to its Statement of Licensing Policy for the hackney carriage and private hire trade.
- 1.1 The proposed amendments to the current statement of licensing policy are intended to reflect:
- Statutory Guidance issued by the DfT;
 - Views previously expressed by the taxi/private hire trade; and
 - Amendments proposed by the Licensing Service following review of the existing policy arrangements.
- 1.2 These recommendations have been subject to formal consultation with the trade, members of the public and relevant authorities between 1 August 2022 and 31 October 2022. The results of the consultation are provided within this document against each recommendation.
- In summary 393 responses were received in respect of the consultation with 269 comments submitted in addition to the questions that were posed. A full copy of the summary of responses is attached as **Appendix C to the main committee report** but excerpts relevant to the proposed recommendations, where a change of policy has been proposed, have been included within this document for ease of reference.
- 1.3 The purpose of policy is to "set the standards" and to offer informed advice and expectations to applicants, licence holders and their appointed representatives alike. Policy should be made (and based) on evidence in order to formulate any local requirements and should not be introduced without prior consultation or on a whim.
- 1.4 Policy directives assist both members and officers in dealing with licensing matters in a uniform and consistent way and ultimately gives guidance to those in subsequent appeal situations as the underlying rationale behind any individual decision-making process.
- 1.5 Whilst no policy, in general, can be considered an absolute requirement, the Licensing Committee will look to persons to explain, in plain and clear terms, why a particular aspect of policy or a directive should not apply to them. Applicants and licence holders are advised that each case will be heard and determined on its merits with the policy used to "guide but not to bind" the decision maker - whether this is the Licensing Committee/Sub-Committee or officers acting under delegated authority and on behalf of the Directorate Head.
- 1.6 The last major policy review of the respective hackney carriage and private hire trade was undertaken in 2016 and was approved by [Full Council on 22 March 2016](#). The 2016 review formed the foundation and basis of future policy in respect of the hackney carriage and private hire trade in Portsmouth. Since then the [policy](#) has been subsequently amended to reflect changes in legislation, Government guidance and consultation with the taxi and private trade and other relevant bodies and organisations.
- 1.7 The Council recognises that all persons, including those involved in the provision of local transport, should work together to help shape the great waterfront city. The Council aspires to provide safe communities and accordingly recognises that the taxi and private hire industry have an important role to play.

The determination of policy and associated guidelines can be shaped by many elements but an overriding emphasis of promoting a **local policy** based on **local needs** and having due regard to **local knowledge and evidence** for and from **local people** is of paramount importance.

Section 2: DfT Statutory Taxi and Private Hire Vehicle Standards

- 2.0 The Department for Transport ("DfT") issued new [Statutory Taxi and Private Hire Vehicle Standards](#) to licensing authorities on 21 July 2020. The Statutory Standards set out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. The guidance places great importance on the Government and licensing authorities working together to ensure that, **above all else**, the taxi and private hire vehicle services are safe for children and vulnerable adults as well as the wider public.
- 2.1 Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards. In the interests of transparency, the Government expects all licensing authorities to publish their consideration of the measures contained in the Standards and the policies and delivery plans that stem from these. **The Department for Transport have emphasised that it expects its recommendations to be implemented unless there is a compelling local reason not to.** Whilst PCC already have policies in place that meet a number of these statutory standards, there is still more work to be done to ensure full compliance with the guidance.
- 2.2 The DfT has stated that there is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers (see paragraph 1.1 of the DfT statutory standards).
- 2.3 Whilst the focus of the DfT standards is on protecting children and vulnerable adults, it states that all passengers will benefit from the recommendations made within its guidance. The guidance states that there is consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector and its recommendations are the result of detailed discussion with the trade, regulators and safety campaign groups. It must not be forgotten however, that licensed drivers, proprietors and operators play a vital role in providing a safe and reliable local transport service to the people of Portsmouth and visitors alike.
- 2.4 **It is important to note that the DfT therefore expects its recommendations to be implemented unless there is a compelling local reason not to.**
- 2.5 The Statutory Guidance sets out a statutory framework that licensing authorities "**must have regard**" to when exercising their functions which include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. "Having regard" is more than having cursory glance at a document before arriving at a preconceived conclusion.
- 2.6 However, the DfT acknowledges that the Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

Section 3: Administering the Licensing Regime

3.0 Licensing Policies

DfT Guidance:

Licensing Authorities should review their licensing policies every 5 years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.

PCC Policy:

The licensing policy for the hackney carriage and private hire trade will be reviewed, if required, by the Licensing Committee every 3 years. PCC instigate interim reviews of aspects of the policy when there is a recognised need to do so. The Licensing Service provide Key Performance Indicators ("KPIs") to the Council every year and monitor every quarter on its performance.

Recommendations:

- 1) That the Licensing Committee amend its current policy review period from 3 years to 5 years to reflect the best practice guidance;**
- 2) That the Licensing Committee notes the guidance in relation to interim reviews and monitoring of performance.**

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	45.00%	162
Agree	33.89%	122
Neither agree nor disagree	11.94%	43
Disagree	4.44%	16
Strongly disagree	1.67%	6
Don't know	3.06%	11
TOTAL		360

3.1 Duration of licences

DfT Guidance: *The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a "probationary" basis.*

PCC Policy:

The Deregulation Act 2015, which came into force on 1 October 2015, provides that a driver's licence shall be issued for a period of 3 years and a private hire operator's licence shall be issued for a period of 5 years on a "rolling" schedule.

The default position is for the grant or renewal of 3 yearly driver licences and 5 yearly private hire operator's licence.

The Head of Service has delegated authority to grant and renew driver licences and private hire operator's licences for a lesser period where there are justifiable reasons to grant (or renew) licences for shorter periods having regard to the circumstances of any one individual case.

Recommendations:

3) That the Licensing Committee notes that the current PCC policy accords with the DfT Statutory Guidance.

3.2 Whistleblowing

DfT Guidance: *Licensing Authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly. Local authorities should ensure they have an effective "whistleblowing" policy and that all staff are aware of it.*

PCC Policy:

PCC has developed and adopted an internal "whistleblowing" policy and is available for staff to access at any time.

Recommendations:

(4) That the Licensing Committee notes that the current PCC policy accords with the DfT Statutory Guidance.

3.3 Consultation at the local level

DfT Guidance: *Licensing authorities should engage with neighbouring LA areas to identify any concerns and issues that might arise from a proposed change.*

PCC Policy:

When consulting on any proposed amendments to the statement of licensing policy for the hackney carriage and private hire trade, PCC will extend the consultation to a broad audience including the taxi/private hire trade itself, any persons, organisations and neighbouring local authorities likely to be affected by the proposals. The views of all these persons or bodies will be given appropriate weight by the Licensing Committee when the policy is determined.

Recommendations:

(5) That the Licensing Committee notes that the current PCC policy accords with the DfT Statutory Guidance.

3.4 Changing licensing policy and requirements

DfT Guidance: *Any changes in licensing requirements should be followed by a review of the licences already issued.*

PCC Policy:

Previous policy changes resulting in a change of licensing requirements have not ordinarily led to a review of the licences already issued in accordance with previous policy requirements in place at the time the licence was granted. Having regard to the current DfT guidance, it will now be necessary to review existing licences on the adoption of any new policy.

Recommendations:

(6) That the Licensing Committee amends its current statement of licensing policy to include a statement that any changes in licensing requirements shall be followed by a review of the licences already issued and that such a review may lead to a suspension, revocation or a refusal to renew a respective driver, vehicle or operator licence if a licence holder does not meet the amended required standard.

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	54.57%	185
Agree	25.37%	86
Neither agree nor disagree	7.37%	25
Disagree	8.55%	29
Strongly disagree	2.65%	9
Don't know	1.47%	5
TOTAL		339

Section 4: Gathering and Sharing Information

4.0 The Disclosure and Barring Service

DfT Guidance: *Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.*

The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.

PCC Policy:

All driver DBS checks are to an enhanced level and private hire operators to a basic standard. These checks are undertaken on an initial application and 3 yearly after. Currently, drivers and operators have discretion to sign up to the DBS Update Service or use the postal system to receive DBS Certificates. Further information regarding the DBS Update Service is available [here](#).

Recommendations:

- (7) That, in the interests of efficiency and mitigation of potential delays in granting/renewing licences, all applicants/existing drivers, private hire vehicle proprietors and private hire operators will be required to subscribe to the DBS Update Service when their next DBS check is required to be undertaken; and**
- (8) That the Head of Service be granted delegated authority by the Licensing Committee to amend/introduce or update such processes as necessary in line with recommendation (7) above.**

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	61.83%	209
Agree	21.60%	73
Neither agree nor disagree	4.73%	16
Disagree	8.28%	28
Strongly disagree	2.66%	9
Don't know	0.89%	3
TOTAL		338

4.1 Common Law Police Disclosure

DfT Guidance: *Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.*

PCC Policy:

The current statement of licensing policy recognises that the Council and Licensing Committee must exercise any function with a view to preventing crime and disorder in accordance with section 17 of the Crime and Disorder Act.

The policy also recognises the importance of partnership working with other agencies including the Police, Immigration Enforcement and DVSA.

PCC has established good working relationships with the Police to promote the safety of both the public and the trade itself and will continue to ensure that it maintains an effective working relationship as regards information sharing.

Members will be aware that the Licensing Service is "co-joined" with the Portsmouth Police Licensing Unit. This has enabled joint working, immediate intelligence sharing and the ability to deal quickly with driver matters under consideration.

Recommendations:

- (9) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.**

4.2 Licensee self-reporting

DfT Guidance: *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. 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.*

PCC Policy:

Licence holders are required by way of condition and policy to notify the Council within 24 hours of any arrest, detention or charges against them.

Recommendations:

(10) That the Licensing Committee retain the current policy to require notification to be given within 24 hours or the next working day instead of 48 hours as recommended in the DfT Statutory Guidance.

Consultation Response (to amend policy from 24 hours to 48 hours notification):

ANSWER CHOICES	RESPONSES	
Strongly agree	23.42%	78
Agree	20.42%	68
Neither agree nor disagree	14.11%	47
Disagree	14.11%	47
Strongly disagree	27.63%	92
Don't know	0.30%	1
TOTAL		333

4.3 Referrals to the Disclosure and Barring Service and the Police

DfT Guidance: *licensing authorities should make a referral to the DBS when it is thought that:*

- *an individual has harmed or poses a risk of harm to a child or vulnerable adult;*
- *an individual has satisfied the 'harm test'; or*
- *received a caution or conviction for a relevant offence and;*
- *the person they are referring is, has or might in future be working in regulated activity;*

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

Harm Test - a person satisfies the harm test if they may harm a child or vulnerable adult or put them at risk of harm.

PCC Policy:

Whilst there is an awareness by the licensing authority that referrals can be made to the DBS under the criteria referred to in the DfT Guidance, there is no specific reference to this within the current policy.

Recommendations:

(11) That the Licensing Committee amends its current statement of licensing policy to include the following statement:

The Licensing Authority will make a referral to the DBS when it is thought that:

- **an individual has harmed or poses a risk of harm to a child or vulnerable adult;**
- **an individual has satisfied the "harm test"; or**
- **received a caution or conviction for a relevant offence and;**
- **The person they are referring is, has or might in future be working in regulated activity.**
- **If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.**

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	60.92%	198
Agree	24.31%	79
Neither agree nor disagree	8.00%	26
Disagree	2.15%	7
Strongly disagree	1.54%	5
Don't know	3.08%	10
TOTAL		325

4.4 Working with the Police

DfT Guidance: *As part of building an effective working relationship between the licensing authority and the police, action taken by the licensing authority as a result of information received should be fed-back to the police.*

PCC Policy:

See comments in paragraph 4.1 above in relation to Common Law Police Disclosure.

Recommendations:

(12) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.

4.5 Sharing licensing information with other licensing authorities

DfT Guidance: *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. Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.*

DfT Guidance: *The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of nondisclosure of relevant information by applicants.*

PCC Policy:

All driver and private hire operator applicants are required to provide details of any previous licensing history on initial application and subsequent renewals. This includes details of the relevant local authority, the decision and if this was to refuse or revoke a licence, a summary of the reasons.

Whilst PCC is registered with the National Anti-Fraud Network and aware of the national register of taxi and private hire vehicle driver licence refusals and revocations ("NR3"), this has not widely been used as a checking mechanism in addition to the self-declaration made by applicants.

Locally however, Portsmouth is a member of the Hampshire & IOW Licensing Officer Group and there is an established constitutional concordat to "share" details of licence holders whose licences have been suspended, revoked or not renewed by respective member authorities - particularly where public safety is a paramount concern.

Recommendations:

(13) That the Committee recognises the value of a national register of taxi and private hire vehicle driver licence refusals and revocations ("NR3") as a checking mechanism and delegate authority to the Head of Service to put such processes in place to contribute and monitor the NR3 register when dealing with applications for private hire and taxi licences.

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	62.93%	202
Agree	27.10%	87
Neither agree nor disagree	5.92%	19
Disagree	1.25%	4
Strongly disagree	1.87%	6
Don't know	0.93%	3
TOTAL		321

4.6 Multi-agency Safeguarding Hub (MASH)

DfT Guidance: *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).*

PCC Policy:

As stated in the current PCC policy, the Licensing Service are members of the existing Multi-agency Safeguarding Hub and attend such meetings where necessary.

Recommendations:

(14) That the Committee notes the involvement of the Licensing Service in the existing Multi-agency Safeguarding Hub (MASH) for the purposes of sharing necessary and relevant information between stakeholders.

4.7 Complaints against licensees

DfT Guidance: *All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.*

PCC Policy:

The Council, as the local licensing authority, is responsible for the statutory control and supervision of both the hackney carriage and private hire trades. The current policy provides the following objectives:

1. To ensure that the policies, conditions, byelaws and all other requirements relating to the hackney carriage and private hire undertaking are enforced in a firm, fair, transparent and proportionate way;
 - (a) To target operators, vehicle proprietors and drivers (to include those vehicles and drivers licensed elsewhere and coming into the city) based on the principle of "risk assessment" and with the use of intelligence data recording;
 - (b) To take strong enforcement action and consider the use of both criminal proceedings AND to seek the suspension or revocation of licences where evidence that the public safety and welfare is/has been put at risk;
2. To work in partnership with other agencies including the Police, Immigration Enforcement Service and DVSA;

To offer ongoing guidance and support to licence holders.

The Licensing Service utilises software to record, manage and report on complaints against licence holders.

The use of a "Points" system (first introduced in 1994) is used as a "fast track" disciplinary measure to deal with:

- Licence holders breaching conditions
- Non-compliance with the provisions of the 1847 and 1976 Act
- General unsatisfactory conduct
- Sanctions following receipt of complaints from the public, other road users and the trade about the conduct of licence holders.

All licensed vehicles are required to display notices within the vehicle giving details of how complaints can be made to the Licensing Authority.

Recommendations:

(15) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.

4.8 **Overseas convictions**

DfT Guidance: *Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process. (It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant.*

PCC Policy:

Any person who has lived overseas for any period of time since the age of 10 will be required to provide proof of fitness by way of a "certificate of good conduct" obtained via an embassy or other recognised government agency and to be authorised by an accredited notary. The certificate must be provided for both criminal and motoring matters and be translated into English. Only original documents will be accepted.

Recommendations:

(16) That the Committee amend its current policy requirements to require a certificate of good conduct for any person who has lived overseas for any period of time since the age of 18 in accordance with the DfT guidance.

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	18.38%	59
Agree	25.23%	81
Neither agree nor disagree	24.92%	80
Disagree	14.95%	48
Strongly disagree	13.08%	42
Don't know	3.43%	11
TOTAL		321

Section 5: Decision Making

5.0 Administration of the licensing framework

DfT Guidance: *The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation.*

DfT Guidance: *Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.*

PCC Policy:

The current policy document provides a clear scheme of delegation to the licensing committee, sub-committee or an officer.

In respect of resourcing the licensing service to allow the licensing authority to discharge the function effectively and correctly, the Licensing Committee undertake an annual fee review to ensure that the service is adequately resourced to meet with the demands of the licensing function.

Recommendations:

(17) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.

5.1 Training decision makers

DfT Guidance: *All individuals that determine whether a licence is issued should be required to undertake sufficient training. As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training.*

PCC Policy:

The current policy is for all licensing committee members to be invited to attend licensing training on an annual basis.

Recommendations:

(18) That the Licensing Committee notes that current practices and procedures implemented by PCC to arrange training annually for councillors sitting on the Licensing Committee generally accord with the DfT Statutory Guidance but wish to mandate that all councillors wishing to sit on the Licensing Committee must attend annual training provided by the council in order to determine applications or policy matters.

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	62.26%	198
Agree	30.50%	97
Neither agree nor disagree	4.72%	15
Disagree	0.94%	3
Strongly disagree	0.94%	3
Don't know	0.63%	2
TOTAL		318

5.2 The regulatory structure

DfT Guidance: *It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.*

DfT Guidance: *All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.*

PCC Policy:

The above guidance is already incorporated within the existing scheme of delegation referred to in 5.0 above.

Recommendations:

(19) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.

5.3 Fit and proper test

DfT Guidance: *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:*

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

DfT Guidance: *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'. 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.

PCC Policy:

The current policy makes specific reference to the "fit and proper test" and incorporates the following adopted criteria:

- a) The policy statement and guidelines on the relevance of convictions
- b) The requirement for applicants for both hackney carriage and private hire drivers to have held a full driving licence for 2 years
- c) Drug testing requirements
- d) The requirement to adopt a minimum entry age limit to the trade of 21
- e) Mandatory NEW driver training (for both hackney carriage and private hire drivers)
- f) English language competency and proficiency testing
- g) Driving assessment training.

Recommendations:

(20) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance. Members may wish to include further guidance to applicants incorporating the following paragraph:

When considering an application for a driver's licence, the licensing authority will consider, without any prejudice, and based on the information before them, if it would allow a person for whom they care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the licensing authority will likely consider that the individual should not hold a licence.

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	50.96%	159
Agree	26.92%	84
Neither agree nor disagree	6.41%	20
Disagree	8.65%	27
Strongly disagree	3.21%	10
Don't know	3.85%	12
TOTAL		312

5.4 Criminal convictions and rehabilitation

DfT Guidance: *In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should 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. 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 licensed*

regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

DfT Guidance - Assessment of Previous Convictions:

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of

any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a handheld device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

PCC Policy:

The current policy document provides guidelines on the relevance of convictions and behaviour. A copy of the current guidelines is attached as **Appendix A** to this document.

Recommendations:

(21) That the Licensing Committee amends its current guidelines on the relevance of convictions and behaviour as set out in Appendix B of this document.

Section 6: Driver Licensing

6.0 Criminality checks for drivers

DfT Guidance: *All individuals applying for or renewing a taxi or private hire vehicle drivers licence - licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check. All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.*

DfT Guidance: ***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.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.*

PCC Policy:

As part of the application process for all drivers, the licensing authority also carries out a check of the children and adult Barred Lists in addition to an enhanced DBS check.

See paragraph 4.0 of this document, **Recommendation (7)** in relation to the DBS update service.

Currently, the licensing authority undertakes an enhanced DBS check and the children and adult Barred Lists every 3 years.

Recommendations:

- (22) That the Licensing Committee notes that current practices and procedures in relation to checks on the children and adult Barred lists accord with the DfT Statutory Guidance.**
- (23) That the Licensing Committee require all drivers to be subject to an enhanced check with the DBS service (including the children and adult Barred Lists) every 6 months.**

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	57.82%	170
Agree	18.03%	53
Neither agree nor disagree	6.46%	19
Disagree	9.52%	28
Strongly disagree	7.82%	23
Don't know	0.34%	1
TOTAL		294

6.1 Safeguarding awareness

DfT Guidance: *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.*

PCC Policy:

Paragraph 5.3 above in this document refers to current policy requirements for mandatory driver training which includes a separate module for safeguarding and exploitation.

Recommendations:

(24) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.

6.2 "County lines" exploitation

DfT Guidance: *Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.*

PCC Policy:

See Paragraph 6.1 above.

Recommendations:

(25) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.

6.3 Language proficiency

DfT Guidance: *A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.*

A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

PCC Policy:

Paragraph 5.3 above in this document refers to current policy requirements for mandatory English language competency and proficiency of new driver applicants.

Recommendations:

(26) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.

Section 7: Vehicle Licensing

7.0 Criminology checks for vehicle proprietors

DfT Guidance: *Enhanced DBS and barred list checks are not available for vehicle licensing. Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.*

PCC Policy:

The current policy indicates that vehicle proprietors may be subject to basic checks.

Recommendations:

(27) That the Licensing Committee amend the current statement of licensing policy and, conditions where necessary, to require that all vehicle proprietors shall undergo an annual basic DBS check.

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	64.26%	187
Agree	17.53%	51
Neither agree nor disagree	5.15%	15
Disagree	7.56%	22
Strongly disagree	4.81%	14
Don't know	0.69%	2
TOTAL		291

7.1 In-vehicle visual and audio recording - CCTV

DfT Guidance: *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.*

PCC Policy:

The current policy is to mandatorily require the use of in-car CCTV cameras in both licensed hackney carriages and private hire vehicles (to include "temporary use" vehicles).

Recommendations:

(28) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.

7.2 Stretched Limousines

DfT Guidance: *Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to ‘school proms’ as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand.*

PCC Policy:

The current statement of licensing policy permits these type of vehicles to be licensed, on individual merit and after appropriate vehicle type approval tests outside of the normal vehicle specification requirements.

Recommendations:

(29) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.

Section 8: Private Hire Vehicle Operator Licensing

8.0 Criminality checks for private hire vehicle operators

DfT Guidance: *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.***

PCC Policy:

The current statement of licensing policy requires all operators to provide a basic disclosure from the DBS on renewal of the licence.

Recommendations:

(30) That the Licensing Committee amend the current statement of licensing policy and, conditions where necessary, to require that all private hire operators shall undergo an annual basic DBS check.

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	65.64%	191
Agree	19.24%	56
Neither agree nor disagree	9.97%	29
Disagree	1.72%	5
Strongly disagree	3.09%	9
Don't know	0.34%	1
TOTAL		291

8.1 Booking and dispatch staff

DfT Guidance: *Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **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.***

DfT Guidance: *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.*

DfT Guidance: *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.*

PCC Policy:

There are currently no policy requirements in relation to private hire operators maintaining a register of all staff that will take bookings or dispatch vehicles.

Recommendations:

(31) That the Licensing Committee approve the following conditions in relation to all private hire operators:

- **The operator shall maintain a register of all staff employed for the purposes of taking bookings and/or dispatching vehicles.**
- **The register shall contain the full name, current address and date of birth of the individual employed to undertake and dispatch bookings.**
- **The register shall also provide the date that a basis DBS check was provided to the operator**
- **The operator will produce this register, on request, to an authorised officer of the council or police officer.**
- **The operator will also be required to provide, on request by an authorised officer or police officer, a copy of their policy on employing ex-offenders in roles that would be on the register.**

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	65.17%	189
Agree	22.76%	66
Neither agree nor disagree	6.21%	18
Disagree	2.07%	6
Strongly disagree	1.38%	4
Don't know	2.41%	7
TOTAL		290

8.2 Record Keeping

DfT Guidance: Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator.

Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

PCC Policy:

The operator shall maintain, for a period of 12 months, a record of every booking for a private hire vehicle or hackney carriage vehicle invited or accepted by him, whether by accepting the same from the hirer or by undertaking it at the request of another operator (from within the district or elsewhere) and shall produce such records, including transcripts of any phone calls associated with a booking, within 24 working hours on request to any authorised officer of the council or to any Police Officer.

The records shall contain:-

- (a) The time and date the booking was made;
- (b) The name and contact telephone details of the hirer;
- (c) The time and date of the pick-up address
- (d) The destination(s)
- (e) The vehicle and driver details allocated to the hiring.
- (f) If available, and for a period of 6 months, the Global Positioning Signal (GPS) vehicle tracking movements for the booking
- (g) A unique identifier and reference in respect of all bookings for private hire vehicle accepted by the operator from another Portsmouth operator OR from a person licensed to operate outside of Portsmouth and bookings passed on to another operator whether within Portsmouth or elsewhere

Recommendations:

(32) That the Licensing Committee amend the current private hire operator condition number 5 relating to booking records to include:

- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

Consultation Response:

ANSWER CHOICES	RESPONSES	
Strongly agree	57.44%	166
Agree	28.03%	81
Neither agree nor disagree	11.76%	34
Disagree	0.00%	0
Strongly disagree	0.69%	2
Don't know	2.08%	6
TOTAL		289

8.3 Use of passenger carrying vehicles (PCV) licensed drivers

DfT Guidance: PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

DfT Guidance: Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

PCC Policy:

There is no reference to PSVs and PCV drivers within the current statement of licensing policy.

Recommendations:

(33) That the Licensing Committee amend the current private hire operator conditions to include the following:

- **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking shall not be permitted without the informed consent of the person booking the journey.**

Consultation Response:		
ANSWER CHOICES	RESPONSES	
Strongly agree	41.52%	120
Agree	24.22%	70
Neither agree nor disagree	17.99%	52
Disagree	1.38%	4
Strongly disagree	1.38%	4
Don't know	13.49%	39
TOTAL		289

Section 9: Enforcing the Licensing Regime

9.0 Joint authorisation of enforcement officers

DfT Guidance: *Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).*

PCC Policy:

We have local arrangements with other local authorities in Hampshire and IOW to jointly authorise officers where the need arises - for example a joint operational order targeting vehicles licensed with other authorities and where those officers are assisting in the operation.

This is co-ordinated through the Hampshire and IOW Licensing Officers Group.

Recommendations:

(34) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.

9.1 Setting expectations and monitoring

DfT Guidance: *Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. 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. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.*

DfT Guidance: *The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity.*

PCC Policy:

The current statement of licensing policy includes a "penalty point system" which was first introduced by the Licensing Committee in 1994 and has been used as a "fast track" and parallel disciplinary code for:

- Licence holders breaching conditions
- Non compliance with the provisions of the 1847 and 1976 Acts
- General unsatisfactory conduct
- Sanctions following receipt of complaints from the public, other road users and the trade about the conduct of licence holders.
- All licensed vehicles are required to display signage in the vehicle giving details of how the public can make complaints about drivers etc.

Recommendations:

(35) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.

9.2 Suspension and revocation of driver licences

DfT Guidance: *Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.*

Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

PCC Policy:

The current policy sets out comprehensive information as regards enforcement and compliance and has regard to the use of suspensions/revocations when dealing with concerns as to the fit and properness of a driver.

Recommendations:

(36) That the Licensing Committee notes that current practices and procedures accord with the DfT Statutory Guidance.

Further Recommendations:

Section 10: Age Limits for Licensed Vehicles

Current PCC Policy:

On [18 December 2020](#), the Licensing Committee amended its statement of licensing policy in respect of the age specifications of vehicles as follows:

1. The Licensing Committee approved the proposed amendments to the Statement of Licensing Policy (reference - minute 9/2016) as follows:
 - (i) That, as a matter of local policy and condition for both hackney carriage and private hire vehicle licenses; all private hire and hackney carriage vehicles presented for initial licensing shall be under 4 years of age on first licensing; and
 - ii) Any vehicle may be relicensed until 8 years of age, provided the vehicle meets with the requirements of the PATN guidance as approved by the Council and is supported by an evidenced service history in line with the manufacturers guidelines;
 - iii) That the upper age limit for licensed vehicles is to come into effect on 1st January 2022.
2. That the following statement be attached to the Statement of Licensing Policy (reference - minute 9/2016) in order to secure £0.5 million for rapid EV charging points specifically for use by the hackney carriage and private hire fleet:

"That all newly licensed vehicles be Zero Emissions Capable from the 1st January 2025".
3. The licensing committee endorsed the proposal that officers will seek to negotiate a restructuring of funding from central Governments Joint Air Quality Unit, in that a greater amount be allocated to Wheelchair Accessible Vehicles.

10.0 Feedback and proposals for amendments to the existing policy

Since the adoption of the amendments to the policy in 2020 in relation to upper age limits for licensed vehicles, a number of representations have been received from the hackney carriage and private hire trade as regards the negative impact of this requirement on the licensing of wheelchair accessible vehicles ("WAVs") in the City. A number of proprietors referred to the cost of purchasing WAVs and that the upper age limit of 8 years makes the purchase of these specific vehicles unviable in terms of earning potential over the "life" of the vehicle.

As a result of those representations, it was originally proposed in the consultation that the upper age limit for WAVs would be raised from 8 years to 12 years so as to improve the viability of purchasing such vehicles by proprietors and that it would offer better choice and service to those passengers who rely on WAVs for their transportation needs.

However, as a result of the feedback arising from the consultation document as well as ongoing discussions with the hackney carriage and private hire trade, it is proposed to amend the original recommendation to extend the upper age limit for **all licensed vehicles** subject to certain conditions.

Data supplied by the Council's approved vehicle examiner evidences that older vehicles have more propensity to fail to meet the Council's standards in relation to safety and comfort for the travelling public. Analysis of the failure rates is attached as **Appendix C**.

However, it is accepted that most proprietors endeavour to maintain their vehicles to a satisfactory or higher standard throughout the duration of the licensing period and that, as a result, it is unreasonable for the licensing authority to penalise those proprietors by imposing an arbitrary limit on the age of a licensed vehicle without good reason.

It is therefore proposed that **the maximum age limit be increased for all licensed vehicles up to a maximum of 12 years** but with a proviso that vehicles which are not maintained in a satisfactory standard, which is evidenced by a "RED" indicator on the mechanical and cosmetic inspection report issued by the Council's approved vehicle examiner, will be subject to revocation of the vehicle licence.

By adopting such an approach, the Licensing Authority will be able to target directly those vehicles and proprietors that fail to meet the adopted standards and consequently, those proprietors who ensure that their vehicles are kept in good condition can have reassurance that, providing they maintain those standards, they will benefit from a longer licensing period.

It is also hoped that by implementing these changes, vehicle proprietors will not use the Council's vehicle testing regime as an "indicator" for identifying any defects but will instead ensure that the vehicle is presented in a good condition at the time of inspection.

Recommendations:

(37) That the Licensing Committee amend its current statement of licensing policy to amend the upper age limit for licensed vehicles from 8 years of age to 12 years of age, provided:

- **That the vehicle meets with the requirements of the PATN guidance as approved by the Council and is supported by an evidenced service record demonstrating an annual inspection showing compliance with the manufacturers' guidelines;**
- **If a vehicle receives a "RED" indicator following its mechanical and cosmetic inspection at the Council's nominated garage then there will be a presumption that the vehicle licence will be revoked;**
- **That delegated authority be given to the Head of Service to determine revocations of vehicle licences that have incurred a test failure under a "Red Indicator" in consultation with the Council's approved vehicle examiner.**

Consultation response (in respect of WAV vehicles only):

ANSWER CHOICES	RESPONSES	
Strongly agree	32.87%	94
Agree	29.02%	83
Neither agree nor disagree	18.53%	53
Disagree	6.29%	18
Strongly disagree	5.94%	17
Don't know	7.34%	21
TOTAL		286

Existing Guidelines on the relevance of convictions and behaviour

Type of Conviction ⁴¹	Guideline	Comments
Any violence offence(s) to include threatening behaviour, domestic abuse, harassment and stalking matters, possession of offensive weapons, more serious public order matters, resisting arrest, criminal damage, arson etc	Normally a minimum 5 (and up to 10) year ban from obtaining or holding a licence. For convictions of GBH (or with intent), wounding, manslaughter, murder or any terrorism linked offences the committee are unlikely to support an application	A particularly serious view will be taken in relation to offences against Police or other public servants or against children
Any sexual offence(s) to include sexual assault, indecency, indecent assault, gross indecency grooming, sexual trafficking offences, having or downloading obscene material, possession of indecent images, rape	Normally a minimum 10 year ban from obtaining or holding a licence. For convictions of grooming, sexual assault, rape and/or offences against children or vulnerable adults or for persons on the sex offenders register the committee are unlikely to support an application	Drivers may, by nature of their duties, convey vulnerable single females late at night. Drivers convey vulnerable adults and children on school and other special needs contracts on a daily basis – sometimes supervised and sometimes alone.
Any dishonesty offence(s) to include theft, shop lifting, handling, fraud, burglary, making false statements, perjury etc	Normally a minimum 5 (and up to 10) year ban from obtaining or holding a licence.	Drivers are in an absolute position of trust with access to lost property left in vehicles, knowledge of empty properties when persons are away on holiday and dealing with customers/tourists that might not be familiar with the locally prescribed fares
Any offence(s) against the 1847 or 1976 acts to include the byelaws and a breach of conditions constituting an offence at law	Normally a 1 year ban from obtaining or holding a licence after date of conviction	A person who offends against the licensing code shows a propensity towards non-compliance with the law
Any substance abuse offence(s) and to include evidence of illicit drug use either by way of medical examination or drug test failure.	Normally a 3 year ban from obtaining or holding a licence and any future application to include appropriate and supporting medical reports if necessary	To include, drink, drugs or use of legal highs

Type of Conviction	Guideline	Comments
<p>Motoring offence(s) to include endorsements, short disqualifications, totting up disqualifications, drink drive, no insurance, driving without due care, reckless or dangerous driving, failure to control a motor vehicle by using a mobile phone or other device, failure to comply with prescribed road traffic signs, failure to stop or to report an accident, defective vehicle and illegal parking etc</p>	<p>Normally a verbal warning for endorsements and less than 8 penalty points.</p> <p>If more than 8 current penalty points endorsed on a driving licence then refer to Licensing Sub Committee for determination on merit.</p> <p>For “one off” short disqualifications licence may be restored at end of disqualification by officers subject to a written warning and compliance with any directives to attend and pass approved driving competency tests.</p> <p>For no insurance, drink driving, careless driving, failing to stop or report an accident etc normally a 3 year ban from obtaining or holding a licence.</p> <p>For offences of causing death by reckless or dangerous driving, repeated drink drive convictions the committee are unlikely to support an application</p>	<p>A driver is considered to be a “professional” driver and offences contrary to the road traffic acts and regulations will be treated seriously</p> <p>The committee have previously received evidence of road traffic incidents involving licensed drivers in Portsmouth – particularly towards cyclists and other road users and a serious view will be taken accordingly.</p>
<p>General Inappropriate Conduct to include that of a sexual nature, persistent and justified complaints (service requests) against an individual driver OR due to any other matters not specifically mentioned above and/or where the reporting officer is not prepared to support an application or continued licensing</p>	<p>Normally a 5 year ban from obtaining or holding a licence</p>	<p>The committee has previously considered and adjudicated on complaints about drivers “chatting up” or having consensual sex with passengers after “stopping work”.</p> <p>In such cases, and despite no evidenced criminality or Police investigation leading to charges, the committee’s view is that such behaviour is not becoming of a professional driver and, upon complaint or referral from another agency, is likely to result in the revocation of a driver licence.</p> <p>This includes drivers asking for personal details from passenger(s), inappropriate sexual banter (to include the sending and receiving of texts or other social media) and/or comments made of an offensive or discriminatory nature whether verbally, by text or by way of social media to which there is public access.</p> <p>For drivers receiving multiple complaints from the public, other road users or the trade (and in any one licensing period) the committee will take a serious view accordingly.</p>

APPENDIX B

Proposed Guidelines on the relevance of convictions and behaviour

Type of Conviction	Guideline
Crimes resulting in Death	Where an applicant or licence holder has been convicted of a crime that resulted in the death of another person or was intended to cause the death or serious injury of another person, they will not be licensed/licence will be revoked.
Exploitation	Where an applicant or licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual, irrespective of whether the victims were adults or children, they will not be licensed/licence will be revoked. (This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list).
Offences involving violence against the person	Where an applicant or licence holder has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. In the case of an existing licence holder, the licence will be revoked and a further application will not be supported until at least 10 years have elapsed since the completion of any sentence imposed.
Possession of a weapon	Where an applicant or licence holder has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. In the case of an existing licence holder, the licence will be revoked and a further application will not be supported until at least seven years have elapsed since the completion of any sentence imposed.
Sexual Offences	Where an applicant or licence holder has a conviction for any offence involving or connected with illegal sexual activity or is on the Sex Offenders Register or on any barred list, a licence will not be granted. In the case of an existing licence holder, the licence will be revoked.
Dishonesty	Where an applicant or licence holder has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. In the case of an existing licence holder, the licence will be revoked and a further application will not be supported until at least seven years have elapsed since the completion of any sentence imposed.

Type of Conviction	Guideline
Drugs - Supply	<p>Where an applicant or licence holder has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least ten years have elapsed since the completion of any sentence imposed.</p> <p>In the case of an existing licence holder, the licence will be revoked and a further application will not be supported until at least ten years have elapsed since the completion of any sentence imposed.</p>
Drugs - Possession	<p>Where an applicant or licence holder has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.</p> <p>In the case of an existing licence holder, the licence will be revoked and a further application will not be supported until at least five years have elapsed since the completion of any sentence imposed.</p> <p>Any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.</p>
Discrimination	<p>Where an applicant or licence holder has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p> <p>In the case of an existing licence holder, the licence will be revoked and a further application will not be supported until at least seven years have elapsed since the completion of any sentence imposed.</p>
Motoring Convictions	<p>Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence or affect a current licence. However, applicants or licence holders with multiple motoring convictions may indicate that an applicant or licence holder does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally</p>
Drink driving/driving under the influence of drugs	<p>Where an applicant or licence holder has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed.</p> <p>In the case of an existing licence holder, the licence will be revoked and a further application will not be supported until at least seven years have elapsed since the completion of any sentence or driving ban imposed.</p> <p>In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p>

Type of Conviction	Guideline
Using a hand-held device whilst driving	<p>Where an applicant or licence holder has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p> <p>In the case of an existing licence holder, the licence will be revoked and a further application will not be supported until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p>
Any offence(s) against the 1847 or 1976 Acts to include the byelaws and a breach of conditions constituting an offence at law	<p>Where an applicant or licence holder has a conviction under the legislation regulating the hackney carriage and private hire trade, a licence will not be granted until at least 12 months have elapsed since the conviction.</p> <p>In the case of an existing licence holder, the licence will be revoked and a further application will not be supported until at least 12 months have elapsed since the conviction.</p>
Type of Behaviour	Guideline
General Inappropriate Conduct to include that of a sexual nature, persistent and justified complaints (service requests) against an individual driver OR due to any other matters not specifically mentioned above and/or where the reporting officer is not prepared to support an application or continued licensing	<p>The committee has previously considered and adjudicated on complaints about drivers “chatting up” or having consensual sex with passengers after “stopping work”.</p> <p>In such cases, and despite no evidenced criminality or Police investigation leading to charges, the committee’s view is that such behaviour is inappropriate and not acceptable conduct for a professional driver. Should such complaints be received or a referral is made from another agency, and if the allegations are found to be sufficiently evidenced, it is likely to result in the revocation of a driver licence and a further application will not be supported until at least 5 years have elapsed from the date of revocation.</p> <p>This includes drivers asking for personal details from passenger(s), inappropriate sexual banter (to include the sending and receiving of texts or other social media) and/or comments made of an offensive or discriminatory nature whether verbally, by text or by way of social media to which there is public access.</p> <p>For drivers receiving multiple complaints from the public, other road users or the trade (and in any one licensing period) the committee will take a serious view accordingly.</p>

Consultation Response:**Crimes resulting in death**

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Crimes Resulting in Death Where an applicant or licensee has been convicted of a crime that resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.	76.87% 226	9.86% 29	8.16% 24	3.06% 9	0.00% 0	2.04% 6	294

Exploitation

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Exploitation Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. (This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list).	80.27% 236	10.88% 32	6.80% 20	0.34% 1	0.68% 2	1.02% 3	294

Offences involving violence against the person

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Offences involving violence against the person Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.	68.26% 200	14.68% 43	5.12% 15	7.85% 23	2.05% 6	2.05% 6	293

Possession of a weapon

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Possession of a weapon Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.	70.69% 205	17.59% 51	5.17% 15	3.45% 10	2.07% 6	1.03% 3	290

Sexual offences

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Sexual offences Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or is on the Sex Offenders Register or on any barred list, a licence will not be granted.	83.73% 247	13.22% 39	1.36% 4	0.00% 0	0.68% 2	1.02% 3	295

Dishonesty

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Dishonesty Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.	57.68% 169	19.45% 57	12.97% 38	7.17% 21	0.68% 2	2.05% 6	293

Drugs - Supply

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Drugs - Part 1 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.	72.35% 212	16.04% 47	4.78% 14	3.41% 10	1.37% 4	2.05% 6	293

Drugs - Possession

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Drugs - Part 2 In addition, where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.	65.87% 193	21.16% 62	7.17% 21	2.73% 8	1.02% 3	2.05% 6	293

Discrimination

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Discrimination Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.	52.92% 154	21.99% 64	16.15% 47	4.12% 12	2.06% 6	2.75% 8	291

Motoring Convictions

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Motoring convictions Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.	59.45% 173	21.99% 64	13.40% 39	2.41% 7	1.03% 3	1.72% 5	291

Drink driving/driving under the influence of drugs

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Drink driving/driving under the influence of drugs - Part 1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed.	79.04% 230	14.43% 42	2.75% 8	1.37% 4	1.03% 3	1.37% 4	291
Drink driving/driving under the influence of drugs - Part 2 In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.	79.25% 233	14.63% 43	3.40% 10	0.34% 1	1.02% 3	1.36% 4	294

Using a hand-held device whilst driving

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Using a hand-held device whilst driving Where an applicant has a conviction for using a held-hand mobile telephone or a handheld device whilst driving, a licence will not be granted until at least five years have elapsed since the	57.63% 170	17.97% 53	10.85% 32	6.78% 20	5.08% 15	1.69% 5	295

conviction or completion of any sentence or driving ban imposed, whichever is the later.

Vehicle Inspection Data

ADAMS MOREY LTD - LICENSED VEHICLE TEST RESULTS PERIOD 2016 - 2021

Overall vehicle **FAILURES** recorded by vehicle age related groups for the period January 2016 - October 2021 as follows:

2016	Failure Percentage
0 - 3 Years	48%
3 - 6 Years	63%
6 - 9 Years	72%
9 +	71%

2017	Failure Percentage
0 - 3 Years	28%
3 - 6 Years	29%
6 - 9 Years	49%
9 +	51%

2018	Failure Percentage
0 - 3 Years	15%
3 - 6 Years	29%
6 - 9 Years	44%
9 +	46%

2019	Failure Percentage
0 - 3 Years	10%
3 - 6 Years	24%
6 - 9 Years	36%
9 +	55%

Part Year 2020 Results**	Failure Percentage
0 - 3 Years	20%
3 - 6 Years	34%
6 - 9 Years	47%
9 +	48%

Part Year 2021 Results	Failure Percentage
0 - 3 Years	11%
3 - 6 Years	36%
6 - 9 Years	53%
9 +	50%

**No tests March - June 2020
and vehicle age parameters slightly changed



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Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. 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.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 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 standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. 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 (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. 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. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **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.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 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). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 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 vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 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:

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?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) 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'. 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. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should 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. 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. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **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.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 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. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. 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.

7.9 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.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 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.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **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.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a ['responsible organisation'](#) to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 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. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorises officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. 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. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

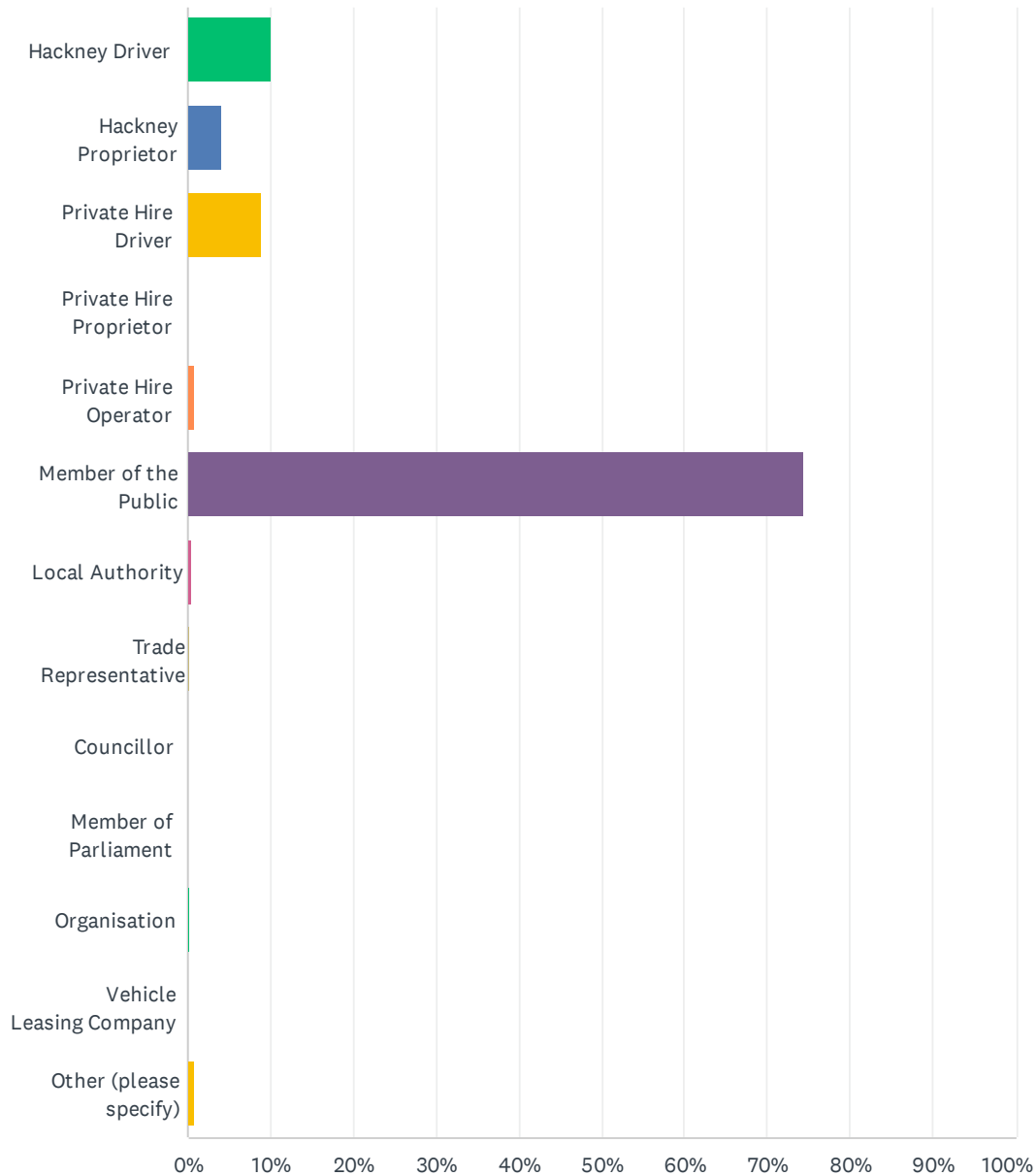
- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

Q1 Please let us know in what capacity you are responding to this consultation (ie. Private hire driver/Private Hire Operator, member of the public etc):

Answered: 390 Skipped: 3

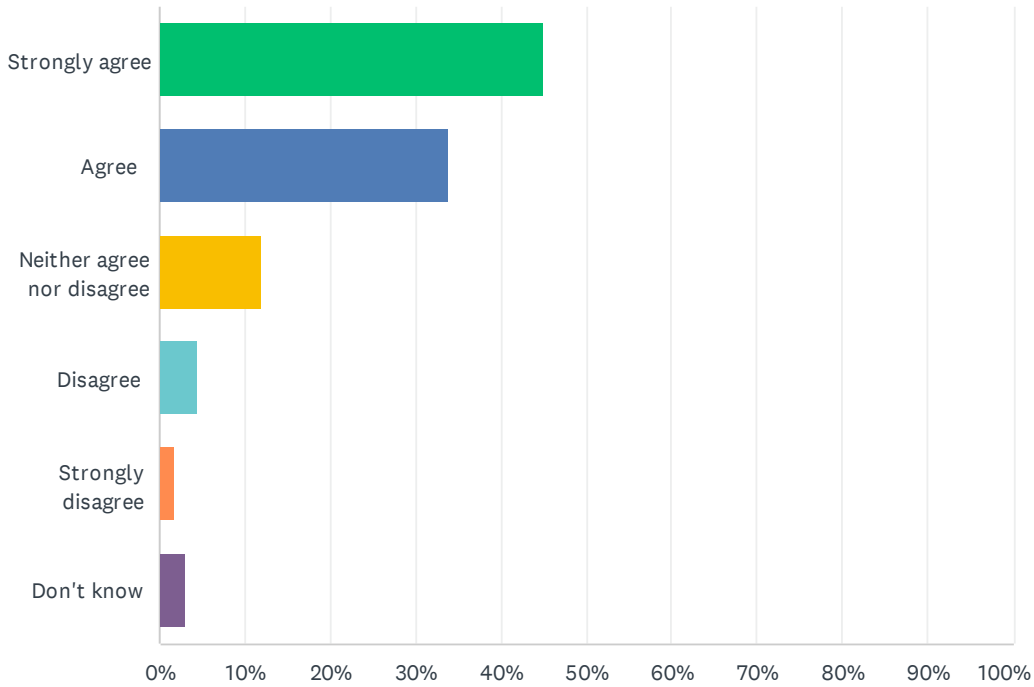


Consultation on Changes to Taxi/Private Hire Licensing Policy

ANSWER CHOICES	RESPONSES	
Hackney Driver	10.00%	39
Hackney Proprietor	4.10%	16
Private Hire Driver	8.97%	35
Private Hire Proprietor	0.00%	0
Private Hire Operator	0.77%	3
Member of the Public	74.36%	290
Local Authority	0.51%	2
Trade Representative	0.26%	1
Councillor	0.00%	0
Member of Parliament	0.00%	0
Organisation	0.26%	1
Vehicle Leasing Company	0.00%	0
Other (please specify)	0.77%	3
TOTAL		390

Q2 To what extent do you agree or disagree that the current policy should be reviewed every 5 years, as per the DfT Guidance?

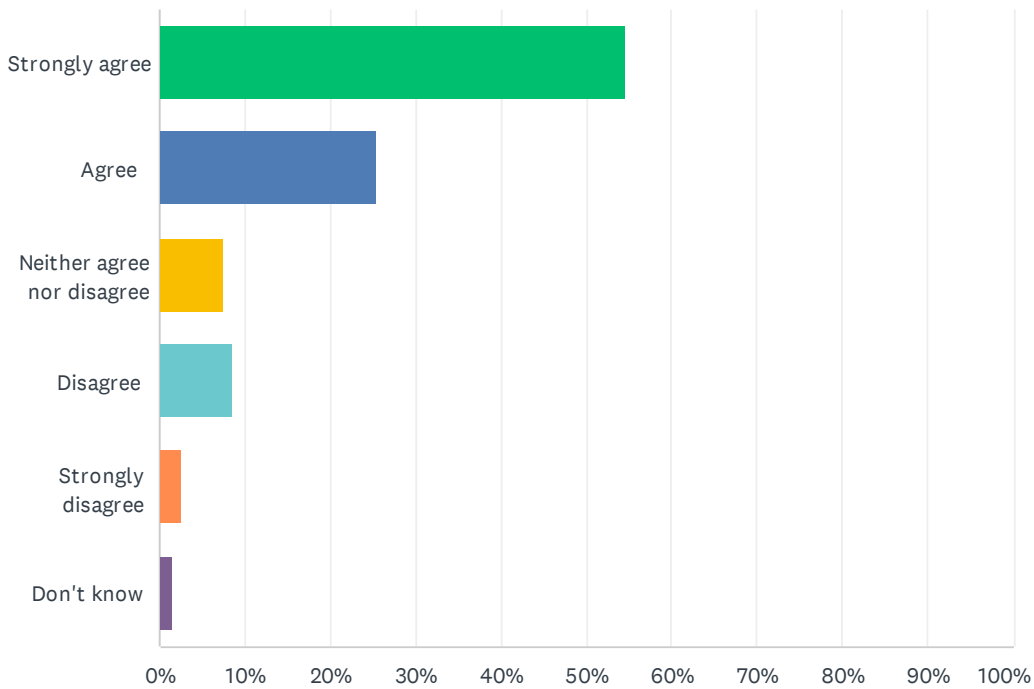
Answered: 360 Skipped: 33



ANSWER CHOICES	RESPONSES	
Strongly agree	45.00%	162
Agree	33.89%	122
Neither agree nor disagree	11.94%	43
Disagree	4.44%	16
Strongly disagree	1.67%	6
Don't know	3.06%	11
TOTAL		360

Q3 It is proposed that any changes in licensing requirements will be followed by a review of the licences already issued and that review may lead to a suspension, revocation or a refusal to renew a respective driver, vehicle or operator licence if a licence holder does not meet the amended required standard? To what extent do you agree or disagree with this new requirement?

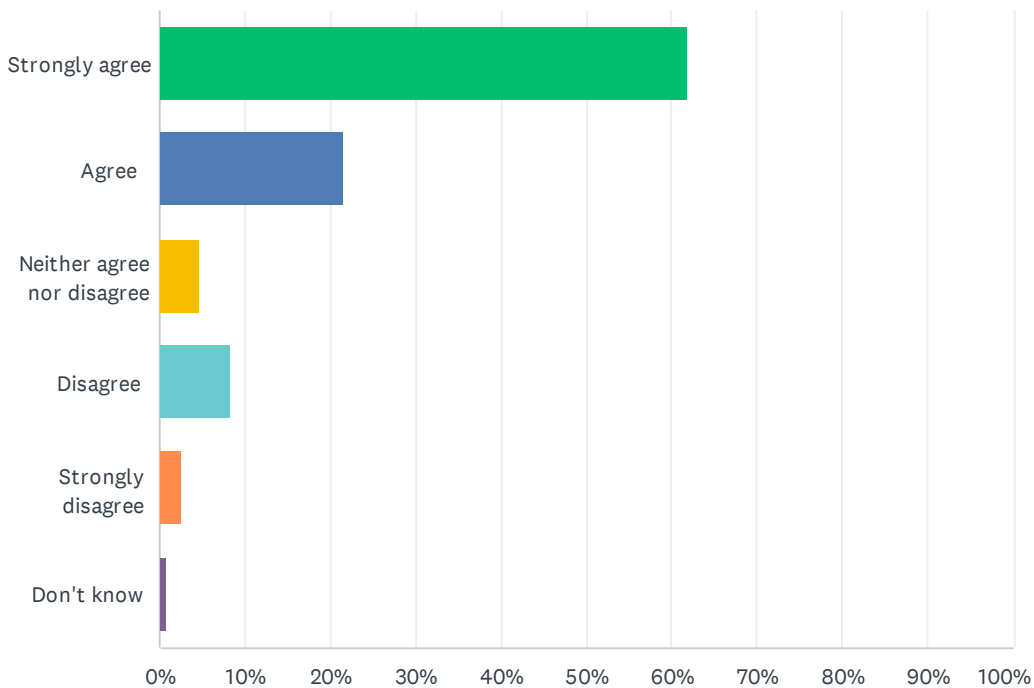
Answered: 339 Skipped: 54



ANSWER CHOICES	RESPONSES	
Strongly agree	54.57%	185
Agree	25.37%	86
Neither agree nor disagree	7.37%	25
Disagree	8.55%	29
Strongly disagree	2.65%	9
Don't know	1.47%	5
TOTAL		339

Q4 In order to improve the current process for undertaking DBS checks, it is proposed that all applicants/existing drivers and private hire operators will be required to subscribe to the DBS Update Service when their next DBS check is required to be undertaken. To what extent do you agree or disagree with this proposal?

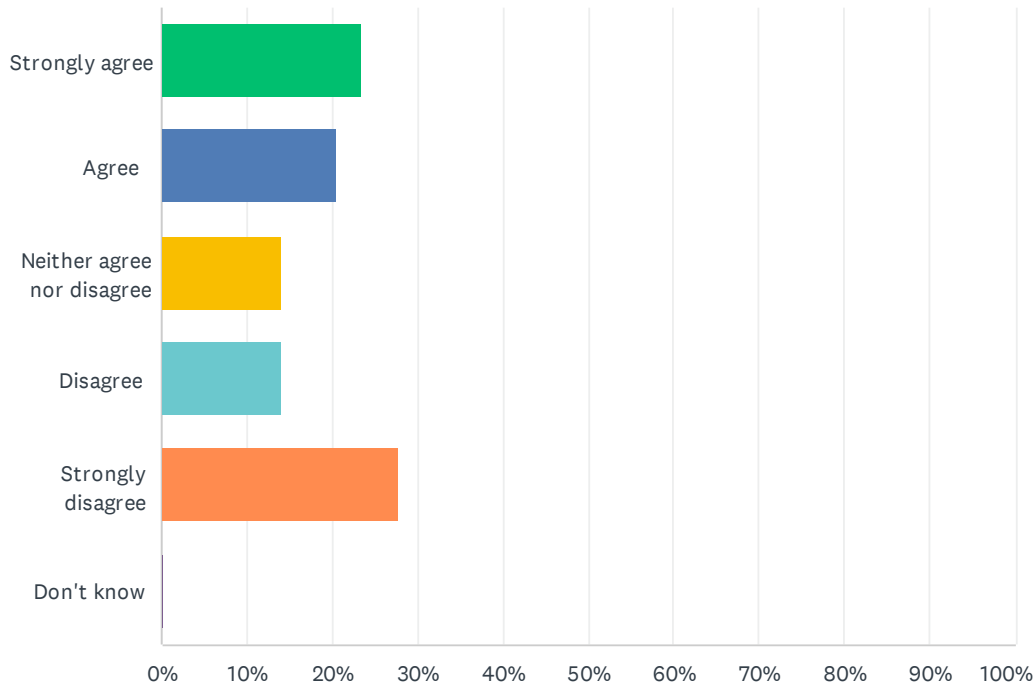
Answered: 338 Skipped: 55



ANSWER CHOICES	RESPONSES	
Strongly agree	61.83%	209
Agree	21.60%	73
Neither agree nor disagree	4.73%	16
Disagree	8.28%	28
Strongly disagree	2.66%	9
Don't know	0.89%	3
TOTAL		338

Q5 To what extent do you agree or disagree that the policy should be amended to require licence holders to notify the licensing authority of any arrest and release, charge or conviction within 48 hours instead of the current requirement of 24 hours?

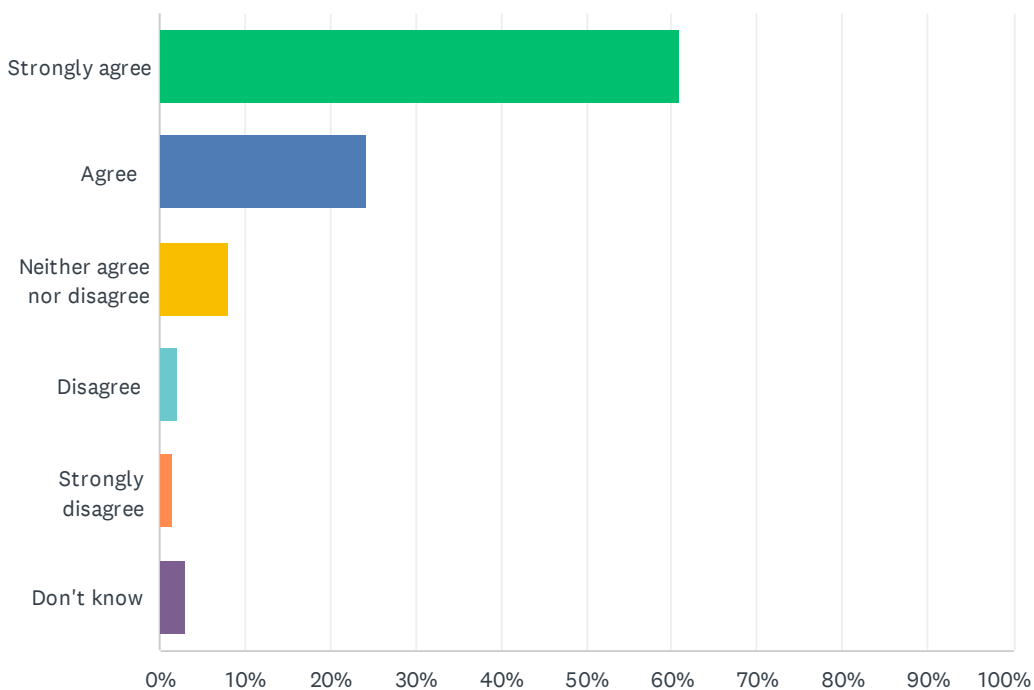
Answered: 333 Skipped: 60



ANSWER CHOICES	RESPONSES	
Strongly agree	23.42%	78
Agree	20.42%	68
Neither agree nor disagree	14.11%	47
Disagree	14.11%	47
Strongly disagree	27.63%	92
Don't know	0.30%	1
TOTAL		333

Q6 To what extent do you agree or disagree that the licensing policy should include the following statement? The Licensing Authority will make a referral to the DBS when it is thought that: An individual has harmed or poses a risk of harm to a child or vulnerable adult; An individual has satisfied the "harm test"; or Received a caution or conviction for a relevant offence and; The person they are referring is, has or might in future be working in regulated activity. If the above conditions are satisfied, the DBS may consider it appropriate for the person to added to a barred list

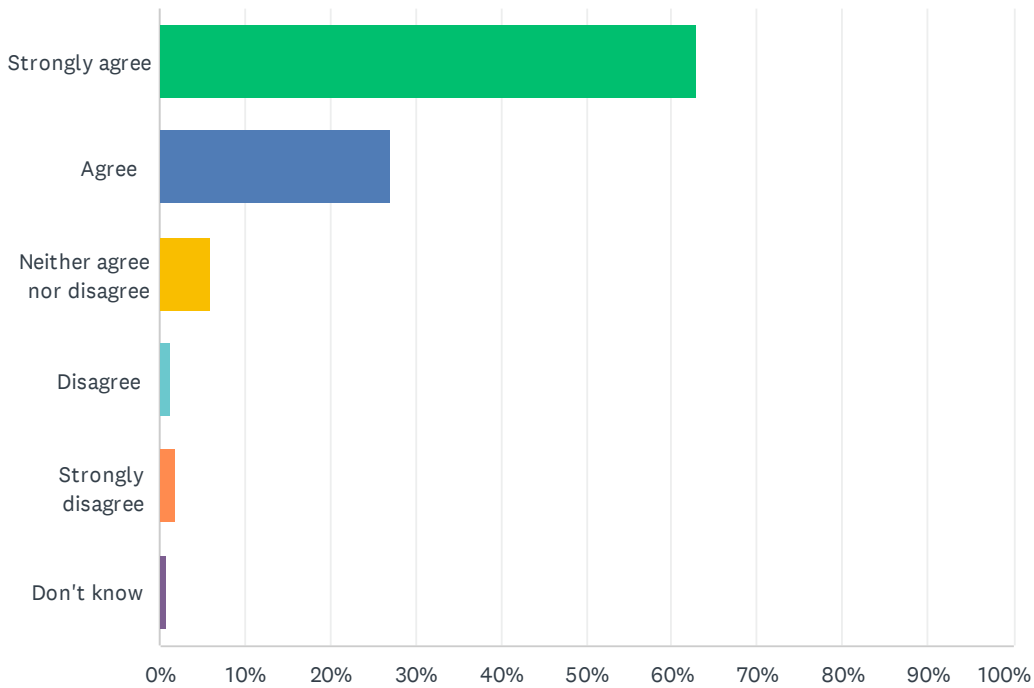
Answered: 325 Skipped: 68



ANSWER CHOICES	RESPONSES	
Strongly agree	60.92%	198
Agree	24.31%	79
Neither agree nor disagree	8.00%	26
Disagree	2.15%	7
Strongly disagree	1.54%	5
Don't know	3.08%	10
TOTAL		325

Q7 To what extent do you agree or disagree that processes should be put in place to contribute to and monitor a national register of taxi and private hire vehicle driver licence refusals and revocations ("NR3") as a checking mechanism when dealing with applications for private hire and taxi licences?

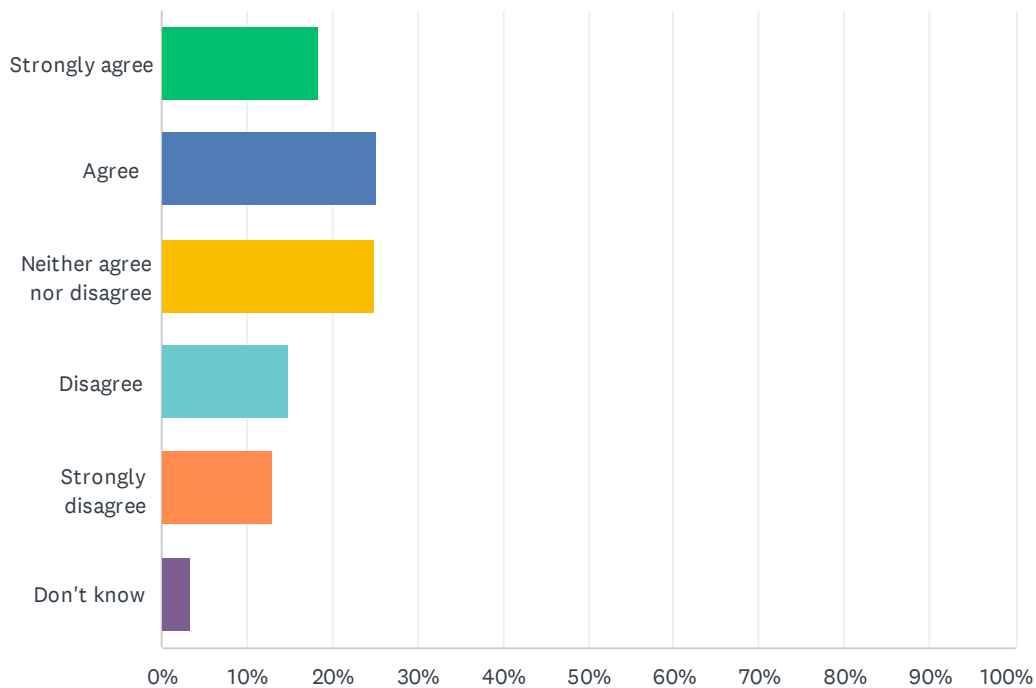
Answered: 321 Skipped: 72



ANSWER CHOICES	RESPONSES	
Strongly agree	62.93%	202
Agree	27.10%	87
Neither agree nor disagree	5.92%	19
Disagree	1.25%	4
Strongly disagree	1.87%	6
Don't know	0.93%	3
TOTAL		321

Q8 To what extent do you agree or disagree that current policy requirements for certificates of good conduct for persons who have lived overseas for any period of time should be amended to require a certificate of good conduct for any person who has lived overseas for any period of time since the age of 18 instead of the age of 10?

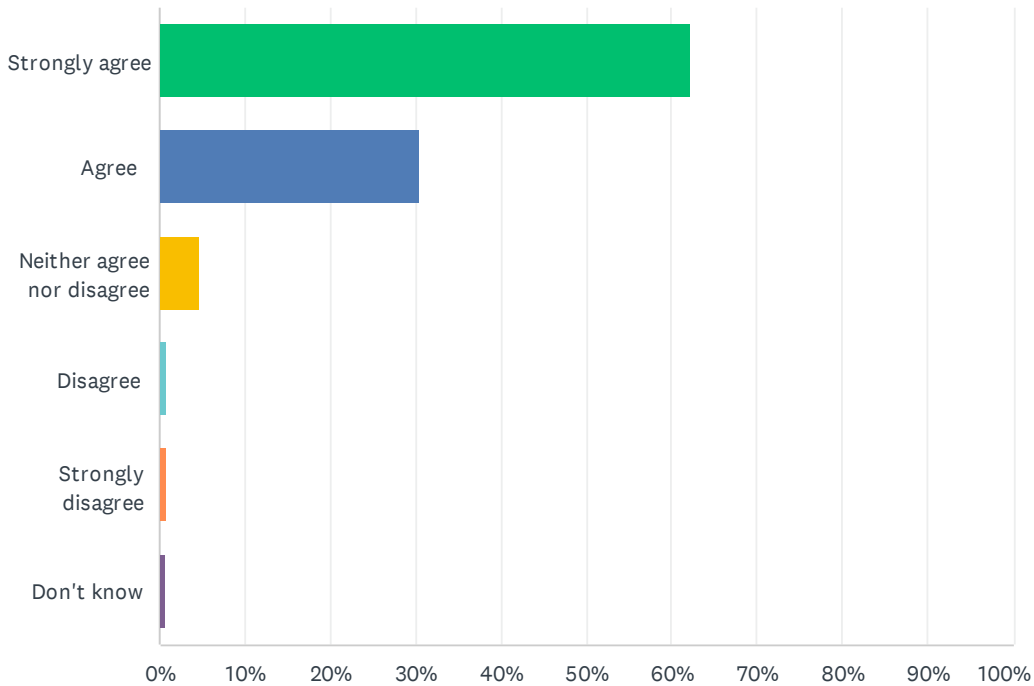
Answered: 321 Skipped: 72



ANSWER CHOICES	RESPONSES	
Strongly agree	18.38%	59
Agree	25.23%	81
Neither agree nor disagree	24.92%	80
Disagree	14.95%	48
Strongly disagree	13.08%	42
Don't know	3.43%	11
TOTAL		321

Q9 To what extent do you agree or disagree that all councillors wishing to serve on the Licensing Committee must attend annual training provided by the council in order to determine applications or policy matters?

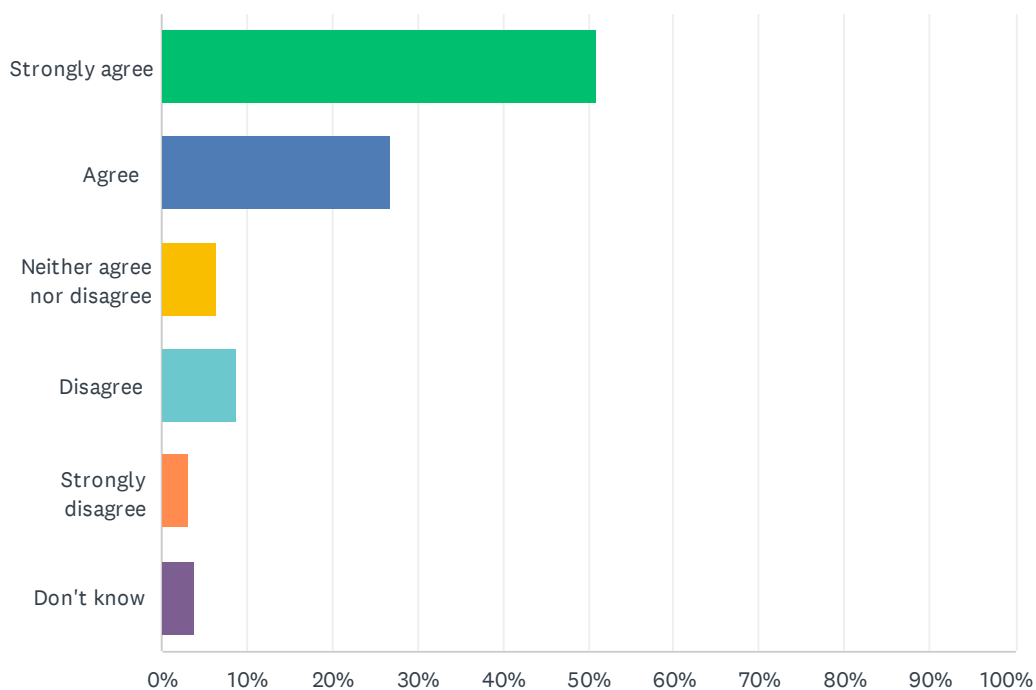
Answered: 318 Skipped: 75



ANSWER CHOICES	RESPONSES	
Strongly agree	62.26%	198
Agree	30.50%	97
Neither agree nor disagree	4.72%	15
Disagree	0.94%	3
Strongly disagree	0.94%	3
Don't know	0.63%	2
TOTAL		318

Q10 To what extent do you agree or disagree that the following paragraphs should be incorporated into the current policy when considering the fit and proper test?"When considering an application for a driver's licence, the licensing authority will consider, without any prejudice, and based on the information before them, if it would allow a person for whom they care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?If, on the balance of probabilities, the answer to the question is 'no', the licensing authority will likely consider that the individual should not hold a licence.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'. 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."

Answered: 312 Skipped: 81

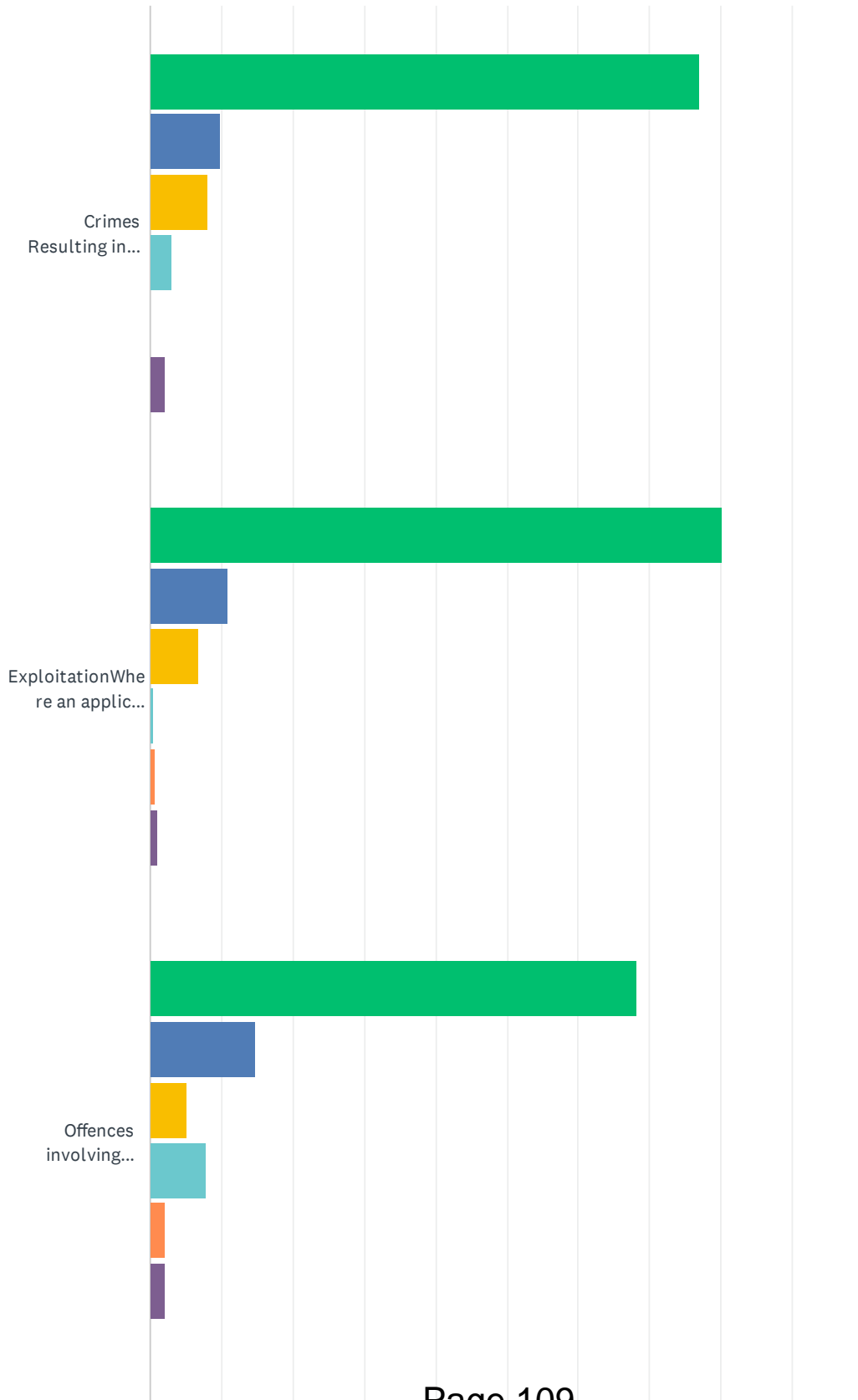


Consultation on Changes to Taxi/Private Hire Licensing Policy

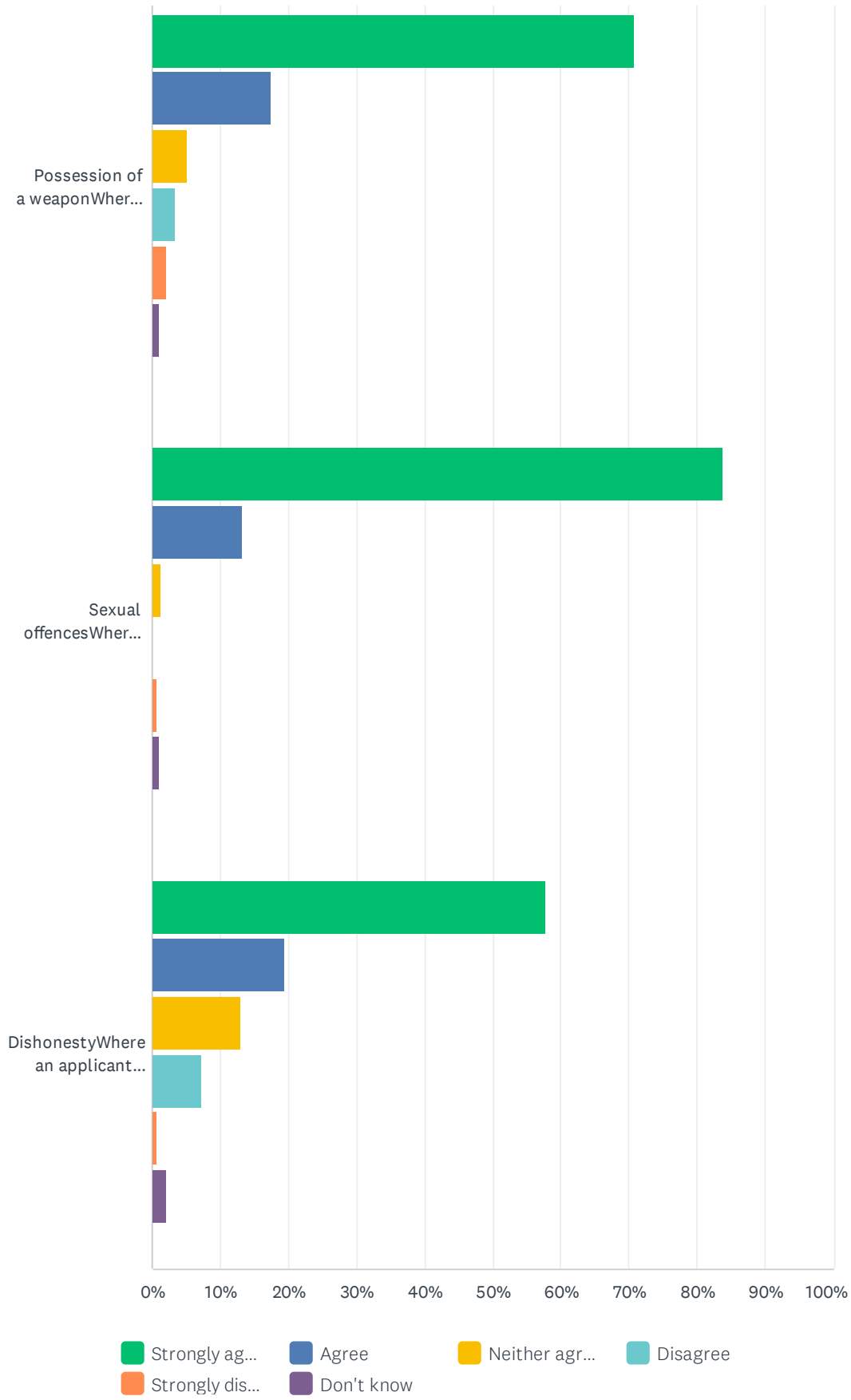
ANSWER CHOICES	RESPONSES	
Strongly agree	50.96%	159
Agree	26.92%	84
Neither agree nor disagree	6.41%	20
Disagree	8.65%	27
Strongly disagree	3.21%	10
Don't know	3.85%	12
TOTAL		312

Q11 Recommendations:

Answered: 295 Skipped: 98



Consultation on Changes to Taxi/Private Hire Licensing Policy

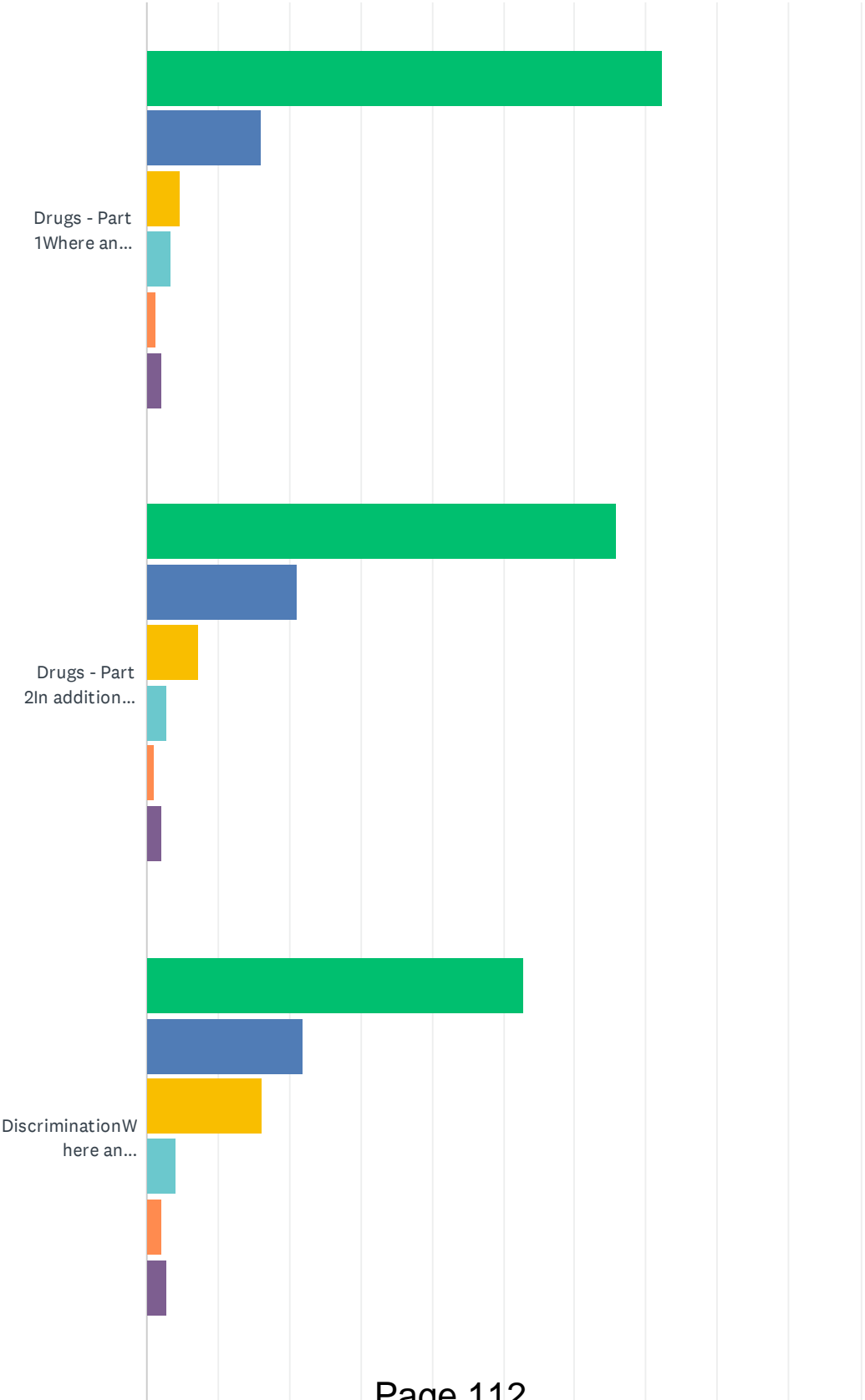


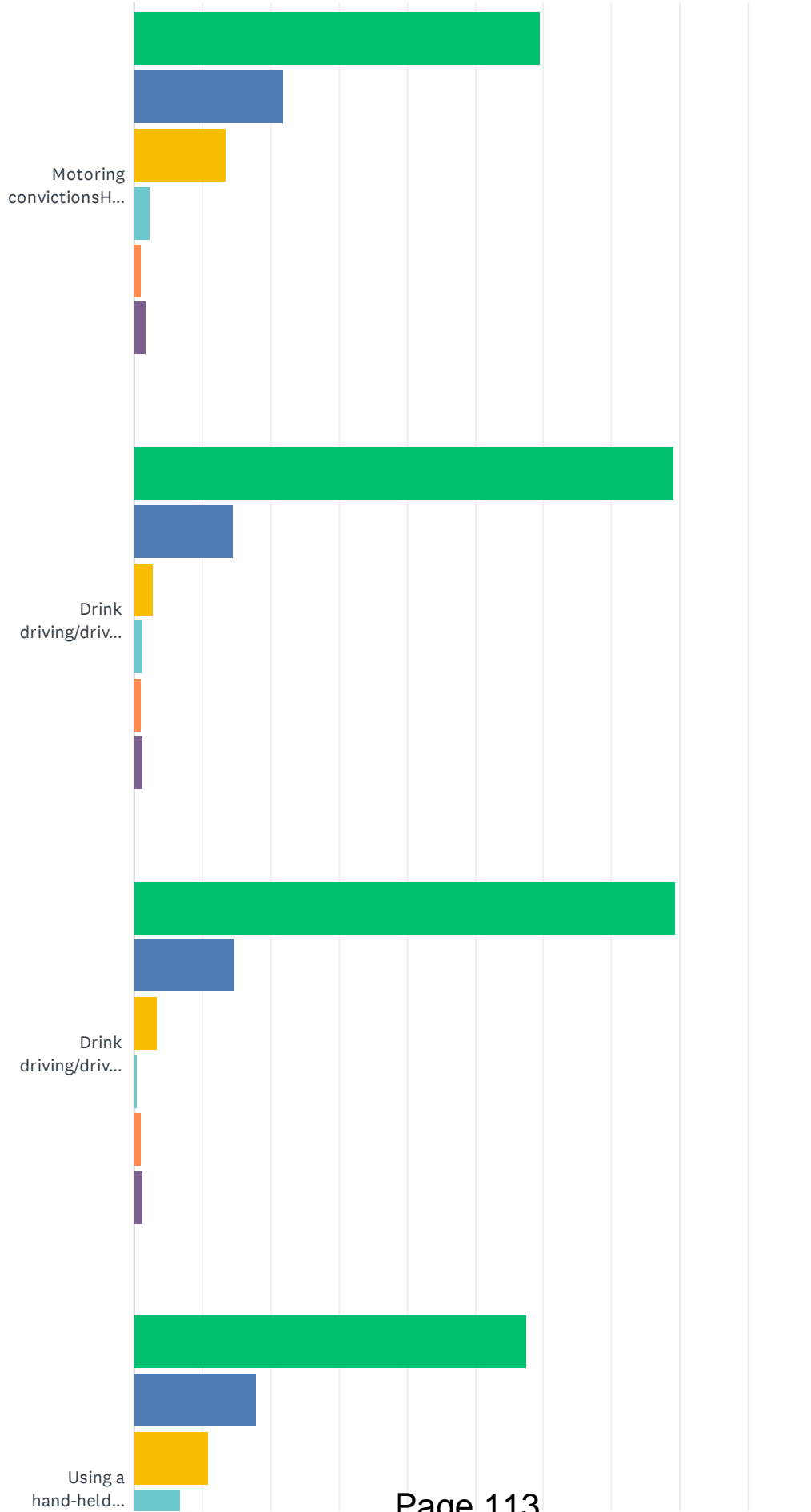
Consultation on Changes to Taxi/Private Hire Licensing Policy

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Crimes Resulting in DeathWhere an applicant or licensee has been convicted of a crime that resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.	76.87% 226	9.86% 29	8.16% 24	3.06% 9	0.00% 0	2.04% 6	294
ExploitationWhere an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. (This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list).	80.27% 236	10.88% 32	6.80% 20	0.34% 1	0.68% 2	1.02% 3	294
Offences involving violence against the person Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.	68.26% 200	14.68% 43	5.12% 15	7.85% 23	2.05% 6	2.05% 6	293
Possession of a weaponWhere an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.	70.69% 205	17.59% 51	5.17% 15	3.45% 10	2.07% 6	1.03% 3	290
Sexual offencesWhere an applicant has a conviction for any offence involving or connected with illegal sexual activity or is on the Sex Offenders Register or on any barred list, a licence will not be granted.	83.73% 247	13.22% 39	1.36% 4	0.00% 0	0.68% 2	1.02% 3	295
DishonestyWhere an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.	57.68% 169	19.45% 57	12.97% 38	7.17% 21	0.68% 2	2.05% 6	293

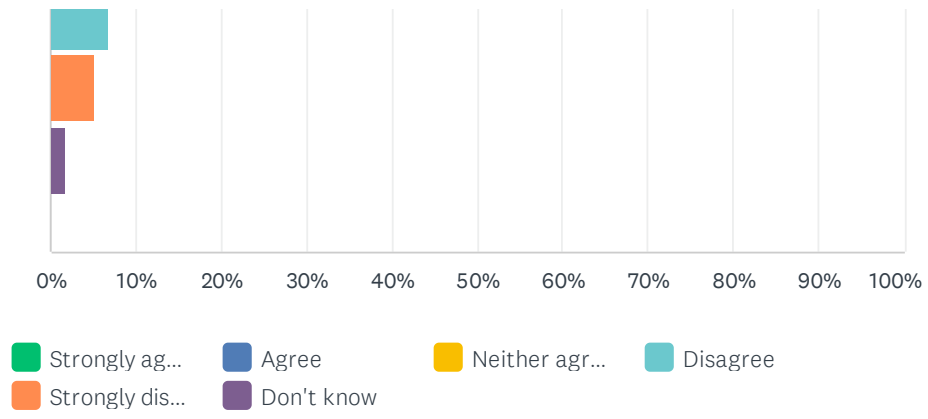
Q12 Recommendations:

Answered: 295 Skipped: 98





Consultation on Changes to Taxi/Private Hire Licensing Policy



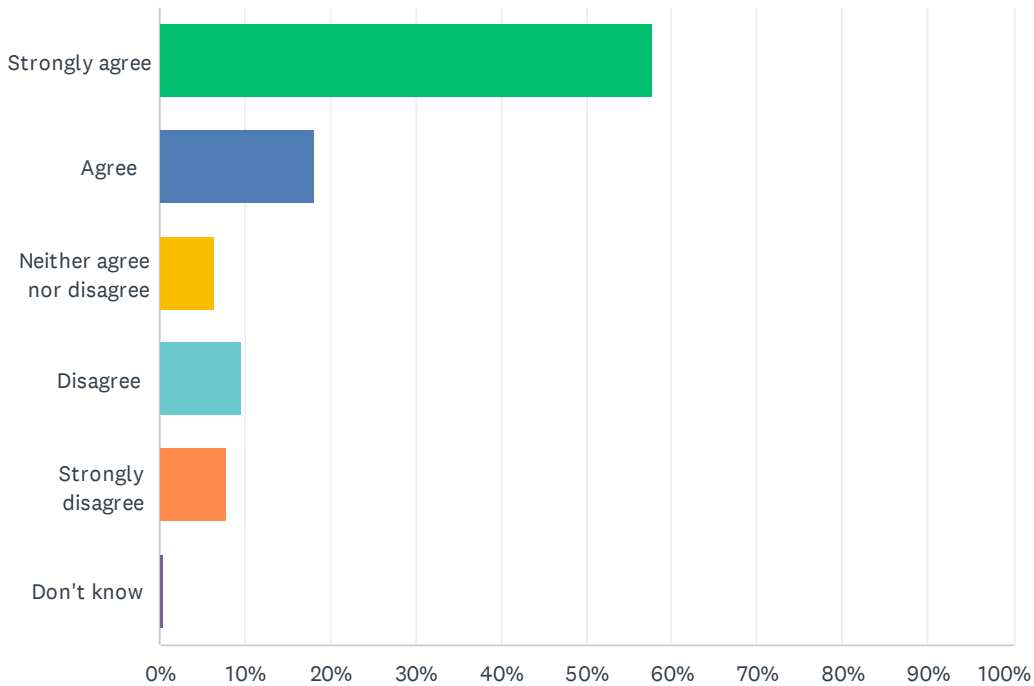
Consultation on Changes to Taxi/Private Hire Licensing Policy

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Drugs - Part 1Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.	72.35% 212	16.04% 47	4.78% 14	3.41% 10	1.37% 4	2.05% 6	293
Drugs - Part 2In addition, where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.	65.87% 193	21.16% 62	7.17% 21	2.73% 8	1.02% 3	2.05% 6	293
DiscriminationWhere an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.	52.92% 154	21.99% 64	16.15% 47	4.12% 12	2.06% 6	2.75% 8	291
Motoring convictionsHackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.	59.45% 173	21.99% 64	13.40% 39	2.41% 7	1.03% 3	1.72% 5	291
Drink driving/driving under the influence of drugs - Part 1Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed.	79.04% 230	14.43% 42	2.75% 8	1.37% 4	1.03% 3	1.37% 4	291
Drink driving/driving under the influence of drugs - Part 2In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.	79.25% 233	14.63% 43	3.40% 10	0.34% 1	1.02% 3	1.36% 4	294
Using a hand-held device whilst drivingWhere an applicant has a conviction for using a held-hand mobile telephone or a handheld device whilst driving, a licence will not be granted until at least five years have elapsed since the	57.63% 170	17.97% 53	10.85% 32	6.78% 20	5.08% 15	1.69% 5	295

conviction or completion of any sentence
or driving ban imposed, whichever is the
later.

Q13 To what extent do you agree or disagree with the DfT guidance that all drivers will be subject to an enhanced check with the DBS service (including the children and adult Barred Lists) every 6 months?

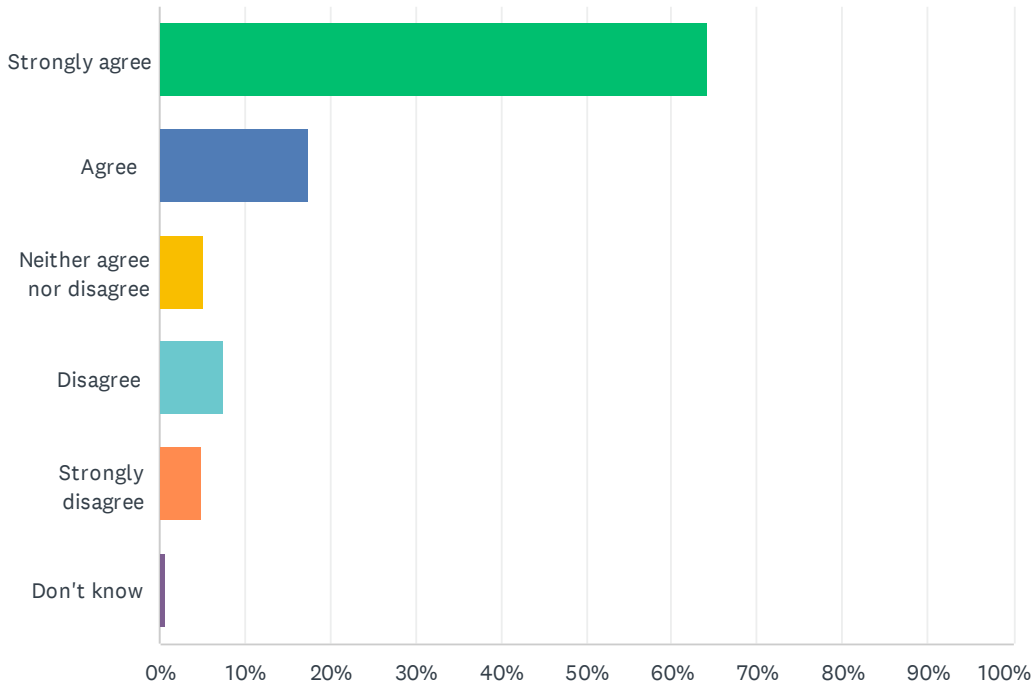
Answered: 294 Skipped: 99



ANSWER CHOICES	RESPONSES	
Strongly agree	57.82%	170
Agree	18.03%	53
Neither agree nor disagree	6.46%	19
Disagree	9.52%	28
Strongly disagree	7.82%	23
Don't know	0.34%	1
TOTAL		294

Q14 To what extent do you agree or disagree that all vehicle proprietors shall undergo an annual basic DBS check?

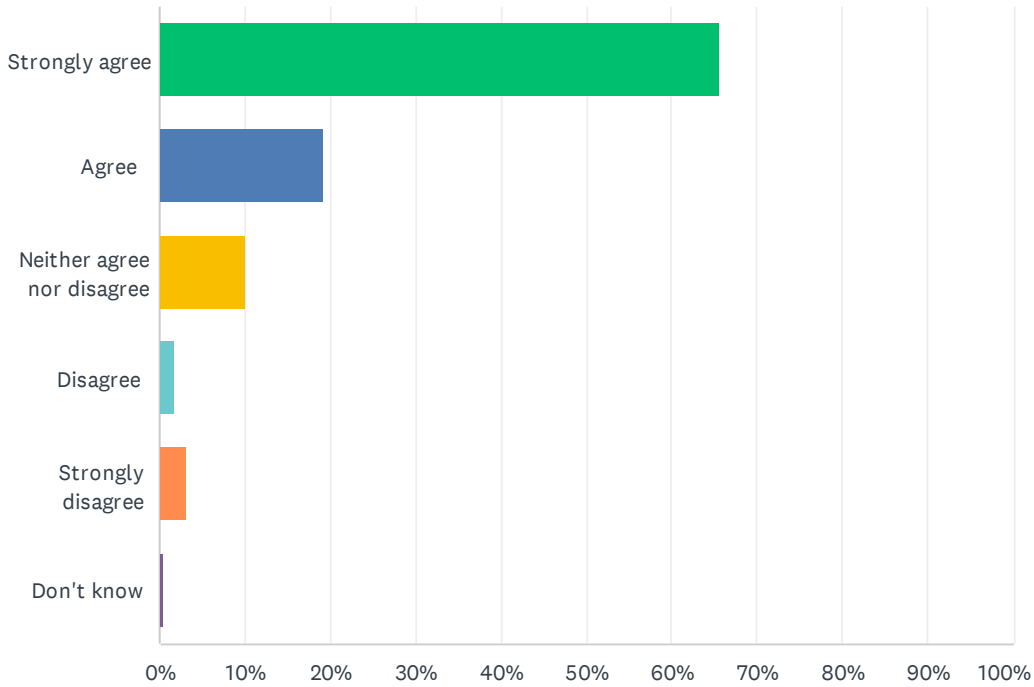
Answered: 291 Skipped: 102



ANSWER CHOICES	RESPONSES	
Strongly agree	64.26%	187
Agree	17.53%	51
Neither agree nor disagree	5.15%	15
Disagree	7.56%	22
Strongly disagree	4.81%	14
Don't know	0.69%	2
TOTAL		291

Q15 To what extent do you agree or disagree that all private hire operators shall undergo an annual basic DBS check?

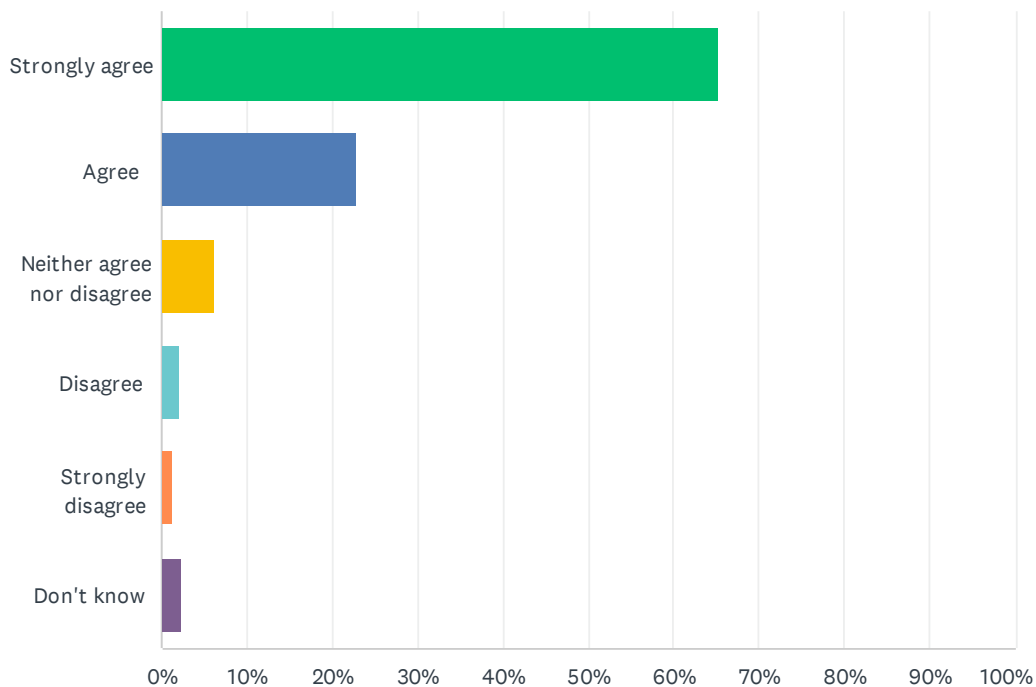
Answered: 291 Skipped: 102



ANSWER CHOICES	RESPONSES	
Strongly agree	65.64%	191
Agree	19.24%	56
Neither agree nor disagree	9.97%	29
Disagree	1.72%	5
Strongly disagree	3.09%	9
Don't know	0.34%	1
TOTAL		291

Q16 To what extent do you agree or disagree that the following conditions should be imposed on private hire operator's licences? The operator shall maintain a register of all staff employed for the purposes of taking bookings and/or dispatching vehicles The register shall contain the full name, current address and date of birth of the individual employed to undertake and dispatch bookings The register shall also provide the date that a basis DBS check was provided to the operator The operator will produce this register, on request, to an authorised officer of the council or police officer The operator will also be required to provide, on request by an authorised officer or police officer, a copy of their policy on employing ex-offenders in roles that would be on the register

Answered: 290 Skipped: 103

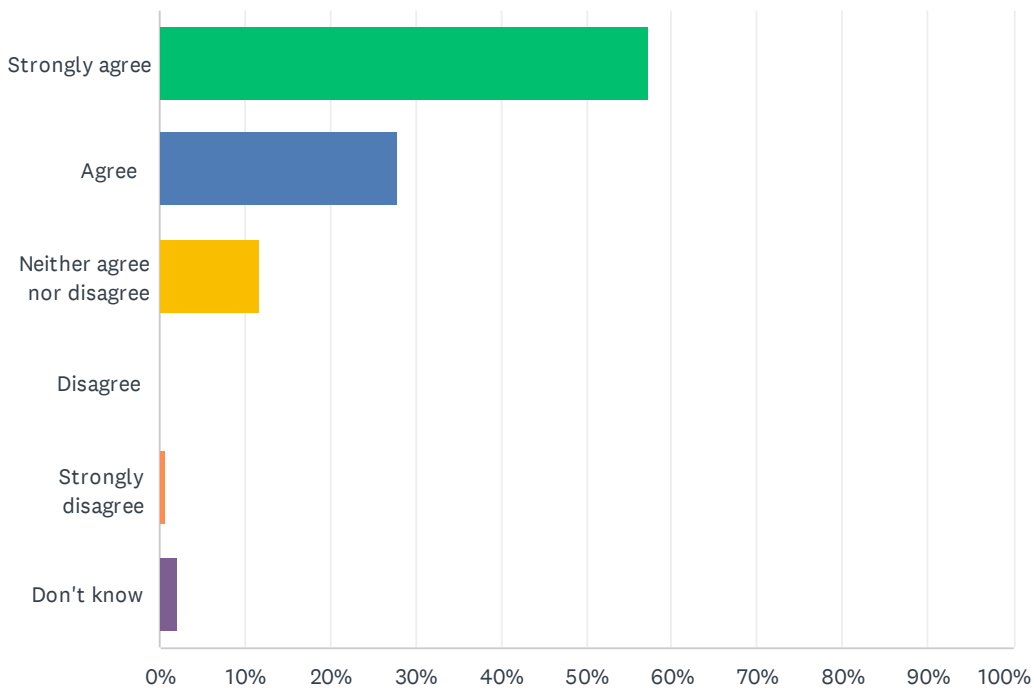


Consultation on Changes to Taxi/Private Hire Licensing Policy

ANSWER CHOICES	RESPONSES	
Strongly agree	65.17%	189
Agree	22.76%	66
Neither agree nor disagree	6.21%	18
Disagree	2.07%	6
Strongly disagree	1.38%	4
Don't know	2.41%	7
TOTAL		290

Q17 To what extent do you agree or disagree that the current private hire operator condition number 5 relating to booking records should be amended (in line with the DfT guidance) to include: The name of any individual that responded to the booking request The name of any individual that dispatched the vehicle

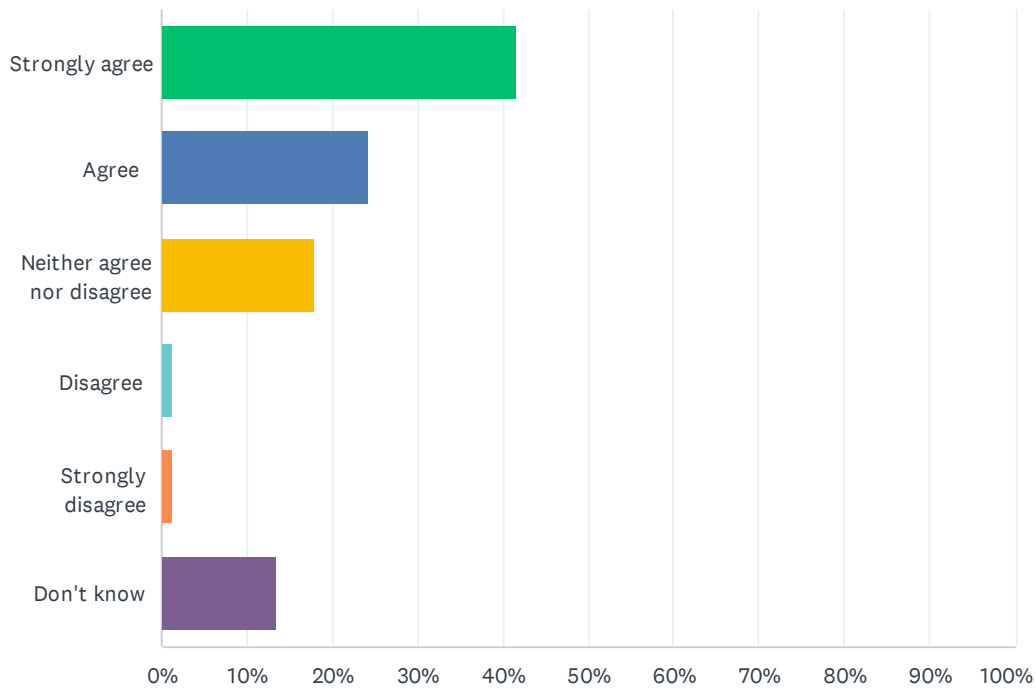
Answered: 289 Skipped: 104



ANSWER CHOICES	RESPONSES	
Strongly agree	57.44%	166
Agree	28.03%	81
Neither agree nor disagree	11.76%	34
Disagree	0.00%	0
Strongly disagree	0.69%	2
Don't know	2.08%	6
TOTAL		289

Q18 To what extent do you agree or disagree that the current private hire operator licence conditions should be amended (in line with the DfT guidance) to include the following condition: The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking shall not be permitted without the informed consent of the person booking the journey

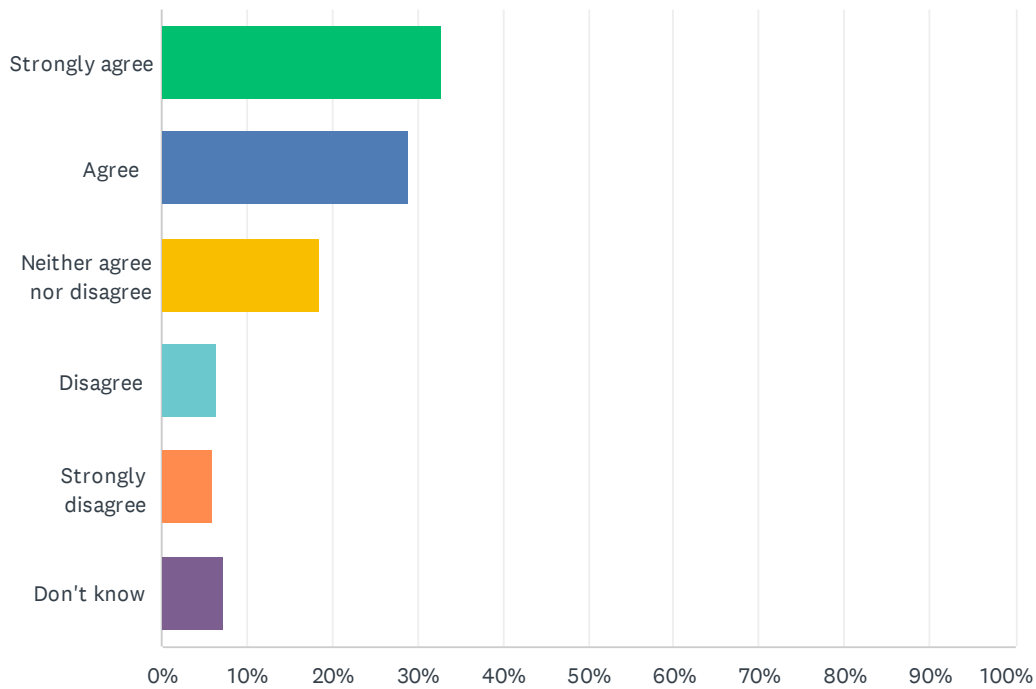
Answered: 289 Skipped: 104



ANSWER CHOICES	RESPONSES	
Strongly agree	41.52%	120
Agree	24.22%	70
Neither agree nor disagree	17.99%	52
Disagree	1.38%	4
Strongly disagree	1.38%	4
Don't know	13.49%	39
TOTAL		289

Q19 To what extent do you agree or disagree that the current statement of licensing policy should be amended to increase the upper age limit for wheelchair accessible vehicles (WAVs) from 8 years of age to 12 years of age, provided the vehicle meets with the requirements of the PATN guidance as approved by the Council and is supported by an evidenced service history in line with the manufacturers' guidelines?

Answered: 286 Skipped: 107



ANSWER CHOICES	RESPONSES	
Strongly agree	32.87%	94
Agree	29.02%	83
Neither agree nor disagree	18.53%	53
Disagree	6.29%	18
Strongly disagree	5.94%	17
Don't know	7.34%	21
TOTAL		286

Q20 Could you please provide further details as to why you feel this way?

Answered: 147 Skipped: 246

Q21 Are there any specific comments you wish to make in respect of any of the recommendations set out in this survey?

Answered: 122 Skipped: 271

Additional comments submitted as part of the consultation

Question 20 - To what extent do you agree or disagree that the current statement of licensing policy should be amended to increase the upper age limit for wheelchair accessible vehicles (WAVs) from 8 years of age to 12 years of age, provided the vehicle meets with the requirements of the PATN guidance as approved by the Council and is supported by an evidenced service history in line with the manufacturers' guidelines?

1	Buying a new taxi which can hold a wheelchair is very expensive compared to normal taxis so it should be for a 12 year age limit.
2	to increase to 12 years would be good as prices of vehicles has gone up.
3	Are you saying a wheelchair user under the age of 12 is unable to travel in such vehicles???
4	Wavs are very expensive to buy and maintain. I think all vehicles including saloon car should be given upper age limits.
5	Should allow upper age vehicle including saloon car.
6	Vehicles are very expensive to buy and maintenance and hard to find the right one. It will help all the drivers if you allow upper age vehicle Including saloon cars.
7	All vehicles are so expensive to buy and maintain.so all wavs and saloon car should be given to upper age limit policy.
8	Nowadays all kinds of vehicles are very expensive and also its not available to buy. I think all vehicles should be given to upper age limits.
9	Because vehicle now are very expensive I think all vehicle should need to upper limit.
10	All Licensed taxi vehicles should be given upper age limit, nowadays buying vehicles is not easy, becoming expensive
11	Because car buying cost is very expensive now days and 8 year nothing for now car or nearly new car.and I strongly believe salon car age limit should be 12 years as well like WAVs. Thanks
12	It is very expensive to buy a new one. If the taxi meets its requirements why not.
13	now a days ,wavs and saloon cars are very expensive to buy and not available. so I think all vehicles should be given to upper age limit. thanks
14	WAVS are very expensive to buy.In this moments all vehicles are expensive to buy and not available. For this reason all vehicles including saloon car should be given to upper age limit.Thanks
15	WAVs are very expensive to buy nowadays and hard to get. I also think all saloon vehicles, including hybrid and electric vehicles, should be given 12 years up age limit.
16	WAVs are very expensive to buy and maintain. Nowadays all the vehicles are very expensive to buy and not available. I think all vehicles including saloon car should be given to upper age limit.
17	Vehicles price is way too expensive, driver and proprietor would be interested to get more wav which help meeting the demand.
18	Better to extend all kind of car not only wheelchair access. Now very expensive all kinds of cars.

19	It's more important there are enough WAVs to meet demand and as long as they are roadworthy their age is less important. Usage and mileage might be more relevant than age.
20	this is a general vehicle age issue. Vehicles of this proposed 12yr age should no longer be used as licensed vehicles for general safety and emissions.
21	A 12 year old vehicle can be in excellent condition if looked after.
22	The taxi fleet should be updated to be emission free. Older vehicles are more polluting and should be replaced with hybrids or preferably EVs
23	An 8 year old Hackney will have had a lot of use let alone up to 12
24	Physical condition is a more important indicator than arbitrary age.
25	Wheelchair users need special monitoring & trained carers when being loaded onto a minibus especially if there is a ramp involved or lift mechanism involved as harnesses and straps need to be in place & used correctly to ensure wheelchair user does not fall out onto hard standing or gravel pavement or road surfaces.
26	I do not have access to enough information to allow me to make an accurately informed decision
27	If the vehicle passes the relevant tests then I see no problem with the age of the vehicle.
28	Feel happier that more frequent checks are made for the safety of the very vulnerable.
29	It is all about the complete protection of the public as a whole. Safety is paramount . What about the care of the individual vehicles carrying passengers .? How is the income to each taxi run logged or registered for tax purposes ... especially when payment is in cash ?
30	The provision of WAVs in Portsmouth is shockingly bad. Often no operator has a WAV available for request. Advanced bookings are frequently refused. Aqua regularly only have 1 or 2 in service with waits of 90 minutes plus. Uber have none yet despite Uber Wav being an option in areas where enough are in use. WAVs at taxi-ranks are put luck, and not something which you could rely on in a safe and timely manner. Disabled individuals are often those who cannot tolerate the wait for the most appropriate vehicle to arrive. Currently no Official could encourage the use of taxi's / WAVs by disabled people in Portsmouth due to lack of supply.
31	They are specialist vehicles that if maintained can cope to conduct the role they are required for.
32	these people are generally carrying our loved ones in a lethal weapon. any people travelling in a vehicle that is not driven by themselves should feel confident to do so.
33	As long as the vehicle is road worthy and passes the plate test set by the council
34	I feel 8 years for a vehicle carrying wheelchair bound people is within a time frame where a vehicle probably would need renewing. If the vehicle is used daily.
35	Because we would have more wheelchair accessible vehicles available.
36	I do not have sufficient understanding of the issue
37	I don't understand the question
38	I feel that 8 years is the correct amount of time
39	Aquacars serve us old folk 79 and 86 well. Confused whether to order a taxi in advance when returning to Fratton Station or hope to get on on spec.

40	Not really sure why it can't be 16 as not sure what the issue is
41	As long as vehicles pass required legal tests.
42	Common sense
43	I have no experience with this
44	Vehicles more reliable and will meet and comply with regulations if kept in good condition and with regular inspection tions.
45	There is a general shortage of this type of transportation
46	It is the quality of the vehicle and how well it has been maintained that is important not just its age. These vehicles are likely to be more expensive so need to be a longer term investment for operators
47	More accessibility to meet customer needs.
48	Vehicle age depends very much on the care maintenance and mileage of individual vehicle.
49	Raising the age limit may prevent some children from getting to their place of education or care
50	Should be accessible to all despite of age you can get wheel chair users of all ages.
51	These vehicles typically cost more to buy and operate, hence a longer period is needed to ensure that the operator can earn the costs back.
52	I don't understand the question
53	Why put an age limit? All wheel chair users need this
54	Age is not a good guide for disability. It should be person centred and appropriate rather than age based
55	Overall, too much regulation
56	They deserve the same protection that new vehicles give when hired by an able bodied passenger
57	If the vehicle is well looked after and road legal I don't see a problem in continuing it's use
58	Need more disabled adapted taxis
59	If I am reading this right, and you're saying nobody under the age of 12 can use a service if in a wheelchair chair then that's discrimination!!
60	WAVs are currently very expensive to replace.
61	Drivers who have a knowledge of the city and environs, know how to operate a vehicle safely below the speed limit (especially the 20 mph areas) and some customer relations, training would be beneficial. Proper checks that the person driving the vehicle is actually the person licenced by the council to operate it.
62	Older vehicles can be just as safe if they are well cared for.
63	I do not know if this is an improvement or a detriment to users.
64	It's all about public safety. The more wheelchair accessible vehicles the better.
65	vehicles cost a lot , if they are checked every 6 months for their road worthiness that should be ok . there are not enough available this might help

66	They must meet emissions standards.
67	if the vehicle has passed the proscribed safety checks it should be no problem.keeping the age at a shorter level may reduce the city's capability to transport vulnerable individuals who already have enough problems.
68	Only if the same rule applies to all vehicles
69	The vehicle should NOT be more than 8 years of age. Period
70	I don't understand this question!
71	If the vehicle is checked and proved to be safe I do not see a problem.
72	Expensive vehicle to buy should be allowed to be use as long as roadworthy
73	Not my area of experience to be able to comment
74	As long as all guidance and checks are in place and the vehicle meets requirements then I see no reason not to extend to 12 years.
75	It will encompass more vehicles
76	Provided the vehicle is road worthy and safe for wheelchairs and users, 12 years old vehicles should be ok
77	A well maintained 12 year old vehicle can be just as safe as an 8 year old one
78	As these vehicles are less common than non WAV's it seems to make sense to allow them to be in use longer, to off-set the cost of conversion and to ensure a reasonable number of such vehicles being available.
79	Such vehicles accumulate very large annual mileages and a 50% relaxation in age risks vehicles of poor environmental and safety standards being kept in use.
80	These vehicles must be more expensive to purchase, maintain and run, in an industry that must already be finding it difficult to make any money in the current economy. As long as the vehicle passes all licensing test and requirements, it should be acceptable. Possibly the standard Hackney saloon vehicle could also be treated in a similar way, due to the current economy.
81	N/A
82	I'm not sure the age of the vehicle matters as long as it's kept in good condition
83	No
84	Safety plus security
85	Age of vehicle should not matter as long as it meets requirements needed for access.
86	The age of the vehicle is of less importance than its proper servicing and upkeep
87	Modern vehicles are far more reliable
88	I don't really understand what you mean
89	As long as the vehicle is roadworthy and all service history is provided.

90	There just aren't enough wheelchair accessible taxis and if this increases the number whilst still safe and enable wheelchair users to travel around better then so be it. But if booked with aqua they don't honour their bookings on a regular basis whether a wheelchair taxi or regular car thus leaving vulnerable people waiting for a taxi that is likely to not turn up or be reliable. Its about time there was healthy competition amongst taxi firms allowing a more trustworthy and reliable service to those of us unable to use public transport due to disabilities and illnesses that limit our abilities. The service provided by aqua is discriminatory and inadequate
91	Economics, cost and running costs of these purpose built vehicles, even more this will help the people who rely on these types of vehicles be able to get around as over the last 2-3 years we have seen a decline in drivers wanting to purchase these vehicles.
92	As long as the vehicle is checked, safe and roadworthy.
93	not aware of enough data
94	Breakdowns can cause increased problems and distress to passengers in wheelchairs or with learning disabilities
95	If all required checked are in place all should be well. Ordinary car owners are required to comply much along the same lines re MOT
96	An older vehicle may not be kept up to date with the PATN guidance as it is only guidance and not legislation. This loophole may be exploited.
97	Taxis are often used by the most vulnerable and/or mobility restricted passengers, who are unable to use other forms of transport. Therefore this is quite important.
98	Older vehicles will be more polluting.
99	Use of a wheelchair for transport in a taxi shouldn't have an age limit.
100	Modern vehicles have much more sustainability than in the past. As long as properly maintained and serviced they should remain in use for as long as possible
101	There may not be a sufficient number of these vehicles already and operators might be reluctant to invest in newer models because of costs
102	Expensive to replace and need more availability
103	An older vehicle, well maintained, could still be fit for purpose
104	As long as the vehicle can be proved and evidenced to be safe, this should be of no concern
105	Was not aware of any age limits existed
106	Because age does not relate in any way to a disability, and putting age as a deciding factor would be discriminating and probably illegal
107	I fear for the safety of young children who have disabilities either physically or mentally
108	These vehicles are very expensive to buy new so a longer 'lifespan' would make the purchase of newer vehicles more realistic
109	If the vehicle is well maintained and meets all other WAVs requirements, then the age shouldn't matter
110	As long as the vehicle is safe, tested, and deemed roadworthy. then the additional vehicles would be welcomed by disabled users
111	no
112	Not sure if this response relates to all questions but in my mind there should be much tighter regulation over who drives a taxi. I've had issues with drivers having to be told they're going twice the 20mph speed limit, one who clearly had mental health issues banging the steering wheel & the occasional rude barely English speaking driver. That's not racism but common sense if driving a member of the public you do need to be able to understand the language of the country you're driving & working in.

113	I feel strongly that all passengers should feel safe and protected while travelling in a taxi.
114	It would mean more wheelchair accessible taxis
115	dont understand the difference
116	Safety should be the highest priority
117	It feels right
118	If the vehicle is in good order with mot and service history. It should be fine.
119	Age of vehicle not hugely relevant assuming it has current test certificate. Increase availability of vehicles for these users.
120	No taxi or private hire should be older than 5 years
121	If the vehicle is safe then that's fine. It may increase the amount of accessibility vehicles for hire
122	Wheelchairs are a necessity for anyone of any age that needs them.
123	This age should be the same whether it is wheelchair bound or able bodied passengers. Safety concerns should be the same for all.
124	Young children should not be discriminated against
125	Everybody counts and age should not prejudice anybody in a wheelchair
126	Not enough WAV currently available to book
127	<ol style="list-style-type: none"> 1. There are not many left on the road. 2. It's to expensive to buy a new car. 3. As this car go through two machanical test a year that should not cause any emmission
128	Because the vehicle is to expensive to change if it's every 8 years 12 years is much better but it will need support from the government to change the vehicle
129	Hi I think this should be done for saloon and wav for both.
130	The cost of these vehicles should warrant a longer licensing period if the vehicle is in requested condition, otherwise why would any proprietor buy one in the first place?
131	Because I purchased a WAV which also has two tip and turn seats in the rear so I can take 6 passengers when I don't have a wheelchair passenger. This vehicle cost me over £25,000. It was only three years old in July 2022 . I didn't work for around a year because of COVID. That was to protect my family and to protect my passengers. So I have lost a years use of my vehicle there. There are no electric or hybrid vehicles on the market like mine. Also what vehicles are available are astronomically priced. At my age (55) I'm priced out of the market. If we don't up the age limit for WAV's wheelchair users in the near future will find it almost impossible to book a wheelchair accessible vehicle seeing as in Portsmouth and surrounding areas they already have trouble to.
132	As I am a Saloon vehicle driver, the licencing should give us the same age limit if the vehicle is in good condition
133	Currently if you want too buy new electric wavs they cost over 50k . How do you expect a driver to replace a vehicle in every 8 years it should be at least 15years with new electric wavs

134	Happy for 12 years, but not "set in stone" if a vehicle is maybe 13 or 14 years old which is in good cosmetic mechanical condition should be considered....I know you have no control over buses but they are not restricted to age limits years old and has good Adams morey history should be considered. The present limit is not viable fir these WAV vehicles. Buses don't seem to have an age limit, it is not viable to replace vehicles if they still have working life left
135	Limiting the upper age of WAVs to 8 years reduces the number available to disabled passengers. If the WAVs are complying with PCC inspection requirements then what is the justification for limiting their age to 8 years old ? The average private hire WAV does far less milage than a private hire saloon car and so should remain in better condition for longer.
136	Well now days card r very expensive it's impossible to buy a wheelchair accessible car every 8 years even any car use as a taxi quit expensive my opinion all kind taxi can use at least 12 years
137	I have already submitted my views regarding Wav's but this is a follow up as I am a little concerned that there is no consultation arranged for lifespan of hybrid & electric cars. Please can we be given some information regarding this concern as we are already replacing cars with hybrids and electric cars . We would like to know if this huge cost to us to help towards zero emissions will be rewarded with longer lifespan of replaced cars.
138	If a vehicle is in good condition and meets all relevant inspections it should be allowed to continue
139	Costs of buying a new one
140	All vehicle above 5 passenger are on demanding but also the are expensive to get them and not only wheel chairs some saloon plate as well very expensive like vw caddy and Ford transit all seven seater should stay for 12 years Thanks
141	I believe as long as a vehicle continues to meet requirements and is roadworthy there is no need for it ever to be restricted due to its age. Vehicles are more expensive than ever, and having to replace them every so many years is only adding to overpopulated waste
142	WAV's costs are substantial and need a longer life to make the vehicle viable , cost effective . increasing life of Vehicle should be done on a individual basis on service record and testing pass rate . Problem is in the trade today we still have proprietor,s who feel that as long as they present the car for the annual Test in good condition that is all the service requirements needed. The other 364 days of the year don't count, which is why we should be testing IMO 2 times annually for WAV's from first registration . this gives the the Vehicle a better chance of being presented for testing in later life as being satisfactory . This will make the testing on older vehicles easier confirming MECHANICAL advisory,s are completed earlier and make vehicles safer for longer. Some of the vehicles currently being used are not fit for purpose, examples being small rear loaders small vans being converted into WAV's will not make the lifespan Testing needs to be overhauled and vehicles that are presented for testing in good condition deserve to be given a green light pass, Not as ATM where the tester feels he/she is there to find the smallest of faults that really do not need to be shown on the testing sheet , Example small scratches and dinks that really do not need to be considered for testing purposes
143	If a wheelchair user has a profound learning disability the age is not relevant. Ie, if a 12 yo has a DOLS in place or the capacity of a baby why does it matter if they are 8 or 12? If the vehicle is suitable and the carer is qualified to look after the child I don't see how the age of the child has any bearing. Maybe I don't understand the question?
144	Older vehicles will generally be less technologically advanced
145	It's perfect
146	But why is wheel chair only what is the difference wheel chair vs normal saloon or mpv Hackney's.i think it would be appropriate both to extend same age limit.
147	It will not be financially viable to provide a specific vehicle for an age limit of less than 12 years and should be able to run such a vehicle as long as it passes the plate test every year

Question 21 - Are there any specific comments you wish to make in respect of any of the recommendations set out in this survey?

1	Licensing authority should make a decision by consulting all hackney drivers not just on their own. Thanks
2	No but I would like to add something it should be illegal in law fo one taxi company to aquire all taxi other company as what happened in Portsmouth which leaves people saying someone in council is not working for the people
3	I recommend for the first registering of the vehicle should change from 4 years to 5 years.
4	Any private hire vehicle or taxi should not be allowed to travel in bus lanes. All bus lanes should then be removed to ease traffic congestion on Portsea Island and the surrounding area.
5	We should be allowed to have first registration of vehicles change to 4 years to 6 years
6	I think all vehicles should change from 4 years to 5/6 years and age limit Should be 12 year.
7	I recommend that all car should be considered with the upper age limit policy. Thank you
8	Wavs are very expensive to buy and maintenance. Also saloon car aswell. Please think about the taxi industry. Thank you.
9	I think all Saloon cars, Specially hybrid or electric cars, I hope should be considered for All Saloon car upper limit policy. I recommend New cars from registered at least 5 years old accept please Thank you.
10	First Registration of the vehicle should be change from 4 to 5 years, and all taxi should be considered with upper age limit from 8 to 10 years.
11	I think we need more Taxi rank. for example by QA hospital.by Asda.
12	No thanks
13	my recommendation is all taxi should be considered with the upper age limit policy.
14	My thinking is all taxis should be considered with the upper age limit policy. I recommend also ,the first registering of the vehicles should change from 4 years to 5 years. Thanks for involving us.
15	Recently, the majority of WAV vehicles have been replaced by rear loader WAV vehicles. These taxis are usually even cheaper than normal saloon cars, especially hybrid and electric vehicles. I think all taxis should be considered with the upper age limit policy. Also, I recommend for the first registering of the vehicles should change from 4 years to 5 years.
16	Recently, the majority of WAV vehicles have been replaced by rear loader WAV vehicles. These taxis are usually even cheaper than normal saloon cars, especially hybrid and electric vehicles. I think all cars should be considered with the upper age limit policy. Also I recommend for the first registering of the vehicle should change from 4 years to 5 years.
17	After pendamic general price of all cars has gone up, and at present pcc licensing policy holding 2 mot in a year over 4 years of aged vehicles. Sallon vehicles age limit should be extend to 12 yrs and 1st licensing age limit should be 4 yrs to 5 yrs, help proprietor get access to wider supply.
18	Once a year plate test and 12 years limit all kind of cars.

19	<p>1) more accountability for taxi firms failing to arrive at a booking: eg a booking has been taken (either verbally or via app) and then no one shows up. (Aqua Cars Group have become abhorrent with this)</p> <p>2) I would also like a MONOPLOIES investigation as to why Aqua Cars group has now been able to purchase EVERY SINGLE taxi company in the City and now expanding to include the surrounds (inc Havant, & Fareham) whom now has an absolute MONOPOLY. This is VERY BAD for customer service.</p>
20	Not really! Being a non-driver, beyond occasionally waiting a long time I've never had an awful taxi experience in Portsmouth in over 20 years.
21	I hope these regulations will stop the few drivers who think old people don't know the way to their destination and try to take them the LONG way round.
22	<p>Some options were difficult to choose as I felt some if the caveats i.e.length of time were too short</p> <p>All DBS checks should be enhanced not basic</p> <p>Anyone with a conviction of any kind should not be granted a licence</p>
23	No
24	Costs of DBS checks have not been addressed in this survey, do the taxi umbrella companies pay or the drivers? Perhaps initial charge met by company, then renewals by drivers (as they cost less going forward).
25	No
26	They all seem good to me and good for the general public too.
27	check my last entry please .
28	Safety of all passengers and drivers is paramount.
29	no
30	A good set of proposals that ensures the safety of the paying public, and protects them for the future.
31	training of council officers by the council sends out the wrong message, use a certified external source with no links to the council, reducing the chance of corruption suggestions.
32	All vehicles should have working CCTV and should be maintained regularly, all vehicles should display plate and vehicle reg as well as the drivers badge.
33	Where you put a choice of years before reinstatement after criminal acts of any type. I feel they should not be reinstated at all. You should be squeaky clean when transporting the general public who sometimes are not fully responsible for themselves.
34	I think some of the answers should not be just a tick box. I answered I don't know on some because a more detailed answer is required . And just to tick the box would be misleading.
35	Not in particular, but I do strongly object to the decision made to allow one company , namely AQUA to have been allowed to have a monopoly on cab services in this city!!!
36	Customer safety should always be the first priority
37	No

38	Good to see cab drivers are Curds and from other Middle East countries. Always impressed by these drivers ambition to improve their life . Suggest our Government is to restrictive to refugees being active citizens.by blocking with rules that are frustrating .
39	I like to see a clear pathway to report poor drivers. In Portsmouth the fact that Aquacars have the monopoly has definitely made them complacent. Any complaints are ignored or disbelieved.
40	Is there any plan around looking at where vehicles not in use are parked? As there are many at the end of Tangier rd.
41	no
42	Currently the standard of private hire vehicles is of an extremely poor standard, the driving standards especially aqua cars is deplorable and a disgrace
43	Why is portsmouth Council and aqua cars using Wolverhampton registered taxis.
44	A lot of my responses are vague the questions were too black or white, with no Indication of levels of any offence, made it very difficult to strongly agree.
45	After years of sometime questionably qualified foreign drivers in Portsmouth it would be comforting to know there is better diligence. I think measures should be out in place to ensure the driver is the one registered too.
46	none
47	No
48	Condition of vehicle should be closely monitored
49	Are charges for the checks made by the owner/ operator
50	consultation very much related to users public safety. safety of drivers is also important and considered for consultation as there are some weird taxi users out there.
51	Users rating system has made me feel more safe and I think Portsmouth should have its own rating app for any taxi. It make it easier to report.
52	That all private hire and taxi drivers must pass their Advanced Driving Test to ensure they have a good standard of driving. They should be required to retest every 5 years to help stamp out the bad driving and bad habits that people get into.
53	No
54	It is very important that licensing does not bar people who may have offences that are irrelevant or long time ago. People change and only basic disclosure should be used in all cases
55	Ensure that drivers have a UK Driving Licence, not some tinpot one from overseas. Qualification tests for taxi drivers should not have interpreters on hand or available to them i.e. if they can't understand English (and it is abundantly clear that a great many of them don't), WHY are they being allowed to drive on UK Highways?
56	They are apparently professional drivers and should be tested every 6months for driving standards and driving courtesy.
57	No

58	Ensuring all staff have a good level of spoken English and understand customer service, that the drivers have basic local knowledge and follow correct routes. If a journey has been booked it should not just be cancelled by the driver and customers are recorded as no shows. The charges should not fluctuate so much and there should be a regulation against this, cancelling a job to re-book at a higher charge. When pre-booking the time should of arrival not the time of dispatch as used to happen
59	The last taxi I used was so poorly operated I got out and walked, it is worrying how bad the standard of driving is.
60	There is no mention of any policy to encourage reporting of inappropriate behaviour by drivers.
61	implement some requirement that same destination rides should have the same fares . too many times i have had drivers who have not much knowledge of the quickest routes through portsmouth , sadly mostly foreign drivers
62	Stop the practice of outfits like Aqua having an office in Wolverhampton and using that to licence vehciles and drivers in Portsmouth.
63	i think as long as the checks that are in place remain so,there shouldn't be any problems.i don't think there have been many serious offences and endangerment to the public thus far in this city,but an appraisal from time to time could do no harm.
64	Any gun/drug/violence/sex/abuse related convictions should automatically preclude anybody from being able to drive a taxi.
65	Currently licences are issued without due diligence being carried out as many drivers don't speak English well or understand the Highway Code let alone follow it.
66	It would help if you could get a taxi in the first place
67	There should be as much screening and regulating of drivers and their vehicles as possible, in order that passengers can feel safe when travelling by taxi. Especially when it is necessary to travel alone.
68	The number of out of city vehicles is not good, because the drivers don't seem to even know where they are going and I wonder what checks they have actually had done on them. This is a poor reflection on this great City of Portsmouth to anyone visiting and is potentially dangerous for the vulnerable/ general population of Portsmouth.
69	I feel anyone having been convicted for the supply of drugs should be barred from holding a private hire licence, full stop. It is widely known that a certain cab firm in the city was (and may still be) set up and run on money made from supplying drugs, and that their vehicles were (and may still be) used to ferry dealers around the city.
70	The taxi and private hire trade has a poor reputation - drivers with a very limited competence in English, over-reliance on sat-nav technology instead of geographic knowledge and skimming off to avoid taxation. This must stop!
71	Pleased this is receiving careful attention (retired probation officer and family court adviser)
72	Do not agree with sat-navs to find destination by driver's also they do speed breaking the law all the time
73	Only that for the protection of the public private hire drivers and vehicles should be subjected to tight but fair restrictions
74	Some of the questions were difficult to understand
75	As well as road worthy I think that taxis should be clean inside and outside. I don't think drivers should smoke in taxis or eat food.
76	All the statements I disagreed with in relation to time lapses since an offence or crime has been committed should be looked at individually but the nature of crimes and offences build a picture and if caught doing things wrong surely they can't be classed as being a person to be logged as trustworthy. There are times they're likely to have committed crimes or offences that they'll not have been caught as a higher probability eg phone use, substance misuse and causing harm. 5,6,7 8 9 or 10 years isn't long really and a person can change for a short while but continue these behaviours once time lapses

77	Most of the recommendations i agree with, the recommendation where a single officer can have the power to able them to say that a person is fit and proper or not as the case maybe, should be made on a panel of three officers so there is no "if the face doesn't fit" or an officer has taken a dislike to a PH driver for what ever reason.
78	Training for drivers of accessible vehicles should be mandatory- it's unbelievable that drivers sometimes do not know how to use the equipment in their vehicles properly and can fail to secure wheelchair passengers safely
79	Nothing specific too add.
80	Road safety standards by taxis/PHVs in general are poor. These motorists should have impeccable driving behaviour, yet they are among the worst offenders - speeding, pavement parking, reckless turning, ignoring pedestrians at crossings, causing hazards to cyclists. PCC should insist on higher standards.
81	drivers to give a little more help to older people instead of just sitting at the wheel ready to take thier fare
82	I think it is a change that is long overdue.
83	Need to stop all the Aquacars Wolverhampton registered in this city.
84	Drivers should know the area and not rely on Sat nav alone. Also they should have l'm driving experience m. I have been in cabs in Portsmouth where they don't know any of the area including the major areas, drive erratically and poorly etc
85	No
86	if a taxi driver kills a person in an accident and is proven to be his fault should be banned for life holding taxi license
87	No
88	Drivers should contact customers (including door knocking) having been booked.
89	I think this is imperative in todays climate of abuse racial and sexual crimes
90	AS I said in Q20, I feel all passengers, travelling by taxi, should feel safe and protected. There have been occasions when I have felt very unsafe. I also believe taxi drivers should have a good command of the English language and also know Portsmouth very well.
91	All covered in 20.
92	not at this time
93	no
94	Taxi drivers should know the layout of the city they drive in. We have had to give turn by turn guidance to a number of drivers who had no clue to the location of places or how to get there.
95	I would like to know how the council obtain criminal records for all the foreign drivers which must be about 70% of current drivers .
96	Operating private hire should be enhanced DBS but basic.
97	All vehicles need to be fitted with a speed monitor. They speed everywhere
98	No
99	The time period for violent behaviour should be extended or no licence reissued

100	All taxis should have GPS speed recorders fitted because 99% of them here in Portsmouth drive like absolute lunatics. These checks you are tightening up on are all well and good but pretty insignificant when you consider the road safety issues taxis generally cause. Tighten up on their speed. They should never exceed any speed limit, but they always do without anything being done. Get GPS fitted. Get it to automatically fine them if speeding, and disallow any new licence then being granted.
101	Adequate funding to be available to ensure compliance along with random inspections.
102	Wish more of the drivers could actually speak understandable English
103	More drivers should do the knowledge in this area and not abroad
104	No
105	Hope to see the drivers and the licensing work together to make the city a better place and not to abuse the powers
106	Na
107	Only that I hope upping the age limit for WAV's is considered very seriously.
108	No
109	Current fare system is wrong we need a different system for wavs
110	An overhaul of the testing policy at Adams morey, safety is paramount but remember these are vehicles struggling to work in a congested city, and they will get paintwork scuffs, being hit with bikes scooters etc The tester at the depot is way OTT, Maybe revert to 2 MOTS a year or use other garages apart from Adams Morey
111	Some recommendations in the survey seem bizarre
112	Whilst the PHL requirements for operators, their vehicles and drivers are very extensive and comprehensive in order to ensure a safe service to the public, regulators also need to consider the very significant costs that all these requirements impose on operators and minimise them as much as possible.
113	Well as I said any car can use as a taxi minimum 12 years depending car conditions and how maintenance the car
114	Not really
115	I would like to comment all seven seater should stay for 12 years
116	Earning potential for independent HCV's in the Portsmouth Area is limited due to being a island city and journeys around the city being small and limited custom . Increasing proprietor costs is not going to help the situation so suggestions i have made are probably not going to be viable
117	I think the PCC shouldn't rely on the paperwork, test, exams and references submitted and actually have a face to face interview with any new candidate for PHV. There are bad eggs in every profession and industry and the should be weeded out. Also I think the 7 years after a conviction could be very unfair on some individuals, especially young people, sometimes they can be in a situation they don't have the maturity to deal with and end up in trouble. Some situation need an experienced trained person to look at a person's records and make a human evaluation.
118	Licensing officers should do more on the spot checks and take more action on unlicensed drivers/vehicles that are operating
119	All the things are perfect I agree with everything

120	Licensing fees should not go up. Mot should be every year regardless of vehicle age limit. You should abandoned Wolverhampton License vehicle in Portsmouth.thanks
121	I won't be able to afford any new wheelchair accessible replacement vehicles in the near future if we can't keep them for at least 12 years

Integrated Impact Assessment (IIA)

Integrated impact assessment (IIA) form December 2019

www.portsmouth.gov.uk

The integrated impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies that could impact positively or negatively on the following areas:
 - Communities and safety
 - Regeneration and culture
 - Environment and public space
 - Equality & diversity

Directorate:

Culture, Leisure and Regulatory Services

Service, function:

Licensing

Title of policy, service, function, project or strategy (new or old) :

Hackney Carriage and Private Hire Statement of Licensing Policy - Proposed Amendments for Consultation - February 2023

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

What is the aim of your policy, service, function, project or strategy?

The Hackney Carriage and Private Hire Statement of Licensing Policy sets out the way in which the Licensing Authority will exercise its statutory duty for the control, supervision and enforcement of the hackney carriage and private hire trade within Portsmouth

Has any consultation has been undertaken for this proposal? What were the outcomes of the consultations? Has anything changed because of the consultation? Did this inform your proposal?

The current policy is being reviewed having regard to the Secretary of State for Transport published statutory best practice guidance for taxi and private hire standards in July 2020 along with other considerations in respect of upper age limits for licensed hackney carriage and private hire vehicles.

A - Communities and safety

Yes

No

Is your policy, proposal relevant to the following questions?

A1-Crime - Will it make our city safer?



In thinking about this question:

- How will it reduce crime, disorder, ASB and the fear of crime?
- How will it prevent the misuse of drugs, alcohol and other substances?
- How will it protect and support young people at risk of harm?
- How will it discourage re-offending?

If you want more information contact Lisa.Wills@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-spp-plan-2018-20.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

The current recommendations to review the Council's existing policy in line with the DfT statutory best practice guidance will ensure that the primary and overriding objective of the policy will be to protect the public, which includes the most vulnerable in the community and also meet with the statutory duty to have regard to the published guidance.

How will you measure/check the impact of your proposal?

Will keep the policy under regular review and, in relation to the statutory guidance, engage with the DfT on future consultation exercises

A - Communities and safety

Yes

No

Is your policy, proposal relevant to the following questions?

A2-Housing - Will it provide good quality homes?



In thinking about this question:

- How will it increase good quality affordable housing, including social housing?
- How will it reduce the number of poor quality homes and accommodation?
- How will it produce well-insulated and sustainable buildings?
- How will it provide a mix of housing for different groups and needs?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

A - Communities and safety	Yes	No
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Is your policy, proposal relevant to the following questions?

A3-Health - Will this help promote healthy, safe and independent living?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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In thinking about this question:

- How will it improve physical and mental health?
- How will it improve quality of life?
- How will it encourage healthy lifestyle choices?
- How will it create healthy places? (Including workplaces)

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

A - Communities and safety	Yes	No
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Is your policy, proposal relevant to the following questions?

A4-Income deprivation and poverty -Will it consider income deprivation and reduce poverty?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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In thinking about this question:

- How will it support those vulnerable to falling into poverty; e.g., single working age adults and lone parent households?
- How will it consider low-income communities, households and individuals?
- How will it support those unable to work?
- How will it support those with no educational qualifications?

If you want more information contact Mark.Sage@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-homelessness-strategy-2018-to-2023.pdf>
<https://www.portsmouth.gov.uk/ext/health-and-care/health/joint-strategic-needs-assessment>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?		
How are you going to measure/check the impact of your proposal?		
A - Communities and safety	Yes	No

Is your policy, proposal relevant to the following questions?

A5-Equality & diversity - Will it have any positive/negative impacts on the protected characteristics?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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In thinking about this question:

- How will it impact on the protected characteristics-Positive or negative impact (Protected characteristics under the Equality Act 2010, Age, disability, race/ethnicity, Sexual orientation, gender reassignment, sex, religion or belief, pregnancy and maternity, marriage and civil partnership, socio-economic)
- What mitigation has been put in place to lessen any impacts or barriers removed?
- How will it help promote equality for a specific protected characteristic?

If you want more information contact gina.perryman@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-equality-strategy-2019-22-final.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

The proposed amendments in relation to upper age limits for licensing vehicles will provide further choice for those with mobility disabilities.
How are you going to measure/check the impact of your proposal? Will monitor the issuing of licences to determine whether the amendment to policy has brought about positive change

B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B1-Carbon emissions - Will it reduce carbon emissions?

In thinking about this question:

- How will it reduce greenhouse gas emissions?
- How will it provide renewable sources of energy?
- How will it reduce the need for motorised vehicle travel?
- How will it encourage and support residents to reduce carbon emissions?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B2-Energy use - Will it reduce energy use?

In thinking about this question:

- How will it reduce water consumption?
- How will it reduce electricity consumption?
- How will it reduce gas consumption?
- How will it reduce the production of waste?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B3 - Climate change mitigation and flooding-Will it proactively mitigate against a changing climate and flooding ?



In thinking about this question:

- How will it minimise flood risk from both coastal and surface flooding in the future?
- How will it protect properties and buildings from flooding?
- How will it make local people aware of the risk from flooding?
- How will it mitigate for future changes in temperature and extreme weather events?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-surface-water-management-plan-2019.pdf>
<https://www.portsmouth.gov.uk/ext/documents-external/cou-flood-risk-management-plan.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained?



In thinking about this question:

- How will it encourage biodiversity and protect habitats?
- How will it preserve natural sites?
- How will it conserve and enhance natural species?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-mitigation-strategy-dec-17.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B5-Air quality - Will it improve air quality?



In thinking about this question:

- How will it reduce motor-vehicle traffic congestion?
- How will it reduce emissions of key pollutants?
- How will it discourage the idling of motor vehicles?
- How will it reduce reliance on private car use?

If you want more information contact Hayley.Trower@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-aq-air-quality-plan-outline-business-case.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

Whilst the proposal to extend the upper age limit of licensed vehicles from 8 years to 12 years, all licensed vehicles are required, by separate policy requirements, to meet agreed emission standards. The extension of vehicle age limits could encourage more licensed vehicles as a means of public transport.

Vehicles will be regularly tested for mechanical safety and comfort. Measures will be in place to target those vehicles who do not meet the required standard, in consultation with the Council's approved vehicle examiner.

B - Environment and climate change

Yes

No

Is your policy, proposal relevant to the following questions?

B6-Transport - Will it improve road safety and transport for the whole community?



In thinking about this question:

- How will it prioritise pedestrians, cyclists and public transport users over users of private vehicles?
- How will it be safe and comfortable for children and older people to cycle and walk in the area?
- How will it increase the proportion of journeys made using sustainable and active transport?
- How will it reduce the risk of traffic collisions, and near misses, with pedestrians and cyclists?

If you want more information contact Pam.Turton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/travel/local-transport-plan-3>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

Is your policy, proposal relevant to the following questions?

B7-Waste management - Will it increase recycling and reduce the production of waste?



In thinking about this question:

- How will it reduce household waste and consumption?
- How will it increase recycling?
- How will it reduce industrial and construction waste?

If you want more information contact Steven.Russell@portsmouthcc.gov.uk or go to:

<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

C - Regeneration of our city

Yes

No

Is your policy, proposal relevant to the following questions?

C1-Culture and heritage - Will it promote, protect and enhance our culture and heritage?



In thinking about this question:

- How will it protect areas of cultural value?
- How will it protect listed buildings?
- How will it encourage events and attractions?
- How will it make Portsmouth a city people want to live in?

If you want more information contact Claire.Looney@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

Portsmouth has a comprehensive policy for the control, supervision of the hackney carriage and private trade. Driver's and vehicle's are sometimes the first point of contact for visitors to the city and we want to ensure that people feel safe whilst visiting and living in the city. Without necessary protection and public reassurance, this could have a damaging effect upon the city and its reputation.

How are you going to measure/check the impact of your proposal?

C - Regeneration of our city

Yes

No

Is your policy, proposal relevant to the following questions?

C2-Employment and opportunities - Will it promote the development of a skilled workforce?



In thinking about this question:

- How will it improve qualifications and skills for local people?
- How will it reduce unemployment?
- How will it create high quality jobs?
- How will it improve earnings?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

Is your policy, proposal relevant to the following questions?

C3 - Economy - Will it encourage businesses to invest in the city, support sustainable growth and regeneration?



In thinking about this question:

- How will it encourage the development of key industries?
- How will it improve the local economy?
- How will it create valuable employment opportunities for local people?
- How will it promote employment and growth to the city?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact on these issues your proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

Q8 - Who was involved in the Integrated integrated assessment?

Ross Lee - Principal Licensing Officer

This IIA has been approved by: Nickii Humphreys

Contact number: 023 9283 4604

Date: 15 February 2023