

‘Statutory Taxi & Private Hire Vehicle Standards’

Consultation Document



Introduction and Background

In July 2020 the Department for Transport (DfT) published its '[Statutory Taxi & Private Hire Vehicle Standards](#)' guidance document. The recommendations contained within replace the relevant sections of the DfT's '[Best Practice Guidance](#)' issued in 2010. The DfT has advised licensing authorities to publish their consideration of the new 'Standards' by the end of January 2021 in the interests of transparency.

The DfT has outlined that there is evidence to support the view that taxis and private hire vehicles are a high-risk environment in terms of risk to passengers; this can be seen in the abuse and exploitation of children and adults at risk from harm facilitated, and, in some cases, perpetrated by the trade. Links between the trade and child sexual exploitation have been established in many areas across the country. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers: data from the areas of Greater Manchester and Merseyside suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported.

The Policing 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 adults at risk from harm when using such services. The 'Standards' document sets out a framework of policies that licensing authorities must have regard to when exercising their functions. 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.

Whilst the focus on the standards is on protecting children and adults at risk from harm, all passengers will benefit from the recommendations contained within it. There is consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector, and the recommendations contained in the document are the result of detailed discussion with the trade, regulators and safety campaign groups. Whilst the new 'Standards' are guidance and not compulsory, the DfT expects the recommendations laid out to be implemented by licensing authorities unless there is a compelling local reason not to do so.

Consultation

The DfT has advised licensing authorities to consult on any proposed changes to licensing rules that may have significant impacts on passengers and/or the trade. Cambridge City Council is therefore conducting a consultation to seek the views of the trade, members of the public, as well as a wide range of partner agencies and stakeholders, on the adoption of the new standards in full.

You can find a full list of the proposed changes we intend to make to our [handbook](#) and [policy](#) documents in Annex A below.

You can respond to the consultation using the survey document, available on the consultation webpage, which when completed you can send by e-mail or post to us:

- E-mail: taxi@cambridge.gov.uk please include the words 'Consultation on Statutory Taxi and Private Hire Vehicle Standards' in the subject field; or
- Post: Commercial & Licensing Team, Cambridge City Council, PO BOX 700, Cambridge CB1 0JH.

In your response you should clearly state your name and any organisation or persons you may be responding on behalf of.

The consultation is open until **30 December 2020**.

The results of the consultation exercise will be presented to Members at Licensing Committee on 25 January 2020 to take account of the feedback from the trade, members of the public and other stakeholders.

Areas for consideration

Please see Annex A below for details of the current situation for each item we are consulting on and the corresponding proposed changes as laid out in the 'Standards' document.

Please note that the Council already has in place several of the recommendations contained within the 'Standards', therefore this consultation concerns only the proposed changes we intend to make and does not form part of a full review of the ['Hackney Carriage and Private Hire Licensing Policy'](#).

Timescale for Implementation

Officers intend to recommend to committee on 25 January 2020 that the new standards be adopted in full immediately; however, in some instances there may need to be a lead-in time to implement one or more of the new measures in order to put in place suitable processes to facilitate the changes applied.

Following the meeting the handbook and policy documents will be updated to reflect the changes agreed by Licensing Committee. The trade will also be advised on the new requirements.

Annex A – Proposed Changes

No.	Section*	Licensing Area	Item	Current situation	Proposed change
1	6.2	Drivers	<p>Criminality checks for applicants and holders of driver’s licences – Enhanced Disclosure</p> <p>Drivers to be subject to an Enhanced Disclosure and Barring Service (DBS) check with searches on both barred lists.</p>	Every 3 years.	Every 6 months.
2	6.14	Drivers	<p>Language proficiency test</p> <p>The DfT has commented that: “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.”</p> <p>Whilst the ‘Standards’ do not require adoption of a formal qualification in English language proficiency, the Council acknowledges the guidance above and notes some licensing authorities have such a requirement as part of their application process.</p>	English language proficiency and numeracy is examined to an extent in the Knowledge Test, which all applicants must pass (80% pass mark).	New driver applicants will be required to obtain a recognised qualification or undertake an English language proficiency course as part of the application process.
3	7.2	Vehicles	<p>Criminality checks for applicants and proprietors of vehicle licences – Basic Disclosure</p> <p>Applicants and proprietors of vehicle licences (who are not existing holders of a driver’s licence) to be subject to a Basic Disclosure check.</p>	Every 3 years.	Every 12 months.

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No.	Section*	Licensing Area	Item	Current situation	Proposed change
4	7.6 and 8.6 (4.34 – 4.36)	Vehicles & Operators	<p>Criminality checks for proprietors of vehicle and private hire licences – ‘Certificates of Good Character’</p> <p>The DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas. Licensing authorities should therefore 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.</p>	Not routinely undertaken.	Any applicant who has lived abroad for anytime in the 5-year period immediately prior to applying for a licence is required to provide a ‘Certificate of Good Character’ authenticated and translated by the relevant Embassy, where appropriate.
5	8.2	Operators	<p>Criminality checks for applicant and proprietors of private hire operator licences – Basic Disclosure</p> <p>Applicants and proprietors of a private hire operator’s licence (who are not existing holders of a driver’s licence) to be subject to a Basic Disclosure check. Where a company or partnership applies or holds a licence then each director or partner will be required to produce a Basic Disclosure certificate.</p>	Every 3 years.	Every 12 months.
6	8.8	Operators	<p>Register of staff</p> <p>Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public.</p> <p>Licensing authorities should therefore, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.</p>	Reviewed at inspection, but not currently a condition of the licence.	It shall become a condition of the licence that the operator maintains a live register of all booking and dispatch staff, where applicable.

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No.	Section*	Licensing Area	Item	Current situation	Proposed change
7	8.9	Operators	<p>Criminality checks for booking and despatch staff employed by private hire operators</p> <p>Operators should be required to evidence that they have had sight of a Basic Disclosure check for all individuals listed on their register of booking and dispatch staff and to ensure that Basic Disclosure checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.</p>	Not required by the licensing authority.	It shall become a condition of the licence that the operator must require and declare that all booking and dispatch staff have been subject to a Basic Disclosure, where applicable.
8	8.13 and 8.14	Operators	<p>Record keeping standards for private hire operators</p> <p>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 time the vehicle is required; 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; and, the name of any individual that dispatched the vehicle.</p>	Operators are required to maintain records to the standards as per Appendix P of the 'Handbook' document.	It shall become a condition of the licence that the operator must maintain the information outlined opposite for each booking for a minimum of 6 months.
9	8.15	Operators	<p>Registration with the Information Commissioner's Office as a data controller</p> <p>Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office (ICO) provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.</p>	Some operators are registered with ICO, but this is not mandated by the Council.	It shall become a condition of the licence that the operator must register with ICO as a data controller, where applicable.

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No.	Section*	Licensing Area	Item	Current situation	Proposed change
10	8.16	Operators	<p>Use of passenger carrying vehicles (PCV) licensed drivers</p> <p>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 passenger carrying vehicle (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. Where a booking required provision of a PSV then the person making the booking should be advised that a PCV licensed driver is subject to different checks.</p>	Not a condition attached to operator licences.	It shall become a condition of the licence that the operator must not use a PCV licensed driver and PSV to fulfil a booking without the consent of the booker. Where used, the booker must be advised the driver is subject to different checks.
11	4.12	General	<p>Notification of convictions etc.</p> <p>Licence holders must notify the licensing authority of any arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.</p>	Within 7 days.	48 hours (2 days).
12	4.14	General	<p>Referral of matters to the Disclosure and Barring Service (DBS)</p> <p>Any decision by the licensing authority to refuse to grant or revoke a licence as an individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. Rationale include: a) an individual has harmed or poses a risk of harm to a child or vulnerable adult; b) an individual has satisfied the 'harm test'; c) received a caution or conviction for a relevant offence; and, d) the person they are referring is, has or might in the future be working in a regulated activity.</p>	Not routinely undertaken.	Relevant matters to be referred to the DBS, where considered appropriate.

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13	5.16	General	<p>Assessment of previous convictions</p> <p>The following eligibility criteria should be adopted and used as a starting point when considering whether to grant or renew a licence. Where a definite period is given then this will take effect after the completion of any sentence has elapsed. Authorities must consider each case on its own merits, and applicants/licenseses are entitled to a fair and impartial consideration of their application.</p> <table border="1"> <thead> <tr> <th>Offence</th> <th>Current situation</th> <th>Proposed change</th> </tr> </thead> <tbody> <tr> <td>A. Crimes resulting in the death of another person or intention to cause the death or serious injury of another person.</td> <td>When spent¹</td> <td>Never</td> </tr> <tr> <td>B. Crimes involving, related to or connected with abuse, exploitation use or treatment of another individual irrespective of whether the victim or victims were adults or children.</td> <td>When spent¹</td> <td>Never</td> </tr> <tr> <td>C. Offences involving violence against the person or connected with any violence against a person.</td> <td>When spent¹</td> <td>10 years</td> </tr> <tr> <td>D. Possession of a weapon or any weapon-related offence.</td> <td>When spent¹</td> <td>7 years</td> </tr> <tr> <td>E. Sexual offences and individuals listed on the Sex Offenders Register or barred lists.</td> <td>When spent¹</td> <td>Never</td> </tr> <tr> <td>F. Offences involving an element of dishonesty.</td> <td>When spent¹</td> <td>7 years</td> </tr> <tr> <td>G. Drugs:</td> <td></td> <td></td> </tr> <tr> <td> i) Supply or possession with intent to supply.</td> <td>When spent¹</td> <td>10 years</td> </tr> <tr> <td> ii) Possession only.</td> <td>When spent¹</td> <td>5 years²</td> </tr> <tr> <td>H. Discrimination offences.</td> <td>Not specifically defined</td> <td>7 years</td> </tr> <tr> <td>I. Drink driving/driving under the influence of drugs.</td> <td>When spent¹</td> <td>7 years</td> </tr> <tr> <td>J. Using a handheld device whilst driving.</td> <td>Not specifically defined</td> <td>5 years²</td> </tr> </tbody> </table> <p>¹ as per the Rehabilitation of Offenders Act 1974 (as amended)</p> <p>² in addition, any applicant/licence holder may also be required to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.</p>	Offence	Current situation	Proposed change	A. Crimes resulting in the death of another person or intention to cause the death or serious injury of another person.	When spent ¹	Never	B. Crimes involving, related to or connected with abuse, exploitation use or treatment of another individual irrespective of whether the victim or victims were adults or children.	When spent ¹	Never	C. Offences involving violence against the person or connected with any violence against a person.	When spent ¹	10 years	D. Possession of a weapon or any weapon-related offence.	When spent ¹	7 years	E. Sexual offences and individuals listed on the Sex Offenders Register or barred lists.	When spent ¹	Never	F. Offences involving an element of dishonesty.	When spent ¹	7 years	G. Drugs:			i) Supply or possession with intent to supply.	When spent ¹	10 years	ii) Possession only.	When spent ¹	5 years ²	H. Discrimination offences.	Not specifically defined	7 years	I. Drink driving/driving under the influence of drugs.	When spent ¹	7 years	J. Using a handheld device whilst driving.	Not specifically defined	5 years ²
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