

No.	Section*	Licensing Area	Item	Current situation	Proposed change	Survey results (28 respondents)	Implementation
1	6.2	Drivers	<p><b>Criminality checks for applicants and holders of driver's licences – Enhanced Disclosure</b></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.	Drivers will be subject to an Enhanced Disclosure and Barring Service (DBS) check with searches on both barred lists every 6 months.	<p>Agree – 43%</p> <p>Disagree – 57%</p>	Need to be discussed – awaiting response from ED. How many are on the update service and how many are pending. – daily admin task.
2	6.14	Drivers	<p><b>Language proficiency test</b></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</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.	<p>Agree – 64%</p> <p>Disagree – 36%</p>	Implementing a language proficiency test within 6 months.

			<p>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>					
3	7.2	Vehicles	<p><b>Criminality checks for applicants and proprietors of vehicle licences – Basic Disclosure</b></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.	Applicants and proprietors of vehicle licences (who are not existing holders of a driver’s licence) will be subject to a Basic Disclosure check every 12 months.	<p>Agree – 64%</p> <p>Disagree – 36%</p>	Immediate effect, at all licence renewal	
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4	7.6 and 8.6  (4.34 – 4.36)	Vehicles & Operators	<p><b>Criminality checks for proprietors of vehicle and private hire licences – ‘Certificates of Good Character’</b></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.	Applicants for vehicle and proprietor licences, who have lived abroad for anytime in the 5-year period immediately prior to applying for a licence, will be required to provide a ‘Certificate of Good Character’ authenticated and translated by the relevant Embassy, where appropriate.	Agree – 75%  Disagree – 25%	Immediate effect	
5	8.2	Operators	<p><b>Criminality checks for applicant and proprietors of private hire operator licences – Basic Disclosure</b></p> <p>Applicants and proprietors of a private hire operator’s licence (who are not existing holders of a</p>	Every 3 years.	Applicants and proprietors of operator licences (who are not existing holders of a driver’s licence) to be	Agree – 75%  Disagree – 25%	To be completed within 3 months for those current licence holders that have	

			<p>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>		<p>subject to a Basic Disclosure check every 12 months. 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>			
6	8.8	Operators	<p><b>Register of staff</b></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>	<p>Reviewed at inspection, but not currently a condition of the licence.</p>	<p>It shall become a condition of the licence that the operator maintains a live register of all booking and dispatch staff, where applicable.</p>	<p>Agree – 75%</p> <p>Disagree – 25%</p>	<p>With immediate effect. Signed declaration returned within 3 months.</p>	

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7	8.9	Operators	<p><b>Criminality checks for booking and despatch staff employed by private hire operators</b></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.	Agree – 71%  Disagree – 29%	Signed declaration returned within 6 months.	
8	8.13 and 8.14	Operators	<p><b>Record keeping standards for private hire operators</b></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</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.	Agree – 64%  Disagree – 36%	Immediate effect - 3 months of committee meeting – when will this be checked?	

			to the booking request; and, the name of any individual that dispatched the vehicle.					
9	8.15	Operators	<p><b>Registration with the Information Commissioner's Office as a data controller</b></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.	<p>Agree – 61%</p> <p>Disagree – 39%</p>	All operators must be signed with the ICO within 6 months for current licence holders, send proof to licensing authority. New Operators must show they are signed with the ICO at application stage.	
No.	Section*	Licensing Area	Item	Current situation	Proposed change		Implementation	
10	8.16	Operators	<p><b>Use of passenger carrying vehicles (PCV) licensed drivers</b></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</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	<p>Agree – 71%</p> <p>Disagree – 29%</p>	With immediate effect – operators will be informed of this requirement, advised they must sign declaration to inform that they have complied	

			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.		consent of the booker. Where used, the booker must be advised the driver is subject to different checks.		within 4 week of licensing committee.	
11	4.12	General	<p><b>Notification of convictions etc.</b></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).	<p>Agree – 79%</p> <p>Disagree – 21%</p>	With immediate effect – Trade will be informed via letter/e-mail	

12	4.14	General	<p><b>Referral of matters to the Disclosure and Barring Service (DBS)</b></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 <a href="#">‘harm test’</a>; 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.	Any decision by the licensing authority to refuse to grant or revoke a licence to an individual thought to present a risk of harm to a child or vulnerable adult will be referred to the Disclosure and Barring Service (DBS). Rationale for referral are set out at No. 12 of the ‘Consultation Document’.	Agree – 86%  Disagree – 14%	With immediate effect – Trade will be informed via letter/e-mail	
No.	Section*	Licensing Area	Item				Implementation	
13	5.16	General	<p><b>Assessment of previous convictions</b></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</p>			Agree - 71%  Disagree - 29%	With immediate effect. For current licence holders this will be checked at next DBS requirement	

each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.

date. Dates of convictions to be checked against new criteria, to pass to enforcement if new criteria is breached. All New applications will be passed to enforcement for consideration if they previous convictions are seen in DBS.

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 <sup>1</sup>	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 <sup>1</sup>	Never			
C. Offences involving violence against the person or connected with any violence against a person.	When spent <sup>1</sup>	10 years			

		D. Possession of a weapon or any weapon-related offence.	When spent <sup>1</sup>	7 years			
		E. Sexual offences and individuals listed on the Sex Offenders Register or barred lists.	When spent <sup>1</sup>	Never			
		F. Offences involving an element of dishonesty.	When spent <sup>1</sup>	7 years			
		G. Drugs:					
		i) Supply or possession with intent to supply.	When spent <sup>1</sup>	10 years			
		ii) Possession only.	When spent <sup>1</sup>	5 years <sup>2</sup>			
		H. Discrimination offences.	Not specifically defined	7 years			
		I. Drink driving/driving under the influence of drugs.	When spent <sup>1</sup>	7 years			
		J. Using a handheld device whilst driving.	Not specifically defined	5 years <sup>2</sup>			
		<sup>1</sup> as per the <a href="#">Rehabilitation of Offenders Act 1974</a> (as amended)					
		<sup>2</sup> 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.					