

## Statutory Taxi & Private Hire Vehicle Standards

The Statutory Taxi and Private Hire Vehicle Standards document sets out a framework of policies that licensing authorities “*must have regard*” to when exercising their functions. The following table sets out the options for this licensing authority.

	Heading	National Standards Requirement	Current Position
1	Policies	There should be a cohesive policy document that brings together all 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	<p>Swale adopted its latest Hackney Carriage and Private Hire Licensing Policy to become effective on 1<sup>st</sup> July 2018 and has kept it fully under review since it’s introduction. Minor amendments to the policy have been agreed by the Resilience and Licensing Manager in liaison with the relevant Cabinet Member and Chair of Licensing Committee as agreed at a meeting of the General Licensing Committee of 19 April 2018. More major amendments i.e. the adoption of the NR3 Register were subject to full public consultation prior to formal adoption by the General Licensing Committee on 9 April 2019.</p> <p>It is recommended that amendments to this policy as required by these National Standards be consulted upon in January 2021.</p> <p>A more robust revision of the policy will be undertaken later in 2021.</p>
2	Duration of licences	The Local Government (Miscellaneous Provisions) Act 1982 (as amended) sets a standard length at 3 years for taxi and private hire vehicle drivers and 5 years for private hire operators.	Swale grants one, three and five year licences in line with the legislation and the current taxi policy.

		Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case.	One year licences are granted where the licensed driver is over 70 years old and where a medical is required annually.  It is not proposed to amend current procedures
3	Whistleblowing	It is in the application of licensing authority's policies (and the training and 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. Local authorities should ensure they have an effective 'whistleblowing' policy and that all staff are aware of it.	Swale has an up to date whistleblowing policy. All licensing staff are aware of this policy
4	Consultation at local level	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.	Swale introduced its current taxi policy after a full and comprehensive consultation with the taxi trade and general public alike. Any major change to an existing policy during its 'lifetime' will also be subject to full consultation
5	Working with the police	Action taken by the licensing authority as a result of information received should be fed-back to the police.  The police should be told of all refusals and revocations on public safety grounds.  Licence holders should be required to notify the licensing authority within 48 hours of an arrest and release. Charge or conviction of any sexual	The licensing team work in close liaison with Kent police licensing and the CSU unit of Swale BC and will inform them of any action taken against licensed drivers or operators.  A joint Licensing Compliance and Enforcement Protocol is in place covering all relevant licensing functions and all related topics, in as much as it applies to each individual organisation in Kent and Medway. These include, but are not exclusive to; Kent Police, Kent Fire & Rescue

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		offence, any offence involving dishonesty or violence and any motoring offence.	<p>Service, Kent County Council Trading Standards, Gambling Commission, Securities Industry Authority, Public Health, Social Services, Licensing Operations at the Local Authorities in Kent and Medway.</p> <p>The current Swale taxi policy requires a driver to notify the council of any conviction within 7 days so this needs to be amended in line with the standard.</p>
6	Sharing licensing information with other licensing authorities and NR3 Database	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.	Swale has adopted NR3 (National Register of Taxi Licence Revocations and Refusals) and it is included as Appendix R in the current taxi policy
7	Complaints against licensees	All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees	<p>All complaints received are logged and investigated, normally by 2 licensing officers, and the decision as to what action to be taken made after discussion with the Resilience and Licensing Manager. If penalty points are imposed on a drivers taxi licence with Swale then there is a 21 day appeal period in order to ensure absolute fairness in the action taken.</p> <p>The licensing team use a database called Uniform where all actions are recorded to ensure that nothing can be overlooked.</p> <p>Details of how to complain to the licensing team are included on the tariff card which is displayed in all hackney carriages. Details will be made available on the Swale website.</p>
8	Overseas convictions	Licensing authorities should seek or require applicants to provide where possible criminal	The Council requires that all overseas applicants who have resided in this country for less than five years obtain a Certificate of Good Conduct from their relevant

		records information on a 'Certificate of Good Conduct'	embassy or consulate, at the applicant's expense, authenticated, translated and sealed by the embassy or consulate
9	Decision making administration of the licensing framework	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. All individuals that determine whether a licence is issued should be required to undertake sufficient training	All Licensing officers have undertaken accredited training provided by the Institute of Licensing. Refresher/advanced courses in the Taxi and PH are attended.
10	Immediate revocation	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.	Powers delegated to the Resilience and Licensing Manager allow for this serious course of action if required and if so urgent that it may not wait for Licensing sub-committee. Further reporting would then be provided to the Chair of the Licensing Committee and relevant Cabinet Member on those urgent measures.
11	Fit and proper test	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.	This Council requires applicants for a licence to satisfy all necessary requirements for reasons of public protection. The current Swale taxi policy states:  The licensing authority will issue a licence to an applicant provided the applicant is assessed 'fit and proper'. The authority will consider amongst other things: the applicants' relevant skills, knowledge, experience, qualifications, medical fitness, criminal record, offences and prosecutions and previous history as a licence holder.  The offences, convictions, prosecutions or cautions which the Council consider to be relevant when considering an application for the grant or renewal of a

			licence are shown in Appendix E of the policy. The licensing authority will consider each case on its merits.
12	Driver licensing criminality checks	All licensed drivers should be required to evidence continuous registration with the Disclosure & Barring Service (DBS) update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe to the Update Service should still be subject to a check every six months	<p>This Council like many carries out DBS checks every 3 years. Whilst we have actively encouraged drivers to sign up to the update service the number that have done so remains relatively small</p> <p>It is recommended that the taxi policy be amended to make it a mandatory requirement for all drivers to sign up to the DBS update service and to give Swale licensing team the authority to access their records by providing their unique log in number..</p> <p>The benefit to drivers is that the cost for them to sign up to the online checking facility will be £13 per year as opposed to £88 per year if DBS checks were to be conducted every six months using the existing manual method.</p> <p>It should be noted that conditions can be applied to private hire drivers licences but not hackney carriage drivers licences however, all drivers with Swale hold a dual drivers licence so the amendments to policy will affect them</p> <p>As an enhanced DBS check has to firstly be carried out before a driver can then apply to join the update service,</p> <p>There are 350 licensed drivers with Swale of which 233 will need to renew their Swale driving licence during 2021 and hence submit a DBS check at the same time. From discussions with officers from other local authorities in Kent who represent the south-east on various LGA</p>

			forums it seems unlikely that government will allow local authorities to 'phase-in' the requirement for 6 monthly DBS checks so this will involve considerable work for the very small licensing team to carry out these checks, to update our records accordingly and to then carry out the DBS checks every six months
13	Criminality Checks for Private Hire Vehicle Operators	<p>It is important 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.</p> <p>Criminality checks for vehicle proprietors. Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.</p> <p>Criminality checks for private hire vehicle operators. Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</p> <p>Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch is kept.</p>	<p>Most Private Hire Operators are themselves licensed as a Swale driver and have undergone enhanced DBS checking.</p> <p>The taxi policy will need to be amended so that on the rare occasion that a Private Hire Operators licence is applied for where the applicant is not a driver a basic DBS check is undertaken every year during the 5 year duration of the Operator's licence.</p> <p>The taxi policy will also need to be amended to reflect the requirements regarding booking and dispatch staff</p>

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14	Safeguarding awareness	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	<p>All new driver applicants undergo safeguarding training as part of the Street Knowledge Test (Appendix G of the taxi policy) which they must achieve a 100% pass rate.</p> <p>It had been intended to provide this training to all existing drivers but it has not been possible to arrange such training due to the impact of Covid-19 meaning it is not possible to train groups of individuals. This will be re-visited when we are in a position to do so</p>
15	Language proficiency	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.	This Council believes that the current knowledge test that all applicants must pass adequately tests language proficiency. Applicants are unable to pass the test without a good grasp of written and spoken English. Licensing Officers will interview potential drivers upon application to determine whether their spoken English is adequate before beginning the process to become a Swale licensed driver.
16	In-vehicle visual and audio recording – CCTV	<p>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:</p> <ul style="list-style-type: none"> <li>• deterring and preventing the occurrence of crime.</li> <li>• reducing the fear of crime.</li> <li>• assisting the police in investigating incidents of crime.</li> <li>• assisting insurance companies in investigating motor vehicle accidents.</li> </ul>	<p>The Council have been awaiting clearer national guidance on CCTV.</p> <p>To date we have not made the installation of CCTV mandatory and there has been no formal reporting or investigation by police for incidents within licensed vehicles.</p> <p>Costs for the installation of in-car CCTV is met by the vehicle owner and can be prohibitive if CCTV is installed to the standard to provide sufficient evidential quality in a court of law</p>

		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.	It is now a mandatory requirement that the Data controller is a responsibility of the Council.  It is therefore proposed to explore this subject as part of the more wide-ranging policy revision that will be undertaken later in 2021
17	Enforcing the licensing regime	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	All Licensing officers have undertaken accredited training provided by the Institute of Licensing and staff resourcing is kept under review by managers.
18	Joint authorisation of enforcement officers	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	Joint enforcement work with our neighbouring local authorities and KCC School Contracts has been undertaken as the need has arisen but thus far no formal Memorandum of Understanding has been agreed with any of them
19	Setting expectations	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	This Council requires applicants for a licence to satisfy all necessary requirements for reasons of public protection in its policy and officers have frequent contact with licensees.

		<p>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. 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.</p>	<p>Repeated reports or complaints against a driver can already be identified to lead to proportionate action. This can include the imposition of 'penalty points' (Appendix I of the current taxi policy). Any driver who accrues more than 11 penalty points within a 36 month rolling basis will need to appear before a hearing of the Licensing Sub-Committee where members will decide on the appropriate enforcement action to be taken.</p>
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