

Table of Amendments and Insertions to the Swale BC Hackney Carriage and Private Hire Licensing Policy 2018 - 2021 to take into account the DfT Statutory Taxi and Private Hire Vehicle Standards

Policy Section No and Title	Current wording within policy	Amended or inserted wording to be used within policy
<p>1. Introduction</p>	<p>1.3 Background to Policy</p> <p>1.3.1 The Department of Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales.</p> <p>1.3.2 In 2006 the DfT produced a Best Practice Guidance to assist local authorities with the regulation of the hackney carriage and private hire trades. It was directed at local authorities “to decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. There was recognition, within the document, that is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.</p> <p>1.3.3 In 2010 the DfT’s Guidance was updated and this policy revision takes the 2010 version into account.</p>	<p>Insert</p> <p>1.3.4 In July 2020, the DfT issued Statutory Taxi and Private Hire Vehicle Standards to which all Licensing Authorities must have regard in carrying out their licensing function. Whilst the focus of these standards is on protecting children and vulnerable adults, they are intended to benefit all passengers; primarily through ensuring the fitness and propriety of applicants and licence holders. The national standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the Best Practice Guidance, and consequently replace relevant sections; where there is a conflict between the national standards and the Best Practice Guidance, the national standards take precedence.</p>
<p>3.6 Disclosure and Barring Service Criminal Records Checks</p>	<p>3.6.3 It is the Council’s view that the public expects all reasonable precautions to be taken when determining whether to grant a licence to</p>	<p>Amendment:</p> <p>3.6.3 It is the Council’s view that the public expects all reasonable precautions to</p>

	<p>drive a hackney carriage or private hire vehicles and, as drivers are exempt from the Rehabilitation of Offenders Act 1974; an Enhanced Disclosure should continue to be the requirement for new drivers and every three years thereafter. The Council may request another disclosure at any time if a further check is considered necessary.</p> <p>3.6.5 Licences will not be issued until such times as the Council has sight of a satisfactory returned DBS check. Applicants are therefore encouraged to sign up to the DBS Update Service when applying for their enhanced DBS. Swale Council will not issue temporary badges as a result of delayed checks. It will be the driver's responsibility to make sure they have joined the DBS Update Service to be able to renew their licence on time.</p>	<p>be taken when determining whether to grant a licence to drive a hackney carriage or private hire vehicles and, as drivers are exempt from the Rehabilitation of Offenders Act 1974.</p> <p>The DfT national standards recommend that an enhanced DBS check should routinely be carried out via the DBS Update Service every six months.</p> <p>Insertions and numbers within this section to be amended as necessary</p> <p>3.6.4 All new applicants are to provide a completed Enhanced DBS Disclosure Application when they have successfully passed the Street Knowledge Test (if applicable) and register for the DBS Update Service upon receipt of their Certificate, which will be sent to them by the DBS and give the Council ongoing permission and the information required to check the status of their certificate every six months or otherwise as considered appropriate.</p> <p>3.6.5 All existing drivers who are not already registered with the DBS Update Service to provide a current (less than 3 months old at the date of application) Enhanced DBS Disclosure Certificate, register for the DBS Update Service and give the Council ongoing permission and the information required to check the status of their certificate every six months or otherwise</p>
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		<p>considered necessary by no later than 1st September 2021 unless their Swale taxi licence and DBS is due during 2021 in which case it can be done at the time of renewal. Any driver who fails to do so will be subject to suspension or other enforcement intervention as appropriate.</p> <p>3.6.7 Once a driver has registered for the Update Service they must remain registered, and give the Council permission to check the status of their certificate as considered necessary, for the duration of their time as a licensed driver with the Council.</p> <p>3.6.8 Anyone who fails to register for the Update Service or maintain continuous registration as required will be subject to enforcement action, including suspension until such times as the situation has been rectified to the Council's satisfaction i.e. until they have applied for a further Enhanced DBS check through the Council at their own expense in order that they can apply/reapply to join the Update Service within the required timescales as set out by the DBS.</p> <p>3.6.9 The Council will check on the status of a drivers' DBS certificate via the Update Service as part of the renewal application process, and at any other time considered appropriate during the validity of that persons licence.</p>
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<p>3.7 Relevance of Offences, Convictions, Prosecutions and Cautions</p>	<p>Not included within current policy except under Appendix I – Penalty Points Tariff:</p> <p>Maximum Penalty Points 10 -12:</p> <p>Failure of a licence holder to disclose offence, conviction, prosecution or cautions within seven days</p>	<p>Insertion</p> <p>3.7.7. Licence holders are required by this Authority to notify the Licensing Team 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 (with the exception of one-off minor traffic offences) will result in a review by this Authority as to whether the licence holder is fit to continue to hold a licence. This will 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.</p> <p>3.7.8 A failure by a licence holder to disclose a matter referred to in 3.7.7 that the council is subsequently advised of may be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.</p>
<p>4.1 Private Hire Operators</p>	<p>4.1.8 Applications will only be acceptable if they include the following:</p> <ul style="list-style-type: none"> • Application form completed in its entirety and signed by the applicant along with all the information prescribed. 	<p>Insertions and numbers within this section to be amended as necessary</p> <p>4.1.8 Applications will only be acceptable if they include an application form completed in its entirety and signed by the applicant along with all the information prescribed.</p>

	<ul style="list-style-type: none"> • Application for a Disclosure and Barring Service Basic Check, which can be obtained from DBS or Disclosure Scotland, completed by the applicant with accompanying identification or a current valid disclosure certificate completed within 1 month and obtained via an approved body which will allow an update service check to be performed. Applicants that hold a current Drivers Licence with the Council will be exempt from this requirement. 	<p>4.1.9 Where an operator is not a Swale licensed driver, who is subject to the associated enhanced disclosure check requirements, the following provisions shall apply.</p> <p>4.1.10 Private hire operators, that re not licensed drivers, cannot be required to produce an enhanced DBS disclosure. The national standards recommend however that licensing authorities should request a basic disclosure from the DBS and that subsequent checks are undertaken annually. Consequently, the following requirements apply:</p> <p>4.1.11 All new applicants must provide a completed Basic DBS Check Certificate at the point of their initial application, register with the DBS Update Service upon receipt of their certificate, which will be sent to them by the DBS, and give the Council ongoing permission and the information required to check the status of their certificate every year or otherwise as considered appropriate.</p> <p>4.1.12 All existing operators who have not already registered with the DBS Update Service must provide a current (less than 3 months old at the date of application) Basic DBS Check certificate, register for the DBS Update Service and give the Council ongoing permission and the information required to check the status of</p>
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		<p>their certificate every year or otherwise as considered necessary, by no later than 1 July 2021. Any operator who fails to do so will be subject to suspension or other enforcement intervention as appropriate.</p> <p>4.1.13 Where an applicant or licence holder has spent an extended period (three or more continuous months) outside the UK, A Certificate of Good Conduct will also be required from the relevant embassy.</p> <p>4.1.14 Where the applicant is a company or partnership, these requirements shall apply to all directors, partners, and secretaries.</p> <p>4.1.15 Once an operator has registered for the Update Service they must remain registered, and give the Council permission to check the status of their certificate as considered necessary, for the duration of their time as a licensed Operator with the Council.</p> <p>4.1.16 The council may, at any point throughout the duration of this Policy, specify (by way of updating the relevant sections on its website) the way in which applicants can/must apply for their DBS certificates (e.g. via a 3rd party). Applicants will continue to be responsible for all costs associated with this.</p>
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<p>Private Hire Operators Despatch Staff</p>	<p>To be included in Appendix K Private Hire Operators Conditions</p>	<p>Insertion</p> <p>10.1 The licence holder(s) must keep an up to date record of all members of staff included in taking bookings and dispatching vehicles.</p> <p>10.2 All staff listed on the register referred to in 10.1 must provide the licence holder(s) with a Basic DBS check certificate that is less than 3 months old prior to taking bookings and dispatching vehicles.</p> <p>10.3 The licence holder(s) must be able to provide evidence to the satisfaction of the council, upon request, that they have had sight of the Basic DBS check certificates referred to in 10.2 (although DBS certificates must not be retained) and record this, along with the date seen, in the register referred to in 10.1.</p> <p>10.4 Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested</p> <p>10.5 The licence holder(s) must have and apply a policy on employing ex-offenders in roles that would be on the register above. As with the threshold to obtaining a private hire vehicle operator's licence, those with a conviction for offences provided in Appendix E of this Policy, other than those relating to driving, may not be suitable to decide who is sent to</p>
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