

Department for Transport – [Statutory taxi and private hire vehicle standards](#)

Recommendation	Current Situation	Proposed Action
<p>3.1 Licensing policy (p.8).                      Authorities should produce a ‘cohesive policy document’ that includes a convictions policy and local conditions. When formulating policies, the overriding objective must be to protect the public and policies should be reviewed every five years.</p>	<p>Fylde Council has a cohesive Policy Document including a convictions policy and local conditions. The Policy is due for renewal and as such any actions from the Department for Transport document will be incorporated into a draft policy for consultation.</p>	<p>Review of Hackney Carriage and Private Hire Licensing Policy for consultation and consideration by Committee</p>
<p>3.6 Duration of Licences (p.9).                      Authorities should not issue shorter licences on a probationary basis.</p>	<p>Fylde Council currently offer applicants the choice of an annual or 3 yearly licence, with numerous new applicants opting for the annual licence to ensure they enjoy the role. Licences are not issued on a probationary basis as once issued, we are essentially confirming a persons fitness and propriety.</p>	<p>No change required</p>
<p>3.8 Whistleblowing (p.9).                      It is recommended that authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly.</p>	<p>Fylde Councils Whistleblowing Policy was last reviewed in December 2019 and is available on the intranet.</p>	<p>The recommendation is noted and all staff currently involved in the licensing process will be reminded of the policy and how to initiate if there concerns</p>
<p>3.12 Consultation (p.10).                      It reiterates that it is good practice to consult widely when proposing significant changes to local licensing rules and that consultation should include passenger and trade groups.</p>	<p>Fylde Council already carries out full public consultation when reviewing existing policies, Direct engagement with key stakeholders also features with any Licensing policy reviews.</p>	<p>The suggestions within 3.12 and 3.13 are noted and will be applied should the revised Policy be approved for consultation.</p>

<p>3.14 Changes to polices (p.10). Any changes in licensing requirements should be followed by a review of the licences already issued.</p>	<p>Generally speaking, where there have been changes to Policy such as relating to vehicle specification, grandfather rights are applied allowing a period of time for the trade to comply. Urgent matters such as the need for Safeguarding training have been introduced immediately. The convictions policies have never been applied retrospectively and in line with data requirements we do not keep details of a conviction once a licence is issued.</p>	<p>App1, 5.8 of the current policy comments, "For renewal applications and current licence holders the policy will not be applied retrospectively where there are no new concerns or convictions. The policy will be applied to existing licence holders if any additional convictions are incurred or they are otherwise brought to the attention of the Council for conduct that would call into question a person's suitability to hold a licence."</p> <p>The request is noted and will be factored in with the updated frequency of DBS checks referred to below.</p>
<p>4.6 DBS update service (p.13). Authorities should require drivers to subscribe to the DBS Update Service at their own expense.</p>	<p>Drivers are encouraged to register for the update service but take up is sporadic.</p>	<p>4.2 of the Policy updated to reflect the requirement that registration to the scheme is required and 6 monthly checks will be undertaken. 5.5 of annex 1 updated.</p>
<p>4.9 Common Law Police disclosures (p.13) Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and being used. Action taken by the licensing authority as a result of information received from the police, should be fed-back to the police</p>	<p>Officers currently have a strong working relationship with the West Division Police Licensing team and local Neighbourhood Policing Team. Information from other Lancashire police officers is also received under the Common Law disclosures provisions</p>	<p>No policy change</p>
<p>4.12 Licensee self-reporting (p.13). Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual</p>	<p>The Policy currently requires existing holders of drivers' licences are required to notify the licensing authority in writing within seven days of being arrested, receiving a driving licence</p>	<p>Amend Annex 1, 5.2 to state "Existing holders of drivers' licences are required to notify the licensing authority in writing within 48 hours of being arrested, receiving a driving licence</p>

offence, any offence involving dishonesty or violence and any motoring offence.	endorsement, fixed penalty notice or criminal conviction (including cautions).	endorsement, fixed penalty notice or criminal conviction (including cautions).
4.14 Referrals to the DBS (p.14). 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.	We shall continue to do this where it is appropriate to do so.	No policy change
4.20 Information sharing with other LA's (p.15). Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority and if they have had an application refused, or a licence revoked or suspended by any other licensing authority. The National Anti-Fraud Network's NR3 should be used by Licensing Authorities to share details of refusals and revocations.	This information is requested on the application form but is not included in the policy. We do not currently subscribe to the National Anti-Fraud Network's NR3.	New Paragraph inserted at 4.2.1 as follows; Applicants must 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.  Further enquiries to be made in relation to the National Anti-Fraud Network's NR3.
4.26 Multi-agency Safeguarding Hub (MASH) (p.16). Authorities should establish a means to facilitate the objectives of the local MASH.	Fylde Council officers are represented on a number of Multi-agency working groups including GENGA which deals with serious and organised crime threats, local ASB Meets and the Integrated Team.	Links to the MASH are clear and as such, no policy changes required.
4.29 Complaints (p.17). Authorities should have a robust system for recording complaints and analysing trends and provide guidance for people wishing to submit complaints.	Complaints about licence holders are now recorded on the database and licence holders are referred to the Public Protection Committee where appropriate. Information on how to complain is available on the council's website.	No Policy change
4.35 Certificates of Good Character (p.18)	Section 4.2.3 of the current policy refers –	No change required

<p>Authorities should require certificates of Good Character from applicants who have lived overseas for an extended period of time.</p>	<p>Applicants with Periods of Residency Outside the UK Where a new applicant has spent six continuous months or more overseas, the Licensing Authority will expect to see evidence of a criminal record check or a certificate of good conduct from the country/countries visited covering the period before an application may be made.</p>	
<p>5.1 Decision Making (p.19). There should be sufficient training and adequate resource for all those involved with making licensing decisions. Any functions that are delegated should be set out in a clear scheme of delegation.</p>	<p>Suitable training is identified and made available to officers and members of the Public Protection Committee. All training undertaken is recorded.  Section 3 of the Policy makes reference to Delegations, including immediate revocation.</p>	<p>No change required</p>
<p>5.12 Fit and Proper test (p.21). There is no statutory definition of what amounts to 'fit and proper' for the purposes of driver licensing but a suggested test is provided for which the threshold is 'the balance of probabilities'.</p>	<p>The current fit and proper test is shown at 4.1 of the Policy. .</p>	<p>Policy updated at to read at Annex 1, 2.4 All decisions on the suitability of an applicant will be made on the balance of probability. Applicants will not be given the benefit of the doubt and should the Public Protection Committee be only "50/50" as to whether the applicant is 'fit and proper' the licence will not normally be granted.</p>
<p>6.1 Driver licensing (p.23). Authorities should routinely check the DBS update service every 6 months.</p>	<p>Referred to above.</p>	<p>4.2 of the Policy updated to reflect the requirement that registration to the scheme is required and 6 monthly checks will be undertaken. 5.5 of annex 1 updated.</p>
<p>6.5 Safeguarding awareness (p.23). Authorities should provide safeguarding guidance including</p>	<p>Fylde Council currently have a written Knowledge of the Borough Test for all new applicants, sat at</p>	<p>Knowledge test to be updated to include references to County Lines.</p>

<p>how to respond and report concerns and where to get advice. Training should include 'County Lines' drug trafficking awareness.</p>	<p>the Council Officers. Areas covered include basic taxi requirements, the location of premises within the borough and a safeguarding element but there is no reference currently to County Lines.</p>	
<p>7.2 Vehicle proprietors (p.26). The guidance suggests that Authorities should require an annual basic disclosure certificate for each proprietor and company director.</p>	<p>There are only a small number of vehicle proprietors at Fylde that do not hold a drivers licence and as such, a relevant disclosure is in place. In all these instances, the ownership of the vehicle is shared so at least one proprietor has a DBS</p> <p>Basic disclosures only contain information about 'unspent' convictions and the majority of offences that result in a simple caution (an increasingly common disposal method used by Police when dealing with offenders) are immediately 'spent' so would not appear on a basic check.</p>	<p>At the present time, it is not considered proportionate to place this additional burden on the trade but will remain under consideration.</p>
<p>7.7 CCTV in vehicles (p.27). The guidance suggests that Authorities consult to determine if mandatory CCTV would have a positive or negative net effect on the safety of passengers.</p>	<p>Fylde Council does not currently mandate CCTV in licensed vehicles but make reference to it at 5.13 of the policy. The Council will allow proprietors that wish to install it, to do so, as long as the installation meets the relevant legislation and national guidance.</p>	<p>No policy change required.</p>
<p>7.14 Stretched Limousines (p.28). Authorities should not exclude these from private hire licensing.</p>	<p>Fylde Council has always supported the licensing of limousines to prevent illegal operators. The policy relating to limousines may be seen at App F.</p>	<p>No policy change required.</p>

<p>8.1 Private Hire Operator's criminal record checks (p.29). All operators who are not already licensed drivers should be subject to an annual basic DBS check.</p>	<p>6.2 of the Policy requires states, <i>In assessing whether the applicant for an operator's licence is a fit and proper person, the Council will have regard to the following:</i></p> <ul style="list-style-type: none"> <li>- <i>Criminal record including convictions, cautions, warnings and reprimands</i></li> <li>- <i>Demeanour, general character, non-criminal behaviour, honesty and integrity</i></li> <li>- <i>Previous conduct</i></li> <li>- <i>Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices, etc)</i></li> </ul> <p><i>If the application is received from a person not already licensed as a driver by Fylde Council, the applicant will be required to produce a Basic Disclosure from the Disclosure and Barring Service. They will also be required to undertake the Council's Safeguarding Awareness Training</i></p> <p>This does not reflect the annual basic DBS requirement although many operators hold driver licences.</p>	<p>6.2 updated to reflect annual basic check where the operator does not hold a drivers licence.</p>
<p>8.7 Booking and Dispatch staff (p.30). Licensing authorities should make it a condition of an operator's licence, for a register of all staff who take bookings or dispatch vehicles to be kept. Operators should also require basic DBS checks for these staff.</p>	<p>This is not currently required by Fylde and will be changed in the policy review.</p>	<p>Policy change required, condition to be included as follows: <i>Records including the full name, address, date of birth and National Insurance number, safeguarding training and Basic DBS check of all dispatch staff, who are not also Licensed Driver's, shall be maintained and made available to an authorised officer of the Council on request.</i></p>

<p>8.13 Record Keeping (p.31). The guidance suggests the minimum information that should be recorded when accepting a booking.</p>	<p>Many of these are included in existing conditions but they will be updated to capture them all.</p>	<p>Policy change required, amend conditions to read, Prior to each journey, the operator shall enter the following particulars of every booking of a private hire vehicle accepted, pursuant to section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976, containing the following particulars, namely: -</p> <ul style="list-style-type: none"> <li>• the name of the passenger;</li> <li>• the time of the request;</li> <li>• the pick-up point;</li> <li>• the destination;</li> <li>• the name of the driver;</li> <li>• the driver's licence number;</li> <li>• the vehicle registration number of the vehicle;</li> <li>• the name of any individual that responded to the booking request;</li> <li>• the name of any individual that dispatched the vehicle.</li> </ul>
<p>8.16 Passenger carrying vehicles and their drivers (p.31). Authorities should prohibit the use of PSV's by operators without the express consent of the booker.</p>	<p>This is not currently required by Fylde and will be included in the policy review.</p>	<p>Policy change required, amend too read:  Operators must not dispatch drivers who hold only a PCV licence in a public service vehicle, such as a minibus, to fulfil a private hire booking without the informed consent of the booker.</p>
<p>9.2 Enforcement (p.33). Joint authority agreements between authorities are encouraged.</p>	<p>Early discussions have taken place between Blackpool, Wyre and Fyldes licensing leads to explore this option.</p>	<p>No policy change required.</p>
<p>9.5 Suspension and revocation of driver licences</p>	<p>Currently reflected in 7.1 of Policy</p>	<p>No policy change required</p>

<p>(p.33). The guidance clarifies situations in which revocations and suspensions may be used.</p>		
--	--	--