



**ST HELENS**  
BOROUGH COUNCIL

**Town Hall, St. Helens, Merseyside, WA10 1HP**

**Telephone: 01744 676109 (Andy Roscoe)**

# **Agenda**

## **LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**PUBLIC MEETINGS ARE WEBCAST (LIVE STREAMED)**

Date: Wednesday, 10 February 2021      Time: 5.30 pm      Venue: Virtual

### **Membership**

<b>Lab 11 Councillors</b>	<b>Banks (Chair), Bell, Cunliffe, Hattersley, T Long, Maloney, Murphy, Pritchard, Pearson, Sweeney and Uddin</b>
<b>LD 1 Councillor</b>	<b>Pearl</b>
<b>Con 1 Councillor</b>	<b>Jones</b>
<b>Green 1 Councillor</b>	<b>O'Keefe</b>
<b>Ind 1 Councillor</b>	<b>Tasker</b>

<u>Item</u>	<u>Title</u>	<u>Page</u>
1.	<u>Apologies for Absence</u>	
2.	<u>Minutes of the meeting held on 9 December 2020</u>	3
3.	<u>Declarations of Interest from Members</u>	
4.	<u>Adoption of Statutory Standards in Taxi Licensing</u>	7

<u>Item</u>	<u>Title</u>	<u>Page</u>
5.	<u>Exclusion of the Public</u>	19

Recommended that the public be excluded from the meeting during consideration of the following items:

Items Reason (under the Local Government Act 1972)

6 & 7 Exempt information in relation to any individual (Para 1 of Schedule 12a)

**PRIVATE AGENDA**

6.	<u>New Application Hackney Carriage/Private Hire Driver's Licence (Ref: AH)</u>	21
7.	<u>New Application Hackney Carriage/Private Hire Driver's Licence (Ref: MAN)</u>	33

## LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

At a meeting of this Committee held on  
9 December 2020

**(Present)**            **Councillor Banks (Chair)**  
**Councillors Bell, Cunliffe, Hattersley, Jones, T Long,**  
**Maloney, Murphy, O’Keefe, Pearl, Pearson, Sweeney and**  
**Uddin**

**(Not Present)**    **Councillors Pritchard and Tasker**

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**1     APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Pritchard and Tasker.

**2     MINUTES**

- \*        **Resolved that the minutes of the meeting held on 2 September 2020 be approved.**

**3     DECLARATIONS OF INTEREST FROM MEMBERS**

No Declarations of Interest from Members were made.

**4     STATUTORY STANDARDS IN TAXI LICENSING**

A report was provided to update Members upon the new Statutory Taxi and Private Hire Vehicle Standards.

Members were reminded that on 24 April 2019, a report was presented to this Committee which noted the Government’s intention to introduce new Statutory Standards for Taxi Licensing.

The response for St Helens to the consultation, along with the joint response from the Liverpool City Region authorities was also noted.

The Committee was informed that The Secretary of State for Transport had now published these standards in statutory guidance issued under the Policing and Crime Act 2017, with effect from 20 July 2020.

It was added that all Councils must now hold a wide-ranging consultation into the Standards and report back to Government on their intentions regarding implementation.

The Licensing Authority would be required to publish on its website and inform Government of whether it had chosen to adopt each of the new Standards.

The guidance noted that whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards was on protecting children and vulnerable adults, all passengers would benefit from the recommendations contained within it. There was consensus that common core minimum standards would be required to better regulate the taxi and private hire sector, and the recommendations in the guidance were the result of detailed discussion with the trade, regulators and safety campaign groups.

## LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

The Department for Transport therefore expects these recommendations to be implemented unless there is a compelling local reason not to, and as such, Members were advised it is the intention that the Authority will adopt the Standards in full.

A copy of the Statutory Taxi and Private Hire Vehicle Standards was attached to the report at Appendix A.

The Committee was advised that a large number of the standards and safeguarding controls set out in the 'Statutory Taxi and Private Hire Vehicle Standards' document were already in place in St Helens, due to work completed and policies already introduced by the Licensing Authority.

However, the report outlined several significant changes that would require consideration in relation to implementation. Members were advised that the guidance states that the Licensing Authority should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade and that such consultation should not be restricted to trade organisations. As such, in addition to the licensed trade, the consultation will be shared publicly on the Council's website and with other organisations and groups.

Members were therefore asked to grant authorisation to the Licensing Manager to commence consultation into the Statutory Standards for a period of four weeks and the responses would be reported to the Committee for consideration in January 2021.

\* **Resolved that:**

- (1) the report be noted; and**
- (2) authorisation be granted to the Licensing Manager to undertake a full consultation into the Standards and a report on the responses be presented to the Committee in early 2021.**

### **5 LICENSING SERVICE OPERATION**

A report was presented to request Members' permission to delegate authority to the Licensing Manager on a limited number of issues, in order to improve service delivery during the ongoing COVID 19 pandemic.

Those issues were detailed in the report at Section 4.1.

Members were advised that the proposed delegations would also facilitate more productive working practices for the future.

It was outlined that the recent COVID 19 pandemic and the necessary changes this had brought to working practices in licensing had given cause to consider some existing arrangements.

Members were reminded of the implications of the new statutory guidance on Statutory Taxi and Private Hire Vehicle Standards published recently and the additional responsibilities this will place on the Licensing Authority.

Members were informed that it was also likely that those changes will generate more matters for consideration by the Committee.

## LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

As such, Licensing Officers, in consultation with the Council's Legal Services Section, had reviewed current arrangements in order to improve service delivery.

\* **Resolved that delegated authority be granted to the Licensing Manager on a limited number of issues in order to improve service delivery during the ongoing COVID 19 pandemic. Those six issues being as follows:**

- i) the power to issue a warning to those licensed drivers who have accumulated six points on their licence. Legal Services to be consulted in relation to any proposed warning and where deemed appropriate, such as where there are aggravating factors, the driver will still be referred to Committee for determination notwithstanding that they only have six points on their licence;**
- (ii) the power to accept photographs of documents instead of originals for applications whilst the Licensing Service was still operating from a closed building or remotely, as per Government guidance. This would not apply to new applicants who will still be required to send original documents to Licensing Section by recorded delivery, in order for their application to be processed;**
- (iii) the power to require licensed drivers to sign up to the online Disclosure and Barring Service (DBS) update service, unless there is a genuine reason presented for being unable to do this;**
- (iv) the power to accept a signed declaration from an existing driver where there are unavoidable delays in obtaining medical appointments or the return of the DBS certificates due to the ongoing problems with the COVID 19 pandemic. The driver would still be required to obtain the medical and/or DBS certificate as soon as this becomes possible;**
- (v) the power to defer the requirement for a medical for up to 12 months for existing drivers, if they were unable to obtain medical appointments due to ongoing problems with the COVID 19 pandemic. This would be subject to a signed declaration from the driver that there have been no changes to their medical condition/health since their last medical; and**
- (vi) the power to approve a new vehicle model or seating arrangement to the existing licensed fleet where there are no significant changes from existing licensed models and this would present no obvious public safety concerns. Should any public safety concerns be identified, this would still be referred to Committee for determination.**

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 <p><b>ST HELENS</b> BOROUGH COUNCIL</p>	<p align="center"><b>Licensing and Environmental Protection Committee</b></p> <p align="center"><b>Public Agenda 10 February 2020</b></p>
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<b>Report Title:</b>	<b>Adoption of Statutory Standards in Taxi Licensing</b>
<b>Cabinet Portfolio</b>	Safer, Stronger Communities
<b>Cabinet Member</b>	Cllr Jeanie Bell
<b>Exempt Report</b>	No
<b>Reason for Exemption</b>	N/A
<b>Key Decision</b>	No
<b>Public Notice issued</b>	N/A
<b>Wards Affected</b>	All Wards
<b>Report of</b>	Lisa Harris Executive Director, Place Services Email - LisaHarris@sthelens.gov.uk
<b>Contact Officer</b>	Lorraine Simpson Licensing Manager Email - LorraineSimpson@sthelens.gov.uk Tel - 01744 675349

<p><b>Borough priorities</b></p> <p>Please mark <b>X</b> for any priority supported by this report</p> <p><b>NB</b> Use Section 4 - Background Information to explain how each selected priority is supported</p>	Ensure children and young people have a positive start in life	
	Promote good health, independence and care across our communities	
	Create safe and strong communities for our residents	X
	Support a strong, diverse and well-connected local economy	X
	Create a green, thriving and vibrant place to be proud of	
	Be a modern, efficient and effective Council	

## 1. Summary

- 1.1 To approve the adoption of the new Statutory Taxi and Private Hire Vehicle Standards following consultation.

## 2. Recommendations for Decision

- 2.1 Licensing & Environmental Protection Committee **is recommended to:**
- i) authorise adoption of the Statutory Standards for Taxi and Private Hire Vehicle Licensing.

## 3. Purpose of this Report

- 3.1 Members will recall that this Committee authorised a consultation into the adoption of the Statutory Standards on 9 December 2020. The consultation ran until 31 January 2021.
- 3.2 The consultation was widely distributed to:
- Taxi Licensed Trade
  - Trade representatives
  - Local Business
  - Local Councillors
  - Emergency Services
  - Voluntary Sector
  - St Helens Chamber
  - Local Disability Groups
  - Council website
- 3.3 One response was received to the consultation from Unite the Union, a copy of which is attached at Appendix A. Members will note that the majority of comments from Unite are in agreement with the proposed standards.

## 4. Background/Further Information

#### 4.1 Implementation of the Standards following Adoption

The main changes the Standards will introduce are noted below:

- 4.1.1 Twice yearly Disclosure and Barring Service (DBS) checks for licensed drivers (this used to be once every three years).
  - 4.1.2 New English Language proficiency tests for drivers (both oral and written).
  - 4.1.3 Review of all current licences previously issued, in accordance with the new standards adopted (on a case by case basis).
  - 4.1.4 Improved safety measures in relation to Private Hire Operators, including an annual basic DBS check.
  - 4.1.5 Revisions to the current Convictions Policy contained in the Council's Taxi Licensing Policy to include the recommendations on previous convictions as set out in the Annex to the guidance.
  - 4.1.6 A move to more driver training being provided by, or under the supervision of, the Licensing Authority.
  - 4.1.7 The responsibility of the Licensing Authority to refer individuals to the DBS for consideration to be added to the barred lists in certain circumstances, i.e. where it is believed the individual presents a risk of harm to a child and/or vulnerable adult.
  - 4.1.8 Multi-agency working between the Licensing Authority, the Police and the MASH team.
  - 4.1.9 Introduction of CCTV (and audio recording) in licensed vehicles.
- 4.2 Some of these areas are complex and will require a substantial degree of planning, resources and funding. As such an implementation plan will be developed to facilitate this.
  - 4.3 The Liverpool City Region Licensing Managers have also agreed to consider if any of the areas could be delivered collectively to reduce the associated costs, as no funding has been made available from central government to implement the new Standards.
  - 4.4 The first part of the Standards to be implemented will be the bi-annual DBS check.
  - 4.5 As Members will be aware from the previous report presented to this Committee on 9 December 2020, the Department for Transport expects the standards contained in the guidance to be implemented unless there is a compelling local reason not to. It is the recommendation of officers that the standards be adopted in their entirety.
  - 4.6 Should Members approve this recommendation, a report will be presented to full Council to recommend adoption of the Standards and that the relevant government office be advised of the Council's adoption of the Standards in their entirety..

#### **5 Conclusions**

# 4

- 5.1 Members are recommended to approve the adoption of the Statutory Standards and recommend their adoption to Full Council.

## 6. Implications

- 6.1 Legal Implications – The Statutory Guidance has been issued under the Policing and Crime Act 2017, with effect from 20 July 2020. The Department for Transport expects these recommendations to be implemented unless there is a compelling local reason not to.
- 6.2 Community Impact Assessment (CIA) Implications - NA
- 6.3 Social Value - NA
- 6.4 Sustainability and Environment - NA
- 6.5 Health and Wellbeing - NA
- 6.6 Equality and Human Rights – NA
- 6.7 Customers and Resident – The Standards will change how Licensing Authorities deliver elements of the service, however these changes are intended to ensure that the general public, children and those most vulnerable are appropriately protected.
- 6.8 Asset and Property - Nil
- 6.9 Staffing and Human Resource - Nil
- 6.10 Risks - Nil
- 6.11 Finance - Nil
- 6.12 Policy Framework Implications – The Council’s Taxi Licensing Policy will need to be updated in due course to reflect the changes implemented in accordance with the new Statutory Guidance.

## 7. Appendices

- 7.1 Appendix A – Unite Consultation Response



## New Statutory Taxi & Private Hire Vehicle Standards- Consultation Response Form

### CONSULTATION ON STATUTORY GUIDANCE ON TAXI AND PRIVATE HIRE PROVISIONS

<p>1. The DfT expects all of the Statutory Guidance recommendations to be implemented unless there is a compelling local reason not to- Statutory Guidance paragraphs 1.3, 2.6 -2.9.</p>
<p><i>Please enter your response here: After reading the statutory guidance, it is imperative for the future of the trade that the vast majority of the recommendations in the document are enacted locally and nationally.</i></p>
<p>2. The DfT expects that Annual Basic DBS checks for Vehicle proprietors and PH Operator (unless already a driver with an Enhanced “Excepted question” DBS Certificate) will be mandatory - Statutory Guidance paragraphs 4.2-4.4,</p>
<p><i>Please enter your response here: We agree as there is a perception that some vehicle owners are also involved in criminal activity.</i></p>
<p>3. The DfT expects that DBS Enhanced “Excepted question” Certificates will be checked via a mandatory joining of the DBS Update Service with a requirement on Councils to “batch check” all licensees every 6 months- Statutory Guidance paragraphs 4.2-4.4, 4.6- 4.8 and 6.1- 6.4</p>
<p><i>Please enter your response here: Totally agree, it enables councils to keep control of reporting convictions and is safer for the travelling public. The cost to the driver is more effective by a small amount yearly rather than a one of payment every 3 years.</i></p>
<p>4. The DfT expects that DBS Enhanced “Excepted question” Certificates to be required at minimum every 2 years, not as currently every 3 years, where the DBS Update Service has not yet signed up to by licensee/ applicant- Statutory Guidance paragraphs 4.2-4.4 and 6.1- 6.4</p>
<p><i>Please enter your response here: We feel that it should be mandatory for all licensed drivers &amp; operators to be registered on the update service.</i></p>
<p>5. The DfT expects that Council’s Fit and Proper Person Policies on Convictions- Periods will have trigger periods extended for several offences (and existing licensee’s statuses also to be reviewed in the light of the new periods) - Statutory Guidance paragraphs 3.14- 3.15 and 5.12-5.17</p>
<p><i>Please enter your response here: If a council has deemed a driver to be fit and proper to hold a license and that driver has not committed an offence since holding the said license they should be allowed to keep the license to prevent any undue hardship.</i></p>



### New Statutory Taxi & Private Hire Vehicle Standards- Consultation Response Form

6. The DfT expects that Licensing authorities should “refer” licensees to DBS for possible Barring list inclusion if “harm test” criteria are considered to be met - Statutory Guidance paragraphs 4.14- 4.16. <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs#what-is-the-harm-test>

*Please enter your response here: We agree, and this should be based on a individual case basis.*

7. The DfT expects that any Licensee/ Applicant’s failure to disclose an arrest could indicate dishonesty and could be acted upon under the Fit & Proper Person Policy in reviewing or determining “fit and proper” status- Statutory Guidance paragraph 4.13.

*Please enter your response here: This should be reviewed on a one to one basis and the nature of the offence. We also feel that license holders may not be educated in the importance of reporting offences no matter how small or relevant they are.*

8. The DfT expects that LA’s should work with Police under Common Law Disclosure and also inform Police if an applicant is refused a licence- Statutory Guidance paragraphs 4.17- 4.19

*Please enter your response here: We agree strongly that joint working and reporting between all local authorities is essential to protect the travelling public.*

9. The DfT expects that LA’s will provide adequate Resources for Administrators so as to ensure applications correctly processed- Licensing is a Non-executive function- Statutory Guidance paragraphs 5.1- 5.2

*Please enter your response here: We totally agree, there should be no outsourcing from licensing especially if there is a detrimental effect on licensing funds.*

10. The DfT expects that LA’s will provide training for all decision makers and a clear scheme of delegation with a separation between officers preparing cases and decision makers (may change who decides and who attends courts in appeal cases) - Statutory Guidance paragraphs 5.3- 5.5

*Please enter your response here: Agree – it is unfair for someone to make a judgement on a license holders future and making crucial decisions, not knowing the statutory law, local byelaws and local policies.*

11. The DfT recommends that LA’s will provide a Regulatory Panel of Trained Councillors with a clear Scheme of Delegation to Officers in certain cases. There should be clear separation between investigator/ Administrator/ Decision Maker so no obvious bias apparent- Statutory Guidance paragraphs 5.6- 5.11

*Please enter your response here: We as a trade union 100% agree*



### New Statutory Taxi & Private Hire Vehicle Standards- Consultation Response Form

<p>12. The DfT expects that LA's will have a "joined up" Cohesive Policy on all their 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- Statutory Guidance paragraphs 3.1-3.5</p>
<p><i>Please enter your response here:</i> We agree all policies should be clear, transparent, and easy to understand.</p>
<p>13. The DfT expects that LA's will have clearly published standards and customer guidance including easy access to complaint methods (will require web changes on external pages)- Statutory Guidance paragraphs 4.28-4.29.</p>
<p><i>Please enter your response here: Agree – with modern technology a step by step process and guide should be made available.</i></p>
<p>14. The DfT expects that the duration of Licences will be the maximum possible unless good reason for less or a request from licensee for personal reasons- Statutory Guidance paragraphs 3.6- 3.7</p>
<p><i>Please enter your response here: Agree.</i></p>
<p>15. The DfT expects that where policies are changed then LA's should review existing licences in light of the new policy but that such reviews must be determined on a case-by-case basis- Statutory Guidance paragraphs 3.14- 3.15</p>
<p><i>Please enter your response here: If a council has deemed a driver to be fit and proper to hold a license and that driver has not committed an offence since holding the said license they should be allowed to keep the license to prevent any undue hardship.</i></p>
<p>16. The DfT expects that consultations should usually not only be with trades but also with user groups in the locality and other neighbouring LA's- Statutory Guidance paragraphs 3.12- 3.13;</p>
<p><i>Please enter your response here: Agree there should be dialog with all user group for the trade to evolve and meet the demands of all users.</i></p>
<p>17. The DfT expects that LA's should have agreements on joint enforcement and authorisation of officers locally with nearby Licensing Authorities- Statutory Guidance paragraphs 9.1- 9.4</p>
<p><i>Please enter your response here: There is a greater need for joint enforcement authorisation with the ever growing world of technology it is almost impossible to protect the travelling public if this is not achieved</i></p>



### New Statutory Taxi & Private Hire Vehicle Standards- Consultation Response Form

<p>18. The DfT expects that LA's will require oral and written language skills assessment (via ESA and ability to complete DBS &amp; Application without assistance and similar methods)- Statutory Guidance paragraphs 6.14- 6.15</p>
<p><i>Please enter your response here: We totally agree minimum standards should not mean low standards. The highest possible standards should be met to protect the travelling public.</i></p>
<p>19. The DfT expects that LA's will require/ provide Driver Safeguarding Awareness &amp; County Lines Awareness as done via ESA at present - Statutory Guidance paragraphs 6.5- 6.7 and 6.6- 6.10</p>
<p><i>Please enter your response here: We agree- However there are other essential elements of being a licensed driver. This includes conflict management, assistance, transporting children and vulnerable adults along with the law.</i></p>
<p>20. The DfT expects that LA's will require/ provide Driver Safeguarding &amp; County Lines Training- Statutory Guidance paragraphs 6.5- 6.7 and 6.6- 6.13</p>
<p><i>Please enter your response here: As above this is all covered in the Introduction to the professional role of the taxi and private hire driver and the RPVD taxi and private hire.</i></p>
<p>21. The DfT expects that LA's will require/ provide information Sharing between other authorities (including NR3 Revocation and Refusal Register- Statutory Guidance paragraphs 4.20- 4.25</p>
<p><i>Please enter your response here:</i> Agree – with minimum standards being achieved if a driver's is unfit for one authority, he shouldn't be licensed in another.</p>
<p>22. The DfT expects that LA's will require/ provide Whistleblowing procedures, clear links between MASH, Licensing and Social Care, School Transport required- Statutory Guidance paragraphs 1.5, 3.8-3.11, 4.26- 4.28 and 6.1- 6.4 <a href="https://www.gov.uk/government/publications/working-together-to-safeguard-children--2">https://www.gov.uk/government/publications/working-together-to-safeguard-children--2</a> <a href="https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance">https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance</a></p>
<p><i>Please enter your response here: Agree</i></p>
<p>23. The DfT has declared that the Statutory Guidance, if in conflict with DfT 2010 Best Practice Guidance, is the higher authority and to be followed in all cases- Statutory Guidance paragraph 1.7</p>
<p><i>Please enter your response here: We agree</i></p>
<p>24. The DfT expects that LA's will act on complaints and intelligence received to re-assess licensee's statuses as "fit and proper"- Statutory Guidance paragraphs 4.28-4.29</p>
<p><i>Please enter your response here: Agree on a base to base case.</i></p>



### New Statutory Taxi & Private Hire Vehicle Standards- Consultation Response Form

25. The DfT expects that LA's will, in order to consider possibility of overseas convictions, Certificates of Good Character must be obtained in ALL appropriate cases (persons outside of UK for 3 months or more in last 5 years) to better ensure Public Safety- Statutory Guidance paragraphs 4.34- 4.36

*Please enter your response here: We agree however robust procedures must be in place and adhered too.*

26. The DfT expects that LA's will require Basic DBS Checks annually for all vehicle proprietors (& Company Directors) UNLESS they are also licensed drivers with an Enhanced Certificate and have also joined DBS Update Service under biannual check - Convictions in Annex to Statutory Guidance at minimum to be applied- Statutory Guidance paragraphs 7.1- 7.6

*Please enter your response here: Agree*

27. The DfT expects that LA's will adopt a duty to consider CCTV in area and establish permissive or / mandatory scheme (with reference to ICO rules) and to regularly review any adopted policy/ scheme especially considering implementation costs 7.8- 7-13

*Please enter your response here: We agree with the use of CCTV, but the driver must be the data controller. We think it is unpracticable to expect the police and licensing authority to release time to download footage.*

28. The DfT expects that LA's will consider adoption of policy and licensing relating to Stretched Limousines with a maximum passenger capacity of 8 plus driver-- Statutory Guidance paragraphs 7.14- 7.15

*Please enter your response here: We agree – however these vehicles should be used only for special events and not every day private hire.*

29. The DfT expects that LA's will require Basic DBS Checks annually for all PH Operators (& Company Directors) UNLESS they are also licensed drivers with an Enhanced Certificate and who have joined DBS Update Service under biannual check - Convictions in Annex to Statutory Guidance at minimum to be applied- Statutory Guidance paragraphs 8.2- 8.6

*Please enter your response here: Agree*

30. The DfT expects that PH Operators must, by way of imposed mandatory condition, keep a register of all booking and despatch staff and before entering those persons on the register have had sight of evidence of a Basic DBS check. If a member of staff leaves and returns a further Basic DBS check is required- Statutory Guidance paragraphs 8.7- 8.11

*Please enter your response here: Absolutely – The triple license lock should always be in place and adhered too. Operators must be able to provide proof of transfer of a job outside the triple lock to out of area operators.*



### New Statutory Taxi & Private Hire Vehicle Standards- Consultation Response Form

31. The DfT expects that PH Operators must have a policy on employing ex-offenders and must, by mandatory condition, provide that policy to the Licensing Authority. Having regard to the criminality covered in the Annex to this Statutory Guidance persons in breach should not be employed to despatch vulnerable persons/ children- Statutory Guidance paragraph 8.12

*Please enter your response here: Agree*

32. The DfT expects that PH Operators must keep booking records for each journey which must at minimum include:

- ✓ the name of the passenger;
- ✓ the time of the request;
- ✓ 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;
- ✓ the name of any individual that dispatched the vehicle.

The minimum period for retention is recommended at 6 months- Statutory Guidance paragraphs 8.13-8.15

*Please enter your response here: Totally agree – even app-based operators should be programmed in a way to prove that local distribution of jobs took place before transferring the booking to an out of area operator. They should also have proof of transfer of any bookings.*

33. The DfT expects that A PH Operator who is also a PSV operator must not use a PSV driver and vehicle for a private hire booking without first gaining the agreement of the hirer for that act as the driver is not subject to the same level of DBS enhanced check.(This may be of relevance to school contract staff as needing to be part of the contractual arrangement)- Statutory Guidance paragraphs 8.16- 8.17

*Please enter your response here: They should be kept separate whether the hire agrees or not a phv is 8 seats or less and a PSV is 9 seats or more. Where would the booking allocation stop.*

34. The DfT has detailed some previously unclear matters around the suspension and revocation of driver licences including rules for evidence etc. (This restates the current KMBC practices and clarifies some contentious points)- Statutory Guidance paragraphs 9.5- 9.7

*Please enter your response here: There should be clear can do! And Can Not Do! Law and policy regarding holding an HCV or PHV driver's license. The law now is so unclear it is flouted on a regular basis.*

35. The DfT expects that LA's will consider the adoption and implementation of the Statutory Guidance re convictions "length of ineligibility) generally extends the periods of policy breach beyond Knowsley's current level- this in turn means many existing licences will fall for review which will be a major undertaking and which could lead to several appeals being lodged- Statutory Guidance Annex A

*Please enter your response here: As previously stated, if an existing driver has a clean record since being granted a license. They should be deemed fit and proper. 6 Monthly DBS checks from the update service with detect and material change.*



## New Statutory Taxi & Private Hire Vehicle Standards- Consultation Response Form

ADDITIONAL RESPONSE SHEET 1 (IF REQUIRED- Reference to Item- NOT SG Paragraph)	
Item No	Comments re specific proposals in Statutory Guidance
1	Regular consultation with the trade regarding policy and law change must take place.
2	Education, Standards must be of the highest level possible and not lowered to meet demand or accommodate numbers.
3	The Triple lock system must be enforced and not just given lip service. This will stop operators flouting the law and sub-contracting jobs without following the correct procedure.
4	Local Authorities should promote keep it local to protect their license holders. They must enforce the triple license lock and work with other authorities to stop the blatant misuse of the law. Enforcement powers to check other authority's vehicles/ drivers is an absolute must, no matter where that vehicle is from.

An email acknowledgement is required to	tommy.mcintyre@unitetheunion.org
	paul.james@unitetheunion.org

Details of person submitting response **(Not required for submission unless required by responder to attribute)**

Name	Tommy McIntyre	
Organisation (if any to be credited)	Unite the Union NW680 Cab Section	
Contact email (if any)	tommy.mcintyre@unitetheunion.org	
Date	17/12/2020	

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**ST. HELENS COUNCIL  
LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, PROPRIETORS AND  
OPERATORS LICENCES**

**PROCEDURAL GUIDE**

1. The Chairman of the Committee will open the meeting and invite the Licensing and Land Charges Manager to outline the procedure for dealing with the item.
2. The procedure to be followed will then be explained to all members present.
3. The Licensing and Land Charges Manager will briefly outline the details of the application or the reasons for the referral to the Committee.
4. The applicant / licence holder (and his or her representative) will then be brought into the meeting and the Licensing and land Charges Manager will outline why the matter has been brought before the Committee for consideration.
5. The Chairman of the Committee will then invite the applicant or licence holder to comment of the report before the Committee and members of the Committee to determine:
  - (a) Whether a new applicant is a fit and proper person to hold a licence;
  - (b) Whether the Committee has cause to suspend, revoke or refuse to renew the existing licence.
6. Members of the Committee will then ask the applicant or licence holder questions.
7. The applicant / licence holder or representative will then sum up the case for the grant or retention of the licence after which they will leave the meeting to allow the Committee to deliberate and to take any advice required from Council Officers.
8. The applicant / licence holder and representative will be invited back into the meeting to allow the Committee to deliver its decision. Which will subsequently be confirmed in writing.

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