



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 & 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

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

Please enter your response here:

We agree all policies should be clear, transparent, and easy to understand.

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.

Please enter your response here: Agree – with modern technology a step by step process and guide should be made available.

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

Please enter your response here: Agree.

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

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.

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;

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.

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

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



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 & 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 & 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 & 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 https://www.gov.uk/government/publications/working-together-to-safeguard-children--2 https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance</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