

Taxi and private hire vehicle licensing: protecting users

1. Introduction

Thank you for taking the time to read the consultation document and to respond to the questions. Your answers will help us to firm up statutory guidance to taxi and private hire vehicle (PHV) licensing authorities on how their licensing powers can be exercised in order to safeguard children and vulnerable adults.

The easiest way to respond to this consultation is online:

<https://www.smartsurvey.co.uk/s/taxis-licence/>

The online version allows you to save your response and continue it later and to save or print off a copy for your records.

Confidentiality and data protection

The Department for Transport (DfT) is carrying out this consultation to gather views and evidence on measures for inclusion within the statutory guidance issued to taxi and PHV licensing authorities. This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain any information that allows you to be identified, DfT will, under data protection law, be the controller for this information.

As part of this consultation we're asking for your name and email address. This is in case we need to ask you follow-up questions about any of your responses. You do not have to give us this personal information. If you do provide it, we will use it only for the purpose of asking follow-up questions.

We may contract a third party to analyse the responses we receive to the consultation. If you provide your contact details, we may share this information with a contractor in case they need to contact you regarding your consultation response.

DfT's privacy policy has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer. You can view it at <https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>.

DfT's privacy policy has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer. You can view it at <https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>.

Your information will be kept securely and destroyed within 12 months after the consultation has been completed. Any information provided through the online questionnaire will be moved from their system to our internal systems within 2 months of the consultation end date.

Find out more about the [Department for Transport's data protection and privacy policy](#).

2. Personal details

1. Your name and email address. We will only use this if we need to contact you to ask about any of your responses.

Your name

Your email

3. About you

2. Are you responding: *

- as an individual?
- as a taxi driver?
- as a PHV driver?
- as a taxi intermediary?
- as a PHV operator?
- a licensing authority
- the police
- other (specify)?

4. Administration of the licensing framework

3. The draft statutory guidance recommends that all those involved in the determination of licensing matters should receive training covering licensing procedures, natural justice, child sexual abuse and exploitation, disability and equality in addition to any other issues deemed locally appropriate (paragraph 2.18). Do you agree with the recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

4. The draft statutory guidance recommends a council structure for dealing with licensing matters (paragraphs 2.20-2.24). Do you agree with this proposed structure?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

The proposed recommended structure removes flexibility of approach. It should be left for the authority to determine the best way to ensure that the decisions made are just, proportionate and timely.

5. Implementing changes to the licensing policy and requirements

5. The draft statutory guidance recommends that all issued licences should be reviewed following changes in licensing policy (paragraph 2.29). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Whilst in agreement, we feel that this will be difficult to implement, and likely to be challenged under human rights legislation. Is someone less “fit and proper” or “safe and suitable” just for failing to attend a two hour safeguarding course, when they have held a licence without incident for many years?

6. The Disclosure and Barring Service

6. The draft statutory guidance recommends that all drivers should be subject to an enhanced Disclosure and Barring Service (DBS) with barred lists check for individuals applying for or renewing taxi and PHV driver licences (paragraph 2.32). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

7. The draft statutory guidance recommends that all licence holders should be required to subscribe to the DBS update service (paragraph 2.38). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

Already a requirement at this Council. Problems encountered are that we have no way of finding out if they have dropped off the scheme until we run a check.

8. The draft statutory guidance recommends that appropriate DBS checks are conducted every 6 months (paragraph 2.39). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

We believe annual checks would be sufficient and proportionate to the goal being pursued.

7. Licensee self-reporting

9. The draft statutory guidance recommends that drivers and operators should be required to notify the issuing authority within 48 hours upon arrest and release, charge or conviction of any motoring offence or any offence involving dishonesty, indecency or violence (paragraph 2.41). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

We would go one further and state that standardising notification timeframes would make it easier to remember for the trade rather than 48 hours for this matter, 72 hours for the matter etc.

8. Referrals to DBS and the police

10. The draft statutory guidance recommends that licensing authorities should make referrals to the DBS when it considers that an applicant or licence holder is thought to present a potential risk of harm to the public (paragraph 2.43). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

9. Overseas convictions

11. The draft statutory guidance recommends that a check of overseas criminality information or ‘Certificate of Good Character’ should be required, when an individual has spent a period of more than 3 continuous months outside the UK when over the age of 18 (paragraph 2.47). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Whilst agreeing in principle, we believe this needs to be quantified otherwise there will be a lot of people who travelled abroad whilst at University or on gap years who would fall within this requirement. Perhaps where no other offences are shown on their DBS it should be 3 months within the past 5 years, and where there are other offences it should be in the last 10 years, or since the date of the first UK registered offence. This will reduce a great deal of burden on applicants, licensing authorities and Embassies alike, otherwise we can see a need to contact an Embassy when we have a 55 year old applicant who travelled as an 18 year old student to the USA for summer camp.

10. Other information

12. The draft statutory guidance recommends that licensing authorities should require applicants / licensees to disclose if they have been licensed elsewhere, or have had an application for a licence refused, or have had a licence revoked or suspended by any other licencing authority (paragraph 2.57). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Already asked

13. The draft statutory guidance recommends that licensing authorities should use tools such as the national register of taxi and PHV driver licence refusals and revocations (NR3) to improve information sharing (paragraph 2.58). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

We already use NR3. It should be compulsory for LA's to sign up to NR3 and refer to this before granting any driver or operator licence.

14. The draft statutory guidance recommends that the authority considering the application / renewal should consult and consider other licensing decisions in its assessment, when an applicant / licensee discloses they: have had an application refused, or had a licence revoked or suspended elsewhere (paragraph 2.60). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

11. Multi-agency safeguarding hub (MASH)

15. The draft statutory guidance recommends that multi-agency safeguarding hubs (or similar) should be established by licensing authorities to improve the sharing of relevant information (paragraph 2.64). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Whilst we agree with the intent, in practical terms this would be difficult to set up and ultimately unnecessary if good communication is in place between authorities.

12. Complaints against drivers and operators

16. The draft statutory guidance recommends that licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that must be displayed in licensed vehicles (paragraph 2.66). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

13. Safeguarding awareness

17. The draft statutory guidance recommends that all licensing authorities should require drivers to undertake safeguarding training as a condition of licensing (paragraph 2.72). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Already in place.

14. Language proficiency

18. The draft statutory guidance recommends that all licensing authorities should consider whether an applicant for a licence is able to communicate in English orally and in writing with customers (paragraph 2.79). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Further guidance on the exact level an applicant needs to meet should be considered in order to ensure consistency of approach across the Country.

15. Enforcement

19. The draft statutory guidance recommends that 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 (paragraph 2.81). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

16. Criminal record checks for PHV operators

20. The draft statutory guidance recommends that PHV operators (applicants or licensees) should be subject to a basic DBS check (paragraph 2.91). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Already in place.

17. PHV operators - ancillary staff

21. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to keep a register of all staff that will take bookings or dispatch vehicles (paragraph 2.97). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

22. The draft statutory guidance recommends that PHV operators should be required to evidence that they have had sight of a basic DBS check on all individuals listed on the above register (paragraph 2.97). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

23. The draft statutory guidance recommends that PHV operators should be required to provide to the licensing authority their policy on employing ex-offenders that will take bookings or dispatch vehicles as a condition of licensing (2.98). Do you agree with this recommendation?

- Yes
 No
 No opinion

Comment below if you want to explain your answer.

We believe that any person who is not capable of holding an operator's licence in their own right due to the results of their basic disclosure should not be permitted to work in an operator base, and that employing someone not permitted should be grounds for suspension or revocation of the operator licence.

18. PHV operators - use of passenger carrying vehicles (PCV) licensed drivers

24. The draft statutory guidance that a PHV operator may not use a driver who does not hold a PHV licence (but may hold a PCV licence) to use a public service vehicle to carry out a PHV booking. This would be a condition of the operator's licence (paragraph 2.100). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Would ask DfT to provide legal advice that this is lawful.

19. PHV operators – record keeping requirements

25. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to record the information detailed in paragraph 2.101. Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Already in place

20. In-vehicle visual and audio recording - CCTV

26. The draft statutory guidance recommends that licensing authorities should carefully consider potential public safety benefits and potential privacy issues when considering mandating that taxis and PHVs have CCTV installed (paragraphs 2.104 to 2.109). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Although we agree with most of this recommendation, we cannot agree with the proposal to allow the system to be switched off when the vehicle is used domestically. A licensed vehicle is always a licensed vehicle, and any ability to disable the CCTV system opens a door to enable unscrupulous individuals to turn the system off whilst working. Any CCTV system should be tamper proof and engaged at all times the vehicle is in use.

27. The draft statutory guidance recommends that CCTV recordings in taxis and PHVs should be encrypted and accessible only by licensing authority officials (if acting a data controller), the police or when subject to a data subject access request (paragraph 2.114). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

21. Stretched limousines

28. The draft statutory guidance recommends that licensing authorities should consider licensing vehicles with an Individual Vehicle Approval certificate, even if the passenger capacity is unclear, but under the strict condition that the vehicle will not be used to carry more than 8 passengers (paragraph 2.118). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Already in place.

22. Previous convictions guidance

29. The draft statutory guidance recommends that the Department for Transport should issue guidance on the assessment of previous convictions (paragraph 2.50). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

30. Annex A of the draft statutory guidance provides a list of offences to aid consistency in the 'fit and proper' assessment for licences. Do you think that the list provides enough detail to do this?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

It only covers new applicants, it should cover relevance to existing licence holders who commit such offences.

31. Are there any offences that should be added to the list in Annex A?

- Yes
- No
- No opinion

23. Other offences

32. If you answered yes, please list the offence(s) and the period you consider appropriate to prevent the granting of a licence under most circumstances.

Revocation/Refusal or Suspension of a licence by this or another authority ---- 5 years but periods may be extended depending upon the reason for the action.

24. Impact assessment

33. Do you have data relating to alleged offences committed in licensed vehicles either against or by passengers? If you have and are prepared to share this with us please add to your response.

During the past 5 years we have had one incident reported by a taxi driver who was threatened by a knife.

34. If have any comments or other data that may be relevant to the Impact Assessment please provide this.

None.

Ways to respond

Email this completed document to:

SG-Consultation2019@dft.gov.uk

Or post it to:

Department for Transport
Buses and Taxis Division (Statutory Guidance 2018 Consultation)
Great Minster House
33 Horseferry Road
London
SW1P 4DR