

Consultation on Draft Hackney Carriage and Private Hire Licensing Policy

June 2021



Wychavon District Council

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Introduction and background

Wychavon District Council is responsible for issuing licences in respect of:

- Vehicles used as hackney carriages (taxis)
- Vehicles used as private hire vehicles
- Drivers of hackney carriages and private hire vehicles
- Operators of private hire vehicles

The overarching aim of the Council when carrying out these licensing functions, is to protect the public by ensuring vehicles are safe and fit for use and that drivers and operators are suitable people to undertake these roles.

In July 2020, with a view to better protecting children and vulnerable adults, the Department for Transport issued new statutory guidance to taxi and private hire licensing authorities called the “Statutory Taxi and Private Hire Standards.” A copy of the Statutory Standards can be found online here:

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

The Statutory Standards document sets out a framework of policies that licensing authorities “**must have regard to**” when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes.

The Statutory Standards make clear that:

*“Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.***

The Statutory Standards also state that:

*Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.***

In response to the publication of the Statutory Standards, Wychavon District Council has started a review of their hackney carriage and private hire licensing policies and in doing this has had regard to the Statutory Standards.

In conducting the review of their policies, the Council has adopted the approach that they will look to incorporate the recommendations made in the Statutory Standards within their policies unless there is **a compelling local reason not to.**

The review of policies has provided the Council with the opportunity to review and update other parts of their existing policies, where it is felt appropriate to do so.

As part of this review, the Council has produced a draft “Hackney Carriage and Private Hire Licensing Policy” which it now seeks to consult upon locally with all relevant stakeholders. A copy of the draft policy can be downloaded here: www.wychavon.gov.uk/consultations

This consultation document will make clear where a proposed change to the Council's existing policies is being made in direct response to a recommendation set out in the Statutory Standards. In respect of these changes, the Council is using the consultation exercise to ask those responding whether they have any evidence of a compelling local reason why the Council should not make that change.

Where there are other proposed changes to the Council's policies that have not been prompted directly by the Statutory Standards those responding to the consultation are invited to provide their opinions on those proposed changes.

The Council would like to hear views on the draft Hackney Carriage and Private Hire Policy from all relevant stakeholders.

The Council would like to hear not only the taxi and private hire vehicle trades themselves but also groups likely to be the trades' customers including groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest, women's groups, local traders, and the local multi-agency safeguarding arrangements.

The Council believe it would also be helpful to hear the views of night-time economy groups (such as Pubwatch) as the taxi and private hire trade is an important element of dispersal from the local night-time economy's activities.

The Council would like to hear the views of members of the local community who make use of taxi and private hire vehicle services in the area.

You can respond to the consultation online here: www.wychavon.gov.uk/consultations

Alternatively you can use this document to respond to the consultation by answering the questions on the following pages and posting your response to:

Wychavon Taxi Policy Consultation, Worcestershire Regulatory Services, Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF

You may find it helpful to download a copy of the draft policy to refer to when completing the online survey. A copy of the draft policy can be downloaded from www.wychavon.gov.uk/consultations

This consultation will be open for responses until **3rd September 2021**.

The responses received during the consultation will be considered by the Council before any decisions are taken regarding the implementation of the draft Hackney Carriage and Private Hire Licensing Policy.

Consultation Questions

Requirement to subscribe to the DBS Update Service

The Council is proposing to require all those who are granted a licence to drive hackney carriage and/or private hire vehicles to subscribe to the DBS Update Service and to remain subscribed throughout the period that they hold such a licence. The Council will then carry out a DBS update check using this service at least every six months in respect of each licence holder.

This change is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q1. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Use of the National Register of Revocations and Refusals (NR3)

The Council is proposing to use the National Register of Revocations and Refusals (NR3) to check the details of all applicants for licences to drive hackney carriage and/or private hire vehicles to confirm that there is no record of them having been revoked or refused elsewhere.

The Council is proposing to use NR3 to record details of applications for licences that it has refused and licences that it has revoked.

The use of NR3 is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q2. Do you have any evidence of a compelling local reason why the Council should not use NR3 for these purposes?

Yes

No

Don't Know

If yes, please provide details below:

Child and Adult Barred Lists

In the interests of public safety, the Council is proposing to adopt the stance that it will not licence any individual that appears on either of the children and adult barred lists maintained by the Disclosure and Barring Service (DBS).

This stance is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q.3 Do you have any evidence of a compelling local reason why the Council should not adopt this stance?

Yes

No

Don't Know

If yes, please provide details below:

Making referrals to the Disclosure and Barring Service

The Council is proposing to adopt the approach of making referrals to the Disclosure and Barring Service where it takes 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.

This approach is proposed in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q4. Do you have any evidence of a compelling local reason why the Council should not adopt this approach?

Yes

No

Don't Know

If yes, please provide details below:

Guidelines on the Assessment of Previous Convictions

The Council is proposing to adopt new “Guidelines on the Assessment of Previous Convictions” which it has set out at Annex A of the draft Hackney Carriage and Private Hire Licensing Policy.

The proposed Guidelines on the Assessment of Previous Convictions are more robust than the current guidelines adopted by the Council and are those recommended by the Department for Transport in the Statutory Standards.

The adoption of the new guidelines is proposed in direct response to the recommendations in the Department for Transport’s Statutory Standards.

Q5. Do you have any evidence of a compelling local reason why the Council should not adopt the new Guidelines on the Assessment of Previous Convictions?

Yes

No

Don’t Know

If yes, please provide details below:

Mandatory Safeguarding Training

The Council is proposing to require all new applicants for licences to drive hackney carriage and/ or private hire vehicle to undertake safeguarding training

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q6. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

English Language Proficiency

The Council is proposing to require all new applicants for licences to drive hackney carriage and/ or private hire vehicle to demonstrate they have suitable oral and written English language skills.

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q.7 Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Working with Police

The Council is proposing to state its intention to maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used. The Council is proposing that as part of building an effective working relationship between the Council and the police, action taken by the Council as a result of information received will be fed-back to the police. To further aid the quality of information available to all parties that have a safeguarding duty, where there is a revocation or refusal of a licence on public safety grounds, the Council propose to ensure steps will be taken to advise the Police of this.

The adoption of this approach is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q8. Do you have any evidence of a compelling local reason why the Council should not adopt this approach to working with the Police?

Yes

No

Don't Know

If yes, please provide details below:

Criminality Checks for Vehicle Proprietors

The Council is proposing to require every person applying for a licence to use a vehicle as a hackney carriage or private hire vehicle to provide a basic disclosure. (Unless they already hold a licence from the Council to drive hackney carriage and/or private hire vehicles)

The Council is then proposing to consider any information revealed by such a disclosure when deciding whether or not to grant a licence to the applicant.

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q9. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Requirement for Operators to Maintain a Register of Staff

The Council is proposing to require those that hold a licence to operate private hire vehicles to maintain a register of all staff that will take bookings or dispatch vehicles.

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q.10 Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Private hire operators – policy on the employment of ex-offenders

The Council is proposing to require those that have a licence to operate private hire vehicles to have in place a written policy on the employment of ex-offenders, which must include reference to the carrying out of Basic Disclosure and Barring Service (DBS) checks on any staff that are involved in taking bookings or dispatching vehicles.

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q11. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Criminality Checks for Private Hire Operators

The Council is proposing to require any person who holds a licence to operate private hire vehicles to provide a basic disclosure certificate annually (unless they already hold a licence from the Council to drive hackney carriage and/or private hire vehicles)

The adoption of this requirement is in direct response to the recommendations in the Department for Transport's Statutory Standards.

Q12. Do you have any evidence of a compelling local reason why the Council should not adopt this requirement?

Yes

No

Don't Know

If yes, please provide details below:

Worcestershire Taxi and Private Hire Competency Certificate (new applicants)

The Council is proposing to introduce a requirement that all new applicants for licences to drive hackney carriage and / or private hire vehicles must obtain the “Worcestershire Taxi and Private Hire Competency Certificate.”

To obtain the Worcestershire Taxi and Private Hire Competency Certificate, a person will be required to demonstrate that they possess a suitable level of skills, knowledge and understanding in the following key areas:

- English language proficiency – both spoken and written
- Numeracy
- Legislation affecting taxi and private hire licence holders
- Practical driving proficiency
- Safeguarding – including Child Sexual Exploitation, County Lines and Modern Slavery
- Equalities – including assisting passengers with disabilities
- Customer care

The Worcestershire Taxi and Private Hire Competency Certificate is proposed to replace the existing training and assessment requirements for those seeking licences to drive hackney carriage and/or private hire vehicles.

The only exception to this would be that in addition to the Worcestershire Taxi and Private Hire Competency Certificate, those wishing to be granted a licence to drive hackney carriage vehicles must have passed the Council’s topographical knowledge test.

Q.13 Do you agree with the proposal to introduce this requirement?

Yes

No

Don’t Know

Please provide your reasons and any evidence in support of your answer:

Types of Driver Licence Issued

The Council is proposing that it will normally only issue two types of driver licences:

- A licence to drive hackney carriage and private hire vehicles (a “dual licence”)
- A licence to drive private hire vehicles only

Where a person held a licence issued by Wychavon District Council to drive hackney carriage vehicles only at the time the new policy took effect, the Council proposed that they will be granted a licence that authorises them to drive both hackney carriage and private hire vehicles when they next renew their licence.

The Council will, at the request of an applicant, grant a licence to drive hackney carriage vehicles only, but the application requirements for a licence of this nature will be exactly the same as those for a dual licence.

Q14. Do you agree with these proposals?

Yes

No

Don't Know

Please provide your reasons and any evidence in support of your answer:

Duration of Driver Licences

The Council is proposing to issue all licences to drive hackney carriage and/or private hire vehicles for a period of 3 years unless it thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited).

Q.15 Do you agree with this proposal?

Yes

No

Don't Know

Please provide your reasons and any evidence in support of your answer:

Duration of Private Hire Operator Licences

The Council is proposing to issue all licences to operate private hire vehicles for a period of 5 years unless it thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited).

Q.16 Do you agree with this proposal?

Yes

No

Don't Know

Please provide your reasons and any evidence in support of your answer:

Vehicle licensing policies

The Council is proposing to amend its current requirements in relation to the age of vehicles that it will licence to be used as a **private hire vehicle**.

The current requirements are that the vehicle must be under 10 years of age unless it is a vehicle capable of transporting a wheelchair user whilst they remain seated in their wheelchair where there is no upper age limit.

The proposed requirements are:

Where the vehicle **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 10 years of age.

Where the vehicle **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.

Where the vehicle **IS** capable of carrying two or more wheelchair users at the same time whilst they each remain seated in their wheelchair there is no upper age limit.

Q.17 Do you agree that the Council should adopt the proposed requirements above in relation to the age of vehicles that it will licence to be used as private hire vehicles?

Yes

No

Don't Know

Please provide your reasons and any evidence in support of your answer:

Vehicle inspection standards

The Council proposes to adopt the vehicle inspection standards set out at Annex C of the draft Hackney Carriage and Private Hire Licensing Policy when considering whether a vehicle is fit for use as a hackney carriage or private hire vehicle.

Q.18 Do you think any of the vehicle inspection standards set out in Annex C should be amended or removed?

Yes

No

Don't Know

Please provide details and reasons for your answer

Q.19 Do you think that any additional vehicle inspection standards need to be added to those set out in Annex C?

Yes

No

Don't Know

Please provide details and reasons for your answer

Issuing new vehicle licences after automatic revocation under section 68 of the Local Government (Miscellaneous Provisions) Act 1976

The Council is proposing to adopt a change of policy that apply to a person whose licence to use a vehicle as a hackney carriage or private hire vehicle is revoked automatically because it has remained suspended under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 for a period of 2 months.

The policy would enable officers to grant such a person a new licence under delegated authority authorising them to use the same vehicle for the same purpose as it was used for previously, notwithstanding the fact that the vehicle may now be older than the maximum age at which the Council will normally licence a new vehicle entering the hackney carriage / private hire fleet for the first occasion.

This policy would apply provided that the application is made within a period of 2 months from the date the licence is automatically revoked under section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

Q.20 Do you agree that the Council should adopt this policy?

Yes

No

Don't Know

What amendments (if any) do you think the Council should make to this policy? Please provide details and your reasons

Refunds on Surrender of Licence

The Council proposes to adopt a policy on the refunds it will offer on licence fees paid when a licence is surrendered before it is due to expire. The details of this policy are at Part 5.5 of the draft Hackney Carriage and Private Hire Licensing Policy on page 54.

Q.21 Do you agree that the Council should adopt this policy in respect of refunding licence fees when licences are surrendered?

Yes

No

Don't Know

What amendments (if any) do you think the Council should make to this policy? Please provide details and your reasons

Standard conditions – driver licences

The Council proposes to attach the standard conditions shown at Annex B of the draft Hackney Carriage and Private Hire Licensing Policy to every licence it issues to someone authorising them to drive hackney carriage and / or private hire vehicles.

Q.22 Do you think any of the standard conditions at Annex B should be amended or removed?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Q.23 Do you think that any additional standard conditions need to be added to those set out in Annex B?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Standard conditions – hackney carriage vehicle licences

The Council proposes to attach the standard conditions shown at Annex D of the draft Hackney Carriage and Private Hire Licensing Policy to every licence it issues to someone authorising them to use a vehicle as a hackney carriage.

Q.24 Do you think any of the standard conditions at Annex D should be amended or removed?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Q.25 Do you think that any additional standard conditions need to be added to those set out in Annex D?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Standard conditions – private hire vehicle licences

The Council proposes to attach the standard conditions shown at Annex E of the draft Hackney Carriage and Private Hire Licensing Policy to every licence it issues to someone authorising them to use a vehicle as a private hire vehicle.

Q.26 Do you think any of the standard conditions at Annex E should be amended or removed?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Q.27 Do you think that any additional standard conditions need to be added to those set out in Annex E?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Standard conditions – private hire vehicle operators

The Council proposes to attach the standard conditions shown at Annex H of the draft Hackney Carriage and Private Hire Licensing Policy to every licence it issues to someone authorising them to operate private hire vehicles

Q.28 Do you think any of the standard conditions at Annex H should be amended or removed?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Q.29 Do you think that any additional standard conditions need to be added to those set out in Annex H?

Yes

No

Don't Know

Please provide details and reasons for your answer:

Granting of Assistance Dog Exemption Certificates

The Council proposes to adopt the policy shown at Annex I of the draft Hackney Carriage and Private Hire Licensing Policy on how it will deal with the granting of certificates exempting drivers from the duties in respect of carrying assistance dogs

Q.30 Do you agree that the Council should adopt this policy?

Yes

No

Don't Know

What amendments (if any) do you think the Council should make to this policy? Please provide details and your reasons

Other comments or observations

Q.31 Do you have any further comments or observations to make on the content of the Council's draft Hackney Carriage and Private Hire Licensing Policy?

If so, please provide those here:

A large, empty rectangular box with a thin black border, intended for providing further comments or observations on the Council's draft Hackney Carriage and Private Hire Licensing Policy.

Q.32 In what capacity are you responding to this consultation (select all that apply):

An individual licensed by Wychavon District Council to drive hackney carriage and/or private hire vehicles

An individual licensed by Wychavon District Council to use a vehicle as a hackney carriage or private hire vehicle.

An individual licensed by Wychavon District Council to operate private hire vehicles

Someone who uses hackney carriage or private hire vehicles

Other (please specify) _____

Q.33 Which best describes your gender?

Male

Female

Prefer to self describe

Prefer not to say

Q.34 What was your age, in years, on your last birthday?

16-19 years

20-29 years

30-39 years

40-49 years

50-59 years

60-69 years

70-79 years

80+ years

Prefer not to say

Q.35 To which of these groups do you consider you belong?

- White English/Welsh/ Scottish/Northern Irish/British
- Any other white background
- Mixed or multiple ethnic groups
- Asian or Asian British
- Arab
- Any other ethnic group
- Prefer not to say

Q.36 Which best describes your religion or belief?

- Atheist
- Buddhist
- Christian
- Humanist
- Hindu
- Jewish
- Muslim
- Pagan
- Sikh
- No religion/belief
- Prefer not to say

Other (please specify): _____

Q.37 How would you describe your sexual orientation?

Heterosexual

Lesbian or Gay

Bisexual

Prefer to self describe

Prefer not to say

Other (please specify): _____

Q.38 Do you have a long standing health issue or disability?

(Long-standing means anything that has troubled you over a period of at least 12 months or that is likely to affect you for at least 12 months)

Yes

No

Prefer not to say