

From: [Maskell Dan](#)
To: [Maskell Dan](#)
Subject: Department for Transport Statutory Standards
Date: 02 August 2022 15:48:49

From: Maskell Dan
Sent: 02 February 2022 16:05
Subject: Department for Transport Statutory Standards

Good afternoon,

Further to discussion in today's meeting, and as promised, here is a link to the Department for Transport (DfT) [Statutory taxi and private hire vehicle standards](#), published on 21 July 2020.

I draw your attention to the first Annex, on page 35, that I referred to in the meeting. This states:

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

You'll recall, in responding to the DfT Statutory Standards, on 20 December 2021, we published TfL's response [here](#). I also circulated links to updated [driver](#) and [vehicle](#) policy documents that reflect the Statutory Standards. If you look at the introductory pages, these confirm where the amendments have been made.

And, to reiterate, the TfL policy documents have been amended so they are aligned with the DfT Statutory Standards.

Kind regards

Dan

From: [Maskell Dan](#)
Subject: TfL's response to DfT Statutory Standards
Date: 20 December 2021 17:31:00

Good evening,

Further to my previous email, we have now published updated [driver](#) and [vehicle](#) policy documents that reflect the Statutory Standards.

I will provide a link to the operator policy document when it is published early next year.

Kind regards

Dan

From: Maskell Dan
Sent: 20 December 2021 11:40
Subject: TfL's response to DfT Statutory Standards

Good morning,

Please find attached, as discussed at our recent Fortnightly Stakeholder Meeting, is TfL's response to the [DfT Statutory Standards](#).

This will be published online later today.

I will share a link with you when it goes online.

Kind regards

Dan

From: [Maskell Dan](#)
Subject: TfL's response to DfT Statutory Standards
Date: 20 December 2021 11:39:00
Attachments: [Statutory Taxi and PHV Standards - TfL response \(Dec 2021\).pdf](#)

Good morning,

Please find attached, as discussed at our recent Fortnightly Stakeholder Meeting, is TfL's response to the [DfT Statutory Standards](#).

This will be published online later today.

I will share a link with you when it goes online.

Kind regards

Dan

Transport for London's consideration of the Statutory Taxi and Private Hire Vehicle Standards

December 2021

INTRODUCTION

Transport for London (TfL) is a statutory body established by the Greater London Authority Act 1999 and the licensing authority for London's taxi and private hire industries. London has over a third of all licensed taxis and private hire vehicles (PHVs) in England.

On 21 July 2020, the Secretary of State for Transport published Statutory Taxi and Private Hire Vehicle Standards ('the Standards') under section 177(1) of the Policing and Crime Act 2017 which licensing authorities "*must have regard to*" when exercising their functions (s.177(4)).

The primary aim of the Standards is to protect children and vulnerable adults following past abuses and exploitation which were facilitated through the use of taxis and PHVs. The Secretary of State expects the Standards to be implemented "*unless there is a compelling local reason not to*" (para. 1.3).

We welcome the package of measures within the Standards which are aimed at enhancing the safety of passengers using taxi and private hire services.

Subject to consultation, TfL's structure, and the legislation applicable in London, we are committed to meeting the Standards and are pleased to confirm that many of them are already in place in London. New Standards will be implemented as soon as is practically possible, taking into account the significant negative impact the coronavirus pandemic has had on the taxi and private hire industries, including the financial difficulties that many London licensees now face, and an emerging but concerning declining trend in the number of licensed drivers and vehicles in both London and elsewhere which could have negative passenger safety implications.

Since the publication of the Standards in July 2020, we have regularly discussed progress with senior taxi and private hire trade representatives as well as other industry stakeholders such as large PHV operators and taxi app companies to understand the impact of the Standards on the industry, and to seek the most appropriate way of implementing them.

While we support the Government's commitment to introduce higher and consistent safety standards for the taxi and private hire industries, we continue to urge the Government to introduce legislation that will address fundamental issues in the industry, including placing controls on cross border hiring and enhanced enforcement powers to address common enforcement issues in London. We would also urge the Government to amend legislation to remove inconsistencies that exist between the taxi and PHV licensing regimes to allow us to carry out our licensing functions with greater effect.

EXECUTIVE SUMMARY

TfL's consideration of the Standards is set out in this document. This is in line with the recommendation in 2.8 of the Standards that *“licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these”*.

Many of the recommendations in the Standards are already within current TfL policy and practice and we have taken the opportunity to review these policies to ensure that they fully meet the Standards.

We have also carefully considered all the other recommendations and the outcome of our considerations is set out below. Implementing some of the recommendations has required minor amendments to policy or process, but others will necessitate TfL making new regulations, amending existing regulations, or require significant changes to processes. Where we consider that the recommendation is likely to need regulatory change or, either singularly or cumulatively, will have a significant impact on users of taxis and PHVs or on the taxi and private hire industry, we will undertake a public consultation on our proposals before proceeding further.

A summary of our position on all the recommendations in the Standards is attached at Appendix A.

In implementing the Standards, wherever possible, we have proposed a consistent approach to taxi and PHV regimes. However, we are also mindful that they are subject to different regulatory regimes and while applying the same approach is desirable, this isn't always possible. For example, prescribing licence conditions for drivers, or requiring Disclosure and Barring Service (DBS) checks from applicants for vehicle licences.

For those Standards where we consider that consultation should be undertaken, subject to the outcome of that consultation, those Standards will be implemented in London as soon as practically possible. Some Standards can only be introduced as new application standards or by attaching conditions to licences and it may therefore take a full licence renewal cycle for all existing licensees to be compliant.

While safety remains our priority, our proposals have also taken into account the devastating impact that the coronavirus pandemic has had on the taxi and PHV industry. As well as the harm to the health and wellbeing of licensees caused by the pandemic, there has also been a significant detrimental economic impact across the industry with an estimated drop in work of between 80 and 95 per cent for most licensees at the height of the pandemic. Conversely, as we are now seeing an increase in the demand for taxi and private hire services in London, many drivers have not returned to the industry which is creating an emerging but worrying trend of passengers being unable to secure journeys, particularly late at night when other transport options are limited.

Prior to publication of the Standards in July 2020, the Department for Transport (DfT) undertook a full public consultation on draft Statutory Guidance between 12 February and 22 April 2019. Most of the recommendations in the final version of the Standards were included in the draft Statutory Guidance and therefore subject to consultation. Following closure of that consultation the DfT carefully considered responses and determined that the Standards are the appropriate minimum standards that should be adopted throughout England and Wales. Our response to the consultation welcomed the draft Statutory Guidance as an opportunity to raise and harmonise safety standards across the country, ensuring that passengers have the confidence that any taxi or PHV they use is safe and fit for purpose.

As the DfT has undertaken an extensive consultation exercise and determined these are the appropriate minimum standards to be adopted in London and the rest of England and Wales, any future consultation that we undertake will not be re-consulting on the principles of the individual Standards themselves. Our consultation will focus on how we propose to deliver the recommendations.

ADMINISTERING THE LICENSING REGIME

Licensing policies

3.1 All licensing authorities make publicly available a cohesive policy document that brings together 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.

TfL position

We have detailed and comprehensive licensing policies which reflect the recommendations in the Standards that are already TfL policy. Our policies can be found [here](#). Our policy documents will be updated accordingly as further Standards are introduced.

3.5 Licensing authorities should review their licensing policies every five years but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.

TfL position

All our taxi and PHV driver, PHV operator, and taxi and private hire vehicle policies are reviewed regularly to keep pace with changes in the industry and issues that have arisen that requires new policy or amendments to existing policy. Any amendments, including those that reflect any changes in the law, regulations, or any other TfL policies, will be published as appropriate.

Duration of licences

3.7 Shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

TfL position

It has never been our policy to issue licences for a 'probationary' period or as an opportunity for an applicant to prove that it is a fit and proper person to hold a licence.

In the first instance we will consider whether an applicant is fit and proper to hold a licence. Once this determination is made, if an applicant is considered fit and proper to hold a licence, we will then consider the appropriate length.

While the majority of licences are issued for the maximum period, if there are particular circumstances that would make it appropriate to do so, we will issue a licence for a shorter period.

However, while the Private Hire Vehicles (London) Act 1998 allows TfL to issue operator, vehicle and driver licences that are shorter than the specified maximum periods, there is no similar power in London taxi legislation. Unless suspended or revoked, taxi vehicle licences remain in force for one year. Unless suspended or revoked, taxi driver licences remain in force for three years with the exception of taxi drivers whose leave to remain in the UK is time-limited.

Whistleblowing

3.8 Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.

3.10 Local authorities should ensure they have an effective 'whistleblowing' policy and that all staff are aware of it.

TfL position

All staff are actively encouraged to raise or escalate any concerns through our normal day to day management and Human Resources processes. There is also a well-established whistleblowing policy in place which is available to all TfL staff, including those within our Licensing, Regulation and Charging Directorate which is responsible for the licensing and regulation of taxi and PHV services, and our Compliance, Policing and On-Street Directorate which is responsible for all compliance activities. This is underpinned by TfL's Code of Conduct which describes TfL's ethical values and vision, sets out the behaviour that is expected of all employees and identifies policies that are relevant to the conduct of business.

Consultation at the local level

3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade.

TfL position

We agree that conducting a consultation on proposed changes to licensing rules that may have significant impacts on passengers and/or the trades is necessary and appropriate so that the impacts of any proposals can be properly considered. We conduct consultations whenever we consider that a change may have a significant impact on taxi and private hire licensees and/or passengers that use their services. For example, a consultation is carried out whenever we consider changing taxi fares and tariffs. In 2015, we consulted on whether to mandate card payments in all London taxis and in 2016 we conducted a wide-ranging consultation reviewing PHV regulations.

In line with this recommendation, we will shortly be launching a consultation on those Standards which we propose to implement and consider may have a significant impact on the taxi and PHV industry.

All our consultations are open to all members of the public to respond. In addition, we have a detailed list of consultees who we consider may be interested in viewing and responding to the proposals. Standard consultees include taxi and PHV licensees and trade bodies; neighbouring licensing authorities; London boroughs; passenger groups; those representing disabled people; the Metropolitan Police Service and the City of London Police.

All our consultations align with The Consultation Institute (TCI) best practice guidance and training for consultation staff is generally supplied by TCI.

3.13 Licensing authorities should engage with neighbouring areas to identify any concerns and issues that might arise from a proposed change. Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

TfL position

TfL is effectively a sub-regional licensing authority with many neighbours. Furthermore, because of cross border hiring and the ability of TfL licensed drivers to work outside London, it is not always feasible to liaise with every authority where there may be an impact of proposed changes.

Nevertheless, we recognise the importance of ongoing engagement with other licensing authorities and we liaise with the Local Government Association (LGA) to discuss matters of common interest and share best practice. We also inform other licensing authorities of updates we consider may be of interest to them and invite neighbouring authorities to respond to our consultations. For example, in 2015 we wrote to all licensing authorities in England to explore solutions to the problems associated with cross-border hiring; in 2019 we informed other licensing authorities of a high profile licensing decision (given the potential impact on them because of cross border hiring); and as part of the publication of this report, we have written to all licensing authorities in England and Wales to bring it to their attention.

Changing licensing policy and requirements

3.14 Any changes in licensing requirements should be followed by a review of the licences already issued.

TfL position

In the interests of passenger safety, we are supportive of this recommendation to ensure all licensees meet the same standards. Wherever possible this new Standard will be applied, however, legislative constraints and practical considerations mean that some new requirements can only be applied through the application and renewal process. For example, the legislation does not allow us to take a consistent approach to taxi and PHV driver licence conditions:

- Taxi driver licence conditions can only be prescribed which means they apply to all licensed drivers with immediate effect from the day they come into force.
- There is no power to prescribe licence conditions for PHV drivers - conditions can only be attached to licences at the point the licence is issued; this means that some new requirements can only be applied to PHV drivers over the three-year renewal cycle.

While taking different approaches is undesirable and regrettable, in the interests of public safety and meeting the objectives of the Standards, we will always look to adopt the most effective means of applying a new condition to as many licensees as possible at the earliest opportunity.

Given such differences, we will consult further on how we propose to apply this recommendation, but we would urge the Government to review and revise legislation to ensure there is a consistent and equitable approach to taxi and PHV licensing.

GATHERING AND SHARING INFORMATION

The DBS

4.4 Licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate.

TfL position

We require all applicants for a new or renewal taxi or PHV driver's licence to provide an enhanced DBS certificate and licensing decisions take into consideration the information disclosed on a DBS certificate.

We use information disclosed by the DBS to assess the character of applicants and licensees, and we do not seek to circumnavigate the DBS process by obtaining criminal history information from other sources.

Common Law Police Disclosure

4.11 Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.

TfL position

We work alongside the TfL funded Taxi and Private Hire Policing Team of the Metropolitan Police Service (MPS). There are well-established data and intelligence sharing agreements, and joint TfL/MPS compliance and enforcement operations. We also work with the City of London Police and other police forces as necessary.

These relationships ensure that the principles of Common Law Police Disclosure are followed, and TfL receives relevant information where there might be a public protection risk.

Licensee self-reporting

4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so.

TfL position

We have established requirements whereby licensed drivers and operators are required to self-report as follows:

- Taxi and PHV drivers currently undertake to inform us of all charges, cautions and convictions within 21 days. Drivers agree to this undertaking in the declaration they sign at the point of application for their licence.
- Licensed PHV operators must notify us of convictions recorded against individuals associated with the licence within 14 days. This is a licence condition prescribed by Regulation 9(4) of the Private Hire Vehicles (London) (Operators' Licences) Regulations 2000.

We have an established process to ensure that any notification of a charge, conviction, etc. results in a review of the fitness of the licensee and whether further action is required.

While applicants for taxi vehicle licences are required to be fit and proper, once the vehicle has been licensed, there is currently no ongoing requirement for the owner to inform us of new convictions, cautions, etc.

We will be consulting on our proposals for changing our current requirements in order to introduce the 48-hour time frame and standardise the range of information to be reported in respect of taxi and PHV drivers, PHV operators and taxi vehicle licensees to meet the recommendation in the Standards. However, the prescribed conditions for PHV licences do not place any requirement on PHV owners to inform TfL of convictions, cautions, etc. We will consider whether it is necessary to change this in conjunction with our consideration of undertaking checks on the owner of PHVs (see 'Vehicle Licensing' section below).

4.13 A failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation

TfL position

This is the subject of a clear, long-standing policy, which is set out in our Driver Policy document.

Referrals to the DBS and police

4.14 A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.

TfL position

We already have an established procedure in place for passing this information to the DBS.

Working with the police

4.17 Action taken by the licensing authority as a result of information received should be fed-back to the police

TfL position

As part of our close working relationship with the MPS, we have an established process for informing them of licensing action taken in response to information they have provided. Where we receive information from a police force other than the MPS, they are advised that the information will be taken into consideration in the licensing process and that an update of the result of that process will be provided upon request. While we will offer a similar level of service to that given to the MPS where we can, given the number of potential contact points from the other 42 territorial police forces in England and Wales, it is not practicable to provide an update in response to every report received.

Allowing police forces 'read only' access to the national register of revocations and refusals (NR3) may allow for a more effective means of the police ascertaining the outcome of licensing authorities' considerations.

4.19 A revocation or refusal on public safety grounds should also be advised to the police

TfL position

As part of our close relationship with the MPS (see 4.11), we immediately share details of all revocations, suspensions and refusals where there are significant safety concerns. In addition, the MPS is provided with a monthly report of all revocations, suspensions and refusals that are made on public safety grounds.

Sharing licensing information with other licensing authorities

4.20 Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.

TfL position

It is long standing policy that every applicant for a driver and operator licence (new and renewal) is required to provide this information. Where such information is disclosed, we contact the relevant licensing authority to obtain further and better particulars which will be taken into account when considering the applicant's fitness to be licensed.

This process has been further enhanced with the introduction of the NR3 database (see below).

Our driver and operator licence application forms state that making a false statement or omitting to provide the information requested may be a criminal offence.

We do not have application forms for vehicle licences, but when booking by phone or online, applicants are advised that providing false or misleading information, or failing to give information when requested, may be a criminal offence.

4.21 Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants

TfL position

NR3 is the national register of taxi and PHV driver revocations and refusals. The National Anti-Fraud Network (NAFN) was commissioned by the LGA to develop and host the register. Following extensive testing and establishment of satisfactory data sharing arrangements with NAFN, we began using NR3 in September 2021. We now check the database for every taxi or PHV driver's licence application that we receive.

In addition to now adding to NR3 the details of any new taxi and PHV driver licence revocation and refusal decisions, we have also added details of all such decisions taken since 1 January 2018. This therefore covers the last full licensing cycle and has ensured that a more comprehensive dataset is available to other licensing authorities. To meet our data protection obligations, all those whose details have been added to the database have been informed.

4.22 All licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so

TfL position

We have established systems in place to record all information in respect of applicants and licensees, including details of all decisions to refuse, suspend or revoke a licence. In appropriate circumstances, some information has been shared.

4.24 If notification of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why; if information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed.

TfL position

Where information about refused applications or revoked licences is disclosed, it is our standard process to contact the relevant licensing authority to obtain further and better particulars which will be taken into account when considering the applicant's fitness to be licensed. Using the NR3 database has enhanced this process.

Multi-agency Safeguarding Hub (MASH)

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders)

TfL position

In London, MASHs are borough based and therefore due to the number of them, it is not feasible for us to have representation at them all. However, we have a well-established process for sharing information with local authorities and the police, helping to ensure relevant safeguarding information relating to licensees is available to professionals in both TfL and other bodies making decisions on public safety and the protection of children or adults at risk.

Our long-established partnership with the MPS Taxi and Private Hire Policing Team provides additional assurance through close working, joint operations and information sharing.

Nevertheless, to ensure that the objectives of MASHs are met, we have contacted all MASHs in London to establish a single point of contact between our Licensing Team and each individual MASH.

We have established guidelines regarding which cases MASHs should be informed of and are establishing formal data sharing arrangements with individual MASHs as the need arises.

Complaints against licensees

4.29 All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees

TfL position

We have an established process for recording and investigating complaints about licensees. We continue to review this process and are further enhancing our monitoring processes to help analyse trends in the types of complaints being made.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing

authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

TfL position

We have a clear, long-standing policy on action to be taken, including reviewing licensees' fitness, in the light of complaints histories. Currently, outcomes range from advisory letters that provide appropriate advice and guidance, to suspension or revocation. Further details can be found in our published Driver and Operator Policy documents. We will explore further the use of training as an alternative option in appropriate circumstances.

4.31 Licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaints to the authority should be displayed in all licensed vehicles.

TfL position

Information on how to make a complaint to TfL is published on our [website](#).

For taxis, the reverse of the driver identifier displays information on how to complain to TfL. For PHVs this information is displayed on the reverse of the licence disc. Both include links to the information provided on our website on how to make a complaint. Failure to display either of these items is an offence.

We will be consulting on proposals for displaying new signage in taxis and PHVs that will include information on how to make a complaint to TfL and/or the operator alongside other statutory and important safety information for passengers.

4.31 An effective partnership in which operators can share concerns [with the licensing authority] regarding drivers is also encouraged

TfL position

Regulation 9(4) of the Private Hire Vehicles (London) (Operators' Licences) Regulations 2000 requires operators to inform TfL if "any driver ceases to be available to the operator for carrying out bookings, by virtue of that driver's unsatisfactory conduct in connection with the driving of a private hire vehicle".

TfL form PHV/I05 is available for this purpose.

Although not a regulatory requirement, operators are also encouraged to use PHV/I05 to notify us of any serious complaints that they receive about a driver that is currently working for or has worked for them. To support operators in providing us with this information, we have published [guidance on reporting crime](#).

In the interests of consistency, this guidance encourages companies providing taxi services to adopt the same approach as PHV operators.

4.32 *Licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement*

TfL position

As indicated above, complaints information is displayed in licensed vehicles. Compliance with these requirements is monitored by our on-street compliance team and appropriate action is taken where necessary.

Following the consultation on signage referred to above, should new signage be introduced it will be publicised to the taxi and PHV trades via TfL's usual information channels.

Our consultation will propose that displaying information in taxis and PHVs is a vehicle licensing requirement, and therefore any vehicle that fails to display it risks having its licence suspended or revoked. We will also consult on making it a condition of a driver's licence that the taxi or PHV they are driving is displaying the prescribed signage.

Overseas convictions

4.35 *Where an applicant has spent three or more continuous months outside the UK, licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas to properly assess risk and support the decision-making process.*

It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant.

TfL position

We currently require any applicant for a taxi or PHV driver's licence who has lived outside the UK for three or more months in the three years prior to the date of application to provide a Certificate of Good Conduct (CoGC) from every relevant country.

We will consult on our proposals to extend this requirement to cover the entire period since the applicant was 18, as well as extending the requirement to operators.

We will consider whether it is necessary to extend this requirement to vehicle owners in conjunction with our consideration of undertaking criminality checks on the owner of PHVs (see 'Vehicle Licensing' section below).

While obtaining CoGCs is currently the only viable method of establishing information about an applicant's criminal history when overseas and they do provide an additional check, we do not consider the system to be sufficiently robust to ensure public safety. CoGCs are not easily available from all countries and there can be doubts as to their accuracy and

authenticity. We therefore urge the DfT to explore alternative options for overseas criminal history checks.

4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

TfL position

Our policy states that applicants who need to provide a Certificate of Good Conduct ensure that they provide proof of its authenticity from the UK embassy, consulate or high commission of the country of issue. In line with the recommendation we will, in addition, advise applicants to seek independent expert or legal advice if they wish to do so.

DECISION MAKING

Administration of the licensing framework

5.2 *Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly*

TfL position

We continually review our resourcing requirements to ensure we can fulfil our statutory requirements while acting responsibly given the impact on licence fees for licensees.

We recognise that these new Standards will require additional resource to be introduced which will be taken into consideration as part of our resource forecasting for the future but, any additional resource is likely to have an impact on licence fees.

Training decision makers

5.3 *All individuals that determine whether a licence is issued should be required to undertake sufficient training. As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions.*

TfL position

All decision makers are provided training in order to fulfil their function, including equality and disability awareness (although we do not have a licensing committee structure, this principle is applied to all staff involved in the decision-making process). Licensing decisions that are likely to be novel, contentious or controversial are dealt with by senior staff with the appropriate delegated authority. Our comprehensive training package is continuously reviewed and has been enhanced to cover the topics specified in the Standards.

5.5 *When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity*

TfL position

All staff in our taxi and PHV licensing team are required to sign a declaration requiring them to disclose any relationships with any licensees or applicants for a licence. This allows us to take steps to ensure that those with such relationships do not access relevant records or are involved with licensing decisions.

In addition, all our staff are required to abide by TfL's Code of Conduct which places a duty on employees to declare any private interests relating to their public duties.

The regulatory structure

5.6 *It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.*

TfL position

As TfL is not a council, we do not operate with a licensing committee structure that is common in other licensing authorities. Within TfL, all licensing decisions are delegated to officers set out in the Scheme of Delegation included in our Standing Orders.

Our structure and procedures allow for a separation of investigation and decision-making roles, as well as a clear escalation process to senior officers with the relevant delegated authority for novel, contentious, controversial, complex and high-profile decisions.

5.11 *All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.*

TfL position

As mentioned previously, decisions which are novel, contentious, controversial, complex and high-profile are escalated to senior officers with the appropriate delegated authority. This includes dealing with serious matters that may require immediate revocation of a licence. This includes a procedure for action to be taken out of hours.

Fit and proper test

5.13 *It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question "Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?" If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.*

TfL position

There are many factors that we take into consideration when determining a licensee's fitness and we have robust and defined licensing policies that are used in the consideration of

licence applications. In determining whether to grant a licence, we apply these policies, using our experience of licensing decisions where there is any doubt.

We have included this question in our driver licensing policy and training materials for decision makers.

Criminal convictions and rehabilitation

5.15 Licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

TfL position

We have a clear policy for the consideration of criminal records. This is included in our Taxi and PHV Driver Policy document. This policy been reviewed and amended to take account of the guidelines in the annex to the Standards (Annex – Assessment of previous convictions). In assessing an application for a PHV operator’s licence or a taxi licence, the guidelines in respect of drivers are followed, but the relevance of the convictions to the licence applied for is taken into consideration.

DRIVER LICENSING

Criminality checks for drivers

6.2 *All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check. All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.*

TfL position

We have required all applicants for a taxi or PHV driver's licence to provide an enhanced DBS check, that includes checks of the barred lists, since these checks were introduced in 2002. A further enhanced DBS check is required every time the driver renews their licence.

We will consult on our proposals to require all taxi and PHV drivers to provide evidence of registration with the DBS Update service to allow us to routinely check for new information every six months.

6.3 *In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.*

TfL position

It is our policy not to grant a licence to any individual that appears on either barred list.

Safeguarding awareness and language proficiency

6.6 *All licensing authorities should...require taxi and private hire vehicle drivers to undertake safeguarding training.*

TfL position

In September 2021, we introduced interactive online [safeguarding training](#) for taxi and PHV drivers. While undertaking the training is voluntary, we strongly encourage all taxi and PHV licensees to complete it at the earliest opportunity. This is being achieved through our regular communication channels e.g. trade bulletins, email updates, liaison with trade representatives.

In addition, testing of safeguarding awareness learnt through the training is included in a new assessment of safety, equality and regulatory understanding that all PHV drivers and applicants now must take and pass. This will ensure that all PHV drivers have an appropriate level of safeguarding knowledge. We will be consulting on introducing a similar assessment for taxi drivers and applicants for taxi driver licences.

English language proficiency

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives [at 6.14].

Since October 2016, we have had a prescribed English language requirement for PHV drivers. The requirement is set out in Regulation 3A of the Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003. The requirement is that all applicants must be able to communicate in English at or above level B1 on the Common European Framework of Reference for Languages; and that the ability to communicate in English includes speaking, listening, reading and writing.

From 1 October 2021, speaking and listening skills are assessed via a short test delivered by a contracted service provider. Reading and writing skills will be derived from the new assessment of safety, equality and regulatory understanding. In addition to evidencing drivers' English language skills, this assessment will enable TfL to be satisfied that drivers have an appropriate knowledge and understanding of safety and equalities issues and the regulatory requirements that apply to them.

Although the Knowledge of London for taxi drivers is tested in English there is no formal English language requirement for taxi drivers. We will therefore be consulting on creating a similar licensing requirement that all taxi drivers can communicate in English at or above level B1, and that the ability to communicate in English includes speaking, listening, reading and writing. In doing so we will consider whether the Knowledge of London testing process can act as a proxy for assessing speaking and listening skills, but like PHV drivers, we will look to derive reading and writing skills for both new and existing drivers from the proposed assessment of safety, equality and regulatory understanding.

VEHICLE LICENSING

Criminality checks for vehicle proprietors

7.2 *Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.*

Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 *An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to license a vehicle to provide a basic DBS check*

TfL position

We note that this measure was not included in the DfT’s 2019 consultation on the draft Standards.

The London Cab Order 1934 contains a requirement that the applicant for a taxi vehicle licence is a fit and proper person to hold such a licence. We therefore require new applicants for a taxi licence who are not licensed London taxi drivers to provide a basic DBS check.

It is our long-standing policy that applicants for a taxi licence who are already licensed as a London taxi or PHV driver are not required to obtain a further criminal record check.

While we do not undertake further DBS checks once a first licence has been issued, it is our policy that any taxi licensee who is convicted of a serious offence will have their fitness to hold a taxi licence reviewed. Furthermore, if a licensed taxi driver’s licence is revoked, we will always consider whether they remain fit to hold a taxi vehicle licence.

There is no similar provision in the Private Hire Vehicles (London) Act 1998 that allows TfL to require the owner of a PHV to be a fit and proper person.

Section 16(1) of the Private Hire Vehicles (London) Act 1998 allows TfL to suspend or revoke a PHV licence ‘for any reasonable cause’. Therefore, where a licensed driver has their PHV driver’s licence revoked or suspended, and that driver is the owner of one or more licensed vehicles, consideration will be given to revoking or suspending their vehicle licence(s), depending on individual circumstances.

Owing to the differences in taxi and PHV legislation it is not possible to take a consistent approach at this time which is undesirable and regrettable.

Given these differences and the complexity of this issue, as well as in the absence of any previous consultation, we will consult stakeholders before determining our approach in respect of criminality checks for taxi and PHV proprietors.

Notwithstanding this approach, we again urge the Government to review and revise legislation to ensure there is a consistent and equitable approach to taxi and PHV licensing.

7.6 Overseas checks to be considered where applicable

TfL position

We will consider this requirement further in conjunction with the approach we take in respect of vehicle owners providing basic DBS checks.

In-vehicle visual and audio recording – CCTV

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

TfL position

Between 9 February and 22 March 2021, we undertook a consultation seeking views as to the positive or adverse effects of CCTV in vehicles on the safety and privacy of taxi and PHV users, taking into account local circumstances.

Details of the consultation can be found [here](#) and our assessment of the responses and key outcomes will be published in due course.

Stretched Limousines

7.14 It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides.

TfL position

We recognise that limousines form part of the wide range of services offered by the PHV industry. Our licensing standards allow for limousines to be licensed in London and in setting those standards, passenger safety is our prime consideration.

PRIVATE HIRE VEHICLE OPERATOR LICENSING

Criminality checks for private hire vehicle operators

8.2 *Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.*

Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

8.3 *An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process.*

TfL position

All persons associated with an operator licence application¹ are currently required to make a self-declaration of any unspent criminal convictions.

We will consult on replacing the self-declaration with a requirement for all persons associated with an operator licence application to provide a basic DBS check. We will also consult on our proposals for requiring such persons to provide a basic DBS check on annual basis.

Our consultation will consider further which individuals need to provide a DBS check.

In assessing an application for an operator’s licence, we follow our convictions policy in respect of taxi and PHV drivers. However, the relevance of the convictions to an operator’s licence is taken into consideration. For example, driving convictions may be less relevant but those relating to running a business more relevant.

In determining whether an operator application should be refused or approved based on self-declared convictions, our policy states that the number of convictions per person and the total number of convictions recorded against the individuals that make up the operator will be taken into account in the overall evaluation.

¹ Sole traders: the person who owns the company;

Companies: all the individuals who make up that company i.e. the company secretary and the board of directors;

Unregistered firms or partnerships: all the individuals who make up that firm or partnership, i.e. the partners; and

The nominated representative of the company, if not one of the above.

Ultimately, the overriding consideration in reaching a decision will be based on whether the persons which make up the organisation can fulfil their roles and run the centre without posing any likely threat to the general safety of the public.

8.5 *A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.*

TfL position

The Private Hire Vehicle (London) Act 1998 empowers TfL to grant a PHV operator's licence to any 'person' (which includes a legal entity) that it considers fit and proper to hold such a licence. As part of the consideration as to whether an operator applicant is fit and proper, applicants and licensees will be expected to demonstrate that they are of good character, they have complied with other legal requirements connected with running a business and are of good business repute. When considering an application, we therefore require all individuals associated with the operator to be fit and proper.

Regulation 9(4)(b) of the Private Hire Vehicles (London) (Operators' Licences) Regulations 2000 requires operators to inform us of any changes to information provided with the application. This includes changes to partners, directors, etc. Any new partner or director is currently required to complete a Personal Declaration form which will be assessed to ensure that the individual is a fit and proper person.

8.6 *Overseas checks to be considered where applicable*

TfL position

Alongside requiring basic DBS checks with applications, we will consult on requiring any person associated with an application for a PHV operator's licence who has lived outside the UK for three or more months since the age of 18 to provide a Certificate of Good Conduct from every relevant country.

Booking and dispatch staff

8.8 *Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept*

8.9 *Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is*

compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

TfL position

We will consult further on how we propose to introduce these Standards, including what particulars should be kept in the register, and how operators will be required to evidence that they have had sight of a DBS check on booking and despatch staff.

8.11 Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

TfL position

While operators can outsource some functions e.g. telephone contact centre, the acceptance of PHV bookings and provision of PHVs can only be undertaken by a licensed operator - these functions cannot be outsourced. Operators can sub-contract bookings, but this can only be to another licensed operator. Therefore, the fact that they are licensed should provide the necessary assurance that appropriate safeguarding provisions are in place. Nevertheless, our Operator Handbook has been updated to advise operators to undertake due diligence when sub-contracting bookings, to ensure companies they use have comparable safeguarding policies.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above.

TfL position

We will consult stakeholders on how and when operators should be required to provide us with a copy of their policy.

Record keeping

8.13 Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:

- 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.*

TfL position

Regulation 11 of the Private Hire Vehicles (London) (Operators' Licences) Regulations 2000 specifies the particulars that must be kept in respect of every booking. Regulations 12 and 13 specify the particulars that operator must keep in respect of the vehicles and drivers they use.

These regulations require the first seven items listed to be recorded.

We will consult on our proposals to ensure that our record keeping requirements match all the items listed in the Standards.

8.14 It is suggested that booking records should be retained for a minimum of six months.

TfL position

Regulation 16 of the Private Hire Vehicles (London) (Operators' Licences) Regulations 2000 already specifies that booking records must be retained for a minimum of 12 months.

Following a review of PHV regulations in 2015, we standardised the retention period for all the records operators must keep. The review and subsequent consultation recognised that having different retention periods for different records caused confusion and restricted compliance activity, and considered whether all retention periods should be same. The standardised period is 12 months which we consider an appropriate period to assist compliance activity.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

TfL position

Under section 4 of the Private Hire Vehicles (London) Act 1998, only a licensed London PHV or a taxi can be used to discharge a PHV booking. Therefore, this measure is not applicable to licensing in London.

ENFORCING THE LICENSING REGIME

Joint authorisation of enforcement officers

9.2 *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.*

TfL position

TfL regularly carries out joint operations with neighbouring authorities and we will continue to do so. However, these operations have been arranged on an *ad hoc* basis and we recognise the benefits of having a more formalised approach.

TfL is exploring further the specific issues that other licensing authorities need to address that might warrant joint authorisation of compliance officers. However, it must be recognised that jointly authorising officers will be complex, particularly when areas outside London operate under different legislation and London legislation is not designed to apply outside the capital.

We are liaising with the LGA and the National Association of Licensing Enforcement Officers who have awareness and experience of joint authorisation in practice, with the aim of establishing consistent guidance and operational protocols throughout the country.

Setting expectations and monitoring

9.3 *Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so.*

TfL position

Taxi and PHV drivers are informed of their obligations when they are issued with every licence in the accompanying letter. This letter also direct drivers to our website where they can find our licensing standards, summaries of legislation and other useful information.

Furthermore, the introduction of the assessment of safety, equality and regulatory understanding for PHV drivers will help to ensure drivers have an adequate understanding of the laws and policies that apply to their role as licensed drivers.

When London taxi drivers are first licensed, they attend in person a presentation where they are given guidance on their obligations as well as advice on working as a taxi driver. We will be consulting on enhancing this process by extending the safety, equality and regulatory understanding requirement to taxi drivers.

Suspension and revocation of driver licences

9.7 *Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.*

TfL position

Before any decision is made to suspend or revoke a licence, TfL will give full consideration to the available evidence. Other than in cases where there is no room for discretion, the driver will be given the opportunity to provide any mitigation that they want to be taken into account.

In addition, when drivers are informed of a decision to suspend or revoke their licence, they are provided with full details of their rights of appeal.

However, where the suspension or revocation is to have immediate effect because of public safety reasons the driver may not be given the opportunity to provide mitigation prior to the decision as that could undermine the effect of the immediacy. Similarly, where the driver no longer meets statutory licensing requirements (e.g. is disqualified from driving), they may not be given the opportunity to provide mitigation prior to the decision being made.

We only suspend licences for defined periods and suspensions are not extended or changed to revocation at a later date.

We will consider subsequent revocation if new evidence becomes available that supports a new decision that the licensee is no longer fit to be licensed.

We take a similar approach to operator and vehicle licences.

Appendix A - Summary

Statutory Standards recommendation		Status
Administering the licensing regime		
3.1	All licensing authorities make publicly available a cohesive policy document that brings together 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.	Compliant
3.5	Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.	Compliant
3.7	Shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.	Compliant
3.8	Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.	Compliant
3.10	Local authorities should ensure they have an effective 'whistleblowing' policy and that all staff are aware of it.	Compliant
3.12	Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade.	Compliant
3.13	Licensing authorities should engage with neighbouring areas to identify any concerns and issues that might arise from a proposed change. Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities	Compliant
3.14	Any changes in licensing requirements should be followed by a review of the licences already issued.	Subject to consultation
Gathering and sharing information		
4.4	Licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate.	Compliant
4.11	Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.	Compliant
4.12	Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.	Subject to consultation
4.12	An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so.	Compliant
4.12	Authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed	Compliant

4.13	A failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation	Compliant
4.14	A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.	Compliant
4.17	Action taken by the licensing authority as a result of information received should be fed-back to the police	Compliant
4.19	A revocation or refusal on public safety grounds should also be advised to the police	Compliant
4.20	Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.	Compliant
4.20	Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence	Compliant
4.21	Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants	Compliant
4.22	All licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so	Compliant
4.24	If notification of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why	Compliant
4.24	If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed.	Compliant
4.28	All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders)	Compliant
4.29	All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees	Compliant
4.30	Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.	Compliant
4.31	Licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website.	Compliant
4.31	Ways to make complaints to the authority should be displayed in all licensed vehicles.	Subject to consultation
4.31	An effective partnership in which operators can share concerns [with the licensing authority] regarding drivers is also encouraged	Compliant

4.32	Licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement	Subject to consultation
4.35	Where an applicant has spent three or more continuous months outside the UK, licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas to properly assess risk and support the decision-making process. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant.	Subject to consultation
4.36	Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate	Compliant
Decision making		
5.2	Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly	Compliant
5.3	All individuals that determine whether a licence is issued should be required to undertake sufficient training.	Compliant
5.3	As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions.	Compliant
5.5	When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity	Compliant
5.6	It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board.	Not Applicable
5.6	Less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.	Not Applicable
5.11	It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question "Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?" If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.	Compliant
5.13	All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.	Compliant

5.15	Licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licensed regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.	Compliant
Driver licensing		
6.2	All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check	Compliant
6.2	All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.	Subject to consultation
6.3	In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.	Compliant
6.6	All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.	Compliant
6.15	A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives [at 6.14].	Compliant (PHV drivers)
		Subject to consultation (Taxi drivers)
Vehicle licensing		
7.2	Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.	Subject to consultation
7.2	Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.	Subject to consultation
7.3	An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check	Subject to consultation
7.6	Overseas checks to be considered where applicable	Subject to consultation
7.9	All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.	Compliant

7.13	Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review.	Not Applicable
7.14	It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides.	Compliant
Operator licensing		
8.2	Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.	Subject to consultation
8.2	Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.	Compliant
8.3	An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process	Subject to consultation
8.5	A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners	Compliant
8.6	Overseas checks to be considered where applicable	Subject to consultation
8.8	Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept	Subject to consultation
8.9	Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.	Subject to consultation
8.9	When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.	Subject to consultation
8.11	Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.	Compliant
8.12	Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above.	Subject to consultation
8.13	Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:	Partially compliant
	<ul style="list-style-type: none"> • the name of the passenger; 	Compliant
	<ul style="list-style-type: none"> • the time of the request; 	Compliant

	<ul style="list-style-type: none"> • the pick-up point; 	Compliant
	<ul style="list-style-type: none"> • the destination; 	Compliant
	<ul style="list-style-type: none"> • the name of the driver; 	Compliant
	<ul style="list-style-type: none"> • the driver's licence number; 	Compliant
	<ul style="list-style-type: none"> • the vehicle registration number of the vehicle; 	Subject to consultation
	<ul style="list-style-type: none"> • the name of any individual that responded to the booking request; 	Subject to consultation
	<ul style="list-style-type: none"> • the name of any individual that dispatched the vehicle. 	Subject to consultation
8.14	It is suggested that booking records should be retained for a minimum of six months.	Compliant
8.16	The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.	Not Applicable
Enforcing the licensing regime		
9.2	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.	Under consideration
9.3	Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so.	Compliant
9.7	Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case.	Compliant
9.7	If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date	Compliant