

Appendix A

Department for Transport (DfT) - Statutory Taxi and Private Hire Vehicle Standards (Published 21 July 2020) East Suffolk Council (ESC) - Assessment Document

Guidance issued under Section 177 of the Policing and Crime Act 2017 has been published by the Department for Transport (DfT). It is referred to as the Statutory Taxi and Private Hire Vehicle Standards. The focus within the standards is on protecting children and vulnerable adults. An assessment of the standards has been undertaken by the Licensing Team and the details of that assessment are summarised below. The Licensing Team has also taken the opportunity to review its current Taxi and Private Hire Licensing policies and guidance and these changes and recommendations can be viewed at **Appendix C**.

There are three columns within this assessment document detailing:

- The Standards recommendations and matters raised.
- East Suffolk Council's current position - including if the Council meets the recommendations.
- If applicable – the proposed action to be taken.

Each item, within the recommendations, has been graded as:

Red (ESC does not currently meet) Amber (ESC partially meets) Green (ESC fully meets)

The Council is aware that the Department for Transport expects the recommendations, contained within the standards document, to be implemented unless there is a compelling local reason not to. The purpose of this assessment document is to publicise this Authority's consideration of the standards as well as providing the necessary update to the Department for Transport.

As of 1 April 2021, East Suffolk Council licences:

Hackney Carriage Vehicle licences 93

Private Hire Vehicle licences 278

Private Hire Vehicle Operator licences 76

Dual Licensed Hackney Carriage and Private Hire Vehicle drivers licences 197

Private Hire Vehicle driver licences 309

| Statutory Taxi & Private Hire Vehicle Standards Recommendation/Measures (including Paragraph Numbers) | East Suffolk Council (ESC) Current Position on Meeting the Measures/Recommendations | ESC Proposed Action |
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| <p>Consideration of the Statutory Taxi and Private Hire Vehicle Standards</p> <p>Paragraph 2.8 - Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority's defence. In the interest of transparency, all 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. The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).</p> | <p>Green grading</p> | <p>This document sets out and summarises this Authority's consideration and delivery of the measures set down within the minimum licensing standards.</p> |
| <p>Administering the Licensing Regime - Licensing Policies</p> <p>Paragraph 3.1 - The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle</p> | <p>Green Grading</p> <p>This Authority has comprehensive policy documents in place. The policy documents cover a range of relevant issues including:</p> | <p>This Authority has comprehensive policy documents and guidance in place.</p> <p>It is proposed that the individual policies and guidance will be collated into one taxi and private hire licensing policy.</p> |

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| <p>licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.</p> | <ul style="list-style-type: none"> • Guidelines Relating to Relevance of • Convictions • Fit & Proper Person Test • Driver, Vehicle & Operator Licence • Conditions • Vehicle Requirements & Standards • PHV Licence Plate Exemption • Requirements • Licensing of Limousines. | |
| <p>Paragraph 3.5 - One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. 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.</p> | <p>Amber Grading</p> | <p>This authority continually reviews and updates its guidance but proposes that a full review is carried out every five years.</p> |
| <p>Duration of Licences Paragraph 3.7 – The Local Government (Miscellaneous Provisions) Act 1976 sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any 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</p> | <p>Green Grading</p> <p>This Authority does not issue driver licences on a probationary. We only issue a licence on a short term there are specific and relevant circumstances which warrant such a course of action</p> | <p>No action required</p> |

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| <p>to meet a short-term demand; they should not be issued on a 'probationary' basis.</p> | | |
| <p>Whistleblowing Paragraph 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.</p> <p>Paragraph 3.10 - Local authorities should ensure they have an effective whistleblowing policy and that all staff are aware of it. If a worker is aware of, and has access to, effective internal procedures for raising concerns then whistleblowing is unlikely to be needed.</p> | <p>Green Grading</p> <p>ESC has adopted a Whistleblowing Policy and Procedure. The policy is available on the Council's Intranet and it applies to all employees and Officers of the organisation.</p> | <p>No action required</p> |
| <p>Consultation at the Local Level Paragraph 3.12 - Licensing Authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers.</p> | <p>Green Grading</p> <p>This Authority proposes to consult the trade and the wider community on the changes resulting from the new Standards. The taxi and private hire trade have always been consulted on issues that may significantly affect them.</p> | <p>This Authority will review the consultation list on the occasion of each licensing consultation.</p> |
| <p>Paragraph 3.13 - Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.</p> | <p>Green grading</p> <p>The Suffolk Licensing Officers Group (SLOG) meets on a regular basis.</p> | <p>No action required</p> |

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| <p>Many areas convene regional officer consultation groups or, more formally, Councillor liaison meetings; this should be adopted by all authorities.</p> | | |
| <p>Changing licensing policy and requirements Paragraph 3.14 - Any changes in licensing requirements should be followed by a review of the licences already issued.</p> | <p>Amber grading</p> <p>The Council does not currently have a policy in place for ensuring that existing licensed drivers meet any changes to policies such as the Convictions Policy. It does however ensure that existing licensed drivers meet the necessary safeguarding training and DBS check upon renewal of their licence.</p> | <p>This authority proposes that existing licence holders will be reviewed, at the time of licence renewal application, against any new or updated licensing requirements. The case of any driver or operator found not to be achieving the new licensing standard to be brought to a Licensing Sub-Committee for review.</p> <p>In some circumstances, for example a new driver training course, the Council will set a time period by which the requirement has to be achieved.</p> |
| <p>Paragraph 3.15 - Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.</p> | <p>Green Grading</p> <p>As part of this Authority's Licensing Committee procedures reasons are always given and recorded for any deviation from the licensing policies in place.</p> | <p>No action required</p> |
| <p>Gathering & Sharing Information</p> <p>The Disclosure and Barring Update Service Paragraphs 4.5 and 4.6 - Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate</p> | <p>Green Grading</p> <p>On 20 January 2020 the Licensing Committee adopted a policy that subscription to the DBS Update Service would become a mandatory requirement. The Council now requires new applicants and existing licence holders to register for the DBS Update Service. This allows the</p> | <p>No action required</p> |

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| <p>online at any time.</p> <p>The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.</p> | <p>Licensing Team to make checks via the Update Service.</p> | |
| <p>Common Law Police Disclosure Paragraph 4.11 - This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. 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.</p> | <p>Amber Grading</p> <p>This Authority maintains close links with the police and information is shared.</p> | <p>Whilst information is shared between the Licensing Team and the Police, there is no formal data sharing protocol in place for taxi and private hire licensing (there is for licensed premises). This is something the Suffolk Licensing Officers Group and the police are currently working towards.</p> |
| <p>Licensee Self-Reporting Paragraph 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.</p> | <p>Amber grading</p> <p>Whilst the Council has a policy for self-reporting, the policy does not currently include for 'arrest and release'.</p> | <p>Minor amendment required to policy to include arrest and release and to add it to the penalty points scheme.</p> |
| <p>Referrals to the Disclosure and Barring Service and the Police Paragraph 4.14 - A decision to refuse or revoke a licence as the individual is thought to present a</p> | <p>Amber grading</p> <p>Referrals are already made to the DBS and the police. Details of data sharing are included in the</p> | <p>Minor amendment to policy to explain that details will be referred to the DBS and the police where it is thought that an individual could present a risk of harm to a child or vulnerable</p> |

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| <p>risk of harm to a child or vulnerable adult, should be referred to the DBS.</p> | <p>Licensing Team's Privacy Notice, however the policy could be made clearer to explain that details will be shared with DBS and the police where it is deemed necessary.</p> | <p>adult.</p> |
| <p>Sharing Licensing Information with Other Licensing Authorities</p> <p>Paragraph 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.</p> | <p>Green Grading</p> <p>This Authority requires applicants and licence holders to reveal such information. The licence application form makes it clear that making a false statement or omitting to provide the information requested may be a criminal offence.</p> | <p>No action required</p> |
| <p>Sharing Licensing Information with Other Licensing Authorities</p> <p>Paragraph 4.21 - The LGA's Councillors' Handbook on taxi and private hire vehicle licensing advises that those responsible for licensing should "communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.". The LGA commissioned the National Anti-Fraud Network</p> | <p>Green Grading</p> <p>On 20 April 2020 the Licensing Committee approved the proposal for ESC to sign up to the NR3. ESC is now signed up to the National Register of Taxi and Private Hire Vehicle Driver Licence Refusals and Revocations (NR3). Use of the register to both enter and to search data will begin imminently.</p> | <p>Continue with progress</p> |

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| <p>to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of nondisclosure of relevant information by applicants.</p> | | |
| <p>Multi-Agency Safeguarding Hub Paragraph 4.28 - All licensing authorities should operate or establish a means to facilitate the objectives of a Multi-Agency Safeguarding Hub (i.e. the sharing of necessary and relevant information between stakeholders).</p> | <p>Green Grading</p> <p>The Licensing Team already has an established means of communication with MASH through the Suffolk Safeguarding Partnership and its Local Authority Designated Officer (LADO). The LADO will provide advice and guidance to employers and voluntary organisations. They liaise with the police and other agencies and monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistently with a thorough, fair and proportionate process.</p> <p>The Council has a Safeguarding Policy and procedures. The policy and procedures are available on the Council's Intranet and it applies to all employees and Officers of the organisation.</p> | <p>No action required</p> |
| <p>Complaints Against Licensees Paragraph 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.</p> | <p>Amber grading</p> <p>The Licensing Team has systems in place for recording complaints, with information being recorded using the Licensing Software/Database packages. Analysis of trends of complaints against individuals does take place as records are</p> | <p>It is proposed to introduce a regular review of complaints across all licensees to analyse and identify any trends.</p> |

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| | <p>maintained against an individual and are continually monitored.</p> <p>The Council also operates a Penalty Point Scheme in order to record misdemeanours by licence holders and to help identify errant licence holders.</p> <p>The regular analysing of any trends across all licensees does not currently take place.</p> | |
| <p>Paragraph 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.</p> | <p>Green Grading</p> <p>This is the approach adopted by this Authority. In addition this Council has adopted a Penalty Point Scheme in order to record misdemeanours by licence holders and to help identify errant licence holders.</p> | No action required |
| <p>Paragraph 4.31 - To ensure that passengers know who to complain to, 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 complaint to the authority should be displayed in all licensed vehicles.</p> | <p>Amber Grading</p> <p>The Council has detailed guidance on its website on how to submit complaints or compliments regarding taxi drivers, private hire drivers & vehicle operators.</p> <p>Ways to make a complaint are not currently displayed in all licensed vehicles.</p> | It is proposed to introduce stickers in all licensed vehicles which display the way to make a complaint to the Licensing Authority. |
| <p>Overseas Convictions</p> <p>Paragraph 4.35 - Licensing authorities should seek or require applicants to provide where possible criminal records information or a Certificate of Good Character from overseas in this circumstance to properly assess risk and</p> | <p>Green Grading</p> <p>The Council already follows this procedure.</p> | No action required |

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| support the decision-making process. | | |
| <p>Decision Making</p> <p>Administration of the Licensing Framework</p> <p>The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation.</p> | <p>Green Grading</p> <p>The Council has a scheme of delegation in place.</p> | <p>No action required</p> |
| <p>Training Decision Makers</p> <p>Paragraph 5.3 - All individuals that determine whether a licence is issued should be required to undertake sufficient training.</p> | <p>Green Grading</p> <p>It is a requirement of this Authority that all Councillors, who sit on the Licensing Committee, must undergo licensing training. There is also a requirement for annual update/refresher training. All Officers, that determine licence applications under delegated powers, undergo licensing training. The latest training was provided by the Institute of Licensing</p> | <p>No action required</p> |
| <p>The Regulatory Structure</p> <p>Paragraph 5.11 - All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.</p> | <p>Green Grading</p> <p>The Council has such an arrangement and scheme of delegation in place.</p> | <p>No action required</p> |

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| <p>Fit and Proper Test Paragraph 5.12 - Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle drivers licence is a 'fit and proper' person to be a licensee. It maybe 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 day or night'? If on the balance of probabilities, the answer to the question is NO the individual should not hold a licence.</p> | <p>Green grading</p> <p>This point is covered by the training given to the Council's decision makers</p> | <p>It is proposed to include the statement: '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 day or night'? If on the balance of probabilities, the answer to the question is NO the individual should not hold a licence" be included in the Council's policy.</p> |
| <p>Paragraph 5.14 - All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.</p> | <p>Green grading</p> <p>This point is covered by the training given to the Council's decision makers</p> | <p>Ensure that training material continues to cover this point.</p> |
| <p>Criminal Convictions & Rehabilitation Assessment of Previous Convictions</p> | <p>Amber grading</p> <p>The Council does have a Relevant Criminal</p> | <p>It is proposed to update the Council's current Relevant Criminal Convictions policy to bring it in line with the DFT recommendations which draw</p> |

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| <p>In order to achieve consistency, and to mitigate the risk of successful legal challenge, 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.</p> | <p>Convictions policy for the consideration of criminal records. However, this requires updating to bring in line with the DfT Standards.</p> | <p>upon the work of the Institute of Licensing in partnership with the LGA, the National Association of Licensing Enforcement Officers and Lawyers in Local Government.</p> |
| <p>Criminality Checks for Drivers Paragraph 6.1 - Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants.</p> | <p>Green Grading The Council always requires an Enhanced Criminal Record Certificate (with checks of the barred lists) from the DBS for all driver licence holders or driver licence applicants</p> | <p>No action required</p> |
| <p>Paragraph 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.</p> | <p>Amber grading The Council now requires applicants and licence holders and applicants for licence renewal to register for the DBS's update service and to nominate the Licensing Authority to receive updates. However it does not currently request that drivers evidence that they have a continuous registration and does not currently carry out checks every 6 months.</p> | <p>It is proposed to require drivers to evidence that they have registered to the update service and have a continuous registration. This will be borne out by carrying out checks every 6 months. Those found not to have signed up to the Update Service, or have let it lapse, will be required to complete a new DBS application form with the cost to be borne by themselves.</p> |
| <p>Paragraph 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. (unless there are exceptional circumstances).</p> | <p>Amber grading This Council does not issue a licence to a person on either barred list unless there are exceptional and compelling circumstances. However this is</p> | <p>It is proposed to include a statement in the new policy that the Council will not issue a licence to any individual that appears on either barred list unless there are exceptional circumstances.</p> |

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| | not documented in our Policy of relevant convictions or our general licensing policy. | |
| <p>Safeguarding Awareness Paragraph 6.7 - 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.</p> | <p>Green Grading</p> <p>The Council has a mandatory requirement for taxi and private hire drivers to undertake safeguarding training. This is by way of an online module in partnership with Barnardos.</p> | No action required |
| <p>County Lines Exploitation Paragraph 6.11 - Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.</p> | <p>Amber grading</p> <p>The Council's safeguarding training does not currently cover county lines exploitation. However, the Licensing Team is currently corresponding with Ipswich New College and East Coast College, Lowestoft regarding a new college based course that will include this topic.</p> | It is proposed that a new driver safeguarding training course will include the topic of county lines exploitation. All new applicants and all existing licensed drivers would be expected to undertake the course. This course will be the same across the Suffolk local authorities so would achieve consistency. |
| <p>Language Proficiency A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.</p> <p>Paragraph 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 stated above.</p> | <p>Green Grading</p> <p>All driver licence applicants to the Council must successfully undergo a mandatory communications assessment – the assessment covers both oral and written English language skills.</p> | No action required |
| <p>Vehicle Licensing</p> | Red Grading | It is proposed to introduce an annual DBS basic disclosure for vehicle proprietors. |

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| <p>Criminality Checks for Vehicle Proprietors - Paragraphs 7.2 - Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.</p> <p><i>N.B. – This relates to licensed vehicle proprietors who are not a licensed driver.</i></p> | <p>The Council does not currently require a Basic Disclosure Check from the DBS for its licensed vehicle proprietors.</p> | |
| <p>Paragraph 7.4 - A refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information.</p> | <p>Red grading</p> <p>This licensing matter is not specifically detailed in the Council’s licensing policy.</p> | <p>The Council’s licensing policy will be reviewed with a view to including this matter/statement.</p> |
| <p>Paragraph 7.5- Private hire vehicle operator and vehicle licences 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 and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.</p> | <p>Green Grading</p> <p>The Council applies the fit and proper test to each of the directors or partners if the licence applicant/holder is a company or partnership. Licence holders are required to advise the Licensing Authority of any change in directors or partners.</p> | <p>No action required</p> |
| <p>In Vehicle Visual and Audio Recording – CCTV Paragraph 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.</p> | <p>Amber Grading</p> <p>CCTV is not a compulsory requirement in East Suffolk Council’s licensed taxis and private hire vehicles. At present licensed drivers can choose whether or not to have CCTV in their licensed vehicles.</p> | <p>It is proposed to carry out a consultation exercise with interested parties on the subject of CCTV in licensed vehicles. However, it is important to note that there is no current evidence of a prevalence of crimes being committed within taxis and private hire vehicles licensed with this Authority.</p> |

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| <p>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.</p> | | |
| <p>Stretched Limousines Paragraph 7.14 - It is the DfT'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. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.</p> | <p>Green Grading</p> <p>The Council already licences stretched limousines. There is currently one such licensed vehicle.</p> | <p>No action required.</p> |
| <p>Private Hire Vehicle Operator Licence</p> <p>Criminality Checks for Private Hire Vehicle Operators Paragraph 8.2 - - Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</p> | <p>Green Grading</p> <p>This Authority has adopted such a licensing requirement.</p> | <p>No action required</p> |
| <p>Paragraph 8.5 - A private hire vehicle operator licence may be applied for by a company or</p> | <p>Green Grading</p> | <p>No action required</p> |

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| <p>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.</p> | <p>The Council applies the fit and proper test to each of the directors or partners if the licence applicant/holder is a company or partnership. Licence holders are required to advise the Licensing Authority of any change in directors or partners.</p> | |
| <p>Booking & Dispatch Staff Paragraph 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.</p> | <p>Red grading The Council does not currently have a condition on a Private Hire Operators licence to provide a register of all staff that will take bookings or dispatch vehicles.</p> | <p>It is proposed to introduce a condition on a Private Hire Operators licence that will require the operator to provide a register of all staff involved with taking bookings and dispatching vehicles.</p> |
| <p>Paragraphs 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.</p> | <p>Red grading The Council does not currently require such evidence.</p> | <p>It is proposed to introduce a condition on a Private Hire Operators licence that will require the operator to provide evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff.</p> |
| <p>Paragraph 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. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for some offences, other than those relating to driving,</p> | <p>Red grading The Council does not currently require Private Hire Operators to provide their policy on employing ex-offenders.</p> | <p>It is proposed to introduce a condition on a Private Hire Operators licence that will require the operator to provide such a policy.</p> |

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| <p>may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.</p> | | |
| <p>Record Keeping Paragraph 8.13 - Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:</p> <ul style="list-style-type: none"> • 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. | <p>Amber grading</p> <p>The Council does not currently request that a Private Hire Operators record all of the information suggested by DfT.</p> | <p>It is proposed to add the following to the records that are required to be kept by a Private Hire Operator –</p> <ul style="list-style-type: none"> • 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. |
| <p>Use of Passenger Carrying Vehicle (PCV) Licensed Drivers Paragraphs 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. Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a</p> | <p>Red grading</p> <p>The Council does not currently require a Private Hire Operator as a condition on their licence to inform and obtain informed consent of the booker.</p> | <p>It is proposed to make this a condition on the Private Hire Operator licence.</p> |

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| <p>PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.</p> | | |
| <p>Enforcing the Licensing Regime</p> <p>Joint Authorisation of Enforcement Officers Paragraph 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.</p> | <p>Amber grading</p> <p>This matter has been discussed at the Suffolk Licensing Officers Group and it has been agreed that there is no strong or specific evidence of such formal joint authorisations being required within the county of Suffolk. Licensing Teams across Suffolk already work very closely together and pass on information of any enforcement issues occurring in their own area to the authority within which the driver and vehicle is licensed.</p> | <p>No specific action required other than to continue the good working relationship of the Suffolk Licensing Officers.</p> |
| <p>Setting Expectations and Monitoring Paragraph 9.4 - The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity</p> | <p>Green Grading</p> <p>The Council has detailed guidance on its website on how to submit complaints or compliments regarding taxi drivers, private hire drivers and vehicle operators.</p> | <p>No action required</p> |
| <p>Suspension and Revocation of Driver Licences Paragraph 9.6 - Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately.</p> | <p>Red Grading</p> <p>Such penalties or offences are not currently specifically detailed in the Council's licensing policy.</p> | <p>It is proposed to introduce such penalties and offences within the Criminal Convictions Policy</p> |