

APPENDIX B

<p>Department for Transport Standards</p> <p>Recommendations/measures and Paragraph number(s)</p>	<p>Current Council Policy</p> <p>Red (does not meet)</p> <p>Amber (partially meets)</p> <p>Green (fully meets)</p>	<p>Summary of Proposed Action and Timescale</p>
<p>Any changes in licensing requirements should be followed by a review of the licences already issued.</p> <p>(paragraph 3.14)</p>	<p>Red (moving to amber if proposed action is taken)</p> <p>SHDC have a longstanding policy of referring those applicants with previous convictions to a Licensing Sub-Committee for determination of their fitness and Propriety against the current relevance of convictions policy. SHDC has previously been advised not to retain DBS certificates following</p>	<p>This Authority attaches a high importance to safeguarding issues and public safety.</p> <p>This recommendation was considered by the Devon Licensing Officers Group on 3rd December 2021. Representatives of several Devon Authorities outlined the practical difficulties in undertaking this project, including the fact that many local authorities including SHDC had been previously advised not to retain</p>

	determination by committee in the interests of data protection.	DBS documents, and hence the data may not be readily available. The group considered that an acceptable compromise would be to review existing Licence holders where upon any further relevant information comes to light for example a complaint or referral of information from the Police. This was considered by the group to be an acceptable balance between recognising the rehabilitation of offenders and the protection of the public.
1.3 & 2.1 & 2.8 The Department therefore expects these recommendations to be implemented unless there	Amber (moving to green if draft policy approved). The standards are a recent introduction and this council currently does not have all the	Review and research has been undertaken with consideration of the recommendations made in the DFT Standards. The proposed policy incorporates the recommendations outlined in

<p>is a compelling local reason not to.</p> <p>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.</p>	<p>recommendations and measures in place.</p>	<p>the DFT standards. All of the significant changes introduced by the DFT Standards have been fully considered and responded to.</p>
<p>1.5</p> <p>Licensing authorities should have in place arrangements that reflect the importance of Safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the Working Together to</p>	<p>Amber</p> <p>There are SHDC policies and procedures in place.</p>	<p>The policies and procedures will be reviewed internally against the Working Together to Safeguard Children statutory guidance. Any recommendations for amending the policies and documents will be in place by the end of December 2022.</p>

Safeguard Children statutory guidance.		
<p>2.7</p> <p>“Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.</p>	<p>Red (moving to green if draft policy approved)</p> <p>The standards are a recent introduction.</p>	<p>SHDC have fully considered the standards and have outlined their response in the proposed Tax Policy.</p>
<p>3.8 (Whistleblowing)</p> <p>Licensing authorities should have effective internal procedures in place for staff to</p>	<p>Amber</p> <p>SHDC has internal procedures in place.</p>	<p>The policy and procedures will be reviewed internally</p> <p>Any recommendations for amending the policies and</p>

<p>raise concerns and for any concerns to be dealt with openly and fairly.</p>		<p>documents will be in place by the end of December 2022.</p>
<p>4.5 to 4.8 (The Disclosure and Barring update Service)</p> <p>Subscription to the update service and with an individual’s consent allows licensing authorities to request large numbers of certificate status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously.</p>	<p>Amber (moving to green once use of the MSCF has been facilitated)</p> <p>Subscription to the update service has already been mandatory under the existing 2018 Policy.</p>	<p>Unlike many Licensing Authorities, the existing policy already incorporated mandatory subscription to the DBS Service. The use of the MSCF would help to ensure that any changes to the DBS status of Licence holders would be picked up in a timely manner, regardless of whether the Licence holder discloses any convictions in accordance with their Licence Conditions. Use of the MSCF requires a specific report function to be produced for the back office system which the team hope to have in-place by the end of August 2022.</p>

<p>4.9 to 4.11 (Common Law Police Disclosure)</p> <p>Paragraph 4.11</p> <p>Common Law Police Disclosure focuses on providing timely and relevant information which might indicate a public protection risk.</p> <p>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</p> <p>There are close links with the police and information is shared.</p>	<p>Information sharing with the Police is being worked on by the Devon Licensing Officers Group, including meetings with Senior Police representatives with a view to introducing a formal information sharing agreement.</p>

<p>4.12 to 4.13 (Licensee self – reporting)</p> <p>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 (moving to green if draft policy approved)</p> <p>SHDC has a policy in place which includes different self-reporting matters and requests drivers notify the council within five days.</p>	<p>SHDC have considered this and have proposed amendment to the existing taxi policy to align the taxi policy fully with the recommendations of paragraph 4.12-4.13</p>
<p>4.21 (sharing licensing information)</p> <p>Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-</p>	<p>Red (moving to green if SHDC sign up and use the register)</p>	<p>NR3 is a national register which can be used to check whether an applicant has been refused or had a licence revoked elsewhere. Use of the NR3 Register will involve some resources being used to populate the Register with details from SHDC records of refusals and revocations, and also an</p>

<p>disclosure of relevant information by applicants.</p>		<p>ongoing annual membership fee. It is proposed that SHDC sign up and use the NR3 register as soon as is practical.</p>
<p>4.29 to 4.36 (Complaints against Licensees)</p> <p>Paragraph 4.29</p> <p>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</p> <p>SHDC have systems in place for recording complaints, with information being recorded on a software package (Assure), used by both Licensing and Environmental Health Specialists.</p> <p>Due to staffing resource and software development requirements, analysing trends across all licensees does not routinely take place.</p>	<p>Licensing Specialists are working on the software package to enable analysis of trends across all licenses as well as complaints against individual licensees by the end of March 2023.</p>
<p>4.30</p>	<p>Amber</p>	<p>Licensing Specialists will review and investigate with appropriate</p>

<p>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>SHDC follows this approach. Lack of resource is an issue for a consistent approach and to following up and investigating complaints in a timely manner. More officer time is needed for this function and enforcement of the taxi trade.</p>	<p>colleagues the procedures and timescales relating to drivers with a high number of complaints against them before the end of December 2022.</p>
<p>4.31</p> <p>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.</p>	<p>Amber (moving to green if draft policy approved)</p> <p>SHDC has guidance on its website on how to make complaints about taxi drivers.</p>	<p>This is included within the draft policy (mandatory display within the Licenced vehicle of a sticker providing information on how to complain to SHDC Licensing). The information on the SHDC website will also be reviewed.</p>

<p>Ways to make complaint to the authority should be displayed in all licensed vehicles.</p>		
<p>5.3 (Training decision makers)</p> <p>All individuals that determine whether a licence is issued should be required to undertake sufficient training.</p>	<p>Amber</p> <p>All SHDC officers and councillors have an opportunity to undertake training.</p>	<p>In light of the standards review if the available training is sufficient for members and officers who make decisions before the end of August 2022.</p>
<p>5.12 (fit and proper test)</p> <p>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 ?</p>	<p>Amber (moving to green if draft policy approved)</p> <p>A variation of this question was already included within the 2018 Policy.</p>	<p>This standard can be adopted immediately if the draft policy is approved.</p>

<p>If on the balance of probabilities, the answer to the question is 'no' the individual should not hold a licence.</p>		
<p>5.15 to 5.17 (criminal convictions and rehabilitation)</p> <p>Annex – Assessment of previous convictions</p> <p>Refers to the consideration of applicants for and existing hackney carriage and private hire driver licences against a clear policy of previous criminal records.</p> <p>The standards are recommending the adoption of 'annex-assessment of previous convictions'. This draws on the work of the Institute of</p>	<p>Amber</p> <p>SHDC has a comprehensive convictions policy in place, but this requires amendment to fully align it with the Policy advocated by the DFT Standards.</p>	<p>The Licensing Service Lead has reviewed the Institute of licensing guidelines and the annex-assessment of previous convictions (page 35 to 36 of the standards) and has produced guidelines on the relevance of conviction at Appendix A of the proposed Policy</p> <p>The proposed guidelines indicate the highest available minimum period of elapsed time since the last conviction.</p>

<p>Licensing (IOL), in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.</p>		
<p>6.2</p> <p>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>Green</p> <p>SHDC's current policy already requires subscription to the DBS update service.</p>	
<p>6.3</p> <p>In the interests of public safety, licensing authorities should not,</p>	<p>Green</p> <p>SHDC does not issue licences to a persons on the barred list,</p>	

<p>as part of their policies, issue a licence to any individual that appears on either barred list. (unless there are exceptional circumstances)</p>	<p>and this is explicitly stated in the current policy.</p>	
<p>6.5 to 6.7 (safeguarding awareness)</p> <p>6.6</p> <p>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</p> <p>SHDCs current policy includes the requirement for the taxi and private hire trade to undertake mandatory safeguarding training.</p>	
<p>6.8 to 6.13 ('County Lines' exploitation)</p> <p>6.11</p> <p>Safeguarding awareness training should include the ways in which</p>	<p>Green</p> <p>The current mandatory CSE and safeguarding training includes information on County Lines.</p>	

<p>drivers can help to identify county lines exploitation.</p>		
<p>6.14 to 6.15 (language proficiency)</p> <p>6.14</p> <p>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>6.15</p> <p>A licensing authority's test of a driver's proficiency should cover both oral and written English</p>	<p>Green</p> <p>SHDC's current policy includes provision for an oral English language skills test where an applicant is unable to demonstrate evidence an adequate or reasonable level of spoken English.</p> <p>The Taxi Knowledge Test also requires an applicant to have a reasonable ability to read in order to pass the test (alternative test arrangements may be used for those with Learning difficulties).</p>	

<p>language skills to achieve the objectives stated above</p>		
<p>7.2 to 7.6 (Vehicle Licensing)</p> <p>7.2</p> <p>Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>Green</p> <p>SHDCs current policy already requires a basic disclosure check for its licensed vehicle proprietors.</p>	
<p>7.4</p> <p>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.</p>	<p>Red (moving to green if draft policy approved)</p> <p>This is not included within the current policy.</p>	<p>This was considered and included within the draft policy. The safety and suitability to hold each licence would be determined separately in-line with the approach advocated in the DFT Standards.</p>

<p>7.7 to 7.13 (In vehicle visual and audio recording – CCTV)</p> <p>7.9</p> <p>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</p> <p>SHDC has a section in current policy (Part 2 Paras 30.0-30.8)</p> <p>CCTV is not compulsory in SHDC licensed vehicles.</p>	<p>This was reviewed by the Licensing Service Lead who has determined that further research into this area would be required before any proposal to introduce mandatory installation of CCTV in Licenced vehicles. A further report on this will be provided to the Committee when time allows.</p>
<p>8.2 to 8.6 (Private Hire Vehicle Operator Licence)</p> <p>8.2</p> <p>Licensing authorities should request a basic disclosure from</p>	<p>Amber (moving to green if draft policy approved)</p> <p>Current SHDC policy requires a basic disclosure from the DBS on application but not an annual check.</p>	<p>It is proposed that this takes effect from 1st May 2022.</p>

<p>the DBS and that a check is undertaken annually.</p>		
<p>8.4</p> <p>Refusal to license 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 private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information.</p>	<p>Red (moving to green if draft policy approved)</p> <p>This is not included within the current policy.</p>	<p>This is covered within the draft policy. The safety and suitability to hold each licence would be determined separately in-line with the approach advocated in the DFT Standards.</p>
<p>8.7 to 8.12 (booking and dispatch staff)</p> <p>8.8</p> <p>Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the</p>	<p>Red (moving to green if draft policy approved)</p>	<p>This is included within the draft policy. It is proposed that this takes effect from 1st January 2023 in order to give Private Hire Operators a reasonable period of time to implement this change.</p>

<p>public and/or oversee the dispatching of vehicles do not pose a risk to the public.</p> <p>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>SHDCs current policy does not have this condition place.</p>	
<p>8.9 to 8.12 (booking and despatch staff)</p> <p>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</p>	<p>Red (moving to green if draft policy approved)</p> <p>SHDCs current policy does not have this in place.</p>	<p>This is included within the draft policy. It is proposed that this takes effect from 1st January 2023 in order to give Private Hire Operators a reasonable period of time to implement this change.</p>

is compatible with their policy on employing ex-offenders.		
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