

# **Overview of Proposed Policy Amendments in relation to the Statutory Guidance issued by the Department for Transport**

## **1. Licensee Self Reporting**

This section is a change to condition 10 of the hackney carriage /private hire driver licence conditions

### ***Existing Condition***

10. The driver shall, within 7 days, disclose to the Council in writing of an arrest and release, whether charged or not, or any police investigation into his/her conduct. The driver will also disclose to the Council in writing details of any conviction or caution imposed on him during the period of the Licence.

### ***Proposed Condition***

10. The driver shall, within 48 hours, notify the council in writing of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest of any of the offences within this scope will result in a review of their licence.

## **2. Referrals to the DBS**

***This is an addition to the existing policy and will be added to page 19***

If a decision to refuse or revoke a licence due to an individual being thought to be a risk of harm to a child or vulnerable adult will be referred to the DBS

## **3. Feedback to the Police**

***This is an addition to the existing policy and will be added to page 19***

Any action taken by the council as a result of information being received from the police will be fed back to the police

## **4. Overseas Convictions**

***This is an addition at page 17 of the policy and amendment to page 19-20 of the existing policy***

Page 19 currently states:

Applicants who have not resided continuously in the UK for five years will be required to submit a Statement / Certificate of Good Conduct, authenticated by the relevant embassy of the country of residence, in addition to the Enhanced DBS certificate. This must be translated into English at the applicant's expense. The Statement / Certificate of Good Conduct, must be no more than 3 months old at the time of submission.

It is proposed to state on both pages 17 and 19-20:

Applicants who have not resided continuously in the UK for five years or where an applicant has spent an extended period of three or more continuous months outside the UK, applicants will be required, where possible to provide criminal records information or a 'certificate of good character' from the Country in which they have resided. The statement /certificate of good conduct, must be no more than 3 months old at the time of submission.

## **5. Vehicle Proprietors Requirement to be DBS checked**

***This is an addition to the existing policy and will be added to page 23***

All vehicle proprietors who do not hold a valid hackney carriage / private hire drivers badge will be required to complete a basic disclosure from the DBS at first application and a check will be required annually for the duration the vehicle licence is in force.

## **6. Requirement for ancillary staff employed at a licensed operator base to have an annual DBS**

***This is an addition to 4.8 in the current policy (page 33) and to condition 7 of the Private Hire operator Conditions***

All ancillary staff that have access to booking records that are not also a licensed driver with Kirklees Council should also have an annual DBS check.

## **7. Private Hire Operators requirement to keep a register of staff**

***This is an addition to the existing policy and will be added to page 36 and will be added as an additional condition to the private hire operator conditions***

Private hire operators must keep a register of all staff that take bookings or dispatch vehicles. These individuals will also be required to complete an annual basic DBS check and confirmation of this is to be kept on the register.

Operators are also required to provide their policy on employing sex-offenders for those persons on the register.

The register should be a 'living document' that maintains records of all those in these roles and are required to be kept for a period of no less than three years on the premises and the records shall be produced immediately by the operator or his employee on request to any Authorised officer of the council or to any constable for inspection.

## **8. Record of Bookings**

***This is an amendment to the existing policy at pages 34 and 35 and condition 5 of the private hire operator conditions***

### ***Existing Requirements***

An Operator shall keep a true and accurate record of every booking of a Private Hire vehicle invited or accepted by him. The record shall be kept on computer or in a suitable book with consecutively numbered pages. Before each journey commences the Operator shall enter therein:-

- i. The place at which the booking was received and the date and time thereof
- ii. The name of the hirer
- iii. Whether the booking was made by telephone, personal call or other means (to be stated)
- iv. The address or other place from which it is to commence, the address or place of destination and the requested time, if any, for the journey to commence
- v. The plate number of the vehicle to be used for the journey
- vi. The name of the driver undertaking the hiring

If a computer is used it must be connected to a printer at all times in order that records can be printed on demand of an authorised officer of the Council, a police constable, or a police community support officer. The records must not be able to be retrospectively altered in any way.

### ***Proposed Requirements***

An Operator shall keep a true and accurate record of every booking of a Private Hire vehicle invited or accepted by him. The record shall be kept on computer or in a suitable book with consecutively numbered pages. Before each journey commences the Operator shall enter therein:-

- i. The place at which the booking was received and the date and time thereof
- ii. The full name of the hirer and the contact number used to make the booking
- iii. Whether the booking was made by telephone, personal call or other means (to be stated)
- iv. The address or other place from which it is to commence, the address or place of destination and the requested time, if any, for the journey to commence
- v. The plate number of the vehicle to be used for the journey
- vi. The name of the driver undertaking the hiring and the booking record clearly identifies the plate number and registration number of the private hire vehicle used and the badge number of the private hire driver for every journey
- vii. The name of any other individual that responded to the booking request.

If a computer is used it must be connected to a printer at all times in order that records can be printed on demand of an authorised officer of the Council, a police constable, or a police community support officer. The records must not be able to be retrospectively altered in any way.

## **9. Stretch Limousines There is no current policy in relation to Stretch Limousines, although we do accept and issue licences for these types of vehicles.**

It is the Department for Transport'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 regime and the safety

benefits this provides. This will relate solely to those vehicles which operate less than eight passengers.

This is a question that has been added to the consultation questions.

## **10. CCTV**

There is no current policy in relation to CCTV in hackney carriage or private hire vehicles. It is suggested in the guidance issued by the Department for Transport that 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 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.

This question has been added to the consultation questions.

## **11. Decision Making**

Currently decision making in relation to the grant, refusal, suspension or revocation of hackney carriage and private hire licensing is delegated to the Group Leader for licensing. The Guidance suggests that individual cases be considered by a panel of elected and suitably trained councillors. The current delegation within the licensing service can be found on page 12 of the policy.

This question has been added to the consultation questions.