

Department for Transport (DfT) - Statutory Taxi and Private Hire Vehicle Standards (Published 21 July 2020)

East Lindsey District Council (ELDC) - 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 this Authority and the details of that assessment are summarised below. There are three columns within this assessment document detailing:

- The standards recommendations and matters raised.
- East Lindsey District Council's current position - including if the Council meets the recommendations (and any Officer comments).
- If applicable – the proposed timescales to consider the recommendations and the proposed measures to be taken.

Each item, within the recommendations, has been graded by this Authority as:

- Red (ELDC does not currently meet)
- Amber (ELDC partially meets)
- Green (ELDC 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. Furthermore, the Department for Transport expects Councils to provide an update of their consideration of the standards by the end of January 2021. Therefore, 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.

East Lindsey District Council – Licensing Profile

East Lindsey District Council is situated in the County of Lincolnshire, which contains 7 District Councils in total. The East Lindsey District Council area has a population of 136,400 (Census 2011). In terms of area it is the largest in the County, covering 700 square miles. Furthermore, the Council is the third largest district (in terms of area) in the country. This Authority is responsible for the following number of licences:

| Number of Hackney Carriage & Private Hire Licences – December 2020 | |
|---|-----|
| Hackney Carriage Vehicle Licences | 130 |
| Private Hire Vehicle Licences | 147 |
| Private Hire Vehicle Operator Licences | 56 |
| Dual Licensed Hackney Carriage and Private Hire Vehicle Drivers | 337 |

Statutory Taxi & Private Hire Vehicle - Assessment

| Statutory Taxi & Private Hire Vehicle Standards Recommendation/Measures (including Paragraph Numbers) | East Lindsey District Council (ELDC) Current Position on Meeting the Measures/Recommendations | ELDC Proposed Action & Timescale The outcome of each action, including all reviews, will be reported back for consideration to the Council's General Licensing Committee |
|--|--|--|
| <p>Introduction - Paragraphs 1.1 to 1.7</p> <p>Paragraph 1.3 - Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups.</p> <p>The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.</p> | <p>Amber Grading</p> <p>The standards are a recent introduction to the licensing field and this Council currently does not have all the recommendations and measures in place. However, many of the standards were already in place at this Authority and since July 2020 work has taken place towards implementation of the outstanding measures.</p> <p>Policy reviews have taken place following the introduction of the DfT standards (e.g. the Council's relevance of convictions guidelines and the licensing processes & conditions for private hire operators), which have resulted changes to this Authority's licensing requirements.</p> <p>Further relevant consultations are on-going (e.g. CCTV in licensed vehicles) and additional relevant reviews are planned for later in 2021.</p> <p>Further information can be found later in this assessment document.</p> | <p>Further reviews and research will have to take place with consideration of the outstanding recommendations and measures being made on a rolling programme – with all matters being reported to the Council's General Licensing Committee for scrutiny and consideration.</p> <p>It is proposed to have a published decision on implementing all the outstanding recommendations and measures by the end of December 2021 at the very latest.</p> |
| <p>Paragraph 1.5 - All local authorities and district councils that provide children's and other types</p> | <p>Amber Grading</p> | |

| | | |
|--|--|---|
| <p>of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that 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 Safeguard Children statutory guidance.</p> | <p>ELDC 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. Other individuals performing functions in relation to the organisation, such as agency workers and contractors are also encouraged to use it.</p> <p>ELDC has adopted a Safeguarding Policy and Procedures. The policy & procedures are available on the Council's Intranet and it applies to all employees and Officers of the organisation. Other individuals performing functions in relation to the organisation, such as agency workers and contractors are also encouraged to use it.</p> | <p>The Council's hackney carriage and private hire licensing policy and procedures have been reviewed internally against the Whistleblowing Policy and work will be undertaken to embed the whistleblowing procedure with the licensing policy document.</p> <p>The Council's hackney carriage and private hire licensing policy and procedures have been reviewed internally against the ELDC Safeguarding Policy and work will be undertaken to embed the safeguarding procedures with the licensing policy document.</p> <p>The recommendations for amending the policy document will be in place by the end of March 2021.</p> |
| <p>Consideration of the Statutory Taxi and Private Hire Vehicle Standards</p> <p>Paragraph 2.1 - The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public.</p> | <p>Amber Grading</p> <p>This Council does have recommendations and measures in place to cover most of the requirements within the minimum licensing standards.</p> | <p>It is proposed to have a published decision on implementing all the outstanding recommendations and measures by the end of December 2021 at the very latest.</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</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> |

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).

Administering the Licensing Regime - Licensing Polices - Paragraph 3.1 to 3.5

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 licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.

Green Grading

This Authority has comprehensive and recently reviewed & approved policy documents in place. The policy documents cover a range of relevant issues including:

- 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.

This Authority has comprehensive and recently reviewed & approved policy documents in place. A copy of the current policy documents can be found on the Council's website here:

<https://www.e-lindsey.gov.uk/article/5399/Hire-Vehicles>

<https://www.e-lindsey.gov.uk/article/10642/Hire-Vehicles-Drivers>

It is proposed that the individual policies will be collated into one Taxi & PHV Licensing Policy on the Council's website in order to improve the transparency of the Council's Licensing Services.

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

Green Grading

An annual systematic performance review of the policy will take place.

In particular, this Authority will record on an annual basis the number of licences issued (as a result of a licensing hearing or licensing appeal) which do not

| | | |
|---|--|---|
| <p>should also consider interim reviews should there be significant issues arising in their area, and their performance annually.</p> | | <p>achieve the normal standards/licensing requirements laid down by the Council’s licensing policy.</p> <p>In undertaking to record such information this Authority recognises that there should always be exceptional, clear and compelling reasons when a deviation from the Council’s stated policy is made.</p> |
| <p>Duration of Licences</p> <p>Paragraph 3.7 - 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 to meet a short-term demand; they should not be issued on a ‘probationary’ basis.</p> | <p>Green Grading</p> <p>This Authority does not look to issue driver licences on a probationary or short-term basis – unless there are specific and relevant circumstances which warrant such a course of action</p> | <p>No specific action required.</p> <p>However, this stance, regarding probationary licences will be emphasised and strengthened in the Council’s next licensing policy review.</p> |
| <p>Whistleblowing - Paragraphs 3.8 to 3.11</p> <p>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>ELDC 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. Other individuals performing functions in relation to the organisation, such as agency workers and contractors are also encouraged to use it.</p> | <p>No specific action required.</p> <p>However, the Council’s hackney carriage and private hire licensing policy and procedures have been reviewed internally against the Whistleblowing Policy and work will be undertaken to embed the whistleblowing procedure with the licensing policy document.</p> |

| | | |
|--|---|--|
| <p>Consultation at the Local Level - Paragraphs 3.12 to 3.13</p> <p>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>The Consultation List is reviewed on the occasion of each licensing consultation.</p> | <p>This Authority will continue to 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>Many areas convene regional officer consultation groups or, more formally, Councillor liaison meetings; this should be adopted by all authorities.</p> | <p>Amber Grading</p> <p>This Authority has now adopted a procedure whereby neighbouring licensing areas will be consulted on any change likely to have an impact on those neighbouring areas.</p> <p>The Lincolnshire Licensing Officers Group (LLOG) meets on a regular basis. Consultation on policy requirements is regularly discussed.</p> <p>Regional Councillor Liaison Meetings do not take place in Lincolnshire.</p> | <p>No action required</p> <p>No action required</p> <p>A review will be undertaken and concluded by the end of December 2021 to determine if Councillor Liaison Meetings are required within Lincolnshire.</p> |
| <p>Changing licensing policy and requirements - Paragraphs 3.14 to 3.15</p> <p>Paragraph 3.14 - Any changes in licensing requirements should be followed by a review of the licences already issued.</p> | <p>Green Grading</p> <p>On 07 September 2020 the Council's General Licensing Committee adopted an updated Relevance of Convictions Policy. At the same time the Committee indicated that existing licence holders would be reviewed, at the time of licence renewal application, against the new convictions policy document. The case of any driver or operator found not to be achieving the</p> | <p>This Authority has now started a process of review for existing licences (if any) where the licensing requirements are changed. It has been agreed that the review will take place at the time of each licence renewal application.</p> |

| | | |
|--|---|--|
| | new licensing standard to be brought by Officers to the Committee for review. | |
| 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>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 specific action required.</p> <p>However, this Authority will record on an annual basis the number of licences issued (as a result of licensing hearing or licensing appeal) which do not achieve the normal standards / licensing requirements laid down by the Council's licensing policy.</p> |
| <p>Gathering & Sharing Information - The Disclosure and Barring update Service - Paragraphs 4.5 to 4.6</p> <p>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 online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.</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>Green Grading</p> <p>On 07 September 2020 the Council's General Licensing Committee adopted a policy that subscription to the DBS Update Service would become a mandatory requirement for all drivers licensed with this Authority.</p> <p>The Council now requires applicants and licence holders & applicants for licence renewal to register for the DBS's update service and to nominate the Licensing Authority to receive updates. All licensed drivers will 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 will be subject to a DBS check every six months.</p> | <p>No further action required.</p> |

| | | |
|--|--|---|
| <p>Common Law Police Disclosure - Paragraphs 4.9 to 4.11</p> <p>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 Lincolnshire Police and information is shared.</p> | <p>Whilst information is shared between the Local Authority & the Police and this Authority has no concerns regarding that sharing process - this Authority's Licensing Officers will in 2021 (with appropriate Police Officers) investigate the effectiveness and efficiency of the current information sharing procedures and protocols.</p> <p>The same Officers will, if required, make recommendations to improve the procedures and protocols.</p> |
| <p>Licensee Self-Reporting - Paragraphs 4.12 to 4.13</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>Green Grading</p> <p>On 07 September 2020 the Council's General Licensing Committee adopted a policy that requires Licensee Self-Reporting – as laid down in the DfT minimum licensing standards document.</p> | <p>No further action required</p> |
| <p>Referrals to the Disclosure and Barring Service & the Police - Paragraphs 4.14 to 4.16</p> <p>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.</p> | <p>Red Grading</p> <p>This licensing matter is not detailed in this Authority's licensing policy. This Authority does not currently advise the DBS of such licence refusals or revocations.</p> | <p>The Council's licensing policy will be reviewed with a view to including this requirement. It is envisaged that the review will be completed by the end of March 2021. At the same time this Authority will</p> |

| | | |
|---|--|---|
| | | <p>review its procedures for advising the Police of such licence refusals or revocations.</p> |
| <p>Sharing Licensing Information with Other Licensing Authorities – Paragraph 4.20</p> <p>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.</p> <p>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 – Paragraph 4.21</p> <p>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.</p> <p>By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.”. While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such</p> | <p>Amber Grading</p> <p>This Authority does not currently make use of the National Register of Taxi and Private Hire Vehicle Driver Licence Refusals and Revocations (NR3).</p> <p>Steps have been put in place to start using the NR3 as from 01 February 2021.</p> | <p>Steps have been put in place by this Authority to start using the NR3 as from 01 February 2021.</p> <p>The following webpage, on the Council’s website, explains the process for all interested parties – including existing licence holders:</p> <p>https://www.e-lindsey.gov.uk/article/16086/Hire-Vehicles-Drivers-NR3-National-Register-of-Refusals-and-Revocations</p> |

| | | |
|---|---|---|
| <p>protocols could be established between all licensing authorities.</p> <p>The LGA commissioned the National Anti-Fraud Network 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 non-disclosure of relevant information by applicants.</p> | | |
| <p>Multi-Agency Safeguarding Hub - Paragraphs 4.26 to 4.28</p> <p>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>As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.</p> | <p>Green Grading</p> <p>East Lindsey District Council has an adopted a procedure for making safeguarding referrals to the Lincolnshire Safeguarding Children Partnership & the Lincolnshire Safeguarding Adults Board.</p> <p>ELDC has adopted a Safeguarding Policy and Procedures. The policy & procedures are available on the Council's Intranet and it applies to all employees and Officers of the organisation. Other individuals performing functions in relation to the organisation, such as agency workers and contractors are also encouraged to use it.</p> | <p>No action required.</p> <p>The Council's hackney carriage and private hire licensing policy and procedures have been reviewed internally against the ELDC Safeguarding Policy and work will be undertaken to embed the safeguarding procedures with the licensing policy document.</p> <p>The recommendations for amending the policy document will be in place by the end of March 2021.</p> |
| <p>Complaints Against Licensees - Paragraphs 4.29 to 4.36</p> <p>Paragraph 4.29 - All licensing authorities should have a robust system for recording complaints,</p> | <p>Green Grading</p> <p>East Lindsey District has systems in place for recording complaints, with information being</p> | <p>No action required.</p> |

| | | |
|---|--|-----------------------------------|
| <p>including analysing trends across all licensees as well as complaints against individual licensees.</p> | <p>recorded using the LALPAC Licensing Software/Database packages.</p> <p>The regular analysing of any trends across all licensees/ individuals does take place – with the Council’s Principal Licensing Officer and the Licensing Compliance Officer specifically setting aside time on a quarterly basis to ensure that this review takes place.</p> <p>In addition, like many other Councils this Council has adopted a Penalty Point Scheme in order to record misdemeanours by licence holders and to help identify errant licence holders.</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.</p> <p>In addition, like many other Councils this Council has adopted a Penalty Point Scheme in order to record misdemeanours by licence holders and to help identify errant licence holders.</p> | <p>No action required.</p> |
| <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.</p> <p>Ways to make complaint to the authority should be displayed in all licensed vehicles.</p> | <p>Amber Grading</p> <p>East Lindsey District Council has detailed guidance on its website on how to submit complaints or compliments regarding taxi drivers, private hire drivers & vehicle operators. The webpage can be found here:</p> | <p>No further action required</p> |

| | | |
|--|--|--|
| | <p>https://www.e-lindsey.gov.uk/article/15179/Hire-Vehicles-Complaints-and-Compliments</p> <p>Ways to make a complaint are not currently displayed in all licensed vehicles.</p> | <p>This Council has started a consultation exercise with interested parties on a proposal to introduce stickers in all licensed vehicles which display the way to make a complaint to the Licensing Authority.</p> |
| <p>Overseas Convictions - Paragraph 4.34 to 4.36</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 support the decision-making process.</p> | <p>Green Grading</p> <p>East Lindsey District Council follows this procedure.</p> | <p>No action required.</p> |
| <p>Decision Making Administration of the Licensing Framework - Paragraphs 5.1 to 5.2</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>East Lindsey District Council has a scheme of delegation in place.</p> | <p>In 2021 we will undertake the normal annual review of the licensing scheme of delegation and if necessary, make recommendations to amend the scheme.</p> |
| <p>Training Decision Makers - Paragraph 5.3 to 5.5</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 mandatory requirement of this Authority that all Councillors, who sit on the Licensing Committee, must undergo licensing training.</p> | <p>No action required.</p> |

| | | |
|---|---|--|
| | <p>There is also a mandatory requirement for annual update/refresher training.</p> <p>All Officers, that determine licence applications under delegated powers, undergo licensing training.</p> | No action required. |
| <p>The Regulatory Structure - Paragraphs 5.6 to 5.11</p> <p>Paragraph 5.6 - To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorise council officers via a transparent scheme of delegation.</p> | <p>Green Grading</p> <p>East Lindsey District Council has such a scheme of delegations in place. Officers will only forward to the General Licensing Committee, for determination, contentious matters or applications that do not meet this Authority's licensing requirements.</p> | <p>No action required.</p> <p>In 2021 we will undertake the normal annual review of the licensing scheme of delegation and if necessary, make recommendations to amend the scheme.</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>East Lindsey District Council has such an arrangement and scheme of delegation in place.</p> | No action required. |
| <p>Fit and Proper Test - Paragraphs 5.12 to 5.14</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>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>On 07 September 2020 the Council's General Licensing Committee adopted an updated Relevance of Convictions Policy and updated Driver Licensing Procedures to include the specific wording for the fit and proper test laid down in the DfT minimum standards document.</p> | No further action required. |
| <p>Paragraph 5.14 - Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the</p> | <p>Green Grading</p> | No further action required. |

public is paramount. 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.

On 07 September 2020 the Council's General Licensing Committee adopted an updated Relevance of Convictions Policy and updated Driver Licensing Procedures which included the specific wording of this threshold as laid down in the DfT minimum standards document.

Criminal Convictions & Rehabilitation - Assessment of Previous Convictions - Paragraphs 5.15 to 5.17

Paragraph 5.15 - 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.

Paragraph 5.16 - Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National

Green Grading

On 07 September 2020 the Council's General Licensing Committee reviewed & updated the Relevance of Convictions Policy in order to achieve all minimum standards set down by the DfT document.

A copy of the updated Relevance of Convictions Policy can be found on the licensing area of the Council's website:

<https://www.e-lindsey.gov.uk/article/5399/Hire-Vehicles>

No further action required.

| | | |
|---|---|------------------------------------|
| <p>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>Paragraph 5.17 - These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all 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 a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.</p> | | |
| <p>Criminality Checks for Drivers - Paragraphs 6.1 to 6.4</p> <p>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</p> <p>East Lindsey District 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.</p> <p>Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.</p> | <p>Green Grading</p> <p>The Council now requires applicants and licence holders & applicants for licence renewal to register for the DBS's update service and to nominate the Licensing Authority to receive updates. All licensed drivers will 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</p> | <p>No further action required.</p> |

| | | |
|--|---|--|
| | update service will be subject to a DBS check every six months. | |
| 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>Green Grading</p> <p>On 07 September 2020 the Council's General Licensing Committee adopted an updated Driver Licensing Policy and updated Driver Licensing Procedures. This Council has adopted a policy of not issuing a licence to a person on either barred list unless there are exceptional & compelling circumstances.</p> | No further action required. |
| <p>Safeguarding Awareness - Paragraphs 6.5 to 6.7</p> <p>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>East Lindsey District Council has a mandatory requirement for taxi & private hire drivers and private hire operators to undertake safeguarding training.</p> <p>Also, since 2015 this Council has required all licensed drivers to sign up to a driver Code of Conduct – which covers such areas as the safeguarding of both children & vulnerable adults. A copy of the Code of Conduct can be found on the Council's website:</p> <p>https://www.e-lindsey.gov.uk/article/10642/Hire-Vehicles-Drivers</p> | <p>No action required.</p> <p>However, this Authority has now decided to draft a specific safeguarding webpage for its licensed drivers and operators.</p> <p>The additional webpage will be in place by the end of March 2021.</p> |
| County Lines Exploitation - Paragraphs 6.8 to 6.13 | <p>Green Grading</p> <p>This Council requires taxi & private hire drivers and private hire operators to undertake safeguarding training which includes ways in</p> | No action required. |

| | | |
|---|--|---|
| <p>Paragraph 6.11 - Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.</p> | <p>which drivers can help to identify county lines exploitation.</p> | |
| <p>Language Proficiency - Paragraphs 6.14 to 6.15</p> <p>Paragraph 6.14 - 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 this Authority must successfully undergo a mandatory Communications Assessment – the assessment covers both oral and written English language skills</p> | <p>No action required.</p> |
| <p>Vehicle Licensing - Criminality Checks for Vehicle Proprietors - Paragraphs 7.2 to 7.6</p> <p>Paragraph 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>Red Grading</p> <p>This Council does not currently require a Basic Disclosure Check from the DBS for its licensed vehicle proprietors.</p> | <p>This Council is proposing in 2021 to start an eight-week consultation exercise with interested parties regarding a proposal to make it a mandatory requirement for a licensed vehicle proprietor (who is not a licensed driver) to undergo a Basic DBS Disclosure on an annual basis.</p> <p>With a final decision on this matter to be programmed for determination by June 2021.</p> |
| <p>Paragraph 7.4 - A refusal to licence an individual as a driver or to suspend or revoke a driver</p> | <p>Red Grading</p> | |

| | | |
|---|---|---|
| <p>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>This licensing matter is not specifically detailed in this Authority's licensing policy.</p> | <p>The Council's licensing policy will be reviewed with a view to including this matter / statement. It is envisaged that such review will be completed by the end of March 2021.</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>This Authority applies the fit and proper test to each of the directors or partners if the licence applicant/holder is a company or partnership.</p> <p>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 Paragraphs 7.7 to 7.13</p> <p>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 Lindsey District Council licensed taxis & PHVs.</p> <p>At present the hackney carriage and PHV trade are encouraged to consider the installation of relevant CCTV systems in their vehicles on a voluntary basis.</p> | <p>This Council has started a consultation exercise with interested parties on the subject of CCTV in licensed vehicles. A link to the consultation can be found on the Council's website here:</p> <p>https://www.e-lindsey.gov.uk/article/16178/CCTV-in-Licensed-Vehicles</p> <p>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> <p>It is proposed to have a published decision on the subject of CCTV in licensed vehicles by the end of December 2021 at the very latest.</p> |

| | | |
|--|---|--|
| <p>Stretched Limousines - Paragraphs 7.14 to 7.15</p> <p>Paragraph 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. 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>East Lindsey District Council has a detailed policy which provides for the licensing of such vehicles.</p> <p>However, at present there are no such vehicles licensed with this Authority.</p> | <p>No action required.</p> |
| <p>Private Hire Vehicle Operator Licence - Criminality Checks for Private Hire Vehicle Operators - Paragraphs 8.2 to 8.6</p> <p>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 8.4 - 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 private hire vehicle operator licence; this decision 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 this Authority's licensing policy.</p> | <p>The Council's licensing policy will be reviewed with a view to including this matter / statement. It is envisaged that such review will be completed by the end of March 2021.</p> |
| <p>Paragraph 8.5 - A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply</p> | <p>Green Grading</p> | <p>No action required.</p> |

| | | |
|---|---|------------------------------------|
| <p>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>This Authority applies the fit and proper test to each of the directors or partners if the licence applicant/holder is a company or partnership.</p> <p>Licence holders are required to advise the Licensing Authority of any change in directors or partners.</p> | |
| <p>Booking & Dispatch Staff - Paragraphs 8.7 to 8.12</p> <p>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>Green Grading</p> <p>This Authority reviewed its private hire operator licensing policy and adopted such a licensing requirement on 7 September 2020.</p> | <p>No further action required.</p> |
| <p>Paragraphs 8.9 to 8.12 - 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>The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records.</p> | <p>Green Grading</p> <p>This Authority reviewed its private hire operator licensing policy and adopted such a licensing requirement on 7 September 2020.</p> | <p>No further action required.</p> |

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.

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 offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

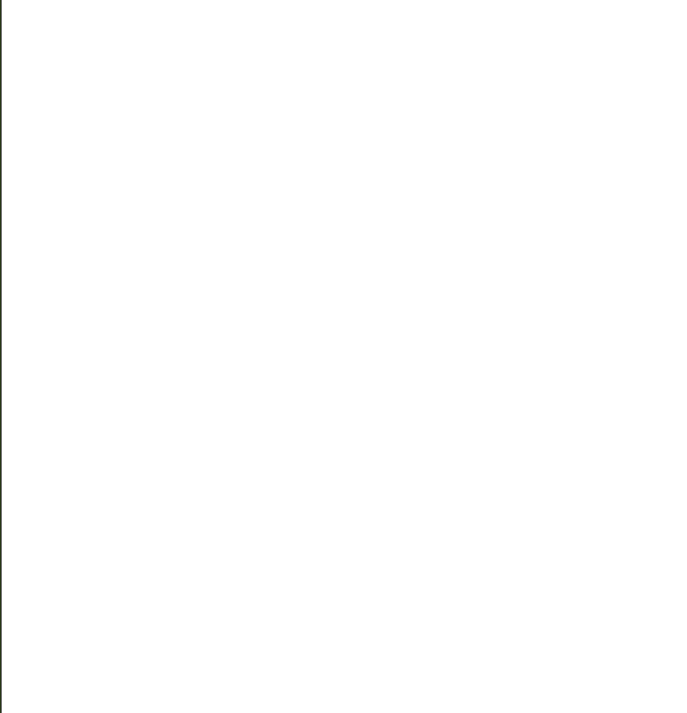
Record Keeping - Paragraphs 8.13 to 8.15

Paragraph 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;



Green Grading
East Lindsey District Council follows this procedure.



No specific action required – however, in due course this Authority will revisit its standard operator licence conditions in order to ensure they reflect the specific wording and bullet-point listing order as detailed opposite.

| | | |
|--|---|---|
| <ul style="list-style-type: none"> 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 to 8.17</p> <p>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.</p> <p>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 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>Green Grading</p> <p>This Authority reviewed its private hire operator licensing policy and adopted such a licensing requirement on 7 September 2020.</p> | <p>No further action required.</p> |
| <p>Enforcing the Licensing Regime - Joint Authorisation of Enforcement Officers</p> <p>Paragraph 9.2 - Licensing authorities should, where the need arises, jointly authorises officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area.</p> | <p>Red Grading</p> <p>East Lindsey District currently has no joint authorisations for Licensing Enforcement Officers from other Licensing Authorities in place.</p> <p>To date there has been no strong or specific evidence of such joint authorisations being required within the County of Lincolnshire and the surrounding area.</p> | <p>By the end of June 2021, the Council’s Licensing Officers will discuss this proposal with our neighbouring authorities - with a view to determining whether in Lincolnshire (and the surrounding area) there is a need or requirement for such joint working in compliance and enforcement matters.</p> |

| | | |
|--|--|---|
| <p>Setting Expectations & Monitoring - Paragraphs 9.3 to 9.4</p> <p>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 (<i>see Paragraphs 4.29 - 4.33</i>). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required.</p> | <p>Green Grading</p> <p>East Lindsey District Council has detailed guidance on its website on how to submit complaints or compliments regarding taxi drivers, private hire drivers & vehicle operators. The webpage can be found here:</p> <p>https://www.e-lindsey.gov.uk/article/15179/Hire-Vehicles-Complaints-and-Compliments</p> | <p>No action required</p> |
| <p>Suspension & Revocation of Driver Licences - Paragraphs 9.5 to 9.10</p> <p>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 specifically detailed in this Authority's licensing policy.</p> | <p>The Council's licensing policy will be reviewed with a view to including such penalties and offences within the list of relevant offences. It is envisaged that such review will be completed by the end of March 2021.</p> |
| <p>Paragraph 9.9 - New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.</p> | <p>Amber Grading</p> <p>This scenario has not occurred at this Authority and an expedited re-licensing process is not specifically in place. However, the current licensing policy does state the following:</p> <p><i>Where a driver's licence has been revoked a new licence application will only be considered where there has been a change of circumstances. Determination of a new application will take account of the period of the licence remaining when it was revoked and dependant on the</i></p> | <p>The Council's licensing policy will be reviewed with a view to specifically including reference to an expedited re-licensing process. It is envisaged that such review will be completed by the end of March 2021.</p> |

| | | |
|--|---|---|
| | <i>requirements in respect of medicals, DBS and DVLA checks, etc.</i> | |
| <p>Staying Safe: Guidance for Passengers</p> <p>The annex to the standards indicates that the Council should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using licensed vehicles.</p> | <p>Amber Grading</p> <p>This Authority has previously undertaken press releases and social media posts to assist passengers.</p> | <p>This Authority has decided to draft a specific webpage on this subject for the public.</p> <p>The webpage will be in place by the end of March 2021.</p> |

This assessment document was approved by the Council's General Licensing Committee on 04 January 2021.

Licensing Team, East Lindsey District Council, The Hub, Mareham Road, Horncastle, LN9 6PH

Telephone: 01507 601111

Email: licensing@e-lindsey.gov.uk