

10/04/2019

Department for Transport  
Buses and Taxis Division (Statutory  
Guidance 2018 Consultation)  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

## **CONSULTATION RESPONSE: TAXI AND PRIVATE HIRE VEHICLE LICENSING: PROTECTING USERS**

The Urban Transport Group brings together and promotes the interests of Britain's largest urban areas on transport. Our full members are Transport for West Midlands, Merseytravel (Merseyside), Nexus (Tyne and Wear), South Yorkshire PTE (Sheffield City Region), Transport for Greater Manchester, Transport for London and West Yorkshire Combined Authority. We also have associate members which are the West of England Combined Authority, Nottingham City Council, Strathclyde Partnership for Transport and Tees Valley Combined Authority and Translink (Northern Ireland). However this consultation response is on behalf of our full members.

We welcome the Government's proposed improvements to the statutory guidance for taxi and private hire vehicle licensing. The changes proposed will further protect users of these services. In particular we are pleased to see:

- the requirement for enhanced DBS checks for drivers
- the recommendation that drivers are required to undertake safeguarding and disability awareness training

However, this should merely be a stopgap measure until legislation can be brought forward which introduces national minimum standards and national enforcement powers. In addition, legislation is required to tackle cross-border hiring. We also believe that licensing authorities should be able to cap PHV numbers. We called for these changes in our 2017 report: [Taxi! Issues and Options for City Region Taxi and Private Hire Vehicle Policy](#).

Please find our full response to the consultation attached.

Yours sincerely,



Clare Linton  
Researcher

# Taxi and private hire vehicle licensing: protecting users

## 1. Introduction

Thank you for taking the time to read the consultation document and to respond to the questions. Your answers will help us to firm up statutory guidance to taxi and private hire vehicle (PHV) licensing authorities on how their licensing powers can be exercised in order to safeguard children and vulnerable adults.

The easiest way to respond to this consultation is online:

<https://www.smartsurvey.co.uk/s/taxis-licence/>

The online version allows you to save your response and continue it later and to save or print off a copy for your records.

### Confidentiality and data protection

The Department for Transport (DfT) is carrying out this consultation to gather views and evidence on measures for inclusion within the statutory guidance issued to taxi and PHV licensing authorities. This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain any information that allows you to be identified, DfT will, under data protection law, be the controller for this information.

As part of this consultation we're asking for your name and email address. This is in case we need to ask you follow-up questions about any of your responses. You do not have to give us this personal information. If you do provide it, we will use it only for the purpose of asking follow-up questions.

We may contract a third party to analyse the responses we receive to the consultation. If you provide your contact details, we may share this information with a contractor in case they need to contact you regarding your consultation response.

DfT's privacy policy has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer. You can view it at <https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>.

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Your information will be kept securely and destroyed within 12 months after the consultation has been completed. Any information provided through the online questionnaire will be moved from their system to our internal systems within 2 months of the consultation end date.

Find out more about the [Department for Transport's data protection and privacy policy](#).

## 2. Personal details

1. Your name and email address. We will only use this if we need to contact you to ask about any of your responses.

Your name

Your email

### 3. About you

#### 2. Are you responding: \*

- as an individual?
- as a taxi driver?
- as a PHV driver?
- as a taxi intermediary?
- as a PHV operator?
- a licensing authority
- the police

other (specify)?

Urban Transport Group. We are a representative body for the UK's largest urban transport authorities. Our full members are Transport for West Midlands, Merseytravel, Nexus (Tyne and Wear), South Yorkshire PTE, Transport for Greater Manchester, Transport for London and West Yorkshire Combined Authority. West of England Combined Authority, Nottingham City Council, Strathclyde Partnership for Transport, Tees Valley Combined Authority and Translink (Northern Ireland) are associate members.

## 4. Administration of the licensing framework

**3. The draft statutory guidance recommends that all those involved in the determination of licensing matters should receive training covering licensing procedures, natural justice, child sexual abuse and exploitation, disability and equality in addition to any other issues deemed locally appropriate (paragraph 2.18). Do you agree with the recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Yes, we agree and we would welcome additional training for those involved in licensing. However, authorities require adequate funding and resources to enable this. The quality and adequacy of training needs to be ensured. The LGA's councillor handbook provides advice on this but additional guidance may be required.

**4. The draft statutory guidance recommends a council structure for dealing with licensing matters (paragraphs 2.20-2.24). Do you agree with this proposed structure?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Note that this would not apply in London where Transport for London are the licensing authority.

## 5. Implementing changes to the licensing policy and requirements

5. The draft statutory guidance recommends that all issued licences should be reviewed following changes in licensing policy (paragraph 2.29). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

## 6. The Disclosure and Barring Service

**6. The draft statutory guidance recommends that all drivers should be subject to an enhanced Disclosure and Barring Service (DBS) with barred lists check for individuals applying for or renewing taxi and PHV driver licences (paragraph 2.32). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

We called for compulsory DBS checks in our 2017 report '[Taxi! Issues and Options for City Region Taxi and Private Hire Vehicle Policy](#)'. This should be taken forward in legislation for National Minimum Standards for taxi and PHV licensing.

**7. The draft statutory guidance recommends that all licence holders should be required to subscribe to the DBS update service (paragraph 2.38). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

**8. The draft statutory guidance recommends that appropriate DBS checks are conducted every 6 months (paragraph 2.39). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.





## 7. Licensee self-reporting

**9. The draft statutory guidance recommends that drivers and operators should be required to notify the issuing authority within 48 hours upon arrest and release, charge or conviction of any motoring offence or any offence involving dishonesty, indecency or violence (paragraph 2.41). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

The requirement may also need to account for voluntary attendance at interviews, which can be the preferred means of interview for suspects (as opposed to arrest).

## 8. Referrals to DBS and the police

10. The draft statutory guidance recommends that licensing authorities should make referrals to the DBS when it considers that an applicant or licence holder is thought to present a potential risk of harm to the public (paragraph 2.43). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

## 9. Overseas convictions

11. The draft statutory guidance recommends that a check of overseas criminality information or 'Certificate of Good Character' should be required, when an individual has spent a period of more than 3 continuous months outside the UK when over the age of 18 (paragraph 2.47). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Guidance may be required on establishing authenticity of certificates.

## 10. Other information

**12. The draft statutory guidance recommends that licensing authorities should require applicants / licensees to disclose if they have been licensed elsewhere, or have had an application for a licence refused, or have had a licence revoked or suspended by any other licencing authority (paragraph 2.57). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

**13. The draft statutory guidance recommends that licensing authorities should use tools such as the national register of taxi and PHV driver licence refusals and revocations (NR3) to improve information sharing (paragraph 2.58). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

**14. The draft statutory guidance recommends that the authority considering the application / renewal should consult and consider other licensing decisions in its assessment, when an applicant / licensee discloses they: have had an application refused, or had a licence revoked or suspended elsewhere (paragraph 2.60). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

## 11. Multi-agency safeguarding hub (MASH)

15. The draft statutory guidance recommends that multi-agency safeguarding hubs (or similar) should be established by licensing authorities to improve the sharing of relevant information (paragraph 2.64). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Combined Authorities / city region transport authorities may need to be part of a multi-agency safeguarding hub where they are making arrangements for education transport, for example.

## 12. Complaints against drivers and operators

16. The draft statutory guidance recommends that licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that must be displayed in licensed vehicles (paragraph 2.66). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Information regarding complaints could be provided in a range of ways, including on websites, through booking apps etc.

## 13. Safeguarding awareness

17. The draft statutory guidance recommends that all licensing authorities should require drivers to undertake safeguarding training as a condition of licensing (paragraph 2.72). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

We called for compulsory safeguarding training in our 2017 report '[Taxi! Issues and Options for City Region Taxi and Private Hire Vehicle Policy](#)'. This should be taken forward in legislation for National Minimum Standards for taxi and PHV licensing.



## 14. Language proficiency

18. The draft statutory guidance recommends that all licensing authorities should consider whether an applicant for a licence is able to communicate in English orally and in writing with customers (paragraph 2.79). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

This needs to be set at an appropriate level. In London the requirement is B1, which is proportionate.

## 15. Enforcement

**19. The draft statutory guidance recommends that 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 (paragraph 2.81). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

This should be in lieu of legislation to bring forward national minimum standards and changes to enforcement rules which mean that enforcement officers can take action against any vehicle operating in their area, not only those licensed there. See our 2017 report <http://www.urbantransportgroup.org/resources/types/reports/taxi-issues-and-options-city-region-taxi-and-private-hire-vehicle-policy>

We also believe that legislation should be brought forward which requires taxi and PH journeys to start or finish in the area in which they are licensed, in order to combat drivers being licensed in one area and operating entirely somewhere else.

## 16. Criminal record checks for PHV operators

20. The draft statutory guidance recommends that PHV operators (applicants or licensees) should be subject to a basic DBS check (paragraph 2.91). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

We support PHV operators being subject to a DBS check, but this may need be an enhanced DBS.

## 17. PHV operators - ancillary staff

**21. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to keep a register of all staff that will take bookings or dispatch vehicles (paragraph 2.97). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

**22. The draft statutory guidance recommends that PHV operators should be required to evidence that they have had sight of a basic DBS check on all individuals listed on the above register (paragraph 2.97). Do you agree with this recommendation?**

- Yes
- No
- No opinion

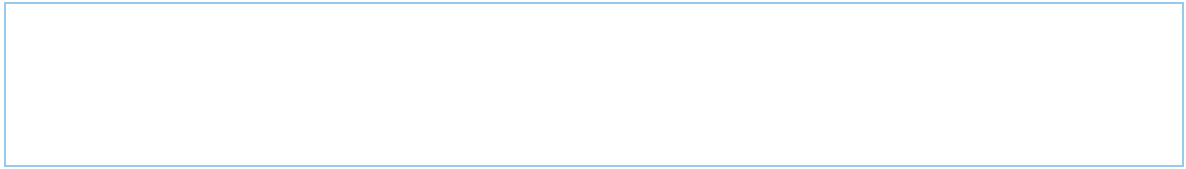
Comment below if you want to explain your answer.

Guidance may be required as to what operators are expected to do on sight of a DBS and what might prevent staff taking bookings or dispatching vehicles.

**23. The draft statutory guidance recommends that PHV operators should be required to provide to the licensing authority their policy on employing ex-offenders that will take bookings or dispatch vehicles as a condition of licensing (2.98). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.



## 18. PHV operators - use of passenger carrying vehicles (PCV) licensed drivers

24. The draft statutory guidance that a PHV operator may not use a driver who does not hold a PHV licence (but may hold a PCV licence) to use a public service vehicle to carry out a PHV booking. This would be a condition of the operator's licence (paragraph 2.100). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

# 19. PHV operators – record keeping requirements

25. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to record the information detailed in paragraph 2.101. Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

## 20. In-vehicle visual and audio recording - CCTV

26. The draft statutory guidance recommends that licensing authorities should carefully consider potential public safety benefits and potential privacy issues when considering mandating that taxis and PHVs have CCTV installed (paragraphs 2.104 to 2.109). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

More national guidance is needed on the benefits and issues around CCTV in taxis and PHVs.

27. The draft statutory guidance recommends that CCTV recordings in taxis and PHVs should be encrypted and accessible only by licensing authority officials (if acting a data controller), the police or when subject to a data subject access request (paragraph 2.114). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.



## 21. Stretched limousines

28. The draft statutory guidance recommends that licensing authorities should consider licensing vehicles with an Individual Vehicle Approval certificate, even if the passenger capacity is unclear, but under the strict condition that the vehicle will not be used to carry more than 8 passengers (paragraph 2.118). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Additional national guidance is needed from the DfT on what can be considered safe with regards to stretched limousines.

## 22. Previous convictions guidance

29. The draft statutory guidance recommends that the Department for Transport should issue guidance on the assessment of previous convictions (paragraph 2.50). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

30. Annex A of the draft statutory guidance provides a list of offences to aid consistency in the 'fit and proper' assessment for licences. Do you think that the list provides enough detail to do this?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

31. Are there any offences that should be added to the list in Annex A?

- Yes
- No
- No opinion

## 23. Other offences

32. If you answered yes, please list the offence(s) and the period you consider appropriate to prevent the granting of a licence under most circumstances.

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## 24. Impact assessment

**33. Do you have data relating to alleged offences committed in licensed vehicles either against or by passengers? If you have and are prepared to share this with us please add to your response.**

**34. If have any comments or other data that may be relevant to the Impact Assessment please provide this.**

## Ways to respond

Email this completed document to:

[SG-Consultation2019@dft.gov.uk](mailto:SG-Consultation2019@dft.gov.uk)

Or post it to:

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