

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.

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?)

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.

Dependent upon the nature of the policy change, this may be appropriate, but it would need to be considered carefully. Future amendments to existing policies or new policies to be implemented should be presented along with a consideration as to whether it would be appropriate to apply the policies retrospectively – where the law allows.

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.

We would also ask for the reporting of civil orders such as Sexual Risk Order/ Restraining Order/ non-molestation orders etc to be considered.

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.

This is already a requirement in Birmingham

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.

Our officers have provided training to the MASH team in BCC concerning the licensing of HC and PH Drivers and operators and have explained the processes involved. Officers also attend CSE and Missing Operational Groups as well as attending Strategy Discussions where there are matters potentially relating to licensed people or places

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.

This is already a requirement in Birmingham

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.

Joint authorisation would be a welcome move, however, there is still a disconnect between the enforcement activity and the funding. Legislation needs to clarify the situation concerning what fees can be levied and what they can be used for.

We already take enforcement action against ANYONE committing offences in our area, but compliance checks are harder as there are different conditions/requirements.

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.

This is already a requirement in Birmingham

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.

Yes, they have access to a lot of personal information about their passengers.

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.

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.

This is already a requirement in Birmingham, although we also require details of any agreed fare, and the details of who took the booking. Operators are required to retain this information for 12 months.

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.

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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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