

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

**Boston Borough Council (BBC) - 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.
- Boston Borough 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 (BBC does not currently meet)
- Amber (BBC partially meets)
- Green (BBC 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. Therefore, the purpose of this assessment document is to publicise this Authority’s consideration of the standards as well as providing any necessary updates to the Department for Transport.

**Boston Borough Council – Licensing Profile**

Boston Borough Council is situated in the County of Lincolnshire, which contains 7 District Councils in total. The Boston Borough Council area has a population of 64,637 (Census 2011). This Authority is responsible for the following number of licences:

<b>Number of Hackney Carriage &amp; Private Hire Licences – June 2021</b>	
Hackney Carriage Vehicle Licences	149
Private Hire Vehicle Licences	102
Private Hire Vehicle Operator Licences	12
Dual Licensed Hackney Carriage and Private Hire Vehicle Drivers	166
Private Hire Vehicle Drivers	130

## Statutory Taxi & Private Hire Vehicle - Assessment

<b>Statutory Taxi &amp; Private Hire Vehicle Standards</b>  <b>Recommendation/Measures</b>  <b>(including Paragraph Numbers)</b>	<b>Boston Borough Council (BBC)</b>  <b>Current Position on Meeting the Measures/Recommendations</b>	<b>BBC Proposed Action &amp; Timescale</b>  <b>The outcome of each action, including all reviews, will be reported back for consideration to the Council's General Licensing Committee</b>
<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><b>The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.</b></p>	<p><b>Amber Grading</b></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 – work has begun towards the implementation of the outstanding measures.</p> <p>Policy reviews are currently taking place following the introduction of the DfT standards (e.g. the Council's relevance of convictions guidelines and the licensing processes &amp; conditions for private hire operators), which have resulted in changes to this Authority's licensing requirements.</p> <p>During the Policy review consultations will be required with taxi drivers, proprietors, operators and these will be planned throughout 2021/22.</p> <p>Further information can be found later in this assessment document.</p>	<p><u>Officer comment</u> Further reviews and research will have to take place with consideration of the outstanding recommendations and measures being made on a rolling programme – with some of the matters having to be reported to the Council's Licensing Committee for scrutiny and consideration.</p> <p><u>Committee comment</u></p>
<p>Paragraph 1.5 - All local authorities and district</p>	<p><b>Amber Grading</b></p>	<p><u>Officer comment</u></p>

<p>councils that provide children’s and other types 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>BBC 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>BBC has adopted a Safeguarding Policy and Procedures. The policy &amp; 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 will be reviewed internally against the Whistleblowing Policy and work will be undertaken to embed the whistleblowing procedure within the licensing policy document.</p> <p>The Council’s hackney carriage and private hire licensing policy and procedures will be reviewed internally against the BBC Safeguarding Policy and work will be undertaken to embed the safeguarding procedures within the licensing policy document.</p> <p><u>Committee comment</u></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><b>Amber Grading</b></p> <p>This Council does have recommendations and measures in place to cover most of the requirements within the minimum licensing standards.</p>	<p><u>Officer comment</u></p> <p>This document indicates the council’s present position with regard to each of the recommendations within the Statutory Taxi and Private Hire Vehicle Standards. Licensing Officers would like to work with the Licensing Committee with regard to updating its policies and procedures.</p> <p><u>Committee comment</u></p>
<p>Paragraph 2.8 - Although it remains the case that</p>	<p><b>Amber Grading</b></p>	<p><u>Officer comment</u></p>

<p>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 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).</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>	<p>This document sets out and summarises this Authority's consideration and delivery of the measures set down within the minimum licensing standards.</p> <p>A section within the Taxi website is in the process of being created and all relevant information that will be required to be published will be placed within that area.</p> <p><u>Committee comment</u></p>
<p>Administering the Licensing Regime - Licensing Policies - Paragraph 3.1 to 3.5</p> <p>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.</p>	<p><b>Green Grading</b></p> <p>This Authority has comprehensive and recently reviewed &amp; approved policy documents in place. The policy documents cover a range of relevant issues including:</p> <ul style="list-style-type: none"> <li>• Guidelines Relating to Relevance of Convictions</li> <li>• Fit &amp; Proper Person Test</li> <li>• Driver, Vehicle &amp; Operator Licence Conditions</li> <li>• Vehicle Requirements &amp; Standards</li> <li>• PHV Licence Plate Exemption Requirements</li> <li>• Wheelchair Accessible Vehicles.</li> </ul>	<p><u>Officer comment</u></p> <p>This Authority has comprehensive documents in place. However, to comply with the statutory standards a review of the relevant issues will be undertaken.</p> <p>Once completed and agreed by Committee copies of the policy documents will be updated on the Council's website.</p> <p><u>Committee comment</u></p>

	<ul style="list-style-type: none"> <li>Licensing of Limousines.</li> </ul>	
<p>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 should also consider interim reviews should there be significant issues arising in their area, and their performance annually.</p>	<p><b>Amber Grading</b></p> <p>Currently the Policies are reviewed on an as and when required basis but going forward five year reviews will be arranged.</p>	<p><u>Officer comment</u> Licensing Policies will be reviewed every five years but if there are any changes during that period then these will be reported to Committee if relevant.</p> <p><u>Committee comment</u></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><b>Green Grading</b></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><u>Officer comment</u> No specific action required. Shorter licences will and have been issued in the past where leave to remain is time limited. Upon proof of extension then the driver's licence is extended to the full 3 years.</p> <p><u>Committee comment</u></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><b>Green Grading</b></p> <p>BBC 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><u>Officer comment</u> No specific action required.</p> <p>However, the Council's hackney carriage and private hire licensing policy and procedures will be reviewed internally against the Whistleblowing Policy and work will be undertaken to embed the whistleblowing procedure in the licensing policy document.</p> <p><u>Committee comment</u></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><b>Green Grading</b></p> <p>The Consultation List is reviewed on the occasion of each licensing consultation.</p>	<p><u>Officer comment</u> This Authority will continue to review the consultation list on the occasion of each licensing consultation.</p> <p>Taxi Licensing now use Newzapp where consultations can be sent out through email.</p> <p><u>Committee comment</u></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><b>Amber Grading</b></p> <p>This Authority will adopt 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><u>Officer comment</u> No action required. If there is likely to be any impact on neighbouring areas as a result of proposed changes then the relevant local authority will be consulted.</p> <p>Currently Regional Councillor liaison meetings are not held</p> <p><u>Committee comment</u></p>
<p>Changing licensing policy and requirements -</p>	<p><b>Amber Grading</b></p>	<p><u>Officer comment</u></p>

<p>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>On 28 June 2016 the Council's Regulatory &amp; Appeals Committee adopted a Relevance of Convictions Policy. The Committee indicated that existing licence holders who have already been assessed as fit to hold a licence will not be reassessed as unsuitable for future licensing based solely on their existing conviction record.</p>	<p>This Authority is in the process of reviewing the Relevance of Convictions Policy to ensure it meets all licensing legislation as stated in the Statutory Guidance.</p> <p><u>Committee comment</u></p>
<p>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>	<p><b>Green Grading</b></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><u>Officer comment</u> No specific action required.</p> <p>However, 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 achieve the normal standards / licensing requirements laid down by the Council's licensing policy.</p> <p><u>Committee comment</u></p>
<p>Gathering &amp; 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><b>Amber Grading</b></p> <p>A review will be undertaken to adopt a policy that subscription to the DBS Update Service would become a mandatory requirement for all drivers licensed with this Authority.</p>	<p><u>Officer comment</u> If Committee is in agreement, the Licensing Authority would like to require new applicants and applicants for licence renewal to register for the DBS's update service as mandatory. 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 to the update service will be subject to a DBS check every six months at a cost to themselves of £40.</p> <p>ELDC are currently looking into an Umbrella Group that</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>would undertake a DBS check prior to an application (new or renewal if the Update Service is not signed up to) being received. If BBC also went down this route then it will alleviate officer time in checking, returning incomplete documents and counter-signing the forms. BBC Officers would like to work with ELDC Officers to see if there is any merit in also going down that route.</p> <p><u>Committee comment</u></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><b>Amber Grading</b></p> <p>This Authority maintains close links with Lincolnshire Police and information is shared.</p>	<p><u>Officer comment</u></p> <p>Whilst information is shared between the Local Authority &amp; the Police this Authority has no concerns regarding that sharing process - this Authority's Licensing Officers would like (with appropriate Police Officers) to investigate the effectiveness and efficiency of the current information sharing procedures and protocols. We would also like to link in with the Anti-social Behaviour Team at the Council who already have an established system in place with the Police.</p> <p><u>Committee comment</u></p>
<p>Licensee Self-Reporting - Paragraphs 4.12 to 4.13</p>	<p><b>Amber Grading</b></p>	<p><u>Officer comment</u></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>The current Policy states a licence holder <b>MUST</b> disclose to the Council, in writing, details of any convictions(s) imposed on him/her during the currency of his licence as soon as possible after the conviction(s).</p>	<p>A change in the Policy will be required stating that licence holders are to inform the licensing authority within <u>48 hours</u> of any convictions.</p> <p><u>Committee comment</u></p>
<p>Referrals to the Disclosure and Barring Service &amp; 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><b>Red Grading</b></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><u>Officer comment</u></p> <p>The Council's licensing policy will be reviewed with a view to including this requirement. At the same time this Authority will review its procedures for advising the DBS/Police of such licence refusals or revocations.</p> <p><u>Committee comment</u></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><b>Green Grading</b></p> <p>This Authority requires applicants and licence holders to reveal such information on the Application Form.</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><u>Officer comment</u></p> <p>Contact will be made with other local authorities if any applicants disclosing that they hold or previously have held a licence with another local authority to check their fitness and propriety.</p> <p><u>Committee comment</u></p>
<p>Sharing Licensing Information with Other</p>	<p><b>Red Grading</b></p>	<p><u>Officer comment</u></p>

<p>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 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>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>Information has been received with regard to registering for NR3.</p> <p>More work is required to register for this service.</p> <p><u>Committee comment</u></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><b>Green Grading</b></p> <p>BBC has adopted a procedure for making safeguarding referrals to the Lincolnshire Safeguarding Children Partnership &amp; the Lincolnshire Safeguarding Adults Board.</p> <p>BBC has adopted a Safeguarding Policy and</p>	<p><u>Officer comment</u></p> <p>The Council’s hackney carriage and private hire licensing policy and procedures will be reviewed internally against the BBC Safeguarding Policy and work will be undertaken to embed the safeguarding procedures with the licensing policy document.</p> <p><u>Committee comment</u></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>Procedures. The policy &amp; 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>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, including analysing trends across all licensees as well as complaints against individual licensees.</p>	<p><b>Green Grading</b></p> <p>BBC has systems in place for recording complaints, with information being recorded using the AGILE Licensing Software/Database packages.</p>	<p><u>Officer comment</u> Regular analysing of any trends across all HC/PH licensing areas is required to take place. A timescale for this is yet to be agreed.</p> <p><u>Committee comment</u></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><b>Amber Grading</b></p> <p>Complaints are recorded on the AGILE Licensing Software system and linked to a driver record if necessary.</p>	<p><u>Officer comment</u> This is not an action officers are currently doing but measures are to be put in place once Policies have been updated to include monitoring and potential action for licensees who have a high number of complaints against them.</p> <p><u>Committee comment</u></p>
<p>Paragraph 4.31 - To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making</p>	<p><b>Amber Grading</b></p> <p>BBC has guidance on its website on how to</p>	<p><u>Officers comment</u> Any person wishing to complain about a taxi driver/company is directed to the website and advised</p>

<p>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>submit complaints or compliments regarding taxi drivers, private hire drivers &amp; vehicle operators.</p> <p>Ways to make a complaint are not currently displayed in all licensed vehicles.</p>	<p>to complete the form.</p> <p>Currently we do not have information on how to make a complaint displayed in licensed vehicles but this will be reviewed. (A possible example being stickers that could be placed in all licensed vehicles as standard).</p> <p><u>Committee comment</u></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><b>Green Grading</b></p> <p>BBC follows this procedure.</p>	<p><u>Officer comment</u></p> <p>No action required as this is already a part of the application process.</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><b>Green Grading</b></p> <p>BBC has a scheme of delegation in place.</p>	<p><u>Officer comment</u></p> <p>We will undertake a 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><b>Green Grading</b></p> <p>It is a mandatory requirement of this Authority that all Councillors, who sit on the Licensing Committee, must undergo licensing training. 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>	<p><u>Officer comment</u> Officers attend training courses as and when appropriate.</p> <p><u>Committee comment</u></p>
<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><b>Green Grading</b></p> <p>BBC has such a scheme of delegations in place. Officers will only forward to the Licensing Committee or sub-committee, for determination, contentious matters or applications that do not meet this Authority's licensing requirements.</p>	<p><u>Officer comment</u> No action required.</p> <p><u>Committee comment</u></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><b>Green Grading</b></p> <p>BBC has such an arrangement and scheme of delegation in place.</p>	<p><u>Officer comment</u> No action required.</p> <p><u>Committee comment</u></p>
<p>Fit and Proper Test - Paragraphs 5.12 to 5.14</p> <p>Without any prejudice, and based on the</p>	<p><b>Green Grading</b></p> <p>On 28 June 2016 the Council's Regulatory &amp;</p>	<p><u>Officer comment</u> No further action required.</p>

<p>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>Appeals Committee adopted the 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>	<p><u>Committee comment</u></p>
<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 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.</p>	<p><b>Green Grading</b></p> <p>On 28 June 2016 the Council's Regulatory &amp; Appeals Committee adopted the Relevance of Convictions Policy and driver licensing procedures were updated.</p>	<p><u>Officer comment</u> No further action required.</p> <p><u>Committee comment</u></p>
<p>Criminal Convictions &amp; Rehabilitation - Assessment of Previous Convictions - Paragraphs 5.15 to 5.17</p>	<p><b>Amber Grading</b></p> <p>On 28 June 2016 the Council's Regulatory &amp;</p>	<p><u>Officer comment</u> Officer's need to check the current Relevance of Convictions form against the DfT minimum standards</p>

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 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.

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.

Appeals Committee adopted the Relevance of Convictions Policy and driver licensing procedures were updated.

A copy of the Relevance of Convictions Policy can be found in the taxi licensing area of the Council's website.

to make sure no new amendments are required.

Committee comment

<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><b>Green Grading</b></p> <p>Boston Borough 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><u>Officer comment</u> No action required.</p> <p><u>Committee comment</u></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><b>Red Grading</b></p> <p>Currently BBC does not require applicants and licence holders &amp; applicants for licence renewal to register for the DBS's update service although it is encouraged by officers that they do so.</p>	<p><u>Officer comment</u> As part of the Policy review with regard to applicants signing up to the DBS Update Service, 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 to the update service will be subject to a DBS check every six months.</p> <p><u>Committee comment</u></p>
<p>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>	<p><b>Green Grading</b></p> <p>BBC does not issue a licence to a person on either barred list unless there are exceptional &amp; compelling circumstances. If that is the case then the applicant will be taken to Committee.</p>	<p><u>Officer comment</u> No further action required.</p> <p><u>Committee comment</u></p>
<p>Safeguarding Awareness - Paragraphs 6.5 to 6.7</p> <p>Paragraph 6.7 - All licensing authorities should</p>	<p><b>Green Grading</b></p> <p>BBC has a mandatory requirement for taxi &amp;</p>	<p><u>Officer comment</u> No action required.</p>

<p>provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.</p>	<p>private hire drivers to undertake safeguarding training.</p> <p>Also, since June 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 &amp; vulnerable adults. A copy of the Code of Conduct can be found on the Council’s website.</p>	
<p>County Lines Exploitation - Paragraphs 6.8 to 6.13</p> <p>Paragraph 6.11 - Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.</p>	<p><b>Green Grading</b></p> <p>This Council requires taxi &amp; private hire drivers to undertake safeguarding training which includes ways in which drivers can help to identify county lines exploitation.</p>	<p><u>Officer comment</u> No action required.</p> <p><u>Committee comment</u></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><b>Green Grading</b></p> <p>All new driver licence applicants to this Authority must successfully undergo a mandatory Comprehension Test – the assessment covers both oral and written English language skills</p>	<p><u>Officer comment</u> No action required.</p> <p><u>Committee comment</u></p>
<p>Vehicle Licensing - Criminality Checks for Vehicle</p>	<p><b>Red Grading</b></p>	<p><u>Officer comment</u></p>

<p>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><b>N.B.</b> – This relates to licensed vehicle proprietors who are not a licensed driver.</i></p>	<p>This Council does not currently require a Basic Disclosure Check from the DBS for its licensed vehicle proprietors who are not already a licensed driver.</p>	<p>This can be included within the Policy review. A consultation process will be required 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><u>Committee comment</u></p>
<p>Paragraph 7.4 - 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; these decisions must be independent of a driver licence refusal and based on the appropriate information,</p>	<p><b>Red Grading</b></p> <p>This licensing matter is not specifically detailed in this Authority's licensing policy.</p>	<p><u>Officer comment</u> The Council's licensing policy will be reviewed with a view to including this matter / statement.</p> <p><u>Committee comment</u></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><b>Green Grading</b></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>Any applicants who apply for a PH Operator Licence and who are not already a licensed driver are required to provide a Basic DBS check with their application.</p>	<p><u>Officer comment</u> No action required.</p> <p><u>Committee comment</u></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><b>Amber Grading</b></p> <p>CCTV is not a compulsory requirement in Boston Borough Council licensed taxis &amp; PHVs.</p> <p>Any enquiries from licensed drivers are provided with a letter confirming BBC does not prevent them from installing CCTV cameras in their vehicles. The onus is on them to ensure the installation, signage and running of the system complies with the legislative requirements of the Information Commissioner’s CCTV Code of practice and any other relevant legislation and/or guidance.</p>	<p><u>Officer comment</u> A consultation exercise with interested parties could be done on the subject of 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><u>Committee comment</u></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><b>Green Grading</b></p> <p>BBC has information about licensing limousines in the current Policy.</p> <p>However, at present there are no such vehicles licensed with this Authority.</p>	<p><u>Officer comment</u> No action required.</p> <p><u>Committee comment</u></p>
<p>Private Hire Vehicle Operator Licence - Criminality Checks for Private Hire Vehicle Operators - Paragraphs 8.2 to 8.6</p>	<p><b>Amber Grading</b></p> <p>This Authority has adopted such a licensing requirement although annual checks are</p>	<p><u>Officer comment</u> As part of the Policies being reviewed additional wording to ensure the wording “annual checks are to be made” will need to be included.</p>

<p>Paragraph 8.2 - Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>currently not completed. It is only done when they initially apply to become an Operator then on renewal (every 5 years).</p>	<p><u>Committee comment</u></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><b>Red Grading</b></p> <p>This licensing matter is not specifically detailed in this Authority's licensing policy.</p>	<p><u>Officer comment</u> The Council's licensing policy will be reviewed with a view to including this matter / statement.</p> <p><u>Committee comment</u></p>
<p>Paragraph 8.5 - A private hire vehicle operator licence 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 should be required to advise the licensing authority of any change in directors or partners.</p>	<p><b>Green Grading</b></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><u>Officer comment</u> No action required.</p> <p><u>Committee comment</u></p>
<p>Booking &amp; Dispatch Staff - Paragraphs 8.7 to 8.12</p> <p>Paragraph 8.8 - Licensing authorities should be satisfied that private hire vehicle operators can</p>	<p><b>Red Grading</b></p> <p>BBC currently does not do this.</p>	<p><u>Officer comment</u> A review of the private hire operator licensing policy will be required following a consultation process with the trade.</p>

<p>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><u>Committee comment</u></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>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.</p> <p>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</p>	<p><b>Red Grading</b></p> <p>BBC currently does not do this.</p>	<p><u>Officer comment</u></p> <p>A review of the private hire operator licensing policy will be required following a consultation process with the trade.</p>

<p>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.</p>		
<p>Record Keeping - Paragraphs 8.13 to 8.15</p> <p>Paragraph 8.13 - Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:</p> <ul style="list-style-type: none"> <li>• the name of the passenger;</li> <li>• the time of the request;</li> <li>• the pick-up point;</li> <li>• the destination;</li> <li>• the name of the driver;</li> <li>• the driver's licence number;</li> <li>• the vehicle registration number of the vehicle;</li> <li>• the name of any individual that responded to the booking request;</li> <li>• the name of any individual that dispatched the vehicle.</li> </ul>	<p><b>Green Grading</b></p> <p>BBC follows this procedure.</p>	<p><u>Officer comment</u></p> <p>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.</p> <p><u>Committee comment</u></p>
<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</p>	<p><b>Red Grading</b></p> <p>BBC currently does not have this within the current policy.</p>	<p><u>Officer comment</u></p> <p>When this Authority revisits its standard operator licence conditions this will be included within the conditions.</p>

<p>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><u>Committee comment</u></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><b>Green Grading</b></p> <p>In 2020, BBC and ELDC formed an Alliance and Boston Licensing Officers have on a couple of occasions worked with ELDC's Enforcement Officer.</p>	<p><u>Officer comment</u></p> <p>No action required at this time. However, officers will work with officers from neighbouring authorities if the need arises.</p> <p><u>Committee comment</u></p>
<p>Setting Expectations &amp; 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</p>	<p><b>Green Grading</b></p> <p>BBC has detailed guidance on its website on how to submit complaints or compliments regarding</p>	<p><u>Officer comment</u></p> <p>No action required although the complaints/compliments form will be re-visited during this review and any appropriate amendments to the document will bedone..</p>

<p>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>taxi drivers, private hire drivers &amp; vehicle operators</p>	<p><u>Committee comment</u></p>
<p>Suspension &amp; 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><b>Red Grading</b></p> <p>Such penalties or offences are not specifically detailed in this Authority's licensing policy.</p>	<p><u>Officer comment</u> The Council's licensing policy will be reviewed with a view to including such penalties and offences within the list of relevant offences.</p> <p><u>Committee comment</u></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><b>Red Grading</b></p> <p>This scenario has not occurred at this Authority and therefore an expedited re-licensing process is not specifically in place.</p>	<p><u>Officer comment</u> The Council's licensing policy will be reviewed with a view to specifically including reference to an expedited re-licensing process.</p> <p><u>Committee comment</u></p>
<p><b>Staying Safe: Guidance for Passengers</b></p> <p>The annex to the standards indicates that the Council should provide guidance to assist passengers in identifying licensed vehicles and</p>	<p><b>Amber Grading</b></p> <p>Boston Borough Council has previously undertaken press releases and social media posts etc to assist passengers in identifying licensed</p>	<p><u>Officer comment</u> Further information could be provided through the council's website/social media posts and at specific times of the year – for example Christmas.</p>

the increased risks of using licensed vehicles.	vehicles.	<u>Committee comment</u>
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The above relates to the Department of Transport Statutory Taxi and Private Hire Vehicle Standards (published 21 July 2020).

However the table shown on the following page informs the Licensing Committee of additional projects that the Licensing Team would like to complete in conjunction with the above.

HC & PC Driver and Vehicle Policy	<p>Currently this Policy is joined as one document. Whilst updating this Policy Officers would like to split this into two separate documents:</p> <ol style="list-style-type: none"> <li>1) HC/PH Driver Policy;</li> </ol>
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	<p>2) HC/PH Vehicle Policy</p> <p><u>Committee comment</u></p>
<p>Air Quality Management Areas</p>	<p>Licensing Officers are currently working with Environmental Health Officers with regard to adding Air Quality Management into the HC/PH Vehicle Policies.</p> <p>Further information will be provided to Members at future meetings.</p> <p><u>Committee comment</u></p>
<p>Amendment to the Wheelchair Accessible Policy</p>	<p>Officers would like to make an amendment to this Policy with regard to the wording with regard to Grandfather rights. Further information will be provided to Members at a future Committee meeting.</p> <p><u>Committee comment</u></p>
<p>Taxi and Private Hire Driving Assessment</p>	<p>There is currently not a requirement for applicants wishing to become licensed drivers with Boston Borough Council to attend a driver assessment course. However, Officers are aware that ELDC have this requirement and this may be something Members would like to include as part of the Policy review.</p>

	<p>Officers will be able to provide further information at a future meeting for discussion.</p> <p><u>Committee comment</u></p>
HMRC Tax Conditionality	<p>From 4 April 2022 a Tax Conditionality will place a requirement on licensing authorities with regard to driver tax obligations.</p> <p>Once more information is received Members will be updated.</p> <p><u>Committee comment</u></p>