

LICENSING COMMITTEE

Licensing Policy – Taxi & Private Hire

Report of Executive Member for Housing & Licensing

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4th June 2024

Executive Summary

This report requests that Members approve a revised Licensing Policy for Taxis & Private Hire which includes proposals on Language Proficiency, updates to the frequency of DBS checks of Dual Drivers and reintroducing a condition to promote safeguarding of children.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Approve the proposals
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1. **Purpose of the report**

The purpose of this report is to request that Members approve a revised Licensing Policy for Taxi & Private Hire which includes proposals on Language Proficiency, updates to the frequency of DBS checks of Dual Drivers and reintroducing a condition to promote safeguarding of children.

2. **Introduction**

2.1 The Council in its capacity as licensing authority is responsible for the licensing of private hire and hackney carriage drivers and vehicles, and private hire operators.

2.2 Best practice suggests that licensing authorities adopt a single licensing policy in order to unify all its decisions, procedures and conditions as a single source of information for licensees, applicants and interested parties.

Oldham has had such a policy for a number of years and from time to time it is reviewed in order to keep up with decisions made by the Licensing Committee, revised application procedures, guidance and best practice.

3. **Proposed Amendments**

3.1 **Language Proficiency:**

The Statutory Taxi & Private Hire Vehicle Standards introduced in July 2022 recommend that a licensing authority's test of a driver's proficiency should cover both oral and written English language skills. Written proficiency is relevant because this could affect 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 relevant in identifying potential exploitation through communicating with passengers and their interactions with others.

Language proficiency will bring wider passenger benefits to those set out in the Statutory Taxi & Private Hire Vehicle Standards in terms of the driver's ability to demonstrate an understanding of the desired destination, an estimation of the time taken to get there and other common passenger requests and for the driver to provide a legibly written receipt upon request.

It is proposed to carry out the language proficiency test in several ways. The Council already requires applicants to undertake a Driver Awareness Training Session which is immediately followed by their written Knowledge Test.

The knowledge test comprises of 20 questions, with multiple choice answers, and covers the topics of Child Sexual Exploitation, licensing conditions, basic numeracy, customer care skills, road traffic signs and the highway code.

In addition to the existing requirements, it is proposed that a Licensing Officer's assessment of verbal communication skills be carried out during the first application appointment, if there appears to be limited understanding of the requests being made by the administration officer. Where there appears to be a significant enough language barrier that an individual cannot hold a

conversation it is proposed the application be refused under delegated powers or an offer to defer the application pending the passing of an accredited language course be given at the cost of the applicant.

3.2 **Frequency of DBS Checks:**

The Statutory Taxi & Private Hire Vehicle Standards states that all licensed drivers should be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every 6 months. Drivers that do not subscribe to the update service should still be subject to a check every 6 months.

Oldham Council have been compliant with the requirement to undertake 6 monthly criminality checks of drivers since late 2022. This has caused significant issues for drivers for a number of reasons.

The existing working practices of the DBS update service means that payment for a subscription is taken as a card payment annually, rather than a direct debit payment. This means where a driver loses their card, has it stolen, or replaced due to expiry, the payment the DBS attempts to take does not go through. There is no facility for drivers to update their card details with a new one until such time as the DBS attempts to take payment and it fails. They will then email the account holder to notify them of this and require new card details be supplied within a short window of time. These payment issues have resulted in many drivers' subscriptions lapsing and them having to apply for a new DBS and re-registering to the update service.

The Council has tried to combat this by emailing reminder emails to drivers at least 3 months before the check is due, but this has seemed to have limited impact with assisting drivers. Where a 6-month check fails and we cannot determine the DBS status of an individual, we are required to suspend the licence, taking the driver off the road until such time as they produce their new DBS and checks can be carried out.

It is proposed that the Council moves to weekly checks of individuals DBS on the update service for multiple reasons. The first is that we will be aware of any changes to a drivers DBS certificate within a small window of time. If any driver is convicted of an offence within the existing 6-month window, and they do not declare this to the Council, we are not aware of the new conviction until the next 6 monthly check. Weekly checks would eliminate that issue and provide the Council with near real-time information.

In addition, by carrying out weekly checks, it will enable the Council to monitor a driver's update service subscription. Where their subscription lapses, but it was current the week prior, we can notify the driver they then have just under 6 months to apply for a new DBS and re-register. This provides a substantial length of time for the DBS application to be processed and returned before the mandatory 6-month interval which would mean the driver could avoid suspension of their licence entirely.

Weekly checks of DBS's would also bring Oldham into line with other Greater Manchester authorities who have already moved to more frequent checks to safeguard the public.

3.3 **Safeguarding of Children – vehicle licence condition**

Prior to the Minimum Licensing Standards Oldham Council implemented a condition attached to vehicle licences that prohibited a child under a certain age from travelling in the front passenger seat of a vehicle. This condition never formed part of the vehicle licence conditions implemented under MLS and therefore Oldham Council seeks to once again incorporate this.

The proposed condition is to be worded as follows:

The Proprietor shall not allow any child under the age of 13 years of age to be conveyed in the front of the vehicle.

4. **Legal Services Comments**

- 4.1 Under section 57 of the Local Government (Miscellaneous Provisions) Act 1976, the Council can require an applicant for a licence under the Town Police Clauses Act 1847 (in respect of hackney carriages) or the Local Government (Miscellaneous Provisions) Act 1976 (in respect of private hire vehicles and private hire operators) to submit such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted or whether conditions should be attached to any such licence. Any person aggrieved by the refusal to grant him a licence may appeal to the magistrates' court. (A Evans)

5. **Co-operative Agenda**

- 5.1 Not applicable

6. **Environmental and Health & Safety Implications**

- 6.1 None

7. **Equality, community cohesion and crime implications**

- 7.1 None

8. **Equality Impact Assessment Completed?**

- 8.1 No – not required

9. **Key Decision – No**

- 9.1 Key Decision Reference - N/A

10. **Background Papers**

- 10.1 Consultation document

11. **Appendices**

- 11.1 None