

Summary of proposed changes to policy

3.6 DBS Update Service

- 3.6.1 All licensed drivers must sign up to the DBS update service and maintain their registration throughout the licensed period, to enable the Council to undertake periodic checks at least every 6 months, in accordance with the Statutory Taxi and Private Hire Vehicle Standards.
- 3.6.2 Licensed drivers who fail to register with the update service, or who allow their registration to lapse, will be required to provide a new enhanced certificate every six months.
- 3.6.3 Where the Council is unable to check the driver's status due to failings on the part of the driver, it may suspend the drivers licence until such time as it is satisfied that there is no new information recorded against the driver.
- 3.6.4 Nothing in this section will negate the requirement for licensed drivers to inform the Council within 48 hours of any arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- 3.6.5 If there has been a change to the information held by the DBS, the driver will be required to provide a new certificate to the Council and register that one with the update service.

Rationale

The Statutory Standards para 6.2 states *"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. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months."*

Since 2018 the Council has encouraged drivers to sign up to the update service to allow the Licensing service to verify that the driver has not committed any further offences or had any other relevant information recorded against them since their last DBS was issued. Such checks have only been carried out at the point of renewal which is every 1 or 3 years depending on the length of licence held.

It has become apparent over the last 4 years that whilst the majority of driver's will initially register with the update service, they then allow their registration to lapse, leaving the authority unable to check their offending records online.

Blackburn with Darwen currently has almost 1,300 licensed drivers. To carry out the bi-annual checks required by the Stat Standards, the Council will need to automate this process through the third party supplier that already deals with the Council's DBS checks, as the licensing service does not have the resources to undertake these checks manually. Drivers must maintain their subscription to allow this to happen, or stand the cost and inconvenience of having to produce a new certificate every 6 months.

3.8 English proficiency

- 3.8.1 The Statutory Taxi and Private Hire Vehicle Standards 2020 identify that 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.
- 3.8.2 It goes on to state in para 6.15, that a licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve these objectives.
- 3.8.3 The Council requires all applicants for new driver's licences to demonstrate their language proficiency, either by providing evidence of formal qualifications such as GCSE, GCE, Functional Skills Level 1 or 2 in English, or ESOL certificate at Level 1 or 2.
- 3.8.4 Applicants who do not hold any formal qualifications in English must undertake a free skills assessment provided by Blackburn Adult Learning service and provide evidence that they have passed the assessment.

Rationale

This is a new requirement introduced by the Statutory Standards with the relevant wording reflected in the draft. The skills assessment is free and the ESOL courses are also free for people with low or no income.

3.9 Driver Training and Knowledge Test

- 3.9.1 Applicants for a new driver's licence will be required to pass the Blackburn with Darwen Knowledge Test before being issued with a licence. A fee is required for the driver training sessions and tests and any applicant cancelling an appointment with less than 48 hours' notice, will not be eligible for a refund.
- 3.9.2 The Council publishes a comprehensive guidance pack and training for new drivers on its website, to help them prepare for the driver training and knowledge test.
- 3.9.3 If an applicant fails three successive tests, their application will be rejected and a period of 12 months must elapse, before they will be eligible to book onto the driver training session again.
- 3.9.4 Applicants must bring in their photo-card driving licence on the day of the test. This must be in date and have their current address on it.

Rationale

The council has moved the booking facility online as part of a wider project to move to a fully online application service for applicants for driver licences. Candidates now pay online and this amendment simplifies the cancellation process and removes the need for candidates to pay an additional cancellation fee.

3.10 Safeguarding and Child Sexual Exploitation (CSE) training

3.10.2 In order for them to recognise the signs of CSE and other forms of exploitation such as County Lines, all applicants for Blackburn with Darwen driver licences must have successfully completed an eLearning Safeguarding Course provided by the Council's nominated provider.

Rationale

The current driver training provided for new applicants by the licensing services includes an overview of safeguarding and CSE.

Paragraphs 6.5 – 6.13 of the Statutory Standards place a much greater emphasis on the need for licensed drivers to be aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm, or is in immediate danger. It also acknowledges the National Crime Agencies 2018 county lines threat assessment which highlighted the road network as key to the transportation of county lines victims, drugs and cash.

There are a number of accredited training providers who have developed specialist online training for the taxi trade that covers all of these elements and who regularly review and update their training programmes to include emerging threats and national trends.

By moving that element of the driver training to a specialist provider, we can ensure that new drivers have received the most up to date training in this very important area and it will allow the Council provided driver training to concentrate on the local rules and national legislation that driver's need to be aware of.

3.12 Medical Fitness

3.12.3 Medical certificates, completed by the driver's own GP practice, or by one of the Council's approved suppliers for medicals as published on the Council's website, are required on first application and then every 5 years from age 45 until the age of 65 when they are required annually

Rationale

The Council requires drivers to meet the group 2 standard of fitness that is applied to other professional drivers and uses the D4 form to collect this information, but the Council does not currently require medicals at the same frequency as PSV or HGV drivers.

The DVLA are responsible for issuing PSV and HGV driver licences and require a group 2 medical assessment recorded on the D4 form, on first application and then again at 45 years of age, then every 5 years until the driver turns 65 and then every year.

The proposal is to adopt the same frequency of medical assessment used by the DVLA.

4. Hackney Carriage and Private Hire vehicles

4.1.1 The Council will not issue a vehicle licence for any vehicle which is licensed as either a hackney carriage or private hire vehicle with any other Local Authority. If the Council becomes aware that other vehicle licences are running concurrently with this Council's licence, the Blackburn with Darwen vehicle licence will be immediately revoked.

Rationale

This requirement is explicit in most licensing authority policies or vehicle conditions including Transport for London, but the Council's policy is currently silent in this respect. It is felt necessary to make the provision explicit to remove any doubt in the trade's mind that it is possible to operate a vehicle licensed by more than one authority.

4.1.2 New vehicles being presented for a licence must meet the following minimum emissions standards.

Euro 4 emission limits (petrol)

CO – 1.0 g/km
HC – 0.10 g/km
NOx – 0.08
PM – no limit

Euro 6 emission limits (diesel)

CO – 0.50 g/km
HC+ NOx – 0.17 g/km
NOx – 0.08 g/km
PM – 0.005 g/km
PM – 6.0×10^{-11} /km

Rationale

The Council previously set age limits on the vehicles that it would licence but removed those several years ago. This deregulation has led to an increasing aged fleet and recent profiling work has confirmed that approximately two thirds of the licensed fleet are now 10 years or older.

The Department for Transport consulted earlier this year on an update to their best practice guidance which confirms in para 8.29 that Licensing authorities should not impose age limits for the licensing of vehicles, but should consider more targeted requirements to meet its policy objectives on emissions etc.

The suggested emission standards for new vehicles will contribute to the Council's Climate Emergency Action Plan and commitment to improve air quality. They are the same standards as those referenced in the DfT's 2020 Clean Air Zone Framework - Annex A, Clean Air Zone minimum classes and standards.

4.3.3 The Council will not issue a vehicle licence for any vehicle that has been written off by insurers under category A, B or S.

- A relates to vehicles that must be scrapped
- B relates to vehicles that may be broken and their parts reused
- S relates to vehicles that have sustained structural damage that is repairable.

Rationale

The council's policy is currently silent in this respect, but it is felt appropriate to clarify the position in respect of vehicles which have been written off for insurance purposes but which may be presented for licensing.

Category N vehicles are those that have sustained non-structural damage that is repairable and so would be eligible for a licence if they can pass the council's vehicle testing requirements.

6. Private Hire Operators

6.3 Disclosure and Barring Service Checks

- 6.3.1 In accordance with the Statutory Guidance the Council requires applicants to provide a recent basic DBS certificate before a private hire operator's licence will be granted, and then annually throughout the duration of the licence, in respect of the person named on the licence, or for each director or partner where the licence is held by a company or partnership.
- 6.3.2 Where an applicant, director or partner also holds a valid Blackburn with Darwen driver's licence, the requirements in 6.3.1 are dis-applied in respect of that individual.
- 6.3.3 Any applicant who has spent six continuous months or more, overseas within the last 5 years, will also be required to produce a Certificate of Good Conduct from the relevant Embassy or High Commission, for each country where they resided. The certificate must have been produced no more than 3 months before it is presented to the Council. This document must be a certified translation, if the original Embassy Certificate is not in English
- 6.3.4 Operators are also expected to be able to demonstrate that all staff who have contact with the public or oversee the dispatching of vehicles do not pose a risk to the public and should evidence that they have had sight of a satisfactory Basic DBS check for each individual named on the register required by 6.6.4.
- 6.3.5 Applications for private hire operators licences must provide a copy of their policy on employing ex-offenders in roles that would be on the register required by 6.6.4.

6.6 Records

- 6.6.4 A register of dispatch staff, who are not also licensed drivers, which includes their full name, address, date of birth and National Insurance number, shall be maintained and made available to an authorised officer of the Council on request.

Rationale

This is a new requirement introduced by the Statutory Standards.

Paragraph 8.1 states – "It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity." 8.2 states "Enhanced DBS and barred list checks

are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.**

8.7 says – “A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.” Para 8.8 states “Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**”

6.6.5 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking, is not permitted without the informed consent of the booker.

Rationale

This is a new requirement introduced by the Statutory Standards.

Paragraph 8.16 explains that “PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire.**”