

Hackney Carriage and Private Hire Licensing Policy

Consultation on next 3 year policy

Mid Devon District Council is currently consulting on the fourth version of its Hackney Carriage and Private Hire Policy. In order to ensure that the proposals can be seen in a clear format, the existing policy has been updated with tracked changes and this document can be viewed in full here:

<https://www.middevon.gov.uk/business/licensing/new-hackney-carriage-and-private-hire-licensing-policy-consultation/>

The consultation will run from 23 July 2018 until 30 September 2018. If you have any comments you can complete the consultation response form (available on the link above) and email it to licensing@middevon.gov.uk. Alternatively, it can be posted to us at Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP. We will collate all responses and present them to the Licensing regulatory Committee for consideration.

What follows is a summary of the main proposals.

1. Protection of children and adults at risk from harm

A number of proposals within the new policy are seeking to ensure that everyone is doing as much as possible to protect children and adults at risk from harm. It has now been included as a specific aim and objective in its own right within section 3 of the policy. This ensures that it is actively highlighted as something to be considered and promoted.

In addition to this, it is proposed to introduce mandatory safeguarding training for all licence holders. The proposal is to ensure that all existing licence holders complete this safeguarding training by 28 June 2019. Additionally, all new licence holders going forward must complete this training within 12 months of a licence being granted.

Four free (and voluntary) training sessions were held at the end of 2017 and 56% of drivers attended which we were really happy about. Any driver that has completed this training already does not need to complete it again. We may consider refresher training in the future but this is not being proposed as part of this consultation.

We are planning to run 2 more free sessions later this year but after that, applicants and licence holders will have to fund this training themselves, should the proposal be adopted.

There is also a proposed new Appendix (Appendix M) which is a safeguarding code of conduct. A number of licence holders may already be doing many of these things but we

want to ensure that there is a consistent approach. It also includes a number of useful telephone numbers that can be used to report any concerns. We know from the free safeguarding sessions already held that many licence holders really want to play a part in helping to keep vulnerable people safe and we hope the information within this Appendix is helpful.

2. The requirement for a Basic Disclosure

This proposal would require both private hire operators and vehicle proprietors to have a Basic Disclosure check if they do not have a HC / PH Drivers licence with Mid Devon District Council. All of our current operators and proprietors have driving licences with us but this requirement is to cover a scenario in the future when someone does not. The Basic Disclosure is the maximum check we can require from an operator or vehicle proprietor.

Additionally, and based on guidance issued by the Institute of Licensing, we are also proposing to require private hire operators to carry out their own basic disclosure checks on staff members who work for them, that have access to personal and private information. The rationale for this is that the person will have access to sensitive information which they could take advantage of and so the operator must ensure they are a safe suitable person for that role.

Basic Disclosures can now be obtained through the Disclosure and Barring Service and additional information can be found here: <https://www.gov.uk/request-copy-criminal-record>.

3. Equality Act 2010

The changes within the policy reflect the new requirements of the Equality Act 2010. Licence holders will already be familiar with a number of these, such as carrying guide and assistance dogs without additional charge. Appendix N of the proposed new policy puts all of these requirements in to one section of policy and it is hoped this is easier to reference going forward.

4. New driver application process and requirement for speaking and listening English test

It is proposed that new drivers will no longer be sent the questions they will be asked at interview concerning legislation and policy. Under the existing policy applicants are not sent the local geography or maths questions so this is just extending this practice and making the test slightly harder.

The pool of questions we will draw from has also been extended so applicants will not be asked the exact same questions. We feel this is important so information cannot be exchanged between those that have just passed the test and those just about to take it.

In addition to this, it is proposed to introduce a speaking and listening English test. This test is approximately 15 – 20 minutes long and is conducted over the telephone. It is planned to hold this test at the Council offices and the applicant would be recharged the appropriate fee, which is currently £26.50. More information about the proposed test can be found here:

<https://www.talentlens.co.uk/product/versant/>

Applicants will receive an objective score from the test and we are proposing that they must gain an overall score of 58 or above (out of 80) which would be equivalent to level B2 on the Common European Framework (CEFR).

If an applicant can produce evidence of already taking and passing a relevant English language qualification at a suitable level, they will not be required to take the speaking and listening assessment. It is not possible to provide an exhaustive list of all the qualifications that would be accepted, however, typical examples include:

- GCSE or GCE O-level (grade C or higher) or Scottish Intermediate 2
- GCE A-level or Scottish Higher
- NVQ, BTEC, City and Guilds or similar vocational qualification (level 2 or higher)
- Higher education award (for example a degree, HND or HNC)
- qualification equivalent to any of the above, issued by a recognised examining body in an English-speaking country other than the UK
- a TOEFL, IELTS or ESOL qualification at CEFR level B2 or higher (or equivalent)

Furthermore, if the Council has concerns about an existing licence holder's standard of English, they may be asked to demonstrate that they have passed a relevant English language qualification, as per the list above. If they are unable to provide such evidence then they may be required to undertake the speaking and listening test at their own expense.

5. Policy on determining the suitability of applicants and licensees (previous conviction policy)

It is proposed to replace the existing policy (Appendix B) in its entirety. The new proposed policy is based closely on guidance issued by the Institute of Licensing (2018). It is hoped that Councils across the country adopt these guidelines to ensure that there is a consistent and clear approach to taxi licensing, no matter where people choose to get a taxi.

In general, the proposed new guidelines will be stricter and this is considered an important step in ensuring the public are protected. We know that majority of applicants and licence

holders are honest, trustworthy and extremely good at their job – these guidelines are also about ensuring a minority do not give the majority a bad reputation.

6. Vehicle Type and modified wheelchair accessible vehicles

It is proposed to include a statement that all vehicles shall have the appropriate M1 European Whole Vehicle Type Approval. Applications for novelty vehicles and stretch limousines will be determined on their own individual merits but should have one of the following:

- British National Type Approval; or
- British Single Vehicle Approval (SVA); or
- Individual Vehicle Approval

Where vehicles have been modified post manufacture to provide access or special facilities for disabled passengers the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category.

Ultra-Low Emission vehicles (i.e. electric or hybrid)

In addition to the above proposals we would also like to consider ways we can encourage vehicle owners to invest in Ultra Low Emission vehicles (i.e. electric or hybrid). We would appreciate any suggestions you have as to what the licensing service can do to encourage an uptake in low emission vehicles. This can include practical points that we can then investigate (i.e. number of charging points) and policy related issues (i.e. age of vehicle requirements). The consultation response form can be used to respond to this point.

Hackney Carriage Tariff

We have recently received a request to review and increase the current Hackney Carriage tariff. We are not consulting on this yet but rather requesting that if anyone has an opinion on this, they contact us at licensing@middevon.gov.uk to confirm what they think and provide specific details or proposals if possible. We will then follow up on this separately.

Kind regards

Licensing Team