

Appendix A - Summary of the recommendation within the Statutory Taxi & Private Hire Vehicle Standards

A summary of the recommendations within the Statutory Standards (shown within the boxed area), with an assessment on the current position at Tandridge D.C., and the action necessary to achieve the Statutory Standard.

Statutory Standards Paragraph number



3.5 Review of Policies

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.

The current 'Guidance for proprietors and drivers of Hackney carriage and private hire vehicles' acts as the de facto taxi licensing policy. Whilst this guidance has been amended in recent years to reflect changes to licensing policy, a comprehensively policy review is overdue. In order to meet the Statutory Standards our current 'guidance' should be reviewed, with future review dates set for at least every 5 years thereafter.

3.7 Duration of licences

The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case.

Tandridge D.C. offers licences at the standard length shown in the Statutory Standards.

3.8 Whistleblowing

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. Local authorities should ensure they have an effective 'whistleblowing' policy and that all staff are aware of it.

Environmental Health and Licensing provides a shared service with Mole Valley District Council, with licensing officers employed by MVDC on behalf to provide a service for Tandridge D.C. The MVDC's whistleblowing policy is

published on their [website](#). Tandridge D.C.'s Whistle Blowing policy extends to contractors and is available on their intranet. These policies together provide protection to staff should they need to make confidential disclosures to either authority of any wrong-doing that they may encounter in the workplace.

As a result Tandridge D.C. already follows in full the recommendations shown at para. 3.8 of the Statutory Standards.

3.12 Consultation at the local level

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. Licensing authorities should also engage with neighbouring areas to identify any concerns and issues that might arise from a proposed change

Tandridge D.C. will consult widely on any changes to licensing rules in accordance with the Statutory Standards.

3.14 Changing licensing policy and requirements

Any changes in licensing requirements should be followed by a review of the licences already issued.

Tandridge D.C.'s position is that we follow in full the recommendations shown at para 3.14 of the Statutory Standards.

4.21 Gathering and Sharing Information

Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

Tandridge D.C. make use of a full range resources to meet our obligations, for example Police, DVLA, HM immigration, national register of taxi drivers' revocations and refusals and medical reports from the applicant's G.P.

4.2 The Disclosure and Barring Service

The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales.

Tandridge D.C. makes use of the DBS service as per the Statutory Standards.

4.5 The Disclosure and Barring Service Update Service

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.

Tandridge D.C. requires all new applicants and existing drivers to subscribe to this service at the time of their first (in the case of new applicants) or next (in the case of current drivers) DBS check.

This process will ensure that within the next three years all Tandridge D.C. will be subscribed to the DBS update service as set out at para. 4.5 of the Statutory Standards.

4.9 Common Law Police Disclosure

Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. 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.

As a result of difficulties across Surrey District and Boroughs in obtaining updates from the police on current relevant cases, last year the Surrey Police Licensing Enforcement Officer for each District was nominated as a single point of contact. These officers have received training on the protocols for the disclosure of relevant information and the need to update licensing authorities of information that may be relevant to the suitability of a licensee to continue holding a licence. Whilst this procedure has yet to be tested in this district, a good working relationship exists with this point of contact through their work on the Licensing Act 2003, and anecdotal information from other Surrey Districts & Boroughs is that this system of disclosure works well.

Officers believe Tandridge D.C. already follows in full the recommendations shown at para. 4.9 of the Statutory Standards.

4.12 Licensee self-reporting

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.

Tandridge D.C.'s current position is that the time allowed for licence holders to inform the issuing authority is five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not).

Meeting the Statutory Standards will require a change in policy and conditions of licence.

4.14 Referrals to the Disclosure and Barring Service and the Police

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.

Tandridge D.C. already follows in full the recommendations shown at para. 4.14 of the Statutory Standards.

4.17 Working with the Police

As part of building an effective working relationship between the licensing authority and the police, action taken by the licensing authority as a result of information received should be fed-back to the police.

Tandridge D.C. already follows in full the recommendations shown at para. 4.17 of the Statutory Standards.

4.20 Sharing licensing information with other licensing authorities

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.

Tandridge D.C. already follows in full the recommendations shown at para. 4.20 of the Statutory Standards.

4.21-4.25 Use of the National register of taxi and private hire vehicle driver licence refusals and revocations ('NR3' register)

Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of nondisclosure of relevant information by applicants.

Tandridge D.C. already follows in full the recommendations shown at para. 4.21 to 4.25 of the Statutory Standards.

4.26 - 4.28 Multi Agency Safeguarding Hub (MASH)

All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). The Children's Commissioner's 2013 Inquiry into Child Sexual Exploitation in Gangs and Groups found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

The local MASH is based in Guildford police station and can be contact via <https://www.surreyscp.org.uk/professionals/information-on-c-spa/> for concerns about children.

Facilitating the objectives of the MASH is a Multi-Agency Information Sharing Protocol (MAISP). The MAISP exists between public bodies in Surrey which establishes an agreed set of principles about sharing personal or confidential information. It enables each organisation signed up to the protocol to understand the circumstances in which it should share information and what its responsibilities are. The Surrey MAISP has been developed in partnership by representatives from Surrey's county and district councils, the health service and Surrey Police. Further information on the MAISP is available via <https://www.surreycc.gov.uk/council-and-democracy/your-privacy/protocol-for-multi-agency-staff>

The Surrey MAISP does not replace context-specific protocols, but provides a framework within which they can all operate. It provides both a common understanding for all the agencies in Surrey to work to and is recommended for use as a template for situations where there is no context-specific protocol. Organisations that sign up to an approved context-specific information sharing protocol automatically become signatories of the Surrey MAISP, the over-arching protocol and are bound by its principles. D&B's, SCC, health services and Surrey police can share personal information under this protocol.

Tandridge D.C.'s position is that participation in the MAISP ensures compliance with the recommendations shown at para. 4.26-28 of the Statutory Standards.

4.29 Complaints against licensees

All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.

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).

To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website.

Ways to make complaint to the authority should be displayed in all licensed vehicles.

Licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain.

Tandridge D.C's current position is that complaints are recorded against individual licensees, however the current software being used does not allow for analysing trends across all licensees. The Council has recently invested in new software for Environmental Health and Licensing that will allow for improved complaint analysis when implemented.

All drivers are contacted and spoken to personally regarding any substantive complaint.

The Tandridge D.C. website contains details of how to make a complaint in relation to taxis, however this information should be made easier to find and displayed more prominently.

Information on how to make a complaint is displayed on the fare chart that is available within all hackney carriages, but not private hire vehicles. Information on how to make a complaint will be included on the internal licence plate on the vehicles windscreen, facing in towards the cabin. This step will be taken when the next order of internal plates is made.

4.34 - 4.35 Overseas convictions

The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. 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.

Tandridge D.C.'s current position is that all the above measures are already met in our Policy regarding the relevance of convictions and other related information, section 18.

4.36 Overseas convictions

Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document

(Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

Should this circumstance arise officers will offer this advice as shown in the Statutory Standards. The new hackney carriage and private hire licensing policy will include this guidance to applicants.

5.1 – 5.2 Administration of the licensing framework

Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly. 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.

Under the Council's constitution the refusal or revocation of hackney carriage or private hire licences is delegated to the Regulatory Sub-Committee of the Community Services Committee.

Paras 5.1 and 5.2 of the Constitution delegates the suspension of licences to officers, in so much that this power is not reserved for determination by the Council, Committee or Sub-committee.

A clear scheme of delegation should be published that clearly authorises officers to suspend hackney carriage and private hire licences.

The shared Environmental Health and Licensing service provides added resilience in officer resources. However the licensing service remains lean overall, and this means, for example, that this review of licensing policy has to be implemented within realistic timeframes, prioritising the most important steps.

5.2 – 5.5 Training decision makers

All individuals that determine whether a licence is issued should be required to undertake sufficient training. As a minimum, training for a member of a licensing committee should include licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training.

It has been a number of years since training was provided to the Regulatory Sub-Committee, and should take place as early as possible. However it would seem sensible that it followed the implementation of the planned changes to the policy set out in this report.

The requirement that decision makers have received adequate training and that this is recorded should be included in the revised taxi licensing policy.

5.6– 5.11 The regulatory structure

It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. Regardless of which approach is adopted, all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Under the Council's constitution the refusal or revocation of hackney carriage or private hire licences is delegated to the Regulatory Sub-Committee of the Community Services Committee.

However, this has given rise to difficulties when a licence needs to be immediately revoked on public safety grounds (e.g. following an admission of a serious offence), when convening a regulatory sub-committee would create an unacceptable delay. Currently immediate revocation can be achieved by use of the Chief Executive's Emergency Powers.

A clear scheme of delegation should be published that clearly authorises the Executive Head with responsibility for Environmental Health and Licensing to immediately revoke a licence when it is necessary to do so on the grounds of public safety.

5.12 – 5.14 Fit and proper test

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee.

Tandridge District Council's [Policy regarding the relevance of convictions and other related information](#) sets out at para 1.8 our interpretation of the 'fit and proper' person test, and it is officers opinion that this meets the Statutory Standards

5.15 – 5.17 Criminal convictions and rehabilitation

In considering an individual's criminal record, licensing authorities must consider each case on its merits. 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. Annexed to this document are the Department's recommendations on the assessment of previous convictions.

Until the publication of the Statutory Standards, each District or Borough set their own convictions policy, allowing for variations in standards between neighbouring authorities. To avoid 'licence shopping', The Surrey Licensing Authorities, including Tandridge D.C, pro-actively worked together and produced a convictions policy which is currently in use County wide. The recommended assessment of criminal convictions shown in the Statutory Standards is very similar to the one already in use in Tandridge D.C. and the rest of Surrey. There are however some differences (e.g. In the Statutory Standards someone conviction for possession of a weapon would not be granted a licence until at least seven years have elapsed, while in the Surrey wide policy it is 5 years). It will be appropriate to discuss with the Surrey Licensing Officers group to assess the differences and whether to make recommendations to Committee for changes. This is likely to be subject of a future report.

6.1 – 6.4 Criminology checks for drivers

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. 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.

Tandridge District Council's [Policy regarding the relevance of convictions and other related information](#) sets out at paragraph 14 that a licence will not be normally be granted if an applicant has been found unfit to work with children or vulnerable adults . Whilst this policy is consistent with the Statutory Standards, the revised taxi policy should specifically set out that licensing authorities will not issue a licence to any individual that appears on either barred list.

6.5 – 6.7 Safeguarding awareness

All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.

Tandridge D.C.'s position is that we have a safeguarding awareness course in place. This is mandatory for all existing drivers and it is a requirement of licensing for any new applicant to complete it prior to a licence being granted.

6.8 – 6.13 'County lines' exploitation

Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.

Tandridge District Council's position is that 'County Lines' awareness information which was given to the Council by the Police has been passed on to all drivers and operators.

Currently the Safeguarding Awareness training does not include reference to county lines exploitation. The Safeguarding Awareness training we require drivers to undertake is delivered by Barnardos to all Surrey taxi licensing authorities. Discussions are currently ongoing between the Surrey Licensing Authorities and Barnardos to include county lines exploitation within their training. Alternative training providers may also have to be considered.

Training in county lines exploitation will need to be compulsory for all licensed drivers, including those who have already completed the Safeguarding awareness training. This will require amendments to the conditions of licences, and this will need to be included in the proposed taxi policy review.

6.14 – 6.15 Language proficiency

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.

Tandridge D.C.'s current position is that we do not have a specific language test in place. The knowledge test all applicants are required to undertake requires written language skills, and officers believe that anyone passing this test would be capable of reading and writing English to an adequate standard.

Whilst reasonable oral communication is necessary to engage with licensing officers prior to obtaining a licence, the standard is not currently tested. The implementation of this would be subject of a further report and consultation.

7.2 Criminality checks for vehicle proprietors

Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.

Tandridge D.C.'s current position is that all our licensed vehicles are owned by the licensed drivers or operators, who will have undergone DBS checks as a result of obtaining those licences. As a result it has not been necessary to require a Basic DBS from persons who are vehicle proprietors only. However, to meet the Statutory Standards this requirement should be included in future taxi licensing policy.

7.5 Fit and proper tests for directors or partners

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.

Tandridge D.C. applies this standard in practice, however the taxi policy should be amended to make this requirement for directors or partners transparent.

7.7-7.13 In-vehicle visual and audio recording – CCTV

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.

Tandridge D.C. does not currently mandate in cab CCTV. In order to meet the Statutory Standards a consultation would have to take place to assess 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. Some of the issues around CCTV range from cost (who pays for it), proportionality, necessity and data control.

7.15 – 7.15 Stretched Limousines

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.

Tandridge D.C. does not have a policy that excludes limousines from being licensed, and we therefore comply with Statutory Standards. However, our taxi policy does not set out our approach to licensing this type of vehicle, and this should be considered as part of the taxi policy review.

8.2– 8.6 Criminality checks for private hire vehicle operators

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.

Tandridge D.C. current position is that basic DBS certificates for operators on application only. This would have to be amended to meet the Statutory Standards.

8.7– 8.12 Booking and dispatch staff

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.

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. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

Tandridge D.C.'s current position is that this is not currently a requirement a change in policy and conditions of licence would be required to meet the 'Statutory Standards.

8.13 – 8.15 Record keeping

Licensing authorities should as a minimum require private hire vehicle operators to record specific information for each booking.

Tandridge D.C.'s currently requires operators to record information that is similar to that shown in the Statutory Standards, but with some difference. The policy and conditions of licence would need to be amended to meet the Statutory Standards.

8.16 – 8.17 Use of passenger carrying vehicles (PCV) licensed drivers

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 vehicle operator's licence without the informed consent of the booker.

Tandridge D.C.'s current position is that this restriction it not in our policy. A change in policy would be required to meet the 'Guidance'. Officers are not aware of PHV operators operating PCV in this district.

9.2 Joint authorisation of enforcement officers

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.

Tandridge D.C's current position is that joint authorisation formally exists between all Surrey Licensing Authorities. This should be expanded to other authorities when opportunity or necessity requires, and the scheme of

published scheme of delegation should allow for this authorisation process to be simplified.

9.3– 9.4 Setting expectations and monitoring

Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so.

Tandridge's current position is that on grant of a licence a copy of the conditions is given to the licensee, and it is a requirement of application that conditions and licensing policy have been read and understood.

9.5– 9.10 Suspension and revocation of licences

Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

TDC's position is that we follow the Statutory Standards.