

Consultation on revised Standards for Licensing Hackney Carriage and Private Hire Drivers and Operators in West Oxfordshire 2021

Table showing a comparison between West Oxfordshire District Councils current Hackney Carriage (taxi) and Private Hire Licensing Policy and the proposed requirements to ensure that the District meets the requirements from the DfT Statutory Standards

	Topic	Current	Proposal	Impact on licence holders
1	Delegations for Decisions	The Service Leader is delegated to make all decisions on new applications and can suspend/revoke licences with immediate effect in consultation with the Chair of Licensing Committee. Reviews of licences and revocation of licences are dealt with by the Miscellaneous Licensing Sub-Committee.	Licensing Officers to be delegated to make all decisions on new applications except where there are relevant convictions. Officers to be able to suspend and revoke with immediate effect. A Miscellaneous Licensing Sub-Committee will consider new applications with relevant convictions (except minor motoring convictions) and will continue to review existing licences where relevant	New applicants with relevant convictions will be able to present their case to a Miscellaneous Licensing Sub-Committee. Officers will be able to take immediate action in cases where there is a public risk and there is not time to arrange a Miscellaneous Licensing Sub-Committee
2	Frequency of DBS Enhanced Criminal Checks	On new application and then every three years on renewal	Every six months	Provided drivers subscribe to the update service this should not have financial impact. The Council will use the Multiple Status Check Facility (MSCF) which allows you to run a check on all licence drivers automatically
3	Time period for licence holders to notify the Council of arrest, charges and offences	7 working days for convictions, cautions, fixed penalties or court case pending. 3 working days if arrested.	48 hours for arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.	No significant impact on licence holders

4	How to complain Signage in vehicles	Council contact details for complaint displayed on the rear of the internal vehicle disc displayed in front windscreen	Signage to be displayed in vehicles giving guidance for passengers and how to complain and displayed where it can easily be read. Failure to display could lead to suspension and a possible review of their licence.	Licence holders will need to display an additional sign in the vehicle. There will be a cost for the sign and a holder. Likely cost is £3 to £4. The sign will only need to be replaced if the vehicle is changed
5	Immediate suspension and revocation of licences	Where there are concerns that cannot wait until the next Miscellaneous Licensing Sub-Committee the Service Leader can immediately suspend or revoke a licence but Officers cannot	Where there are concerns that cannot wait until the next Miscellaneous Licensing Sub-Committee, Officers will be able to decide if immediate action is necessary including to suspend or revoke the licence.	This gives more flexibility for officers to take immediate action if there is a possible public risk
6	Language proficiency	If an applicant's first language is not English they must have an adequate spoken and written standard and may be referred to a Miscellaneous Licensing Sub-Committee if there are concerns	All new applicants must take an English Proficiency test unless they can provide an appropriate educational certificate for a qualification related to English. English language proficiency requirements will apply to new applicants from date of adoption of these standards Discretion to refer an existing licence holder for an assessment on a case to case basis.	This places an additional criteria and possible cost for all new driver applicants if they do not have an appropriate educational certificate (Officers to have discretion) Likely cost of an English Proficiency Test is £60 - £70
7	Safeguarding and Disability Awareness training	Mandatory every 3 years	Addition of suspension if not completed or failed	Cost of training is £50
8	Diabetes (this is a County requirement not part of the DfT Standards)	The Group 2 standard precludes the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of	County approach: Drivers with diabetes managed by insulin, a sulphonylurea or a glinide will require a specialist annual medical.	No cost to the licensing authority Cost of medical approx.. £120-50 Licensing authority to write to all drivers to confirm whether they are effected by this

		'medical criteria' to obtain a licence to drive category C1 vehicles. The Council will apply those standards.		
9	Criminality checks for vehicle proprietors	No requirements for licensed vehicle proprietors to provide a criminal certificate	Licensed vehicle proprietors must provide an annual basic disclosure certificate from the DBS unless they are also a licensed driver.	Cost of basic DBS (£23)
10	Criminality checks for private hire vehicle operators	Licensed private hire operators must provide a basic disclosure check from the DBS every 5 years on renewal unless they are also a licensed driver	Licensed private hire operators must provide an annual basic disclosure check from the DBS unless they are also a licensed driver	Cost of basic DBS (£23)
11	Private Hire Operator Booking and dispatch staff	No requirement for operators to make criminality checks on booking and dispatch staff	Private hire operators must have written policies and procedures in place to ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals and set out its approach on employing staff that are ex-offenders. Where a booking is outsourced the operator must ensure the third-party have adequate arrangements in place as outlined above.	Some impact on operators who must develop policies and procedures. Basic criminal conviction disclosure cost £23
12	Use of National Register of Refusals and Revocations (NR3)	Currently specified in the Policy although WODC has some final steps to implement	All new drivers and licence holders on renewal will be checked against the National Register to ensure that they have not been refused or revoked by another Licensing Authority (quite often this would be for grounds that are not included on a DBS certificate e.g. a failed medical)	The Council will be required to carry out all steps as included in the report to the Miscellaneous Licensing Sub-Committee (10.03.21) This provides a more robust check on individuals and assists to safeguard the public

13	Convictions Policy	A current criminal convictions policy	An enhanced convictions policy that adds further conviction categories and extends some of the time scales applicants are expected to be clear of offences. It reflect the statutory standards - see separate conviction policy comparison table below	Existing licence holders may have convictions that fall in the timescales within the proposed policy. It is not reasonable that those licences should automatically be revoked. All existing licences will be considered in line with the new policy and where there is concern, they will be reviewed by a Miscellaneous Licensing Sub-Committee
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Comparison Table for Convictions Policy

Suitability of new applicants is considered in relation to the period of time that has elapsed since the conviction or sentence. Offences are grouped in categories. This table shows a summary of the current and proposed policy

Offence Category	West Oxfordshire District Council's current Conviction Policy	Proposed Conviction Policy
Exploitation	Not included	Never
Violence	3 years	All offences 10 years
Possession of Weapon	Not included	7 years
Sexual Offences	Offences categorised to either never or 10 years	Never
Dishonesty	3 to 5 years	7 years
Drugs	3 to 5 years	5 to 10 years
Discrimination	Not specifically included	7 years
Motoring convictions New Applicants	Minor – isolated should not prevent a person from holding a licence but the number, type and frequency should be taken into account. Major – an isolated conviction should normally merit a warning. More than one within the last 2 years should merit refusal and no further application should be considered for a period of 1 to 3 years from convictions lapsing.	One or more major – 10 years More than one minor – 3 years
Motoring convictions - current licence holders	Same as new applicant	Two minor or one major up to 6 points - licence holder to complete driving assessment More than 6 points referred to a Committee for revocation
Drink driving or under influence of drugs	(i) With Motor Vehicle An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for this type of offence should raise grave doubts as to the applicants' fitness to hold a licence and, where disqualification has occurred, at least 3 years from the date of restoration of the drivers licence should have	7 years since conviction or completion of any sentence or driving ban

	<p>elapsed before the application is considered.</p> <p>If there is any suggestion that the applicant is an alcoholic a special medical examination should be arranged and if the applicant is found to be an alcoholic there should be a period of at least 5 years from the completion of detoxification treatment before an application is entertained</p> <p>(ii) Not in Motor Vehicle An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see above). In some cases, a warning may be sufficient.</p>	
Use of handheld device whilst driving	Not specifically included	5 years since conviction or completion of any sentence or driving ban
Hackney carriage or private hire offence	1 to 3 years	7 years