

## OFFICER RESPONSES TO CONSULTATION

### *DISCLOSURE AND BARRING CHECKS*

Comments raised	Response
<p><b>For drivers</b> I feel that an enhanced DBS check every 6 months instead of every 3 years will put a financial burden on an already fragile economy. It would result in an extra £220 over the 3 years. This does not take into account the administration of 6 monthly checks on over 400 taxi and Ph driver.</p>	<p><b>For drivers</b> Six monthly checks will put the licensing authority in line with the DfT statutory guidance. Once all drivers are signed up to the DBS update service, which the majority of drivers in the Eastleigh borough already are, this will put no further financial burden on drivers. The 6 monthly online DBS check is quick and simple and will demand very little officer time. This will also cut down officer time at the stage of renewal of a driver's licence as no DBS application will be required.</p>
<p>The cost of the checks</p>	<p>The proposal changes from a check every three years to following the DfT statutory guidance for them to sign up to the update service for 6 monthly checks or have a new DBS every six months (see para 6.2 of DfT Guidance). The applicant will apply for an enhanced DBS check, currently at the rate of £40.00. This is paid by the driver. The driver completes the DBS application form with the licensing officer during the application process. The driver is responsible for signing up to the DBS update service and maintaining the annual fee of £13.00 per year. This will be instead of the £40.00 every 3<sup>rd</sup> year.</p> <p>It will be important for applicants signed up to the update service to keep their original certificate and maintain current payment details with the service as failure to do so will require a new application with associated costs and delay the grant of a licence. The DBS is looking at improving the payment options.</p> <p>Currently officers spend time completing the DBS check, this time is levied against the fees applicants pay. As the majority of drivers sign up to the update service, the officer time spent on completing DBS applications will reduce.</p> <p>Licensing fees are ring fenced and cover the costs of the administration of the service. They are not used for any other purpose.</p> <p>The cost is borne by the applicant but is a legitimate business expense. The frequency is on application or renewal. A driver proprietor will be able to use the driver DBS check so there will be no requirement for a second check and keep costs to a minimum.</p>

<p>no licence for anybody that has committed rape or sexual assault or drink and drug offences</p>	<p>The new policy and conditions state - where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.</p> <p>Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p> <p>Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p>
<p><b>For proprietors and Operators</b></p>	<p><b>For proprietors and Operators</b></p>
<p>Policies on ex offenders must be fair, proportionate, and not unfairly bar ex offenders from work. Fairness and proportionality should be taken into account during licensing.</p>	<p>The new policy and conditions reflect the DfT required standard and considered the benchmark to protect and keep the public safe from harm.</p> <p>This is linked to the suitability test contained in the DfT statutory guidance.</p>
<p>Any person who is involved in the hiring of taxi's etc should have an enhanced DBS. I do not think it is good enough that they have a basic one.</p>	<p>Enhanced DBS and barred list checks are not available for vehicle licensing or private hire operator proprietor's and staff.</p> <p>Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC)</p>

<p>I disagree with private hire operators being asked to provide a policy on employing staff with convictions, because there is not enough detail in the proposal, nor a proper definition of convictions. Clearly, if an employee had a conviction that suggested he / she was a danger to women, children or other vulnerable service users, it is better if that person is not employed within a private hire operator's company in any capacity. However, I think as a general rule, employers should be encouraged to employ people with spent convictions, so I would not like this area of work to be closed to them (for example, somebody convicted of a crime involving financial dishonesty, should not be prevented from working in this field).</p>	<p>A basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided below other than those relating to driving, meet the 'fit and proper' threshold.</p> <p>The policy states – the operator shall require staff that have access to personal data to obtain a basic DBS certificate dated no less than 6 months from the start of employment and at least every three years thereafter and to have a policy in place to ensure only appropriate persons are employed that have access to personal data. Operators should look at the current guidance provided by the licensing authority on the matter.</p> <p>Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).</p> <p>In performing their duties operators and the staff working for them, obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.</p> <p>As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers when it comes to unspent convictions.</p>
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### ***Safeguarding & passenger Transport Training***

<b>Comments Raised</b>	<b>Response</b>
<p>Due to the current situation and the reduction of drivers' incomes, it is not fair to impose the costs of these training on drivers. I only agree if these costs are covered by the council.</p> <p>you need to have a university degree to be a social worker. A driver you should be concerned with the road. and leave the wellbeing of the passenger to someone qualified in that field</p>	<p>The initial safeguarding training costs for all current licensed drivers will be met by the licensing authority. The training is being rolled out using the New Forest District Council package and delivered by members of the licensing team to ensure cost are at a minimum in the future.</p> <p>The trade can play a very important role in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in</p>

<p>This is vital. Safeguarding is everyone's responsibility, and they should be trained. These people are perfectly placed to be the eyes and ears in the community. Training should be yearly, there are enough online providers to make this possible and not overly expensive or time consuming. In an ideal world, we should all have safeguarding training before we step out of the door to mix with our fellow human beings. The danger in making such training compulsory is that you end up with a box-ticking exercise, with trainees feeling resentful and like they are being dragooned into jumping a bureaucratic hurdle, simply in order to go out and earn a living, (or, in the case of the voluntary organisation of which I am a committee member, to volunteer in their community, which we should be making as easy as possible, within reasonable limits). I would prefer to see such training sessions made voluntary, with the incentive of a payment towards any lost earnings, so that commitment is required from council AND driver.</p>	<p>the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are 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. Such training is also in line with the DfT statutory guidance.</p>
<p>all drivers should be given disability awareness and that includes accepting guide dogs regardless unless they have an allergy and then a medical exemption certificate needs to be carried at all times</p>	<p>This area is partly covered in the Btec qualification in passenger transport. However, a disability awareness training course is being considered for the future.</p>
<p>All drivers should be required to have obtained an advanced driving qualification prior to their licence being granted, or if currently licensed, prior to its renewal</p>	<p>All new driver applicants are required to sit a taxi driving assessment delivered by the Blue Lamp Trust. The assessment consists of a driving licence and eyesight check followed by a 45 minute driving assessment across a variety of road types. Each candidate will be asked to perform 2 reversing manoeuvres and possibly an emergency stop. A high level of driving competence is required. To pass you must have no serious or dangerous driving faults and no more than 9 driving faults.</p>
<p>I do not agree with the need for Btec qualifications. I believe it was introduced so that the Government could say look at all the qualifications we have helped people obtain. If you are employed at a private hire driver the only thing that members of the public want is someone who is helpful and safe. We have to do a driving assessment with the Blue lamp Trust which is the only test required by other Councils IE. Portsmouth. It is like most things someone thinks it a good idea but does not consider the consequence. We are like many other businesses</p>	<p>The Btec qualification covers the following topics which give the knowledge and skills a professional driver requires. The new policy requires the course to be completed within the 1<sup>st</sup> year of a licence being granted rather than 3 years as it is currently.</p> <ul style="list-style-type: none"> <li>• Health and safety in the taxi and private hire work environment &amp; road safety when driving passengers in a taxi and private hire vehicle</li> </ul>

<p>struggling to get drivers with a average cost of about £400 and then another £250 for the Btec. If you are a school run driver earning minimum wages that is a lot of money to find to get a job which you may not even like. I still say scrap the Btec and accept the Blue lamp course. If you can actually show me that it makes drivers better, then I would be surprised. Experience is the thing that counts and the more you drive private hires the better you become.</p> <p>The btech isn't worth the paper it's written on. It should be a free course provided by the council. I learned nothing new and feel like I wasted £250! Gosport council scrapped the need for this because they realised it was ridiculous.</p>	<ul style="list-style-type: none"> <li>• Professional customer service &amp; routes and fares in the taxi and private hire vehicle industries</li> <li>• Taxi and private hire vehicle maintenance and safety inspections</li> <li>• The regulatory framework of the taxi and private hire industry</li> <li>• Transporting of parcels, luggage and other items in the taxi and private hire industries</li> <li>• Taxi and private hire services for passengers who require assistance &amp; transporting of children and young persons by taxi or private hire vehicle</li> </ul>
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***Driver Dress Code***

<b>Comments Raised</b>	<b>Response</b>
<p>In any decision for the season clothes and temperature should be considered. As long as the items are clean and decent then jeans and shorts should be included.</p> <p>There is a difference between taxi drivers and chauffeurs. Clean presentable clothes yes but dressed as a butler, no. The public have the choice whether to enter the taxi or not There was a driver a few years ago mentioned to licensing about hygiene on several occasions. One comment was he looked like a homeless person that had nicked a car from the local scrap yard. Nothing was done.</p> <p>I'm not sure this is necessary. No problem with jeans being worn. I do not have a problem with drivers wearing jeans, shorts, jogging pants or any type of footwear providing they are safe to drive in. Neat, clean jeans should be allowed</p> <p>it is down to the individual to be clean and tidy. If there is a complaint, then the licensing office should then get involved the correct the individual</p>	<p>As the trade are often the first point of contact when visitors arrive by train for example, it is important to set a positive image of the borough. As professional drivers, they should be clean and tidy in appearance.</p> <p>The new policy sets out what is considered acceptable and unacceptable and had been reached after the trade and officer working group concluded.</p> <p>Appearance is one subject which has attracted complaints from the public in the past.</p>
<p>Banning jeans and shorts, but not skirts? Ridiculous. Private hire operators can choose how their staff drive, but anything beyond basic decency standards is just overreach by the</p>	<p>Some operators do have a dress code for drivers. This is welcomed and encouraged.</p>

<p>council. Sexist, authoritarian and disproportionate.</p> <p>We are self employed and not employed by the council. Are you going to pay for the new clothes? Customers don't care what we look like as long as we don't smell, and the car is clean and tidy. I've asked them! I won't be comfortable in the clothes you are proposing and driving uncomfortable could have consequences! If I can't work because of a dress code, I will sue the council!!!!</p>	<p>Any business costs incurred can be applied as legitimate expenses in tax returns.</p>
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***Door Signage for Private Hire Vehicles***

Comments Raised	Response
<p>Once policy is active it should be clearly communicated so we know what to look for</p>	<p>All policy changes will be published on the taxi web pages and noticeboard.</p>
<p>While the private hire vehicle need not, in my view, have to state the driver on the signage it needs to state the operator (firm) a) for recognition by customers or by those spotting lousy driving or behaviour and b) for the purposes of getting their brand awareness</p>	<p>It clearly identifies the vehicle as a licensed vehicle which is a public safety matter.</p> <p>Provides clarity for customers at locations frequented by PHVs such as night clubs and travel hubs.</p> <p>Not displaying the operator details makes it easier for an unscrupulous driver to take other companies bookings.</p> <p>The operator details provide a clear line of communication for anyone in relation to the use of that vehicle.</p> <p>Many operators in the borough already advertise their trading details on vehicles working under their licence.</p>
<p>I do not believe that there is the need for a sign to be displayed on a Private hire vehicle other than the plate on the rear and the front window plus No Booking No Ride signs. Hackneys have no signs other than a top box which Private hire vehicles had to remove about 15 years ago. If the largest city in England London don't require it. I do not see why Eastleigh feel the need to again do something because it is a good idea in the minds of some people. You talk about it as a safety feature for licensed vehicles. Perhaps you do not understand but private hire vehicles are pre-booked and the customers knows which company is going to collect them. Because of technology most private hire companies text the customer or phone them to say that they are outside. So this being a safety feature is not true. What it does is</p>	<p>The purpose of the stickers is to protect the public and in particular, the vulnerable.</p> <p>Making a vehicle easily identifiable as an Eastleigh Borough licensed vehicle supports the safety aspect of the policy. Customers will know these cars have a high standard, with cleaner engines, thorough testing regime and more.</p> <p>The licensing policy is about public safety, the benefits of setting these standards is to improve customer confidence.</p> <p>Licensed vehicles, unlike a normal private car, are able to travel to nearly any location at any time of the day or night and not raise suspicion, making it an ideal vehicle for criminal activity. For this reason, it is</p>

<p>highlight the vehicle as a private hire vehicle and could make it subject to damage or crime because people may believe that there is money left in the vehicle. Just so there is no doubt I disagree with the idea.</p>	<p>important they are clearly identifiable and licences are only granted to those worthy.</p>
<p>Every taxi should have a number linked to a local database and display the number on side windows both left and right, similar to how Police vehicles all have numbers.</p>	<p>The policy is proposing displaying the licence number on both sides of private hire vehicles. This is already displayed on the front and rear of the vehicle. The public can access information about every licensed vehicle via our public access database available on the borough website.</p>
<p>I feel that the operator's name should be listed on the door sticker, so the public understands which company is operating the vehicle. Public safety is important and a driver who has 5 different apps from multiple operators will increase the chance of the driver using his phone at the wheel. A licensed vehicle should clearly display the operator otherwise there will be more drivers who will pick up without the correct booking. It should be clearly identifiable. I hate the word 'No Booking, No Ride' This feels rude and abrupt. Pre-Booked Only sounds better and will work well with other licensing districts.</p>	<p>Many operators already have their own designs and logos displayed on their vehicles in some form. Option one sticker would give the licence details on both sides of the vehicle allowing the operator to keep their own company design showing their trading name, also on both sides of the vehicle.</p>
<p>these should be magnetic as most cars are used for private purposes as well</p>	<p>Once a vehicle is licensed, it is licensed all the time even when the driver is not working.</p>
<p>"No booking - no ride" signage is appalling. Probably acceptable for Friday night drunk runs, but not for the majority of jobs, particularly business trips and airport transfers. Surely "pre booked only" sets a better tone.</p>	<p>The "no booking no ride" phrase was adopted many years ago after consultation with the trade and licensed transport forum. It was felt that this gave a very clear, easy to understand message.</p>