

# Summary of Proposals

## General

### 1. Licensee self-reporting

Department for Transport (DfT) 4.12	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
Current Situation	72 hours of any cautions, convictions or warnings including but not limited to driving endorsements, driving convictions, police warnings and reprimands, cautions, community service orders, restraining orders, fixed penalties immigration offences, or other relevant matters, including road traffic offences such as speeding.
Proposal	48 hours (2 days) of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence

### 2. Referrals to the Disclosure and Barring Service

DfT 4.14	In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. 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. The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the DBS.
DfT 4.15	The Department recommends that licensing authorities should make a referral to the DBS when it is thought that: <ul style="list-style-type: none"><li>• an individual has harmed or poses a risk of harm to a child or vulnerable adult;</li><li>• an individual has satisfied the 'harm test'; or</li><li>• received a caution or conviction for a relevant offence and;</li><li>• the person they are referring is, has or might in future be working in regulated activity;</li></ul>

	if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.
Current Situation	Not routinely undertaken
Proposal	Relevant matters to be referred to the DBS in accordance with the current guidance.

## Drivers

### 3. Criminality checks for drivers

DfT 6.2	All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). 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.
Current Situation	Yearly
Proposal	Every 6 months or as when required

### 4. Language proficiency

DfT 6.14	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.
DfT 6.15	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.
Current Situation	English language proficiency and numeracy is examined to an extent in the Competency test, which all applicants must pass

Proposal	All applicants must obtain a South Cambridgeshire District Council approved test or equivalent qualification of a driver's proficiency to cover both oral and written English language skills.
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## Operators

### 5. Booking and dispatch staff

DfT 8.8	<p>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.</p> <p>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.</p>
Current Situation	Not currently a condition of the licence
Proposal	It will become a condition of the licence that the operator will be required to keep a register of all staff taking bookings
DfT 8.9	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.
Current Situation	Not currently a condition of the licence
Proposal	It will become a condition of the licence that the operator must ensure that all booking and dispatch staff will be required to undertake a DBS check at the start of their employment and then yearly. Booking and Dispatch staff that work abroad will be required to have a Certificate of Good Character at the start of their employment and then yearly.

## 6. Use of passenger carrying vehicles (PCV) licensed drivers

DfT 8.16	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 vehicle operator's licence without the informed consent of the booker.
Current Situation	Not currently a condition of the licence
Proposal	It will become a condition of the licence that the operator must not use a PCV licensed driver and PSV to fulfil a booking without the consent of the booker.  Where used, the booker must be advised in writing that the driver is subject to different checks and not required to have an enhanced DBS check.