

Consultation Responses (Officer Comments)

1. Requirement to subscribe to the DBS update service

The Council is proposing that holders of a taxi driver licence must subscribe to the DBS update service and to remain subscribed throughout the period that they hold such a licence. The council will then carry out a DBS update check using this service at least every six months in respect of each licence holder.

Queries raised by responders identified in the consultation report:

- *Who covers the cost of the DBS checks (17 references)*
- *Discretion was needed for referrals to the barring service, transparent process needed, honest mistakes (8 references)*
- *How to handle out of area drivers (6 references)*
- *Checks were too frequent and how would this affect the 3-year renewal (5 references)*

Licensing Officer Comments:

1. *The cost of checks will continue to be met by applicants through the fees payable. If the update service is used the licence holders will see a reduction in costs. This is because the update service is £13.00 per year to maintain. The current system requires that a new certificate is applied for each renewal at a cost of £50.00 (subject to increases)*
2. *Any referrals made will be considered in line with the decision-maker's policy*
3. *The handling of out of area drivers is not relevant to this proposal, which relate to the DBS checking of applicants and drivers licensed by Cheshire East Council.*
4. *Cheshire East Council currently issues over 800 driver licences. To undertake a check every six months would be an administrative burden that may affect the efficiency of the service as a whole. There is therefore a reasonable reason to depart from the national standards. The Licensing Team can monitor annual checks and the burden this will involve, if the checks are not overly burdensome then an increase in checks could be suggested at a later date.*

Officers do recommend the following changes to the draft policy:

1. *Frequency of checks be changed to every twelve months*

2. Use of the National Register of Revocation and Refusals (NR3)

The Council is proposing to use the National Register of Revocations and Refusals (NR3) to check the details of all applicants for licences to drive hackney carriage and/or private hire vehicles. This is to confirm that there is no record of them having been revoked or refused a licence by another Council. The Council is also proposing

to use NR3 to record details of applications for licences that we have refused or revoked so that this information is available to other licensing authorities.

Queries raised by responders identified in the consultation report:

- *How to deal with out of area drivers (6 references)*
- *A transparent process is needed in regard to NR3, room for appeals (5 references)*
- *More information on guidelines needed (3 comments)*

Licensing Officer Comments:

1. *The handling of out of area drivers is not relevant to this proposal, which relate to the DBS checking of applicants and drivers licensed by Cheshire East Council.*
2. *NR3 is a data base of information that the Council can access. The use of the information will be informed by the Council's Convictions Guidance*

Officers do not recommend any changes to the draft policy

3. Child and Adult Barred Lists

In the interest of public safety, the Council is proposing that any individual who appears on either of the children and adult barred lists maintained by the Disclosure and Barring Service (DBS) will not be granted a licence.

Officers do not recommend any changes to the draft policy

4. Making referrals to the Disclosure and Barring Service

The Council is proposing to refer information to the Disclosure and Barring Service where it takes a decision to refuse or revoke a licence and where the individual is thought to present a risk of harm to children or vulnerable adults.

Officers do not recommend any changes to the draft policy

5. Response from the Guidelines on the Assessment of previous convictions

The Council is proposing to change our “Guidelines relating to the relevance of convictions” which is set out at Appendix C of the draft hackney carriage and private hire policy. The proposed guidelines are more comprehensive than the current guidelines and provide greater clarity to decision-makers and applicants.

Officers do recommend the following changes to the draft policy:

In Appendix C at paragraph 4.14 the wording should be amended to

4.14 In the interest of public safety, the Licensing Authority will generally not issue a licence to any individual that appears on either the Children or Adult Barred Lists. Should the Licensing Authority consider there are exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be ‘fit and proper’, the reasons for reaching this conclusion will be recorded in a decision notice.

6. Mandatory Safeguarding Training

The Council is proposing that a requirement will be placed on all new applicants for licences to drive hackney carriage and/or private hire vehicles and Private Hire Operators and all existing licence holders to undertake safeguarding training.

Queries raised by responders identified in the consultation report:

- *Who covers the cost of the safeguarding training (6 references)*
- *Experienced drivers would not need training, those driving for school transport already have training, course content needs to be tailored (9 references)*

Licensing Officer Comments:

1. *The Children’s and Families Service can provide this training to existing licence holders at no cost to the driver. It is not known how long this can be provided without cost. That is a matter for the Children’s and Families Service to determine. At that point the applicant or driver can undertake the course with any approved provider.*
2. *Transport Service Solution who have been the organisation that arranges school transport contracts have been requiring that their contract holders undertake some safeguarding training.*

Officers do not recommend any changes to the draft policy

7. English Language Proficiency

The Council currently requires all new applicants for licences to drive hackney carriage and/or private hire vehicles to demonstrate they have suitable oral and written English language skills, by way of a BTEC style qualification. The BTEC Award in Transporting Passengers by Hackney Carriage and Private Hire provides a consistent standard across the whole taxi industry and provides drivers with a meaningful and professional qualification

Queries raised by responders identified in the consultation report:

- *BTEC doesn't go far enough, face to face interviews and assessment are needed to prevent others from completing courses online (10 references)*
- *Current licence holders should be applicable to this, poor skills raised concerns (7 references)*
- *Too complicated, shouldn't apply to UK drivers with good history (3 references)*
- *Who covers the cost, another barrier to new drivers (1 reference)*
- *How to deal with out of area drivers not having this (1 reference)*
- *The idea of such courses is a nice idea however they are often difficult to come by and are an obstacle in the way of a potential new driver. Maybe adopting the Wolverhampton approach to this would be better.*

Licensing Officer Comments:

The Licensing Team is mindful that the number of licensed drivers has reduced particularly during the COVID pandemic. It is therefore important to achieve an appropriate balance between having good standards and expectations of applicants and not having such onerous requirements that new applicants are put off by the standards that they need to meet.

Officers do not recommend any changes to the draft policy

8. Criminality checks for vehicle proprietors

The Council is proposing to require every person who applies for a licence to use a licensed vehicle to provide a basic disclosure check (unless they already hold a licence from the Council to drive hackney carriage and/or private hire vehicles). The Council is then proposing to consider any information revealed by such a disclosure when deciding whether or not to grant a licence to the applicant.

Queries raised by responders identified in the consultation report:

- A transparent process free of bias (7 references)
- This would create a barrier for new drivers (4 references)
- How to deal with out of area drivers (4 references)
- Already required by business (4 references)
- Measures do not go far enough (3 references)
- Individuals have already been punished by the courts, how will people reform (3 references)
- Heavy handed requirement for those will only 1-2 drivers (1 reference)
- Who will pay the costs (1 reference)

Licensing Officer Comments:

It is important to note that those we licence are placed in a position of responsibility with access to information on people's whereabouts or holiday plans. It is therefore important that anyone with any unspent criminal history, that may call into question their suitability to access such information, is identified.

Officers do not recommend any changes to the draft policy

9. Requirement for operators to maintain a register of staff

The Council is proposing to require that all private hire operators maintain a register of all staff that will take bookings or despatch vehicles.

Officers do not recommend any changes to the draft policy

10. Criminality checks for operators

The Council is proposing that every person applying for a private operator licence is required to provide a basic disclosure (unless they already hold a licence to drive hackney carriage and/or private hire vehicles). In addition, the Council is proposing to require every person involved in taking bookings or dispatching vehicles to provide a basic disclosure.

Licensing Officer Comments:

It is important to note that those we licence are placed in a position of responsibility with access to information on people's whereabouts or holiday plans. It is therefore

important that anyone with any unspent criminal history, that may call into question their suitability to access such information, is identified.

Officers do not recommend any changes to the draft policy

11. Age limits for vehicles on initial licence

The Council is proposing the introduction of lower age limits for vehicles upon initial licence with consideration given to granting grandfather rights for existing vehicle licence holders. Due to several Air Quality Management Areas being declared within Cheshire East, an Air Quality Action Plan has been produced outlining the actions we will take to improve air quality. This proposal complements the Air Quality Action Plan measures of promoting low emission transport and encouraging taxis licensed by the Council to comply with vehicle emission limits.

Licensing Officer Comments:

Based on the responses from the consultation it is clear that existing licences holders disagree with this change. Whilst all other responses were in favour of this proposal, Members will need to consider how a balance should be struck between the expectations of the trade and the financial burden placed on them and the expectations of service users and the need to maintain a safe and comfortable fleet of licenced vehicles.

Officers do not recommend any changes to the draft policy

12. Register of Wheelchair Accessible Vehicles

The Council is proposing to publish a list of vehicles that operate within the Borough that are capable of carrying wheelchairs and disabled people in situ.

Officers do not recommend any changes to the draft policy

13. Emission Limits

The Council is proposing to impose vehicle emission limits for vehicles with consideration given to granting grandfather rights for existing vehicle licence

holders. This proposal is aimed at supporting the Council with its objective to reduce the impact of vehicle emissions and improve air quality within the Borough.

Licensing Officer Comments:

The policy states that the requirement for vehicles to be EURO 5 or UK equivalent from the date the policy comes into effect. EURO 5 standard apply to all vehicle licences after 2011. This means that any vehicle still on the licensing register but not meeting this requirement will be 11 years or older. Given the mileage and additional wear and tear taxis undertake, vehicles of this age (unless in exceptionally well maintained condition) will be reaching the end of their life as a licensed vehicle. The EURO 6 requirements were already stated to take effect 24 months after the EURO 5 requirements.

To give Members some context, we currently licence 710 vehicles across both types. At the time of writing this, of this 167 (approx. 23-24%) were registered before 01/01/2011 and would therefore not meet the EURO 5 requirements.

However, if Members were minded to allow additional time for this policy to take effect they could consider recommending an operative date that is different to the date this specific policy change will take effect. Members should also be mindful that any licenses issued under the terms of the previous requirements (i.e. where this policy affects a licence holder mid-way through a licence) the change would not affect them until the renewal of the licence.

Officers do not recommend any changes to the draft policy

Officers do recommend that these sections of the policy (for hackney carriage and private hire vehicles) will take effect after one year of the policy coming into effect for EURO 5 and EURO 6 requirements to take effect 24 months after the EURO 5 requirements take effect

14. 6 month vehicle inspections for licensed vehicles aged 5 years or older

The Council is proposing to introduce the requirement for licensed vehicles, over the age of 5 years, to undergo 6 monthly mechanical inspections to support the provisions of an effective and safe service for the general public. The current policy is that only vehicles over the age of 7 years will be tested every six months.

Queries raised by responders identified in the consultation report:

Licensing Officer Comments:

Officers are mindful of the financial burden that operators have been under in recent years. We have also struggled to increase the number of testing stations despite this going out to tender on a number of occasions. Given the potential increase in pressure on capacity this may be a suggestion that is carried forward to future policy reviews and that the status quo is continued in the short term.

Officers recommend the changes to the draft policy

- 1. That the policy in relation to six month test requirements remains the same as the current policy/conditions (i.e. vehicles over seven years)*

15. Accident Replacement Vehicles

The Council is proposing to amend its procedures on how it deals with the licensing of temporary vehicles in the event of an accident. This is to streamline the current process which currently requires a temporary replacement vehicle to become licensed in its own right.

Officers do not recommend any changes to the draft policy

16. Private Hire Operator Booking Records

The Council is proposing to amend the existing policy to increase the length of time that a private hire operator keeps booking records. It is proposed that private hire operators be required to keep booking records for a minimum of 2 years. The current policy requires an operator to keep records for a period of not less than six months following the date of the last entry.

Officers do not recommend any changes to the draft policy

17. Private hire operators – policy on the employment of ex-offenders

The Council is proposing that a requirement is placed on all those who hold a private hire operator licence to have a written policy on the employment of ex-offenders, which must include reference to the carrying out of Basic Disclosure and Barring Service (DBS) checks on any staff that are involved in taking bookings or dispatching vehicles.

Officers do not recommend any changes to the draft policy

18. Private Hire Operator Complaints Records

The Council is proposing to amend the existing policy to increase the length of time that a private hire operator keeps records of customer complaints. It is proposed that private hire operators be required to keep complaint records for a minimum of 2 years. The current policy requires an operator to keep records for a period of not less than six months following the date of the last entry.

Officers do not recommend any changes to the draft policy

19. Working with Police

The Council currently maintains close links with Cheshire Police to ensure effective and efficient information sharing procedures and protocols are in place and are being used. Do you think there is any more the Council can do?

Officers do not recommend any changes to the draft policy

20. Congleton Zone Changes – Limitation on numbers of Hackney Carriage Vehicles

Currently, only the Congleton Zone has a limit on the number of Hackney Carriage vehicle licences that will be issued. That limit is currently 42. There are no proposals to introduce limits into any of the other Zones and it is proposed to remove the limit of 42 in the Congleton Zone.

Queries raised by responders identified in the consultation report:

- Keep the limit, not enough trade in the area as is and will cost businesses money*
- Need to deal with out of area drivers, stealing trade, restrictions make no difference otherwise*

- *The system needs equity, either cap all places or none of them*
- *More clarity needed, why is this the only zone with cap*
- *Support and listen to drivers in this matter, already difficult enough*

Licensing Officer Comments:

The cap in the Congleton Zone is a legacy left over from Local Government Reorganisation. The use of caps is becoming less common with most Council's now allowing the market to find its own natural level. Conversely to the comments raised, many of the cross border hiring issues may result from a lack of supply in the CEC licensed trade at peak times and the unmet demand, encouraging customers to use companies in neighbouring areas.

Officers do not recommend any changes to the draft policy

21. Macclesfield Zone Changes – WAV Policy

Currently, the Crewe and Nantwich and Congleton Zone have a requirement that all new grant hackney carriage vehicles must be a wheelchair accessible vehicle. This requirement does not apply to the Macclesfield Zone.

Queries raised by responders identified in the consultation report:

- *All vehicles should be accessible for all (5 references)*
- *The cost of having these vehicles would be a barrier, larger fleets would hold a monopoly (3 comments)*
- *Existing licences should not be affected (2 references)*
- *Policy would be too limiting and restricting (2 references)*

Licensing Officer Comments:

The Congleton and Crewe & Nantwich zones already have requirements that new hackney carriage vehicles will be WAV. This policy change will bring the Macclesfield zone into line with those zones. No changes are proposed for private hire vehicles.

Officers do not recommend any changes to the draft policy

22. Hackney Carriage Fares

The Council currently sets the maximum fares payable in respect of hackney carriage journeys. This means that operators cannot charge any more than the set fare, but customers and operators can agree a lower fare.

Queries raised by responders identified in the consultation report:

- *Fares should be raised to cover increasing costs such as fuel, insurance, and cost of living*
- *The same charges should apply to the whole of Cheshire East, unify the system*
- *Fares should increase in line with inflation*
- *Fares should be reduced, taxis are already too expensive*
- *Out of area competition is affecting trade*
- *Fares need to be displayed more clearly, how can the public access this information*

Licensing Officer Comments:

Fares have not been raised for some years and it is clear that current economic and cost of living pressures are affecting all those in society. When the Council has previously proposed increases these have been objected to on the basis that the proposed increase was too high. Proposals to increase the fares will be presented to the Licensing Committee. Proposals will also be considered around amending the way fares are updated to allow the fare changes to become more agile in responding to national pressures.

Officers do not recommend any changes to the draft policy

23. De-zone the hackney carriage zones

Cheshire East is split into three zones for hackney carriage licensing. The zones or areas are the same area as the boroughs before Local Government Reorganisation (i.e. Congleton, Crewe and Nantwich, and Macclesfield). This system means that taxis cannot ply or stand for hire outside of their zone/area and means that each zone/area has its own set of by-laws, vehicle plates, and fares.

Queries raised by responders identified in the consultation report:

- *Remove the zones, one plate for Cheshire East as a whole would make more sense, a more refined system*
- *Out of area plates and drivers are stealing trade, do not respect zones anyway*

- *Against the removal of zoning, small areas with low trade, keep the local knowledge and businesses going*

Licensing Officer Comments:

Officers do not recommend any changes to the draft policy

Paragraph 2 – Officer recommended amendments to the policy

Area of policy	Amendment made
Policy Contents Page	New appendix N – Transfer vehicle process New appendix O – Change of vehicle process New appendix P – Temporary replacement vehicle in the event of an accident process New appendix Q – Surrender of hackney carriage/private hire vehicle process New appendix U – Suggested questions for private hire operator controllers and drivers to ask when receiving a booking or hire request New appendix V – Table of Grandfather Rights for existing licence holders
TBC	New paragraph relating to the National Register of Taxi & Private Hire Drivers Refusals and Revocations (NR3) and how it will be used.
Part 3 (s 3.2.11) – New bullet point 7	Self-declaration in relation to Tax Conditionality requirements (new applicants).
Part 3 (s 3.2.11) – Amendment to bullet point 13	To include the option for Cheshire East Council to authorise a medical provider to undertake Group 2 Medical Assessments. This will hopefully provide an opportunity for new applicants/ existing licence holders to undertake a Group 2 medical assessment in a timely manner for a reasonable cost rather than relying on a GP to complete assessments as part of their private practice.
Part 3 (s 3.2.12) – New bullet point 7	Requirement for existing licence holders to provide Cheshire East Council's Licensing Team with a tax check code.
Part 3 (s 3.2.12) – Amendment to bullet point 12	To include the option for Cheshire East Council to authorise a medical provider to undertake Group 2 Medical Assessments. This will hopefully provide an opportunity for new applicants/ existing licence holders to undertake a Group 2 medical assessment in a timely manner for a

	reasonable cost rather than relying on a GP to complete assessments as part of their private practice.
Part 3 (s 3.2.13)	New paragraph setting out the requirements for applicants and licence holders to sign up to the DBS Up-Date Service.
Part 3 (s 3.2.14)	New paragraph setting out the requirements for applicants and licence holders to comply with the new tax conditionality requirements.
Part 3 (s 3.3.7)	New paragraphs setting out how Cheshire East Council's Licensing Team will deal with vehicles that are considered to be insurance 'write-offs'.
Part 3 (s 3.5.3 – 3.5.8)	New paragraphs setting out the pre-application requirements for Private Hire Operators.
Appendices	See Policy Contents Page above.