

Proposed Changes – BCP Private Hire Operator Policy

Section/ paragraph	Current Policy	Proposed amendment	Reasons for amendment
6.3		<p>New paragraph added as follows</p> <p>Any changes to this policy will be communicated to licence holders via email as soon as practicable to do so.</p>	<p>This ensures that it is clear to licence holders that any changes to policy or practices will be communicated to them during the course of the policy.</p>
8.2	<p>For each listed director or individual, complete a standard criminal disclosure (DBS) form and produce at least 3 forms of valid identification as required by the DBS (note: a fee is payable for the DBS check). A DBS check may not be necessary if the applicant has registered for the DBS Update Service and provides evidence to that effect, or where the applicant is already a licenced driver with BCP Council:</p> <p>c) All applicants must produce evidence of his or her right to work and live in the UK in accordance with the requirements of the Immigration Act 2016. Right to work in the UK will be checked as part of your licence application and this could include the checking of your immigration status with the Home Office. You must therefore provide a document or document</p>	<p>For each listed director or individual, complete a basic criminal disclosure (DBS) form and produce at least 3 forms of valid identification as required by the DBS. A DBS check may not be necessary if the applicant has registered for the DBS Update Service and provides evidence to that effect, or where the applicant is already a licenced driver with BCP Council.</p> <p>All applicants must produce evidence of their right to work and live in the UK in accordance with the requirements of the Immigration Act 2016. Prove your right to work to an employer: Overview - GOV.UK</p>	<p>Amended wording to clarify the DBS requirements and right to work guidance.</p>

	<p>combination that is stipulated as being suitable for this check. The list of documents found via this link https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774286/Right_to_Work_Checklist.pdf.</p>		
8.10		<p>Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of three years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later.</p>	<p>Added new paragraph to clarify reapplication timescales following the revocation of a licence.</p>
9.4	<p>Criminality (see criminal convictions guidelines Appendix B)</p>	<p>Criminality - see assessment of previous convictions annexe of the Statutory taxi and private hire vehicle standards.</p>	<p>Appendix B has been deleted and replaced with a link to the previous convictions section contained within the Statutory Standards which are nationally set and must be referred to in decision making.</p>
9.5	<p>BCP Council will have regard to the IOL guidance on determining the suitability of applicants and licensees in the taxi and private hire trade as a minimum standard https://www.instituteoflicensing.org/docum</p>	<p>BCP Council will have regard to the Institute of Licensing (IOL) Institute of Licensing - Suitability Guidance as a minimum standard however the assessment of previous convictions as set out within the Statutory taxi and private hire vehicle</p>	<p>Added clarity around convictions standards that will be considered when assessing fitness.</p>

	ents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf, however the convictions guidelines in Appendix D will be taken as the base line relating to convictions.	standards as published by the Department for Transport will be taken as the base line relating to convictions.	
9.7	<p>In essence a 'fit and proper' operator:</p> <ul style="list-style-type: none"> • should not be violent, abusive or threatening in their behaviour even if subjected to unpleasant, confrontational or dishonest passenger behaviour or when subject to enforcement action from officers • should be honest and trustworthy with integrity as they have access to a large amount of personal information that could be misused and significant opportunity to defraud people • should work co-operatively with and be civil and respectful towards officers of the Licensing Authority who are carrying out their duties. 	<p>In essence a 'fit and proper' operator.</p> <ul style="list-style-type: none"> • must not be violent, abusive, or threatening in their behaviour even if subjected to unpleasant, confrontational, or dishonest passenger behaviour or when subject to enforcement action from officers. • must be honest and trustworthy with integrity as they have access to a large amount of personal information that could be misused and significant opportunity to defraud people. • must work co-operatively with and be civil and respectful towards officers of the Licensing Authority who are carrying out their duties. 	Replaced the word 'should' with 'must' to convey that this is a requirement that must be fulfilled.
15.2 and 15.3	15.2 Where there are serious allegations that are deemed to pose an imminent risk to public safety, they will need to be investigated and actioned immediately. The Licensing Manager or other Licensing officer will try to contact the driver in question to discuss the allegations. If the officer deems that the complaint is founded, and the evidence is sufficient to support the allegation of an imminent risk to public safety, then the matter will be	15.2 Where there are serious allegations that are deemed to pose an imminent risk to public safety , they will need to be investigated and actioned immediately. The Licensing Manager or other Licensing officer will try to contact the Operators in question to discuss the allegations. If the officer deems that the complaint is founded, and the evidence is sufficient to support the allegation of an imminent risk to public safety, then the matter will be referred to three members of the Licensing Committee to include the Chair and/or	The word 'driver' has been replaced with 'Operators' and unnecessary wording has been deleted

	<p>referred to three members of the Licensing Committee to include the Chair and/or Vice Chair for them to make a decision if any immediate action needs to be taken in respect of a licence.</p> <p>15.3 If members determine that the evidence presented demonstrates there is an imminent risk to public safety, the driver's licence could be immediately revoked and the driver concerned will be notified and required to surrender their badge and paper licence the same day. Members will confirm in writing the decision made and the reasons why the decision was reached.</p>	<p>Vice Chair for them to make a decision if any immediate action needs to be taken in respect of a licence.</p> <p>15.3 If members determine that the evidence presented demonstrates there is an imminent risk to public safety, the Operator's licence could be immediately revoked. Members will confirm in writing the decision made and the reasons why the decision was reached.</p>	
15.5	<p>Complaints of a less serious matter will be dealt with by the Licensing Manager or another licensing officer, who is permitted to issue/authorise a letter of caution and/or suspend a licence for a period of no more than 2 weeks.</p>	<p>Complaints of a less serious matter will be dealt with by the Licensing Manager or another Licensing officer, who may either issue guidance, a formal warning or caution or suspend the licence for a period of no more than two weeks.</p>	<p>Added clarity around the delegated actions the manager can take.</p>
15.6	<p>In all cases of complaint, officers will make reference to the driver licence conditions attached to all licences as detailed in Appendix B, the convictions guidelines in Appendix D, as well as the Institute of Licensing guidance on the suitability of applicants and licensees in the hackney and private hire trades. https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pd</p>	<p>In all cases of complaint, officers will make reference to the Operator licence conditions attached to all licences as detailed in Appendix A.</p>	<p>The word driver has been replaced with operator. Also the Appendix reference has been corrected</p>
15.7		<p>In cases where convictions or cautions have been reported via complaint or direct from the Operator,</p>	<p>Added new paragraph to clarify that complaints will</p>

		reference will be made to the assessment of previous convictions as set out within the Statutory taxi and private hire vehicle standards as published by the Department for Transport	be referenced against the statutory standards previous convictions guidance.
Appendix A section 1.3	The operator shall also keep records of the particulars of all vehicles operated by him, which particulars shall include details of the proprietors, registration numbers and drivers of such vehicles, together with any radio call sign used.		Deleted as duplicated in following sections which caused confusion.
Appendix A section 1.5		To keep a record of long term overseas absences of drivers and notify the Licensing Authority if the absence is over 6 months.	Added an additional requirement to record and report long term overseas absences of drivers.
Appendix A section 1.7		The Operator is required to provide to the Licensing Office on an annual basis on the anniversary of the issue of the licence the following information: <ul style="list-style-type: none"> a) A list of all BCP Licenced vehicles registered with them. b) A list of all BCP Licenced drivers registered with them. c) Confirmation that the details provided by the Operator on their application have not changed. 	Added a new requirement to provide information to the Licensing Authority on an annual basis.
Appendix A section 2.1	Publish a complaints handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making		Deleted sub-section f. This has been updated and added separately in Section 4.

	details of such complaints and investigations available to authorised Council.		
Appendix A section 3.5		The operator shall ensure all staff who take bookings and dispatch vehicles have been provided with suitable training in the awareness of and reporting of, safeguarding concerns which includes human trafficking, county lines and child sexual exploitation. The operator will keep records for all staff who have received training.	Added new requirements for safeguarding and DBS checks for employees.
Appendix A section 4	The operator shall notify the Council in writing (email), within 7 days, of any complaints that are of a serious nature, in line with their policy.	<p>4.1 The Operator shall publish a complaint handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making details of such complaints and investigations available to the authorised Council.</p> <p>4.2 The operator shall notify the Licensing Authority of serious incidents or serious complaints that may bring into question the fitness and propriety of a driver or the operator, regarding any driver or other operator used by the operator within one working day of receipt. This includes incidents or complaints received from third parties and relates to any journey, whether a hiring by the public or from contract work. Any response to a complaint that has already been made should be forwarded to the Council Licensing Team at the same time. Any further responses should be forwarded to the Council Licensing Team on request. The report shall include details of driver(s) vehicle(s) or other Operator(s) involved and the hirers name and contact details.</p>	New content relating to the reporting of complaints to the Licensing Authority

		<p>4.3 A list of complaint types that must be reported to the Licensing Authority includes but is not limited to:</p> <ul style="list-style-type: none">• sexual misconduct, sexual harassment, or inappropriate sexual attention• breaching terms and conditions laid down by the Operator regarding fares and charges including the cancellation of a journey without good reason• unnecessarily obtaining passengers personal information which includes but not limited to social media contact details and telephone numbers• racist behaviour• violence• dishonesty, including but not limited to theft, touting, incorrect routing to inflate a fare• breaches of equality (specifically wheelchair and service animal denial)• road traffic offences including condition of any vehicle and including instances of poor driving standards• any other act that may bring into question the fitness and propriety of the driver or Operator• The Operator shall notify the Council in writing (email), within 7 days, of any complaints that are of a serious nature, in line with their policy• any driver that has been removed from the working through the Operator on a permanent basis.	
--	--	---	--