

### Annexe 3

Reference/page	Recommendation	Current policy	Revised Policy	L & R Committee Jan 2020 Action	Recommendation
3.1 pg. 8	Cohesive policy document to include; Convictions Policy Fit & Proper Test Licence conditions Vehicle standards	All included	All included		NFA The Standards document is based on the IoL policy on convictions rather than Surrey – it is open to the Committee to consider adopting the IoL document
3.5 pg. 8	Review of policy every 5 years	Waverley Currently does	Statement added on to the front cover of the Policy. 'Waverley Borough Council will review this policy at least every five years or sooner in light of any significant changes to legislation or guidance and consult on any proposed amendments. If we make any changes, we will then re-publish the policy'  See Draft policy pg. 1		That Committee Approve the addition and incorporate an annual performance review as part of licensing work programme
3.7 pg. 9	Duration of Licences	Waverley Currently does	NFA		NFA

3.8 pg. 9	Whistleblowing Internal procedures	Waverley Currently does	Addition of reference to WBC's Whistleblowing Policy and web link. See Draft policy pg. 9		That Committee Approve the addition
3.12 pg. 10	Consultation	Waverley Currently does	Expand on consultees to include all recommended		NFA for Committee Officers to include all in consultation
3.14 pg. 11	Changes to licences	Waverley Currently does	NFA		Continue with this practice
4.3 pg. 13	Disclosure and Barring - Enhanced	Waverley Currently does	NFA		NFA
4.5 pg. 13	Disclosure and Barring – Update Service	Currently, all Waverley licensed drivers are subject to enhanced DBS and barred lists checks on application and at renewal of the licence (normally every 3 years)	To include requirement that licence holders must subscribe to update service See Draft policy pg. 14	A requirement that all drivers subscribe to the DBS update service	That Committee <b>Re-Approve</b> the addition
4.11 pg. 13	Maintain Close links to Police and ensure effective information sharing procedures in place	Waverley currently does	NFA		Officers to continue to maintain and expand where possible
4.12 pg. 13	Licensee self reporting - holders to notify relevant matters within 48 hours	Waverley currently requires this to be done within 7 days	To replace 7 days with the recommended 48 hours See Draft policy pg.'s 35, 39, 50,57 & 65		That Committee Approve the change
4.15 pg. 14	Referral to DBS and Police	Waverley has safeguarding procedures in place	NFA		NFA

4.17 pg. 15	Action taken shared with Police	Waverley currently does	NFA		NFA
4.20 pg. 15	Sharing licensing information with other licensing authorities Applicant to disclose if previously refused/revoked/ Suspended	Waverley currently requires applicants to make disclosures at application	NFA		NFA
4.21 pg. 15	Regular communication with neighbouring councils & NR3	Officers have regular contact with other licensing authorities in line with data protection obligations and practices. Waverley has registered with NAFN and is currently working on this NR3 project	Addition of NR3 Draft policy Pg. 8		That Committee Approve the addition
4.26 pg. 16	Multi-agency Safeguarding Hub (MASH)	Waverley Currently does Draft policy 1.9 pg. 54 part mentioned	NFA		NFA
4.29 pg. 17	Recording complaints re Licensees	Waverley takes all complaints seriously – which can be made by a variety of means - email, online form, telephone or letter, and information for passengers is set out on our website.	NFA		NFA

		Complaints are recorded.			
4.31 pg. 17	Passengers able to complain on website	Waverley Currently does	NFA		NFA
4.35 pg. 18	Certificate of Good Conduct	Waverley Currently does Draft policy Pg. 14	NFA		NFA
5.3 pg. 19	Training for Decision Makers	Members of the Licensing Committee are invited to attend licensing training and provided with relevant material. Officers undertake appropriate training and updates as required.	Waverley currently does Members may wish to consider whether more focused or detailed topics are required.		Committee to consider
5.4 pg. 19	General Principles	Waverley Currently does	NFA		NFA
5.6 pg. 20	Regulatory Structure	Waverley discharges functions by Committee and delegation where appropriate and has in place arrangements to deal with serious matters immediately in appropriate circumstances	NFA		NFA
5.12 pg. 21	Fit & Proper Test	Waverley Currently does Draft policy 1.8 Pg. 54	Add 'at any time day or night?'		Committee approve the addition
5.16 pg. 22	Convictions Policy	Waverley already has a clear convictions policy in place, which was instigated and adopted			Committee to consider whether to retain Surrey policy or replace with Institute

		by the Surrey licensing group. An Institute of Licensing (IoL) policy is also available which is intended to provide national guidance on determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire trades. Draft policy Annexe 6			of Licensing version
6.3 pg. 23	Refusal to individual on barred list as part of policy	Waverley currently has the wording 'will not normally be' Draft policy pg. 14 & 14.1 pg. 62	Amend to; 'Will not'		That Committee approve the change
6.6 pg. 24	Safeguarding Training	Current mandatory requirement to undertake CSE training Draft policy Pg. 16	NFA		NFA
6.11 pg. 24	'County lines' exploitation	Currently provide material and information to licensees via email re County Lines when given by Police	NFA		NFA
6.15 pg. 25	Language proficiency	Officers have numerous interactions with applicants including a verbal knowledge of the area test and	Application process involves written (application document & forms) and verbal communication which officers consider efficient		NFA

		<p>understanding of the area. If there is a concern regarding the ability of the applicant driver to communicate in English verbally then Officers refer the application to Committee.</p> <p>Currently, there is no requirement as part of Waverley's licensing process to undertake a written test.</p>			
7.2 pg. 26	<p>DBS check for vehicle proprietors / reviewed annually</p>	<p>Not currently carried out</p>	<p>Add requirement for basic DBS to be mandatory for vehicle proprietors where a Driver DBS is not in place.</p> <p>If vehicle owned by a company/partnership DBS done on all directors Draft policy Pg. 22</p>		<p>That Committee Approve the addition</p>
7.9 pg. 27	<p>CCTV All licensing authorities should consult to identify if there are local circumstances which indicate that the installation off CCTV in vehicles would have a</p>	<p>No Requirement</p>		<p>CCTV can be a valuable tool in crime prevention and detection however it can be intrusive with privacy implications, and provision comes at a cost. Councils need to demonstrate a clear justification for the policy and that they have thought carefully about how the policy will operate in practice so as to</p>	<p>Committee to consider the guidance to the Standards and proposed consultation re CCTV</p>

	positive/adverse effect on the safety of users			<p>minimise the potential for interference with the privacy of passengers and drivers.</p> <p>If operators choose to install CCTV in their vehicles now, it is their responsibility to ensure they comply with the legal requirements from the Information Commissioner's Office (ICO).</p> <p>Annexe 2– The Standards sets out information and guidance on assessing the impacts of CCTV</p>	
7.14 pg. 28	Stretched Limousines	Waverley does not have a blanket ban	Add wording to Policy to clarify that we may accept. Draft Policy pg. 20/21		That Committee Approve the addition
8.2 pg. 29	Basic DBS check for PH Operators to be undertaken annually	Waverley Currently does Draft policy Pg. 28	<p>Add requirement If owned by a company/partnership DBS done on all directors. Draft Policy pg. 28</p> <p>Requirement to notify of any change of directors etc. Draft Policy pg. 28</p>		That Committee Approve the addition
8.8 (8.10) pg. 30	Register of all staff that will take bookings/despatch vehicles is kept by Operator	No	Add. Draft Policy pg. 28	<p>Requirements for Private Hire Operators to:</p> <p>a. Hold and maintain a register of all staff that have contact with the public, etc.</p>	That Committee <b>Re-Approve</b> the addition

8.9 pg. 30	Operators to evidence that they have had sight of DBS re staff	No	Add. Draft Policy pg. 28	Requirements for Private Hire Operators to: with the public, etc. b. Be able to evidence that a basic DBS check is in place for staff listed on their register, and	That Committee <b>Re-Approve</b> the addition
8.12 pg. 31	Operators & applicants to provide policy re employing of offenders	No	Add. Draft Policy pg. 28		That Committee Approve the addition
8.13 pg. 31	Record Keeping	A Requirement for the majority	Make mandatory to keep the full list of information for each booking as a minimum. Draft Policy pg. 49		That Committee Approve the addition
8.16 pg. 31	<b>Use of passenger carrying vehicles (PCV)</b> 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 PHV booking should not be permitted as a condition of the PHO licence without consent of	No	Officers feel that the recommendation at 8.16 would cause confusion and will be difficult to enforce. It would be better to stay with the Jan 2020 recommendation. Pg. 28/29	Requirements for Private Hire Operators to: c. Prohibition on use of Passenger Carrying Vehicle (PCV) licensed drivers	That Committee <b>Re-Approve</b> the addition of the Jan 2020

	the booker				
9.2 pg. 33	Authorise Enforcement officers from other authorities	Waverley has arrangements in place with other Surrey authorities and may wish to extend this to other neighbouring county areas		RESOLVED to recommend to Full Council that: i. the Hackney Carriage (Taxi) and Private Hire enforcement functions under the legislation set out in Appendix A of the report be delegated to the Surrey Local Licensing Authorities (as set out in Appendix A), in addition to these functions being retained within the Borough; and, to similarly receive the same delegated Taxi and Private Hire enforcement functions of the Surrey Local Licensing Authorities. And, ii. the responsibility for relevant Taxi and Private Hire licensing legislation in accordance with Part 3 (Responsibility for Functions) of the Council's Constitution, which confirms an existing delegated power to the Head of Environmental & Regulatory Services at part 1.3 of the Council's Scheme of Delegation	NFA

				(authorisation to enforce all relevant Hackney Carriage (Taxi) and Private Hire licensing legislation), be extended to include the authorisation of officers of other Surrey authorities participating in a Joint Warranting Scheme.	
9.6 pg. 34	Suspension and revocation of driver licences - including on basis of Immigration Penalty/Conviction	Guidance for licensing authorities to prevent illegal working in the taxi and private hire vehicle sector issues issued by the Home Office to be reviewed and action taken as appropriate			Committee to note and officers to undertake review of Home Office guidance and existing licences where appropriate