

Oadby and Wigston Borough Council have adopted the guidance with immediate effect.

The changes are as follows:

### **Fit and Proper Test**

Until now there has been no statutory definition of what amounts to a 'fit and proper' person for the purposes of the legislation and each licensing authority was free to develop its own test. Invariably that test was based on the case of McCool –v- Rushcliffe Borough Council which has been adopted, and updated to form part of this guidance as follows:

**Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?**

### **Disclosure and Barring Service (DBS)**

This authority requires every applicant for a drivers licence to undertake an enhanced DBS check on application and every 3 years on renewal. Under the new guidance all drivers and operators will be required to subscribe to the DNS Update Service at their own expense. This will enable the authority to review the DBS record of a driver or operator at any time, but it is recommended that the records should be reviewed every six months as a minimum.

In addition there is a new requirement that all Booking and Dispatch staff should be subject to a basic DBS check and it will be mandatory for operators keep records of any individual that responded to the booking request and/or despatched a vehicle to the booking request.

### **Information Sharing**

NR3 is a voluntary scheme that is run and managed by the National Anti-Fraud Network. The NR3 scheme contains records of persons who have had licence applications refused or revoked and enables a local authority to check where they suspect that a driver may have held a licence previously and not disclosed it on their application. As the scheme is voluntary it does not hold many records and is therefore not as effective as it could be. The guidance makes it clear that '...NR3 should be used by licensing authorities to share information...' and therefore the quantity and quality of information available through the scheme should rapidly improve.

The guidance is also clear that where action is taken on information received from the police then the outcome should be fed back to the police.

### **Safeguarding and Child Sexual Exploitation (CSE)**

For a number of years the Council has required all new applicants to undertake a course to equip drivers with the skills required to recognise the risk of CSE. That course does not necessarily equip a driver to identify child or adult safeguarding concerns or issues around 'County lines'. Given the stated aim of the guidance, 'to protect children and vulnerable individuals who are over 18 from harm when using these services' that issue now takes a higher priority and the Council's current CSE



course will be expanded to cover all safeguarding issues in a wider context including 'County Lines' exploitation as well as specific sexual exploitation.

Such is the concern over the wider safeguarding issues a refusal or revocation of a licence based on safeguarding concerns will automatically become reportable to the DBS.

### **Certificate of Good Character**

A number of drivers registered with the authority are foreign nationals or otherwise spend long periods of time abroad. Difficulty can often be experienced when trying to assess such drivers, either on initial application or renewal, due to difficulties in accessing relevant information with a reliance on the driver to provide information. Under the new guidance where a driver (or applicant) has been living or working abroad for more than 3 continuous months the Council may require a 'Certificate of Good Character' to be submitted with an application. Generally a Certificate of Good Character is the equivalent of a DBS check issued by the local police/administration in the foreign jurisdiction.

### **Mandatory Language Proficiency Tests**

A lack of language proficiency can 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.

A lack of language proficiency can also impact on a driver's ability to engage with his passengers leading to confusion and potential conflict particularly in the night time economy scenario where more passengers have imbibed alcohol and their inhibitions are likely to be reduced.

The Guidance requires that a licensing authority's test of a driver's proficiency should cover both oral and written English language skills sufficient to achieve the objectives stated at 7.1 above. It will automatically follow that where that level of proficiency is achieved there will be a beneficial impact on the outcomes outlined above.

### **Previous Convictions**

For the first time the statutory guidance introduces a common approach to the consideration of the impact of previous convictions.

The recommendations in the main follow the guidance that was published by the Institute of Licensing in 2018 which was adopted by this authority.

### **Retrospectivity**

The new guidance is retrospective in that it also applies to current licence holders and such licences should be reviewed. The guidance however does not suggest that licences should be automatically revoked overnight, so for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle.



The following link details the whole report

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf)

Please ensure that you read the document and familiarise yourself with the contents as there are actions which are required by Operators their staff and Drivers to complete.

Should you require any further information please do not hesitate to contact the Licensing Team on 0116 2888961.

