

APPENDIX 6 - OPERATOR STANDARDS

Operator Proposed Standard 1	Trafford Current standard																
<p>Private Hire Operator Licence Conditions A set of proposed licence conditions for Private Hire Operators are set out at Appendix 3. The conditions set out expectation and responsibilities with regards to how records should be kept in relation to booking, vehicle and drivers working for their company.</p>	<p>The current conditions set out expectation and responsibilities with regards to how records should be kept in relation to bookings, and vehicle and drivers working for their company.</p>																
<p>Reason for Proposal</p>																	
<p>Each local authority already has licence conditions for their private hire operators, but they vary across the conurbation. The Licensing Managers Group reviewed their own conditions and collectively proposed a set of updated and revised conditions, with an enhanced focus on the expectations on Operators with regards to records and staff vetting.</p> <p>Specific new conditions were also proposed to make it clearer and easier for licensing authorities to scrutinise records and bookings that have been sub-contracted. Due to the high level of bookings being subcontracted, local standards have been undermined and the travelling public lack awareness of the implications for their safety. The proposed conditions require operators to make it clear to passengers which authority the vehicle and driver they are dispatching is licensed by.</p>																	
<p>Consultation Response</p>																	
<p><u>GM level response:</u></p> <p>Less than a fifth of respondents in each category chose to comment on the Operator standard proposals (19% of member of the public, 12% of Hackney respondents and 11% or PHV respondents). Those that provided a comment gave a significant number of general comments:</p> <table border="1" data-bbox="209 1783 1362 1991"> <thead> <tr> <th data-bbox="209 1783 363 1883">Standard</th> <th data-bbox="363 1783 507 1883">General public</th> <th data-bbox="507 1783 651 1883">Hackney Drivers</th> <th data-bbox="651 1783 794 1883">PHV Drivers</th> <th data-bbox="794 1783 938 1883">PHV Operators</th> <th data-bbox="938 1783 1082 1883">Businesses</th> <th data-bbox="1082 1783 1225 1883">Vehicle Leasing Company</th> <th data-bbox="1225 1783 1362 1883">Representatives</th> </tr> </thead> <tbody> <tr> <td data-bbox="209 1883 363 1991">General Comments</td> <td data-bbox="363 1883 507 1991">80</td> <td data-bbox="507 1883 651 1991">13</td> <td data-bbox="651 1883 794 1991">17</td> <td data-bbox="794 1883 938 1991">6</td> <td data-bbox="938 1883 1082 1991">0</td> <td data-bbox="1082 1883 1225 1991">1</td> <td data-bbox="1225 1883 1362 1991">4</td> </tr> </tbody> </table>		Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Businesses	Vehicle Leasing Company	Representatives	General Comments	80	13	17	6	0	1	4
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This table breaks those comments down thematically across the respondent categories:

General Comment on Operator Standards	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with the proposals (general)	67	8	6	3	0	1	4
Disagree with the proposals (general)	3	3	6	1	0	0	0
Concerns of illegal activities	8	2	0	2	0	0	0
Proposals are already in place	3	1	5	1	0	0	0
Base	80	13	17	6	0	1	4

Almost half of all comments received gave a general comment about proposal and the response was varied:

General public: generally expressed agreement with the proposed standard:

“These are important measures to make sure every journey is safer for everyone.” (Public, age 25-34, Bolton)

Hackney drivers: generally expressed agreement with the proposed standard, however, three disagreed:

“I believe that this is a good idea which will help to protect the public and make them feel safe to know and should be their right as a minimum” (Hackney Driver, Tameside)

PHV drivers: expressed a very mixed view with six giving a positive comment and six a negative one about the proposed standard.

“Because either a driver or operator we all are providing public service and we all should go through same procedure.” (PHV Driver, Oldham)

“They already keep records of bookings, driver and vehicles details.” (PHV Driver, Oldham)

Concern about illegal activities: There was some concerns raised by hackney drivers (n=2) and members of the public (n=8) with the current enforcement and emphasised the need for this to be addressed.

“A severe crackdown on non-complying drivers/operators will need to be carried out as I think the requirements will be extremely onerous to them and illegal companies will be set up” (Public, age 55-64, Bolton)

“Too many stories of taxi drivers getting a licence then 3 drivers driving the vehicle on same licence. It’s not fair or safe” (Hackney Driver, Wigan)

PH Operator:

“The proposed private hire operator conditions would impose significant additional operational burdens on each of our operator licenses, without any clear benefits for passenger and driver safety or quality, and may mean we would need to reassess whether it is commercially viable to retain all existing operator licenses in Greater Manchester”.

This table shows the breakdown of responses where comments were made specifically about the licence conditions showing only 9 members of the trades commented on the conditions:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Common licence conditions	39	1	7	1	0	0	0

The following are a selection of the concerns raised in the comments about conditions:

“Please can it be considered to make it compulsory to allow guide dogs and other assistance dogs in all vehicles and that a text or similar system should be installed to help deaf or hearing-impaired people communicate.” (Public, age 45-54, Salford)

“The drivers cancelling jobs should be controlled, I’ve been stranded at work a number of times when taxi companies cancel the jobs after accepting it!” (Public, age 35-44, Manchester)

“Common licence conditions: Answering phone calls courteously, clearly, providing relevant information asked for by the user. Providing taxi when called for, not absconding / avoiding a call / not having a taxi that does not show up. Clear information about fares and timeframe - time of arrival, approximate time to destination. Criminal record checks: same as before, further protection of female passengers, especially in Rochdale area.” (Public, age 25-34, Rochdale)

“With the advent of technology, it should be simple of the driver to be able to give a cost of the journey before it begins. This creates transparency for all and stops differing fares for the same journey.” (Public, age 35-44, Bolton)

“Please bring some kind of checks where all local authorities should be able to check/monitor the way work gets distributed as many drivers don’t get same work but when it comes to radio money everyone pays same but some get more work in terms of favouritism.” (PHV Driver, Bury)

“I’ve had a few racist remarks made to me by taxi drivers in Manchester, the operators don’t take complaints seriously. Drivers should have to have ID visible at all times and operators should be required to have some complaints process”

which can be reviewed by Greater Manchester councils.” (Public, age 25-34, Salford)

PH Operator

A number of detailed submissions were made by an Operator about 7 specific Operator licence conditions. These have been fully considered and the proposed amendments recommended by officers are set out at **Appendix 4** (which have in turn been updated in the Conditions at Appendix 3).

Trafford Response:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Businesses	Vehicle Leasing Company	Representatives
General Comments	19	1	2	0	0	0	0

General comments: Nearly all the general comments from the public expressed general agreement with the proposals.

“There is a need to regulate this service and to ensure a common standard for the safety of users, especially the vulnerable” (Public, age 55-64)

“This is fine, but needs to be policed.” (Public, age 65-74)

Comments and considerations

There was no strong opposition overall to the Operator licence conditions, with comments from within the trades minimal in number and the vast majority of those that responded supporting the proposal. Members of the public overwhelmingly agreed with the Operators standards in general.

There was strong opposition voiced by one Operator both about the conditions in general and with regards to a number of individual conditions as referred to above and these have been fully considered, resulting in some amendments. The proposed conditions seek to protect the integrity of the standards within each of the 10 GM authorities, and assist officers to more effectively address and tackle issues that undermine public safety.

A number of the concerns made in the comments fall outside the remit of the proposed standard (it is already compulsory in law for example for drivers to allow assistance dogs to be carried in the vehicle unless the vehicle is exempt, or the way Operators distribute work to their employees), but overall there was a keenness that Operators should be more robustly monitored and scrutinised through effective compliance, which begins with clear and robust licence conditions.

As with the private hire driver licence conditions, there is a risk that stricter conditions will motivate private hire operators to simply obtain Operator licences in other authorities and

use drivers and vehicles licensed by those authorities to fulfil bookings taken by the Operator based within GM. This is the case for many of these proposals as identified at the beginning of the report and will require strong representations to be made to government to highlight this risk to authorities seeking to raise the bar in taxi and private hire licensing.

Many of the licence conditions proposed already exist in one form or another across the conurbation.

Recommendation

To implement the standard as proposed.

Operator Proposed Standard 2	Trafford Current standard
<p>Criminal Record Checks for Operators and Staff*</p> <p>To introduce a condition on the Operator licence requiring operators and their staff (paid or unpaid) who have access to bookings to be DBS checked annually to ensure that only safe and suitable people have access to operator records.</p>	<p>No current requirement for DBS checks on Operators or their staff.</p>
<p>Reason for Proposal</p>	
<p>It has been an identified gap in the licensing regime for a while that Operator staff are not required to be vetted in any way in relation to their character and criminal record.</p> <p>The Statutory Guidance makes it clear that although Operators and their staff have minimal if any direct contact with passengers, licensing authorities should be assured that those granted Operator licences and their staff, also pose no threat to the public and have no links to serious criminal activity. For example, an Operator base dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. As licensing authorities we must be satisfied that these individuals (as well as drivers) are safe and suitable individuals to have access to such information and opportunity. The guidance goes on to specifically state:</p> <p>“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”.</p> <p>It also goes on to state:</p> <p>“Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to</p>	

evidence that comparable protections are applied by the company to which they outsource these functions.”

Whilst the guidance does not go wider than those staff, the GM MLS proposes that all staff employed either in a paid or unpaid capacity should be subject to these checks. As practitioners we are aware of the opportunity that any staff member within an Operator company has access to sensitive or personal information that could be misused to take advantage of or exploit passengers or their possessions, and consider it reasonable to require Operators to ensure their staff have the basic DBS check at least annually.

Consultation Response

GM level response:

A fair number of comments were made by members of the public in relation to this proposal alongside 40 comments from trade respondents:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Criminal record checks for operators and staff	76	13	16	6	0	2	3

This table breaks those comments down thematically across the respondent categories:

Comment Theme	General Public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Agree with all operators and staff having criminal record checks	59	9	8	1	0	0	1
Agree because operators hold a lot of private information	3	0	0	0	0	0	1
The operator should not need DBS check	8	2	2	3	0	1	0
Concerns about data protection with DBS checks / amount of details operators keep	3	0	3	0	0	1	0
DBS checks should be less frequent / less than annually	2	2	3	2	0	0	1

DBS checks should be more frequent / every 6 months	2	0	1	0	0	0	0
Base	76	13	16	6	0	2	3

Most comments expressed agreement with the proposed checks:

“Don’t have an issue with operators having CRB checks done.” (Operator, Rochdale)

“Anyone who has close dealings from the public should have a criminal record check, including the people mentioned here. Also, checks must be made to make sure the person who is the driving licence holder is actually the person who took the test.” (Public, age 65-74, Salford)

“Criminal record check for all operators and their staff should be mandatory every six months, and enforcement checking conducting frequently” (Public, age 55-64, Bolton)

“Ensures a level playing field across private hire drivers and operators as there are many who currently don’t have to go through the same processes as drivers yet they play an equally as important role especially with regards to having DBS checks. It would also be better for the authority to implement annual enhanced DBS checks, similar to what is used by healthcare professionals - this will help maintain the integrity of drivers and whittle out any drivers who don’t conform to their licence conditions.” (PHV Driver, Bolton)

“Criminal records checks for operators are crucial and should be taken more seriously. Operators have access to sensitive information and making sure that information doesn’t fall in the wrong hands is paramount for the safety of the public.” (Public, age 25-34, Bolton)

A relatively small number (8 members of the public and 8 trade respondents) were in disagreement with the checks on operator staff:

“I see no reason for a DBS check to be mandatory for call handlers. Only drivers need any sort of check.” (Public, age 18-24, location not provided)

“Why should staff in the office be required to have DBS checks. It’s a private business and by law we are allowed to employ anyone who is hard working and will be good on the phones. Is everyone working in hotels or shops have a DBS check. In our society, if one has served their time, then they are allowed to interact with normal society Staff in the office have to adhere to strict data protection laws and GDPR so this is again an extra burden on small businesses with extra costs. Why don’t you check Uber and see who their directors and staff are. They have been charged with data breaches and you have given them operators licence again and again. So, this is a totally draconian measure in our opinion.” (Operator, Rochdale)

“Criminal record checks for staff working in a taxi base, so if there was conviction a long time ago for fighting or ex ex etc. is it fair for them not to get a job as a phone staff.” (Hackney Driver, Bolton)

Some comments expressed concern about the frequency of check and suggested a lack of understanding about the DBS Update Service facilitating frequent checks online simply using the certificate number (without the requirement to apply for a new certificate each time):

“DBS checks every year would be impossible to monitor and control for large firms, no other industry does this.” (Public, age 55-64, Bolton)

“DBS checks every year? This is ridiculous. Even teachers only have 1 DBS throughout their professional career, providing they do not have a break for longer than 3 months. Some schools actually do a 3 yearly DBS, but it is not needed by law or a requirement. Why do you think it’s a good idea for operators to require a yearly DBS?” (Operator, Trafford)

Trafford Response:

Standard	General public	Hackney Drivers	PHV Drivers	PHV Operators	Business	Vehicle Leasing Company	Representatives
Criminal record checks for operators and staff	7	1	0	1	0	0	0

Criminal Record Checks: Seven members of the public commented on criminal record checks with respondents feeling they are important:

“Criminal record check on all operators from abroad in in their country of origin if can't prove any should not be given a licence.” (Public, age not provided)

“At the end of the day you're putting your trust into a person that you do not know. You are interesting that person with your life. Therefore, it should only be right that any criminal convictions should be noted, especially if they're offer sexual nature or GBH.” (Public, age 35-44)

One operator commented:

“DBS checks every year? This is ridiculous. Even teachers only have 1 DBS throughout their professional career, providing they do not have a break for longer than 3 months. Some schools actually do a 3 yearly DBS, but it is not needed by law or a requirement. Why do you think it’s a good idea for operators to require a yearly DBS? Because of the issues with a minority in Rotherham and Rochdale? Even councillors have issues, look at the Altrincham councillor, who was also a school teacher? Does this mean all councillors and schoolteachers require a DBS yearly? The DBS is a pathetic waste of time and money, but it gives council a feeling of doing the right thing. DBS's are only good if the

person is caught or charged with an offence. What good are they if they haven't been caught? Even Jimmy Saville would pass one. Which bright spark thought a Yearly DBS check for PH operators was a good thing? DO nursery nurses or any other profession have a yearly one? No, Even the Passenger assistants on school runs do not have this! I would agree to a 5 yearly one but not a yearly one.” (Operator)

Comments and considerations

Whilst most respondents were supportive, those that weren't seemed to lack understanding of the specific risks within the sector.

There will be additional cost burdens to Operators and their staff to carry out these checks initially, but once conducted an annual DBS Update fee can be utilised to reduce the annual cost to £13 per individual. Given the serious risks identified to children and vulnerable adults, this is considered to be a relatively low cost to mitigate the risk as a responsible employer within the industry.

Whilst it could be considered further risk to impose stricter requirements on GM Operators, driving them to turn to other authorities, this risk is relatively low considering the recommendation in the statutory guidance is for all local authorities to require checks be conducted by their licensed Operators. The rationale for these checks is clearly made and supported in principle by the DfT's latest guidance.

Recommendation

To implement the standard as proposed.