Private Hire Operators Name: XXXXXXXXXXXXXXX

Private Hire Operators Licence Number: XXXXXXXXXXXXX

Document Date: XXXXXXXXXXXXX

**PRIVATE HIRE OPERATORS**

**POLICY ON THE EMPLOYMENT**

**OF EX-OFFENDERS**

(For booking and dispatch roles)

The Department for Transport’s *Statutory Taxi and Private Hire Vehicle Standards* recognises a public safety risk from the employment of unsuitable staff to booking/dispatch roles, and states:-

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| *‘Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators’ staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.’* |

*https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf*

In line with these standards, this document details the approaches with reference to booking/dispatch staff and the employment of ex-offenders to such roles, by the licensed private hire operator.

These measures will not apply to licensed drivers who undertake booking/dispatch roles, as they are subject to checks conducted by the Licensing Authority

We will review this policy every XX years.

**We are aware that these requirements form part of our licence conditions and that failure to comply with the licence conditions may result in action, including but not limited to prosecution, suspension, or revocation.**

**PART A** – ONLY FOR OPERATORS THAT DO NOT UTILISE ANYONE BUT ASHFORD BOROUGH COUNCIL LICENSED DRIVERS TO BOOK/DISPATCH PRIVATE HIRE VEHICLES

As part of our operations, we do not utilise any staff, other than Ashford Borough Council, licenced private hire or hackney drivers, for the purposes of taking bookings or dispatching vehicles to complete bookings.

Should this position change then we will review this policy in full, and submit to licensing@ashford.gov.uk for consideration prior to using such persons.

We will additionally review this position every XX years, as highlighted on page 1.

Signed:

Name:

Date:

**PART B** – ONLY FOR OPERATORS THAT USE BOOKING/DISPATCH STAFF THAT ARE NOT LICENSED PRIVATE HIRE OR HACKNEY DRIVERS

**Register of booking/dispatch staff**

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| Ashford Borough Council Private Hire Operators condition;**5.12** The Private Hire Operator shall maintain a live register of all staff that take bookings or dispatch private hire vehicles. The register shall include name, address, and telephone number of the staff member …. |

In order to comply with this condition we will keep a register of all staff taking bookings or dispatching vehicles (regardless of their role) by;

* You should detail here how the register will be maintained (i.e. a book, on computer, etc.).
* You should detail here where the records be kept (i.e. at home, at an operating base, etc.)

To ensure that this register is kept up to date at all times we will;

* You should detail here at what stage you will add new entries for new staff
* You should detail here at what stage you will ensure that entries remain correct and are updated when needed (i.e. when staff change home address, etc.)

The register will be available for inspection by the Licensing Authority or Police on demand.

**Basic DBS checks on booking/dispatch staff**

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| Ashford Borough Council Private Hire Operators condition;**5.12** … The register shall include … evidence that they have viewed the staff member’s certificate of basic disclosure from the Disclosure and Barring Service (dated within a month of viewing). This would include the date of viewing, the date of the certificate along with any reference number(s), and a comment as to whether there were any entries on the certificate. |

In order to comply with this condition we will ensure that we have viewed the DBS certificate of all existing booking/dispatch staff by;

* You should detail here by what date you will have reviewed the DBS certificate of all existing staff, by what date all such checks shall be recorded in the live register, and what action you will take in the event that a DBS certificate is not supplied.

All new booking/dispatch staff will be required to supply a Basic DBS Certificate (less than one month old) prior to being permitted to work in booking/dispatch roles. We will do this by;

* You should detail here the steps you will take to request such certificate prior to the employment starting, such as the stage you will request the certificate etc.
* You should detail here how and when the checks will be recorded in the register
* You should confirm that unchecked persons will not be permitted to conduct booking/dispatch work.

For each employee in booking/dispatch role, we shall record in the register of booking/dispatch staff the following information:-

* The date on the Basic DBS Certificate
* The Basic DBS Certificate reference number
* The date the Basic DBS Certificate was viewed (must be within one month of the date on the certificate.
* A comment as to whether there were any entries on the certificate

**Note**: Booking/Dispatch staff who are also Ashford Borough Council Licensed Hackney and/or Private Hire Drivers do not need a basic DBS check due to the enhanced checks conducted as part of being individually licensed. The Private Hire Operator will, along with normal requirements, ensure that such a person remains licensed at all times whilst employed.

**Ensuring staff notify the employer of any convictions whilst employed**

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| Ashford Borough Council Private Hire Operators condition;**5.13** The Private Hire Operator shall ensure that any staff employed for the purposes of taking or dispatching private hire vehicles shall, as part of their employment contract, be required to notify the operator of any convictions whilst they are employed in that role. |

In order to comply with this condition we will;

* You should detail here the steps you have taken to ensure existing staff are required to notify the operator of convictions (i.e. amending contracts of employment, and written instructions to employees)
* You should details here the steps you have taken to ensure new staff are required to notify the operator of convictions (i.e. including it in a contract of employment)

We will keep copies of employment contracts and written instructions for inspection by authorised officers of the council.

**Outsourcing booking/dispatch function**

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| Ashford Borough Council Private Hire Operators condition;**5.14** The Private Hire Operator shall, where booking or dispatch functions are outsourced, be required to retain evidence that comparable protections are applied to the company to which the work is outsourced in terms of the register of booking and dispatch staff and contacts of employment (as described in the preceding two conditions). This evidence shall be submitted on request to the Licensing Authority. |

We shall retain the following records/evidence of such checks:-

* You should detail here the check you are conducting (in line with the conditions listed on this document) and the evidence that you will retain as proof of such checks.

Those records will be made available to the Licensing Authority and/or Police on request.

**The employment of ex-offenders**

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| Ashford Borough Council Private Hire Operators condition;**5.15** The Private Hire Operator shall keep an up to date written policy on the employment of ex-offenders in booking and dispatch roles, and apply appropriately. The written policy shall be submitted to the Licensing Authority on request and at licence renewal. |

In order to comply with this condition we will consider any convictions of those employed or to be employed in booking/dispatch roles. In considering such convictions, we will have regard to the Statutory Taxi and Private Hire Vehicle Standards, which state;

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| … those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car. |

That annex is copied at the end of this document.

In the event of a relevant conviction for a booking/dispatch member of staff we will take the following action;

* You should detail here what you will do in the event that a member of staff has a relevant conviction (i.e. immediately removing them from being involved in booking/dispatch work)

Signed:

Name:

Date:

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| Annex – Assessment of Previous Convictions Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is ‘fit and proper’ to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this. **Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department’s view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence. Crimes resulting in death Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed. Exploitation Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list. Offences involving violence against the person Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Possession of a weapon Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Sexual offences Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. Dishonesty Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.Drugs Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. Discrimination Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Motoring convictions Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence. Drink driving/driving under the influence of drugs Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. Using a hand-held device whilst driving Where an applicant has a conviction for using a held‐hand mobile telephone or a hand‐held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. |

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf>