

Licensing Committee

04 September 2019



Title	Revision of Hackney Carriage & Private Hire Licensing Policy		
Purpose of the report	To make a decision		
Report Author	Rob Thomas, Principal Licensing Officer		
Cabinet Member	Councillor Richard Barratt	Confidential	No
Corporate Priority	Clean and Safe Environment		
Recommendations	<p>It is recommended that the Licensing Committee opts to approve this draft version to go out to the trade for a full four-week consultation, following an in-depth conversation concerning the suggestion for imposing restrictions of tinted windows in particular.</p> <p>With reference to the NAFN’s National Register of Refusal & Revocations (NR3), the Committee is asked to consider granting permission for steps to be taken towards implementing its use without delay. Letters could pre-emptively be sent to individuals involved (as per point 2.4) whilst the Policy in full is out for consultation – so that the Licensing department is in a position to submit data to the NR3 sooner than later.</p> <p>With reference to point 10 (the implementation of a joint warranting scheme in conjunction with other Surrey authorities), an additional recommendation is made that the Committee recommends Council to amend the scheme of delegations to allow for LEOs from other Surrey authorities to exercise enforcement duties against Hackney Carriage and Private Hire vehicles licensed by Spelthorne but working outside of its jurisdiction.</p>		
Reason for Recommendation	<p>Spelthorne Borough Council’s Hackney Carriage and Private Hire Licensing Policy (hereafter referred to as ‘the Policy’, attached as Appendix A) has been revised in light of recent discussions at the Surrey Licensing Managers Forum, to prevent prospective applicants from “shopping around” boroughs and thus promote the safety of the taxi using public.</p> <p>It is however accepted that some measures (such as imposing restrictions on window tinting in licensed vehicles) have the potential to be more contentious, and the Committee is therefore encouraged to discuss these matters in detail.</p>		

1. Summary of key matters for consideration

In summary, the key amendments to the Policy include: -

- the adoption of the National Anti-Fraud Network (NAFN)'s National Register of Refusal and Revocations (NR3);
- amendments to the criminal record checking process (via the Disclosure & Barring Service [DBS]);
- provisions of wording to give clear direction in respect of applications from app-based Private Hire Operations;
- requirement for all Private Hire Operators (PHOs) and their controllers to complete Barnardos' safeguarding vulnerable adults & CSE online training module;
- requirement for all controllers working under the employ of PHOs to submit basic DBS checks;
- wording to address the discretion for LEOs to require aesthetic vehicle faults to be rectified;
- consideration to imposing restrictions on window tinting in licensed vehicles; and
- the implementation of a joint warranting scheme in conjunction with other Surrey authorities.

There are additional minor adjustments, which provide clarity on certain matters. The Policy has been included with 'tracked changes' applied, for members' ease of reference.

2. The adoption of NAFN's National Register of Refusal and Revocations (NR3)

- 2.1 In the DFT's draft best practice guidance, it was recommended that all local authorities sign up to the above service. Aside from widely being considered a good idea, it is expected that it will be detailed within the next instalment of best practice guidance issued by central government.
- 2.2 There has long since been a gap in this area, with authorities unable to exchange detailed information about refusals and revocations of taxi and private hire applications / licences due to restrictive data sharing protocols. This has created the potential for a driver to be refused or revoked by one authority, and simply go to another elsewhere in the country with the potential for them to carry on unsavoury behaviour(s) which may have led to the refusal or revocation of their application or licence in the first instance.
- 2.3 Spelthorne's Licensing department has taken the liberty of pre-emptively creating a login to access the NAFN's NR3, with a view to submitting data in due course if agreed by the Licensing Committee. Our Business Support Officer (BSO) has been instrumental in trawling through historic records to create a detailed spreadsheet of all drivers who have been refused a licence or had one revoked over the years.
- 2.4 Prior to submission of said-records, it is necessary to consult with those individuals whose data will be submitted to the register – to give them the opportunity to object to their details being included (if they have good reason). In accordance with guidance given by the NAFN, it is our intention to write to

these individuals at the addresses we have on file offering them a 28-day period in which to submit appeals. After this time has passed, we will be in a position to upload the data to the register.

- 2.5 Moving forward, any drivers refused or revoked will have their details added to the register on the fly. The Principal Licensing Officer (PLO) has worked with the Data Protection Assistant to ensure an appropriate amendment has been made to the department's privacy notice (attached as **Appendix B**) accordingly, and application forms have been updated to reflect this change of process as well.

3. Amendments to the criminal record checking process (via the DBS)

- 3.1 At a recent forum attended by the Surrey Licensing Managers group, shortfalls were identified with utilising the DBS' application process for checking the criminal records of applicants and existing licences.
- 3.2 Unfortunately, due to amendments in the way DBS handles applications in recent years – enhanced certificates are no longer sent directly to the Council, and the Licensing department is therefore reliant on applicants to produce the certificates when received. This can take time and resources to chase, especially where an applicant has cause to be deliberately evasive – but more importantly, leaves us “in the dark” for an unspecified period of time.
- 3.3 It has been known for the DBS to take months to dispatch certificates on occasion, which means that – in the case of existing drivers submitting applications with their renewals – there is the potential for licensees to continue to work for extended periods with new conviction(s) that might call into question their suitability to continue working in this capacity.
- 3.4 In order to eliminate this issue altogether, it is proposed that the Council mandates subscription to the DBS' online update service – so that its Licensing department can access a driver's criminal record in an instant via the computer system. A screen grab can be performed and logged on a driver's record in place of the hard copy certificate, so we will still be able to clarify that the necessary checks have been done.
- 3.5 It is not proposed that we change the way we handle checks which show relevant convictions, nor is it anticipated that there will be a cost implication for drivers in using this service. In fact, it should work out slightly cheaper for them if they remain subscribed beyond three years. The only amendments necessary will be adjustments to the Council's retention policy in order to account for the change of process, and the implementation of a specific privacy notice accordingly, as well as an update to the Council's driver renewal application form.

4. Provisions to account for app-based Private Hire Operations

- 4.1 Given Spelthorne's close proximity to London and Heathrow, the Council's Licensing department has been anticipating the receipt of application(s) from app-based Private Hire Operators (PHOs). It has been in direct contact with Uber and Ola.
- 4.2 Ola has recently enquired about the potential to use a “virtual office” in the borough. A virtual office is one which need not be manned, from which a

landline is redirected to a head office based elsewhere (often outside of the borough).

- 4.3 Spelthorne's PLO liaised with other Licensing Managers in Surrey to enquire about their stance on virtual offices. With the exception of Epsom & Ewell, representatives from other authorities unanimously the others confirmed that, based on wording specified in James Button's 'Button On Taxis', they were happy to issue PHO licences in these circumstances on the understanding that digital records would be produced on-demand without delay at the request of LEOs.
- 4.4 It is expected that Spelthorne's Licensing department follow this same example and wording has been introduced into the Policy to address this. In many regards, app-based PHOs have superior systems in place to safeguard passengers. So as long as this is mirrored in their dealings with LEOs, it is not considered that their failure to have a traditional "walk-in" office in the borough should prevent them from obtaining a PHO licence.

5. Requirement for all Private Hire Operators and their controllers to complete Barnardos' safeguarding vulnerable adults & CSE online training module

- 5.1 A potential safeguarding issue has been identified in the absence of this requirement.
- 5.2 Whilst Spelthorne Borough Council's The Policy requires all licensed-**drivers** to complete Barnardos' online safeguarding module, Private Hire Operators and controllers working under their employ are not currently subject to any kind of awareness-raising training – in spite of the fact that they are equally as likely to be privy to information about who is traveling where, how often and in what circumstances.
- 5.3 Given current issues with "County Lines" offences and high profile cases such as the CSE problems identified in Rotherham, for example, it is more important than ever that those in charge of accepting bookings and relaying them to licensed drivers are familiar with the signals to look out for which might flag a potential issue – so that they are in a good position to relay this information to the authorities where necessary.
- 5.4 It is anticipated that this requirement is likely to become mandatory across the county of Surrey in due course. Some Licensing departments have expressed a concern for how this will be achieved, as they have larger Private Hire Operators which employ an elevated number of staff, whose jobs are often transient and as a result are difficult to keep tabs on. Spelthorne however is in a good position in the sense that the operations currently in place are relatively small in number and members of staff. It is not therefore anticipated that it would create the same administrative difficulties in order for this requirement to be monitored and enforced effectively by Spelthorne's Licensing department.
- 5.5 Spelthorne's Private Hire Operator Conditions (attached as **Appendix C**) and Penalty Points Scheme (attached as **Appendix D**) have been pre-emptively updated to take approval of this point into account. Should members be minded to agree to its implementation, LEOs will be granted the ability to issue penalty points to the Private Hire Operator licence of any individual

failing to comply – as is currently done for licence condition breaches with driver licences. Persistent breaches of such a condition or “totting up” of 12 penalty points would result in a referral to a Licensing Sub-Committee, in order for a panel of members to determine whether or not an individual can be considered “fit & proper” to continue to hold a PHO licence.

6. Requirement for all controllers working under the employ of PHOs to submit basic DBS checks

- 6.1 With similar reason to that described above, the Surrey Licensing Managers forum also believe it is important to require that all controllers working for Private Hire Operators are subject to criminal record checks.
- 6.2 Licensees are subject to checks by the Licensing authority, but controllers responsible for taking bookings are in a position where they are potentially dealing with vulnerable people and the authority must therefore be confident that they are fit & proper to do so.
- 6.3 Furthermore, they will be aware of which properties are empty and are therefore in a position where a less-trustworthy person may be tempted to act unscrupulously and take advantage accordingly.
- 6.4 Wording has therefore been added to specify requirements for PHOs to ensure their controllers are routinely checked, & that certificates are kept on-site and are available for inspection by LEOs on request.
- 6.5 Any failures to comply with these requirements would be dealt with in the same manner as described in point 5.5 above, but a more serious view would likely be taken of a PHO’s omission to check an employee’s criminal history when appropriate action was being considered.

7. Discretion for LEOs to require aesthetic vehicle faults to be rectified

- 7.1 Spelthorne’s Licensing department has been working to raise the standard of licensed vehicles operating in its jurisdiction. To date the Policy has included wording reference the need to rectify MoT advisories.
- 7.2 It is fair that the public expects a certain standard of vehicle when they are paying for a service. The most obvious indicator of this is the first impression a vehicle creates on its approach. It is therefore not expected that licensed drivers will use vehicles which have clearly been involved in road traffic accidents, or are visibly in need of repairs.
- 7.3 The Policy in its present state allows for LEOs to require issues to be rectified as they see fit. It is deliberately vague to allow scope for a wide range of issues to be considered.
- 7.4 Unfortunately, a number of drivers have been reluctant to take requests for the fixing of aesthetic faults on board and for this reason, wording has been added at the bottom of page 18 of the Policy clearly highlighting that licensees should expect these matters to be taken into consideration as part of the licensing process – whilst giving LEOs the discretion to allot suitable timeframes, so as to avoid the burden of cost being more troublesome than necessary for applicants.
- 7.5 A balance needs to be struck between the calibre of vehicle the taxi-using public expects and the ability of the driver to afford repairs accordingly, and it

is therefore anticipated that LEOs will continue to take each case by its merits and work with licensees to ensure their vehicle is compliant. In more serious instances this might mean requiring a fault be rectified before a licence is issued; in other circumstances applicants might be given a month or two to fix issues.

- 7.6 Failure to meet this deadline would result in the issue of penalty points in accordance with point #54 of Spelthorne's Penalty Points Scheme or, in more serious cases, the suspension of a licence until such a time as repairs have been carried out.

8. Window tinting

- 8.1 Window tinting in licensed vehicles is a contentious issue, especially in light of safeguarding vulnerable adults and child sexual exploitation – as well as in reference to the hot topic of “County Lines” crimes – where young teens (often females) are typically being used to transport illicit materials from one area to another.
- 8.2 Spelthorne's Licensing department is of the belief that it is not appropriate or necessary for traditional private hire vehicles or hackney carriages to have tinted windows.
- 8.3 The Committee is asked to consider amended wording in the Policy which restricts this. However, in doing so, consideration needs to be given to the potential cost implication for applicants – who may find themselves unable to invest in some of the cheaper MPVs such as the Ford S-Class, which comes fitted with tinted glass as standard (this is because the vehicle is intended for use by families, who may wish to shield their children from public view and / or require glass which reduces the impact of bright sunlight).
- 8.4 In terms of larger vehicles (which Spelthorne's Hackney Carriage drivers tend to favour because it means they are able to carry a larger number of passengers, particularly profitable for them when carrying out routine runs from Staines train station to Thorpe Park), high specification vehicles designed to be used for this purpose (for example the Peugeot E7) generally retail at a higher cost - but are better suited. They are more spacious with larger seats and more headroom, and allow for easier ingress / egress – which is vital for less able passengers. The cost implication of acquiring these vehicles however needs to be carefully balanced out with the interests of the taxi-using public, as well as those of the Police.
- 8.5 A colleague at Runnymede Borough Council correctly pointed out that imposing restrictions on tinted glass in MPVs considerably reduces the number of vehicles available for use to carry wheelchair users. However, of the three specially-adapted vehicles on our fleet, two are Peugeot E7s. The other (a Private Hire Vehicle used solely for the carriage of disabled passengers) is a converted Fiat Doblo. These vehicles were selected by the applicants due to their size, build quality, and because the options available to them in terms of adaptations was vast. Somewhat ironically, the absence of tinted glass did not factor into their decisions.
- 8.6 If the Committee is minded to agree with the Licensing department in its assertion that tinted glass is not appropriate, provisions will need to be agreed

granting “Grandfather rights” to the owners of already-licensed vehicles which feature tinted glass.

- 8.7 Prior to the referral of this report, the Licensing department conducted a “pre-consultation” with all licensees in Spelthorne, regarding an abridged version of the amendments detailed in this report – including window tinting.
- 8.8 Local Surrey “blue badge” PHO, Mums & Sons, who specialise in the transport of disabled children to and from school identified that they would like to be considered for exemption from any restrictions the Committee is minded to impose – as they currently have two vehicles fitted with tinted glass to protect children who are subject to light-triggered seizures. Please see an e-mail sent by Mums & Sons, **attached as Appendix E**.
- 8.9 For this reason, I have added wording as follows: - “unless there is a specific reason the applicant may need to use a vehicle with tinted windows (i.e. for medical reasons)” – to allow LEOs to consider applications on this basis accordingly in spite of any restriction(s) which may be imposed on the wider trade.
- 8.10 A further e-mail was received from a Spelthorne-licensed chauffeur who specialises in high-end contract work, flagging a number of reasons he believes Executive Private Hire vehicles should be exempt from restrictions on tinted glass – including the security of his passengers. His response was vast and too comprehensive to properly summarise here, but has been **attached as Appendix F** for ease of reference.
- 8.11 I had assumed that – if members were inclined to agree to the proposed restrictions – that there would be exemptions put in place for EPVs and already had some brief wording highlighting this midway down page 20 of the Policy.
- 8.12 Another Hackney Carriage driver expressed that he felt the measure was unfair, as it would limit his choice of vehicles: -
- I am not happy with removing the tinted windows option. I drive VW Sharans and have done for many years. I always buy the SE model or better as it has extra safety features like park sensors, park pilot, nicer seats, etc. These higher spec cars all come with tinted glass. Only the base model has clear glass. You are forcing me to buy a basic spec car with less safety!!!! This cannot be right.*
- 8.13 Whilst we appreciate and understand this perspective, we do not consider the implementation of restrictions on tinted glass to be a move which forces applicants to buy vehicles with less safety features. Conversely, in taxi licensing terms at least - we would argue that it encourages drivers to give consideration to better suited vehicles which are equipped with safety features adequate for their intended use. A VW Sharan is not a vehicle built for use as a Hackney Carriage. A vehicle that is will have all of the above safety features plus more, and may be void of window tinting.
- 8.14 If appropriate, applicants will need to be encouraged to enter into conversations with car dealerships to enquire about glass replacements (if necessary) and / or – if bought second-hand – conversations with a company which specialises in glass replacements and / or removal of tinting.

- 8.15 A quick Google search suggests a cost between £100 and £250 for complete removal of adhesive tinting, although figures as high as £600 are also quoted. If the Committee was minded to agree to a restriction prohibiting screen tinting in licensed vehicles, it would be down to the licensee to research these options and source which tradesperson they entrusted jobs of this nature to.
- 8.16 It is probably safe to assume that licensees would be unhappy about this and I think realistically if the Committee is minded to agree to the implementation of restrictions it needs to be prepared to concede that there is likely to be an appeal against it at some point. The issue to weigh up is how serious an issue the Committee considers tinting to be and if imposing restrictions accordingly are worth the inevitable backlash.
- 8.17 An updated version of Spelthorne's Private Hire Licence Requirements (form K) has been prepared in order to take account of the above, in the event the Committee members approve its implementation. This is attached as **Appendix G**. Other minor amendments have been made and it is of course possible for these to be considered independently of concerns regarding window tinting.

9. Amendments to licence conditions forms and Spelthorne's Penalty Points Scheme

- 9.1 It has also been necessary to make adjustments to Spelthorne's Licence Conditions forms and Penalty Points Scheme (as mentioned at point 5.5) – in order to allow for punitive measurements to be taken accordingly.
- 9.2 A revised version of Spelthorne Private Hire Driver & Vehicle Licence Conditions form (form C) is attached as **Appendix H**.

10. Implementation of a joint warranting scheme, in association with other Surrey authorities

- 10.1 Taxi and Private Hire Vehicles are licensed by Local Authorities under powers arising from the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 10.2 The legislation gives power for an officer authorised by a local authority to inspect vehicles and take enforcement action against drivers and vehicles licensed by that authority, including the immediate suspension of vehicles for reasons of public safety. However as there is no geographical restriction on where a licensed vehicle can travel, journeys can and often do start and/or finish outside their licensed area. This means that often authorised officers of one authority will regularly come across vehicles licenced by another authorities operating in their areas.
- 10.3 Officers only have the legal power to inspect and take action against vehicles if they have been authorised in writing by the authority which licensed that vehicle. As such, officers in one authority will not have the power to inspect or take action against vehicles operating in its area which are licensed by other authorities.
- 10.4 This can lead to situations where officers in one authority are unable to take action against a vehicle licensed by another authority which may be defective, despite the vehicle being present and operating in the area. This could lead

to a situation where a defective vehicle continues to operate, potentially endangering public safety and undermining public confidence in the licensed taxi trade.

- 10.5 It is therefore considered necessary to enable a scheme of joint warranting across Surrey, whereby Licensing Officers of any Surrey Authority would be able to inspect and take enforcement action against any vehicle licensed in Surrey.
- 10.6 Such joint working arrangements between Local Authorities is also regarded as 'Best Practice' in the draft Statutory Guidance currently in consultation.
- 10.7 Additionally, joint warranting would build on the work undertaken in 2017-18 in partnership with the Surrey Safeguarding Children Board (SSCB) to develop a co-ordinated response to child sexual exploitation (CSE) across the County, by adopting a consistent previous convictions policy and mandatory CSE training for all drivers in Surrey.
- 10.8 In accordance with Spelthorne's scheme of delegations, individual officers are authorised in writing by the Senior Environmental Health Manager, using delegated powers.
- 10.9 As such, if members are minded to agree to Spelthorne taking part in the scheme, a list of officers to be joint warranted would need to be collated, with authorisations drawn up by a mail merge for Service Heads across Surrey to sign.
- 10.10 Under section 101 of the Local Government Act 1972 Local Authorities may make arrangements for other local authorities to discharge its functions. Having done so, the Council may however continue to discharge and control those functions. If the Council arranges for the other authorities within the flexible warranting scheme to carry out its Licensing functions, it may continue to exercise most of those functions itself.
- 10.11 In practice, it is envisaged that the power given to Officers from the other authorities within the scheme would only be exercised as and when required, when those officers are dealing with licensed vehicles from outside their current jurisdiction within their district.
- 10.12 We liaised with Spelthorne's Hackney Carriage and Private Hire trades, and received comments from one driver who felt it was unfair that he should be subject to enforcement action from LEOs working at authorities elsewhere in Surrey, when he wasn't conversely able to benefit from the scheme in any way. I explained that it was not anticipated that the scheme would place any burden on the drivers, nor would they be affected if they were compliant with licence conditions. Nonetheless, I would be remiss if I did not relay that one member of the trade was opposed to Spelthorne signing up to the scheme.
- 10.13 If Spelthorne is to participate in the scheme it is necessary to ensure that all officers are properly appointed to carry out the enforcement functions concerned so as to avoid potential legal challenge.

11. Update on Barnardos' Safeguarding Vulnerable Adults & CSE online training module

- 11.1 Spelthorne's Licensing department has now successfully ensured that all drivers currently licensed by the authority have completed the above awareness-raising training.
- 11.2 LEOs should be commended for their hard work in achieving this. Below are statistics which cover all authorities in the county of Surrey. Members will note that Spelthorne's pass rate is far above average: -

Surrey authorities' statistics for Barnardos' training module				
	Not Started	In Progress	Passed	Failed
Overall	1488	84	5385	43
EBC	55	6	431	4
E&EBC	163	13	479	6
GBC	76	6	467	7
MVDC	37	5	174	1
RBBC	573	21	882	16
RBC	39	1	195	1
SBC	1	0	172	0
SHBC	34	5	71	1
SCC	367	23	1503	3
TDC	27	1	176	0
Wav BC	44	1	316	4
WBC	65	5	685	0

- 11.3 It was only necessary to revoke the licence of one driver who failed to complete the training. Said-licensee had already ceased working in his capacity as a licensed driver and it turned out this was why he had not bothered to complete the training.
- 11.4 One other individual remains outstanding, but is currently suspended on medical grounds and is not expected to return to work. If and when he does, he will be advised he needs to complete the module beforehand.

12. Options analysis and proposal

- 12.1 With a couple of exceptions, most recommendations made within this report refer to changes to the Policy which would mean that Spelthorne's Licensing department was working in line with the rest of Surrey. This is important in order to promote consistency and avoid the potential for prospective applicants to "shop around" authorities in order to find one which best suits their needs.
- 12.2 Amendments which require PHOs to prove that their controllers are suitable for such a role (with DBS certificates and through mandatory completion of safeguarding training) are not considered overly-onerous and in time will likely become standard across Surrey, in any event. The Licensing department consider these necessary measures to tie up loose ends in terms of safeguarding the residents of Spelthorne who are utilising private hire operations.

13. Financial implications

- 13.1 There are financial implications for licensees and prospective applicants, which need to be taken into consideration: -
- PHOs will incur additional costs as a result of needing to provide criminal record checks for their controllers (a basic check is currently costed at £20), as well as Barnardos' safeguarding vulnerable adults and CSE online training module (charged at £19 per applicant).
 - Allowing PHOs to trade via "virtual offices" (as outlined on page 7 of the revised version of the Policy) is in-line with legal advice given by James Button in his book, 'Button On Taxis' but is also likely to lead to the receipt of applications from app-based PHOs, which in turn will significantly impact the private hire trade within Spelthorne. It is likely to be to the detriment of existing local *operators*, but conversely will afford local *drivers* more work. There isn't really an option on the table in regard to this consideration, however it's worth members being aware of the likely inevitable repercussions.
 - Proposed amendments to window tinting in licensed vehicles will certainly have a financial impact on those applicants using or looking to use a vehicle with tinted windows as a taxi or private hire vehicle. It is important to give this weight, whilst also bearing in mind that the overriding role of Spelthorne in its function as Licensing authority is to protect the taxi-using public.
- 13.2 There is no cost implication for the Council to consider in respect of the NR3 database, as the Council is already a member of the NAFN.

14. Other considerations

- 14.1 The amendments to the Policy outlined within the body of this report highlight that Spelthorne Borough Council is an in-touch organisation, keen to work in a manner consistent with nearby counterparts in order to promote equality for all involved with the Hackney Carriage and Private Hire licensing trades.
- 14.2 The changes to policy and procedure detailed in this report will help the Licensing department contribute towards intelligently making full use of information, to assist members in decision making, and to drive service improvement – delivering a higher standard for all involved and thus improving the quality of life for residents in the area.
- 14.3 Ultimately, above all else, the ethos of regulating the Hackney Carriage and Private Hire trade is to ensure safety and efficiency for the people using its services. One should be able to assume that any booking made will be recorded by a reliable and trustworthy individual, carried out by a fit and proper individual, in a car that is mechanically and aesthetically sound and suitable for this purpose. The measures outlined in this report should assist in ensuring this to be the case.

15. Timetable for implementation

- 15.1 If the Committee is minded to agree the recommendations made within this report, the Hackney Carriage and Private Hire Licensing Policy could be published at once. However, it would be advisable for a Committee-approved version of the Policy to be circulated to all licensees for a comprehensive consultation so that the Hackney Carriage and Private Hire trades have time to consider the full implications of the amendments outlined in the body of this report. The Committee can then reconvene to look at its comments.
- 15.2 At such a time as the Policy is published, certain elements will take time to implement and be subject to timescales, as outlined within the Policy itself: -
- Mandatory subscription to the DBS' online update service will need to be rolled out over a three year period, as new applications are submitted – because it is only possible to subscribe to the online update service at such a time as one has an application outstanding with them. On this basis, it is not anticipated that further paper copy applications will need to be submitted to the DBS beyond September 2022.
 - Safeguarding vulnerable adults & CSE training for all controllers working for PHOs in Spelthorne should be achievable within a relatively short time, and – in accordance with wording added to the Policy – within six months. It is expected that LEOs conducting spot-checks on PHOs should expect operators to be in a position to produce certificates for all staff on request by February 2020.
 - Restrictions on window tinting would need to be rolled out over time, to allow 'Grandfather rights' for licensees to continue using already licensed vehicles which are fitted with tinted glass. It is proposed that they would be allowed to do so for the duration of the licensable period on any vehicle currently licensed, however this could potentially mean that a driver with a brand new vehicle only licensed this year would be in a position to keep their vehicle until its 10th birthday. If the Committee is minded to impose restrictions on window tinting, it might therefore be advisable for a discussion to take place on whether they consider this acceptable or if they propose to suggest a timescale by which all tinted glass must be replaced or de-tinted.

Background papers:

Appendices:

Appendix A – Spelthorne The Policy 2019

Appendix B – Taxi Licensing Privacy Notice

Appendix C – Private Hire Operator Conditions 2019 (form A)

Appendix D – Spelthorne's Penalty Points Scheme 2019

Appendix E – e-mail from Mums & Sons Ltd. regarding window tinting in disabled-access home-school-run vehicles

Appendix F – e-mail from Roderick Williams regarding window tinting in EPVs

Appendix G – Private Hire vehicle Licence Requirements 2019 (form K)

Appendix H – Private Hire Driver & Vehicle Licence Conditions 2019 (form C)