



THE REGULATION OF THE HACKNEY CARRIAGE & PRIVATE HIRE TRADES IN PRESTON

A consultation document to review the Council's current Hackney Carriage and Private Hire Licensing Policy

August 2021

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1. INTRODUCTION

Over the next six weeks you have an opportunity to have your say on how Preston City Council (“the Authority”) regulates the activities of the hackney carriage (“taxi”) and private hire trades and comment on proposals to change the way we do so.

The current Hackney Carriage & Private Hire Licensing Policy (“the Policy”) was adopted by the Authority with effect from 1 April 2013. It includes all the policies, procedures and practices the Authority uses to regulate the trades and includes associated documents such as vehicle specifications, licence conditions, guidance, and its penalty points scheme.

This document will examine current policies, procedures, and practices to determine whether they contribute to the overall aim of regulating the trades in a way that maintains and improves public protection and at the same time provides the right environment for business to thrive.

It is also important that the trades are regulated in a manner that is effective, does not create unnecessary burdens and is consistent, transparent, proportionate, accountable, and targeted.

The document includes recommendations made by the Secretary of State for Transport in his guidance document “Statutory Taxi & Private Hire Vehicle Standards” which was published in July 2020 and has considered advice contained in the “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” issued by the Department for Transport in March 2010 and the Regulators Code issued by the Department for Business, Innovation and Skills in April 2014.

It will explore new ideas to achieve improvements for all involved with the trades and the public and the consultation period will also allow all to submit proposals for change.

We will collate and review comments from this consultation and then publish a response for consideration by the Authority’s decision-making body.

2. THE CURRENT SITUATION

The Licensing of taxis dates from 1847 and for private hire vehicles (outside London) to 1976.

Taxis and private hire vehicles are a vital and integral part of the transport network with an estimated 600 million journeys in Great Britain each year. They are commonly used by younger people, those on low incomes without access to a motor vehicle and women between the ages of 16 and 20 years. They also provide services in situations where other forms of transport are

either not available (rural areas and late evenings/early mornings) or for persons with mobility and other disability difficulties.

A taxi is a public transport vehicle that makes available no more than 8 passenger seats, which is licensed to ply for hire at designated taxi ranks or be hailed in the street by the public. Private hire vehicles must have no more than 8 passenger seats available, but they must be hired in advance by the public through a licensed private hire operator.

The Authority currently licences 187 taxis and approximately 450 private hire vehicles as well as 39 private hire operators. It also licences approximately 300 taxi drivers and 660 private hire drivers.

In 2012 the Authority adopted a policy document which sets out how the trades will be regulated in Preston and a commitment to promote the following objectives:

- Protection of the public.
- Establishment of professional and respected taxi and private hire trades.
- Access to an efficient and effective public transport service; and
- Protection of the environment.

The Policy was amended twice in 2019 when the licence period for taxi and private hire drivers was changed from one to three years and the licence period for private hire operators changed from three to five years and the Authority decided to publish and maintain a list of designated wheelchair accessible taxi and private hire vehicles for the purposes of section 167 of the Equality Act 2010.

3. VEHICLE LICENSING

The Licence Period

In Preston, taxi and private hire vehicles are granted licences for a maximum period of six months and prior to being granted a licence each vehicle is examined and tested at an Authority approved vehicle testing station.

The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For private hire vehicles the requirement is for annual MOT tests after the vehicle is 3 years old. There is considerable variation between local licensing authorities on vehicle testing arrangements. This Authority is satisfied that licensed vehicles operating within its area are safe to do so and it believes that the inspection and testing of licensed vehicles twice a year provides that assurance.

Vehicle examinations include mechanical matters applicable to an MOT and checks on the internal and external appearance and comfort of the vehicle because it is to be used to provide a service to the public. The National Mechanical Testing Standards are all met within the Authority's Vehicle Compliance Certificate issued by the approved vehicle testing stations.

Question 1 – Do you think the Authority should continue to examine and test taxi and private hire vehicles twice a year and issue vehicle proprietor licences for a maximum of six months?

YES / NO

Comments -----

Limitation on Taxi Licences

The Authority limits the number of taxis it licences to 187. It is not permitted to limit the number of private hire vehicles it licences.

Section 16 of the Transport Act 1985 provides that the grant of a taxi licence may be refused for the purpose of limiting the number of taxis if, but only if, the Authority is satisfied that there is no significant demand for the services of taxis in Preston which is unmet.

The Authority is currently satisfied that there is no significant unmet demand for the services of taxis. It regularly commissions an independent survey to assist it in determining whether to retain this policy and it is unaware of any problems that his policy causes such as lengthy queues at designated taxi ranks both during the daytime and night-time.

Question 2 – Do you think Preston is adequately served by the number of taxis which generally ply for hire at designated taxi ranks?

YES / NO

Comments -----

Taxi Specification

The Authority generally licences the purpose built "London type black cab" as taxis but allows them in any colour. It allows alternative vehicles to be licensed as a taxi, but these must be coloured black. Any of these alternative vehicles licensed as a private hire vehicle cannot be coloured black. It is a legal requirement that private hire vehicles are not of a design and appearance that would lead any person to believe that the vehicle was a taxi.

Question 3 – Do you think the Authority should introduce a uniform livery for Preston licensed taxis?

All black

Different colours

Comment -----

Accessibility

Taxis and private hire vehicles are an essential mode of transport for many disabled and older people. The combination of the personal service they offer, their wide availability and door to door operations enable them to respond particularly well to the travel needs of people with disabilities and mobility difficulties.

The Authority has a policy that all its taxis must be able to carry wheelchair passengers. The Authority maintains a public register of private hire operators that have at least one wheelchair accessible vehicle within their fleet.

Question 4 – Should the Authority retain its policy of requiring all its licensed taxis to be wheelchair accessible?

YES / NO

Comment -----

Age Limit

The Authority does not impose an age restriction on licensed vehicles because it does not believe the age of a vehicle should be used to determine whether a vehicle is fit for purpose. It believes that the measures it has in place to examine and mechanically test vehicles every 6 months is sufficient to maintain a high standard of licensed vehicles in Preston.

Question 5 – Should the Authority consider the introduction of an age limit on vehicles it licences and if so, how many years and should it be, and should the limit be the same for taxis and private hire vehicles?

YES / NO

Comment -----

Air Quality

Taxis and private hire vehicles are an essential form of transport in Preston. Many people depend on them for journeys that other forms of public transport are unable to achieve. However, it is important to consider the environmental efficiency of licensed vehicles and measures to reduce their carbon dioxide emission levels. The Authority is currently working with others in the city to reduce Preston’s climate change carbon dioxide emissions and expects that the policy will be reviewed and updated within its life to address city wide hackney carriage and private hire fleets that minimise carbon emissions.

Question 6 – Should the Authority introduce emission level requirements as part of their vehicle testing requirements?

YES / NO

Comment -----

Vehicle Specifications

Legislation requires taxis to be of such design, appearance or have distinguishing marks so that they are clearly identifiable as a taxi. For private hire vehicles the legislation requires that the vehicle be suitable in type, size, and design, not such a design that a person could believe it is a taxi, be in suitable mechanical condition, safe, comfortable and that the vehicle is suitably insured.

Any person who wishes to licence a vehicle as a private hire vehicle will be expected to provide a vehicle that complies with the specifications included in Appendix G to the Policy.

Any person who wishes to licence a taxi should in the first instance familiarise themselves with the current Policy on limits, but Appendix H details the specifications for taxis in Preston.

Question 7 – Do you think Appendix G and Appendix H include appropriate standards and specifications for taxis and private hire vehicles in Preston?

YES / NO

Comments -----

Vehicle Signage

It is important that the public should be able to easily identify and understand the difference between a taxi and a private hire vehicle. Private hire vehicles should not give the appearance that they are a taxi and that is why the Authority does not allow private hire vehicles to display illuminated or non-illuminated roof signs.

They are, however, required to display identification plates on both its front and rear like a taxi. The identification plates include the Authority's logo, vehicle registration number, colour, make and model, maximum number of passengers permitted and the licence expiry date. Private hire vehicles are also required to display on the upper half panel of each rear side passenger door a sign provided by the Authority with the message "Private Hire Vehicle - Must be pre-booked" and on the upper half panel of each front side passenger door a sign advertising the private hire operator that operates that vehicle. The operator sign is not permitted to include the words "taxi" or "cab" or "for hire" or any words of a similar meaning.

No other signage is permitted on licensed private hire vehicles. Advertisements are allowed on taxis with the consent of the Authority.

Question 8 – Do you think the above rules provide the public with enough information to be able to determine which vehicle is licensed as a taxi and which as a private hire vehicle?

If not, please suggest further measures to reinforce the difference between the appearance of taxis and private hire vehicles.

YES / NO

Comment -----

Private Hire Company Names

It is important that the trading name of the private hire operator is easily identifiable to the public. Operator names that are similar may cause confusion, and as such operator names like names of existing operators in use in Preston will not be granted.

It is proposed that with effect from the implementation of this policy, no new private hire operator will be allowed to use the word "taxi" in the company name or any other marketing material. It is acknowledged that licensed private hire operators who currently use the word "taxi" in their company name will be allowed to continue to do so.

Question 9 - Do you agree that this proposal will assist the public in determining the difference between a taxi and a private hire vehicle?

YES / NO

Comment -----

Vehicle Standards

In addition to the biannual tests each licensed vehicle is required to undertake the Authority also undertakes regular enforcement action with DVSA when licensed vehicles are invited to attend an examination. Where it is found that a licensed vehicle is not being properly maintained a Vehicle Defect Notice will be served on the driver or vehicle proprietor setting out the defects that need to be rectified within a certain time limit and a requirement that the vehicle is presented to an authorised officer of the Authority to check compliance. This notice is used where the defects are deemed not serious.

Where public safety is likely to be imperilled by the defects then a Stop Notice is issued which requires the driver or vehicle proprietor to rectify the defects and then present a Stop Notice Response Form (issued by a vehicle testing station) to the Authority. Use of the vehicle will in effect be suspended until the defects have been rectified and the response form presented to the Authority.

Licensed vehicles that fail an authorised test as part of a renewal application and is deemed unsafe as a passenger vehicle by the examiner will result in the vehicle proprietor being issued with a Stop Notice to prevent the vehicle being used to carry passengers until the defects are remedied.

Question 10 – Do you think Preston’s licensed taxis and private hire vehicles are of a high standard in terms of comfort and appearance in comparison with licensed vehicles from other areas? If no, can you suggest further action the Authority can take to improve standards.

YES / NO

Comment -----

Vehicle Testing Stations

It is the Authority’s policy to introduce a limit on the number of vehicle testing stations it approves and that limit to be three and that they be selected from a tendering process every five years. However, it is now being recommended that this Authority introduces an application process for Preston MOT garages to examine and test vehicles which are subject of an application for a taxi or private hire vehicle proprietor licence. This recommendation has already

been the subject of a consultation process which ended in 2020 but due to the pandemic it has been decided to include it within this consultation process as well.

Question 11 – Do you support the recommendation to allow any Preston MOT garages to be permitted to undertake vehicle examination and tests on taxi and private hire vehicles proposing to be licensed by this Authority, subject to them meeting a subscribed criterion. This is attached at Appendix O.

YES / NO

Comment -----

Criminality checks for vehicle proprietors

As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that we are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain safety benefits of the licensing regime.

Enhanced DBS and barred list checks are not available for vehicle licensing. However, it is recommended that a Basic disclosure from the DBS be required from vehicle licence holders annually.

Question 12 – Do you agree that those vehicle licence holders that do not hold a taxi or private hire vehicle driver’s licence with this Authority should be required to provide a Basis disclosure from the DBS every year?

YES / NO

Comment -----

Passenger Safety

The Authority recognises the importance of the public understanding how to identify licensed vehicles and drivers and the increased risks associated with the unlicensed trade. It is proposed that information published by the Authority will be required to be displayed in licensed private hire vehicles regarding standards expected from the trade and from customers and how to submit complaints.

Question 13 – Do you agree with the proposal to provide improved guidance/information for passengers on our website and in licensed vehicles?

YES / NO

Comment -----

4. THE LICENSING OF PRIVATE HIRE OPERATORS

Criminality checks

Private hire operator (PHO) licences are granted for a period of 5 years. Applicants for PHO licences are required to provide a Basic disclosure from the DBS unless they are already a licensed private hire driver with the Authority. Applications from limited companies will require a Basic disclosure from the DBS for its directors. This is undertaken during the first application process and subsequent renewal applications. It is proposed to require a Basic disclosure certificate from PHO's annually.

As with licensed drivers the role of the PHO and their staff goes far beyond taking bookings and dispatching vehicles. In making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO and staff are trustworthy and as reliable as a licensed driver.

It is recommended that a condition be imposed on all Preston PHO licences requiring them to undertake criminal record checks on those they employ/use within their business for the booking and dispatch of vehicles to satisfy themselves that they are fit and proper people to undertake that task and retain that information in a register to demonstrate compliance with that condition of licence.

It is also recommended that PHO's or applicants for a PHO licence shall be required to provide a written policy on employing ex-offenders in roles that would be on the register referred to in the above paragraph.

Question 14a – Do you agree that the Authority should require PHO's to undertake criminal record checks annually instead of during the application process?

YES / NO

Comment -----

Question 14b – Do you agree that the Authority should require PHO's to undertake criminal record checks on those staff that they employ/use for bookings and the dispatch of vehicles and maintain a register of all such staff?

YES / NO

Comment -----

Question 14c – Do you agree that the Authority should require PHO's to produce a written policy on employing ex-offenders?

YES / NO

Comment -----

Passenger Carrying Vehicles

Passenger carrying vehicles (PCV) licensed drivers are subject to different checks than those required by taxi and private hire drivers as the work normally undertaken such as driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a PHO that they will receive a licensed private hire vehicle and licensed private hire driver. A current PHO licence condition requires that only licensed private hire vehicles and drivers be used for bookings involving less than nine passengers unless expressly requested by the hirer.

Question 15 – Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than 8 passenger seats required or to accommodate luggage, should the person making the booking be informed by the PHO that a public service vehicle (PSV) is necessary and that a PCV licensed driver will be used who is subject to different checks and not required to have a regular enhanced DBS check?

YES / NO

Comment -----

Records of Bookings

The law requires PHO's to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. It is recommended that those particulars to be recorded shall be kept for a minimum of six months:

- Name and contact details of person making the booking
- How the booking was made e.g., telephone, APP, online or in person
- Time of pick up
- Location of pick up
- Specific destination
- ID of dispatched driver
- ID of dispatched vehicle
- ID of person taking the booking (excludes electronic)
- Any special requirements
- Details of any sub-contracting to or from another PHO
- Any fare quoted at time of booking, if requested by person making the booking

This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement.

Question 16 – Do you agree with the recommendation? If no, what changes would you make?

YES / NO

Comment -----

Complaints against licensees

Currently, it is more likely that a complaint against a taxi driver would be made directly to the Authority whereas a complaint against a private hire vehicle driver is more likely to be made to the PHO. The Authority intends to create effective partnerships with its licensed PHO's so they can share concerns regarding drivers.

It is recommended that PHO's shall adopt and implement a Customer Service and Complaints Policy which will include a requirement to keep records of complaints which shall be made available for inspection by authorised officers of the Authority as part of their inspection duties.

Question 17 – Do you agree that the Authority should work closer with PHO’s in respect of concerns over the conduct of licensed drivers?

YES / NO

Comment -----

Staff Training

It is recommended that PHO’s ensure that adequate training is provided to staff on relevant licensing law, complaints, safeguarding and bookings and that this training must be undertaken within one month of their employment. Records of this training shall be kept and made available to authorised officers of the Authority for inspection at any reasonable time.

Question 18 – Do you agree?

YES / NO

Comment -----

5. DRIVER LICENSING

Criminality checks

This Authority must consider as a full a range of information available when deciding whether to grant a licence and to meet our ongoing obligation to ensure a licensed driver remains “fit and proper” to hold a licence.

The Disclosure and Barring Service (“DBS”) provides access to criminal record information through its disclosure service. It also maintains the lists of individuals barred from working in regulated activity with children or adults. Enhanced certificates with a check on the barred lists include details of spent and unspent convictions recorded on the Police National Computer, any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults.

Currently applicants for the grant and renewal of taxi and private hire vehicle driver licences are required to provide an enhanced certificate from the DBS.

The Department for Transport recommends that Authorities undertake a criminal record check of its licensed drivers every 6 months. To comply with this requirement, it is recommended that all taxi and private hire drivers should subscribe to the DBS Update Service which allows the Authority to

keep up to date online, and with the individual's consent, allows us to check the status of a certificate online at any time.

Question 19 – Do you think the Authority should require all licensed drivers to maintain subscription to the online DBS update service with a requirement that a full enhanced DBS would only be required following a change in status in the DBS certificate? Please note the alternative is for licensed drivers to complete and submit an enhanced DBS form at the Town Hall twice a year.

YES / NO

Comment -----

Application Requirements

Applicants for taxi and private hire driver licences must be over 18 years of age and must hold a full DVLA or equivalent driver's licence, have the right to work in the UK and be a "fit and proper person".

There is no legal definition of what "fit and proper" is, but it is recommended that a test used by this Authority is as follows:

"Without 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".

Question 20a – Do you agree with how it is recommended this Authority use of the "fit and proper" test?

YES / NO

Comment -----

The application process for drivers requires several tests that need to be satisfied before the Authority can consider an individual "fit and proper". These include a Level 2 English Language and Maths tests, local knowledge test, driver training and medical certificate. It does not include a practical driving assessment.

Question 20b– Do you think the Authority should assess the driving proficiency of applicants for taxi and private hire driver licences?

YES / NO

Comment -----

Question 20c – Do you think that all licensed drivers should be required to meet basic standards in numeracy and English literacy?

YES / NO

Comment -----

Question 20d– Do you agree that applicants for taxi and private hire driver licences should be required to satisfactorily pass a route knowledge test? Or perhaps an alternative test on the law/local policy/licence conditions?

YES / NO

Comment -----

Question 20e- Do you agree that applicants for taxi and private hire driver licences should continue to attain the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver?

YES / NO

Comment -----

Criminal convictions and rehabilitation

The Authority has a duty to consider an individual’s criminal record on its own merits but will take a particularly cautious view of any offences against individuals with special needs, children, and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. To achieve consistency the Authority has a clear policy for the consideration of criminal records. It includes, for example, which offences would prevent an applicant from being licensed and the number of years the Authority requires to have elapsed since the commission of particular kinds of offences before a licence shall be granted.

Appendix A to the draft Policy includes a schedule of how this Authority views particular offences, together with recommendations from the Institute of Licensing and the Department for Transport and Officer recommendations for the revised Policy

Question 21– Do you support the officer recommendations for Preston’s proposed Guidelines on Relevance of Convictions as detailed in Appendix A to the draft Policy.

YES / NO

Comment -----

Code of Conduct

To assist licensed drivers, remain “fit and proper” during the period of their licence the driver code of conduct has been reviewed as is now aimed at hackney carriage drivers. The proposed hackney carriage driver code of conduct is attached to the draft policy at Appendix E. The standards detailed in the code of conduct are replicated as appropriate in the private hire driver licence conditions which are attached to the draft policy at Appendix C.

Question 22a – Do you agree with the content of the revised hackney carriage drivers code of conduct?

YES / NO

Comment -----

Question 22b – Do you agree with the revised private hire driver licence conditions?

YES / NO

Comment -----

Dress Code

There is no requirement for corporate branding or a uniform to be worn by licensed drivers however the Authority considers it important that licensed drivers wear clean appropriate clothing. A revised dress code is attached to the draft policy at Appendix F.

Question 23– Do you agree with the revised driver dress code?

YES / NO

Comment -----

Driver Safety - CCTV

CCTV in licensed vehicles may provide safeguarding measures for both passengers and drivers. To achieve this, it is important that any CCTV systems are compliant with legal standards and provide a quality of recording that provides a good standard of evidence.

Question 24 – Should the Authority consider mandating the requirement to have CCTV in licensed vehicles?

YES / NO

Comment -----

6. ENFORCEMENT

Regulators Code

The Authority has a statutory to ensure that enforcement activity is carried out in accordance with the Regulator’s Code which came into effect in April 2014 and published by the Better Regulation Delivery Office based within the Government Department for Business, Innovation and Skills. The code has 6 principles that regulators must have regard to when undertaking their duties, including developing policies and procedures that provide guidance on regulatory activity.

The 6 principles within the code are as follows:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
- Regulators should base their regulatory activities on risk.
- Regulators should share information about compliance and risk.
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- Regulators should ensure that their approach to their regulatory activities is transparent.

The drafting of this Policy and information, standards and guidance contained within the whole document has been drafted having regard to those principles.

Licensee self-reporting

It is recommended that all licence holders shall notify the Authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in the review by this Authority as to whether the licence holder is fit to continue to do so.

Question 25– Do you agree with this recommendation?

YES / NO

Comment -----

Sharing information

The Authority shall continue to share with other enforcement bodies and relevant agencies, including DBS and the National Anti-Fraud Network (who operate the NR3 national refusal and revocation register), information supplied by applicants/licence holders or acquired while exercising the licensing functions, where it is lawful to do so. Personal information is only disclosed in accordance with the Data Protection Act 2018 and General Data Protection Regulations. This includes requests from other agencies where this is necessary for the detection or prevention of crime or required by law in connection with legal proceedings.

Where the Authority decides to refuse or revoke a licence the Authority will report this decision for inclusion on the NR3 register referred to above.

Question 26 – Are you happy with the way the Authority shares information?

YES / NO

Comment -----

Complaints about licence holders

There are a wide variety of actions that can arise from the investigation of complaints which include:

- No action.
- Verbal advice
- Written advice/warning
- Suspension/revocation of licences
- Simple cautions

- Prosecutions
- Formal review of a licence at a hearing which could result in any of the above.

Complaints provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. The Authority has a robust system in place for recording and investigating complaints.

However, to ensure passengers know who to complain to, it is proposed that the Authority produces guidance for passengers on making complaints on our website and appropriate notices displayed in licensed vehicles.

Question 27– Do you think the way the Authority investigates complaints relating to the conduct of licence holders and disciplinary actions available to it provides a robust and transparent system?

YES / NO

Comment -----

8. HOW TO RESPOND

You can respond to the consultation in the following ways: -

Online to licensing@preston.gov.uk

By Post to

Mike Thorpe
Licensing Manager
Preston City Council
Town Hall
Lancaster Road
Preston
PR1 2RL

Closing Date for responses is 22 October 2021.

After the consultation we will publish a schedule of responses on the Council's website (www.preston.gov.uk) together with my comments which will be considered by the Council before determining and adopting the revised Policy.