



Members of the Licensing Committee –

Councillors D J Sanders (Chairman), A P Hadley (Vice Chairman),
A M Chick, K H Turner, A F Knight, H J W Davies, S Y Goss, R P Lillis,
E May, L W Smith and D J Westcott

3 March 2015

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Dear Councillor

LICENSING COMMITTEE MEETING

Date: Tuesday 10 March 2015
Time: 4.30 pm
Venue: Council Chamber, Council Offices, Williton

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

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Yours sincerely

BRUCE LANG
Proper Officer

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact							

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

LICENSING COMMITTEE

AGENDA

10 March 2015 at 4.30 pm

Council Chamber, Williton

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Public Participation**

The Chairman to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

4. **Licensing Regime for Hackney Carriage/Private Hire Drivers and Private Hire Operators**

To consider Report No. WSC 46/15 to be presented by the Licensing Officer – **SEE ATTACHED.**

5. **Licensing Regime for Hackney Carriage/Private Hire Drivers and Taxi Assessment Test.**

To consider Report No. WSC 47/15 to be presented by the Licensing Officer – **SEE ATTACHED.**

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

**The Council's Vision:
To enable people to live, work and prosper in West Somerset**

The Council's Corporate Priorities:

- Local Democracy:
Securing local democracy and accountability in West Somerset, based in West Somerset, elected by the people of West Somerset and responsible to the people of West Somerset.
- New Nuclear Development at Hinkley Point

Maximising opportunities for West Somerset communities and businesses to benefit from the development whilst protecting local communities and the environment.

The Council's Core Values:

- Integrity
- Respect
- Fairness
- Trust

West Somerset Council

Licensing Committee – 10 March 2015

Licensing Regime for Hackney Carriage/Private Hire Drivers and Private Hire Operators

Report of the Licensing Manager

(This matter is the responsibility of Executive Councillor Keith Turner)

1. Executive Summary

Members are asked to consider the licensing requirements for Hackney Carriage/Private Hire Drivers and Private Hire Operators within West Somerset and the recommendations set out at below with regard to the removal of one year licences, the granting of licences that run for a period of up to 3 years from the date of issue, the replacement of the Knowledge Test with a Knowledge & Suitability Interview, requiring applicants for renewal of a drivers licence to pass a knowledge & suitability interview and obtain suitable medical certificate before a licence is granted.

2. Recommendations

- 2.1** That Members approve the removal of one year licences for Hackney Carriage and Private Hire Vehicles Drivers Licences and Private Hire Operators Licences.
- 2.2** That Member approve the removal of the requirement to provide a provide a conviction check in the form of either a standard CRB check or a Police Subject Access check (data held on PNC) for those years when an Enhanced DBS disclosure is not required.
- 2.2** That Members approve the granting of Hackney Carriage and Private Hire Vehicles Drivers Licences and Private Hire Operators Licences for a period of up to 3 years from the date of grant of the licence.
- 2.3** That members approve the replacement of the knowledge test with a knowledge and suitability interview.
- 2.4** That Members approve the requirement for all drivers seeking a renewal of a drivers licence be required to pass a knowledge and suitability interview prior to the granting of a licence.

- 2.5 That Members resolve to require all applicants for the grant or renewal of a hackney carriage and private hire vehicles drivers licence drivers licence to obtain a suitable medical certificate before a licence is granted.

3. Background and Full details of the Report

- 3.1 The Council currently grants drivers and private hire operators licences for either 1 or 3 years.
- 3.2 Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 allows for the granting of drivers' licences for hackney carriages and private hire vehicles for a period of three years or such a lesser period as the council may specify.
- 3.3 Similarly, section 55 permits the granting of a private hire operator's licence for a period of up to 5 years again at the discretion of the Council.
- 3.4 The fact that the legislation limits the period for which a licence remains valid places an obligation on the Council to reconfirm the applicant's suitability before a further licence is granted. It is the opinion of officers that the present system of requiring a DBS check, driving licence validation, medical and confirmation of details is insufficient to ensure that applicants are fit and proper to be licensed.
- 3.5 It is the view of officers that upon application for renewal the suitability of a driver should be re-examined in full to ensure that they remain fit and proper to be licensed.
- 3.6 This will of course place an additional burden upon the Council and the trade if the system of granting only one year licences is continued. Members are therefore being asked to consider the removal of yearly licences for drivers and operators and their replacement with 3 year licence.

Disclosure and Barring Service Checks

- 3.4 Criminal Records Bureau (CRB) checks (now replaced by Disclosure and Barring Service (DBS) checks) were introduced in 2002 and are relevant for a period of 3 years. Taxi driving is also a notifiable occupation, this means that it is a profession which carries special trust or responsibility, in which the public interest in the disclosure of conviction and other information by the police generally outweighs the normal duty of confidentiality owed to the individual. Consequently the Police can inform the Local Authority if a driver licensed by them is charged or convicted of a criminal offence.
- 3.5 Given that the Council can be made aware of any offences for which a driver has been charged or convicted through the notifiable occupation process and licensed drivers are required through conditions to notify the Council within 3 days of being charged or convicted of an offence, it is the opinion of officers that the requirement to provide an annual conviction check is unnecessary.

Knowledge Test / Knowledge & Suitability Interview

- 3.5 Currently applicants are required to undertake a written test as part of the fit and proper person test. The questions are intended to cover simple numeracy, comprehension and a basic knowledge of the area. It has been in place unchanged for a number of years.
- 3.6 Officers are of the opinion that the test is a product of its time and does not now fulfil the role for which it is intended. Modern technology has negated the need for a driver to know routes before they have built up practical experience of an area and the requirement for the test to be taken in exam like conditions presents an unduly burdensome barrier to some applicants.
- 3.7 Officers are of the opinion that the test should be replaced by a knowledge and suitability interview as the final stage in the consideration of the fitness and propriety of all those seeking a drivers licence from the Council.
- 3.8 An interview will provide a chance for an officer to meet the applicant face to face and establish, amongst other things, their knowledge of current policy and legislation. The officer can also assess the demeanour, comprehension and motivation of the applicant and be better informed when answering the overarching question " Would you allow your son daughter, mother, spouse or other person you care about get into this vehicle with this person alone?".
- 3.4 By holding a knowledge & suitability interview at the time of each renewal officers will be able to ensure drivers have kept up to date with any legislation, policy or procedural changes, they will be able to discuss in detail any incidents that may have been recorded against the driver and be confident that no further similar incidents will occur and most importantly the Council can demonstrate clear compliance with the legislation and be entirely confident that the person licensed is indeed fit and proper.

Driving Standards Test

- 3.9 At present the Council requires applicants to have undertaken and passed the Driving Standards Agency training in the safe passage of passengers. An alternative test is being proposed to members through a separate report on this matter for consideration at this meeting.
- 3.7 The paramount consideration when granting a licence is public safety and the instigation of a full re-testing of drivers will ensure that the current high standards within the profession are maintained.

4. Finance / Resource Implications

If the removal of one year licencing is approved and the charging rate did not change there would be a reduction in income received by the department over a 5 year rolling period. This may be partly mitigated by a reduction in administration time required by the licencing department. It

would therefore be necessary to re-evaluate the costs in order to correctly reflect the appropriate charging rate. This is in line with the Council's commitment to set an appropriate level of charge proportionate to the costs for these licences.

5. Legal Implications

Awaited

6. Links to Corporate Aims / Priorities

Although there are no direct links to the corporate aims the provision of an effective licensing regime benefits local businesses and the public alike in full accordance with the Council's Corporate Strategy.

7. Environmental Impact Implications

None identified

8. Community Safety Implications

The removal of the ability for applicants to apply for a one year licence may result in less opportunity for officers to interact with / oversee drivers during the term of their licence.

9. Equality and Diversity Implications

No adverse equality impact identified.

10. Safeguarding Implications (if any)

As at 8 above there may be a resulting reduction in opportunity to interact with licensed drivers however the measures set out in 11 below should mitigate that risk.

11. Risk Assessment

The risks highlighted at paragraphs 8 & 10 above will, in the opinion of officers, be mitigated by the more detailed checks being undertaken at grant and renewal alongside an increased inspection regime.

12. Partnership Implications (if any)

No additional partnership implications identified over and above the current working relationships with external agencies such as the police.

13. Health and Wellbeing Implications

By ensuring that drivers licensed by the Council are fit and proper to do so, confidence in a safe public transport regime can be maintained aiding its continued use by residents to support independent living.

14. Asset Management Implications (if any)

None

15. Consultation Implications (if any)

None

Contact: Ian Carter
01823 356343
i.carter@tauntondeane.gov.uk

West Somerset Council

Licensing Committee – 10 March 2015

Licensing Regime for Hackney Carriage/Private Hire Drivers

Report of the Licensing Manager

(This matter is the responsibility of Executive Councillor Keith Turner)

1. Executive Summary

Members are asked to consider the licensing requirements for Hackney Carriage/Private Hire Drivers within West Somerset and the recommendations set out at section 2 of the report with regard to the requirement to pass a practical driving assessment before a drivers licence is granted or renewed.

2 Recommendations

- 2.1 That Members approve one of the two options set out below, having considered the impact upon the trade and the obligations on the Council to protect the safety of the public using licensed Hackney Carriages or Private Hire Vehicles.

Option 1

- 2.2 That members resolve to require all applicants for the grant of a hackney carriage and private hire vehicles drivers licence to provide proof that they have completed the DVSA Taxi Test or Somerset Road Safety Test.

Option 2

- 2.2 That members resolve to require all applicants for the grant or renewal of a hackney carriage and private hire vehicles drivers licence to provide proof that they have completed the DVSA Taxi Test or Somerset Road Safety Test. This is the officers' preferred option.

3 Background and Full details of the Report

- 3.1 The Council currently grants joint licences to drive Hackney Carriages and Private Hire vehicles.
- 3.2 The primary aim of carrying out this function is ensuring public safety.

- 3.3** Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall not grant a licence to drive private hire vehicles unless they are satisfied that the applicant is a fit and proper person. Section 59 of the same Act requires that district councils make the same consideration when deciding whether to grant a licence to act as the driver of a hackney carriage.
- 3.4** The term 'fit and proper' is not further defined in the legislation, nor are there any statutory requirements or tests that a local authority must apply, other than that the applicant must have held a DVLA issued driving licence for a period of not less than a year, prior to making an application.
- 3.5** The Councils current system for checking the fitness and propriety of applicants involves a medical examination certificate, the results of a Disclosure and Barring Service application (DBS – formerly CRB), validation of the applicant's DVLA driving licence, completion of a 'suitability test' and for the applicant to provide proof that they have completed the DVSA Taxi test.

DVSA Taxi Test

- 3.6** The Driver and Vehicle Standards Agency (DVSA), formerly Driving Standards Agency (DSA) has devised a 'Taxi test'; a practical driving assessment which local authorities may use to enhance their fit and proper person test.
- 3.7** The test is conducted by qualified driving examiners and involves being able to follow directions, perform certain manoeuvres such as a three point turn and safe stop at the side of the road to enable a passenger to exit the vehicle. It also involves an eyesight test and having to answer questions on the Highway Code and good practice e.g. what to do with lost property. The test currently costs £79.66 for a test on a weekday or £96 at weekends. This fee is separate to fees levied by the Council in respect of making an application.
- 3.8** Officers are of the opinion that the DVSA Taxi Test is an essential part of the Council's fit and proper person. It helps to promote public safety and remind applicants and existing drivers of their responsibility in ensuring that their passengers have a safe, comfortable and enjoyable journey
- 3.9** In recent months, applicants have encountered delays between the booking and carrying out of the DVSA test. On some occasions, this has meant a wait of over a month and as a result, applicants have on some occasions resorted to travelling to test centres outside of the county in order to speed up the process.

Somerset Road Safety

- 3.10** Somerset Road Safety (SRS) is a Somerset County Council partnership that works with Avon and Somerset Constabulary, Devon & Somerset Fire & Rescue Service, NHS Trusts and the Highways Agency, together with driving and safety organisations such as RoSPA, IAM, Driving Standards Agency and the Driving Instructors Association. Its aim is to drive down

casualty rates, create safer communities and improve the quality of life for all residents and visitors to Somerset.

- 3.11** SRS have designed a practical driving assessment, the 'Taxi Assessment Test', to mirror the DVSA taxi test. SRS have provided a summary of the service they can provide, which is attached at **Appendix 1**. The test is only carried out by driving examiners that have attained the top two grades of professional accreditation; Approved Driving Instructors (ADI) Standards.
- 3.12** Mendip District Council and South Somerset District Council both require that each person who applies for a driver licence must have first completed the DVSA test. They both also accept the SRS test as an alternative. Officers at Taunton Deane Borough Council will be presenting a report to the Licensing Committee on 4 March 2015 where they recommend that the DVSA test or SRS test be required upon grant and renewal of a Hackney Carriage/Private Hire vehicle drivers licence and officers would support the council taking an identical stance, further reasons for which are set out below.
- 3.13** SRS propose to start and finish all tests for Taunton Deane applicants at Deane House in Taunton. SRS also have greater capacity than the DVSA for the booking of tests and re-tests, where the applicant may have failed. This will help reduce the period of time between an applicant gathering together all of the application pre-requisites and determination of the application.
- 3.14** Were members to approve the requirement for all applicants and drivers to have completed the DVSA taxi test, or equivalent, it would reduce the financial burden on independent operators and drivers who may in future look to work across the Mendip, South Somerset and Taunton Deane districts, since they would not have to undertake separate practical driving assessments at further cost.
- 3.15** At £45, the SRS test is significantly cheaper than the DVSA test. By enabling the SRS Taxi Test to be used as an alternative to the DVSA, it would help to reduce the financial burden that would be placed upon applicants and existing drivers.
- 3.16** It is the view of officers that upon application for renewal of a licence, the suitability of a driver should be re-examined in full to ensure that they remain fit and proper to be licensed, a separate report for which is to go before the Committee for consideration at this meeting. Officers are of the opinion that the re-examination of the driver should extend to having to re-take the DVSA test or SRS test.

4. Finance / Resource Implications

- 4.1** The proposals set out in this report would not affect Council finances or resources.

5. Legal Implications

5.1 All the options set out in this report would meet the requirements of the Local Government (Miscellaneous Provisions) Act 1972.

6. Links to Corporate Aims / Priorities

6.1 Although there are no direct links to the corporate aims the provision of an effective licensing regime benefits local businesses and the public alike in full accordance with the Council's Corporate Strategy.

7. Environmental Impact Implications

7.1 Enabling applicants and existing drivers to book taxi tests through Somerset Road Safety may help to reduce the number of people having to travel outside of the county to DVSA test centres, therefore reducing their fuel usage and carbon emissions.

8. Community Safety Implications

8.1 The introduction of a further practical driving assessment upon renewal of a drivers licence will allow the Council to ensure that those who are licensed remain fit and proper and would further support the Council's aim of ensuring the safety of the travelling public.

9. Equality and Diversity Implications

9.1 No adverse equality or diversity impact identified.

10. Safeguarding Implications

10.1 None identified.

11. Risk Assessment

11.1 No risks have been identified in the proposals contained within the report.

12. Partnership Implications (if any)

12.1 None identified.

13. Health and Wellbeing Implications

13.1 By ensuring that drivers licensed by the Council are fit and proper to do so, confidence in a safe public transport regime can be maintained aiding its continued use by residents to support independent living.

14. Asset Management Implications (if any)

14.1 None Identified.

15. Consultation Implications (if any)

15.1 None identified.

Contact: John Rendell
01823 356343
j.rendell@tauntondeane.gov.uk



Taxi Assessment Test

The test has been designed to be the equivalent of the DVSA Private Hire & Hackney Carriage Assessment Test.

Start and finish point

The test will start and finish at The Deane House, Belvedere Road, Taunton TA1 1HE and you are advised to arrive at least five minutes before the appointed time.

Documents you must bring

You must bring both parts of your driving licence – the photo card and the paper counterpart. The test will not be conducted unless you will bring both parts.

You must bring your signed driving licence and a valid passport if you have an old-style paper licence.

The test cannot be conducted unless you bring both parts of the licence with you.

Vehicle requirements

Your vehicle must be roadworthy and have a MOT certificate if required, as well as current tax and insurance.

Before the test

The test will take approximately one hour. Before the start you will have to read a number plate from a distance of 20.5 metres.

- A medical check will have to be completed beforehand

Included in the test will be the following:

- A manoeuvre where you will be asked to turn your vehicle to face the opposite direction
- An emergency stop
- A pull away on a hill
- A pull away on the flat
- A pull away from behind a parked car
- Around 10 minutes of driving without being given directions by the assessor
- Two cabology questions
- Three Highway Code questions
- Five questions on road signs and markings
- You will be expected to demonstrate good control of the vehicle and excellent observational skills throughout the test

Wheelchair exercise (optional)

If vehicle is fitted with special equipment to allow access for wheelchairs and people with additional needs the following tasks will need to be undertaken:

- Put wheelchair ramps in place securely and safely
- Load and unload the wheelchair safely
- Safely and correctly install the wheelchair in vehicle, backing chair to fold down seats and secure the wheelchair and its brakes
- Secure seatbelt/safety harness as well as clamps or belts if fitted in vehicle

Passing the test

In order to pass the test you are not allowed to make any serious or dangerous faults and have a maximum of eight minor faults.

Please note:

If you do not give 48 hours notice to cancel your test or if you arrive more than five minutes late, or fail to bring the correct documents, you will be charged but your test will be cancelled.

To book:

To book the test please contact *ADI name and tel number*

The test will be taken in the examiner's own vehicle and it is advisable to have a one hour pre-test assessment drive at a cost of £30. This assessment is not compulsory, but it may highlight any 'bad habits' that you have developed prior to the official test.

Pre-test assessment drive £30 (not compulsory)

The test is £45

All payments direct to *name of ADI*

