

Taunton Deane Borough Council

Licensing Committee – 21 November 2018

Proposed changes to the hackney carriage and private hire vehicle driver licensing regime

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author: Mark Banczyk-Gee, Licensing Officer

1 Executive Summary

- 1.1 Members are asked to consider the licensing requirements for hackney carriage and private hire drivers and the recommendations set out at section 2 of the report with regard to the requirement of drivers to pass a practical driving test on grant of a new licence.

2 Recommendations

Practical Driving Test

- 2.1 That members approve a proposal to introduce a practical driving test, which follows the format of the former DSA test (explained later in the report), to be taken by all new applicants. Also to be taken by drivers should they accumulate six or more penalty points on their DVLA driving licence within the three year licence period or where the Licensing Manager deems it necessary, following an evidenced complaint about the driving ability of the licence holder (be that from the Police, other agency or other third party).

3 Risk Assessment (if appropriate)

Risk Matrix

| Description | Likelihood | Impact | Overall |
|---|------------|--------|---------|
| Drivers are currently given licences when the authority has no idea what there driving standard is. | 4 | 2 | 8 |
| Currently the authority has no way of checking what local knowledge applicants have to give the high service required by the authority. | 4 | 4 | 16 |
| Increase cost to applicants wishing to be hackney carriage/private hire drivers | 5 | 1 | 5 |

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% |

4 Background and Full details of the Report

- 4.1 The council currently grants hackney carriage and private hire vehicle driver licences for a duration of three years. One year licences can be given on application with particular circumstances and at the Licensing Manager's discretion.
- 4.2 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. 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. The council currently has a multi-faceted approach to determining the fitness and propriety of an applicant.

- 4.3 I would estimate that at present, complaints against drivers are probably split fairly evenly between conduct and driving manner.
- 4.4 At present the application process for a hackney carriage/private hire driver in Taunton Deane is as follows: application form, with medical report, driving history is checked and a DBS check is carried out. If all of these are okay, then the drivers has a knowledge and suitability test. This is conducted by a Licensing Officer and consists of a set of 10 questions based on Appendix 1 of the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook; more commonly referred to as the 'Taxi Handbook'. Should applicants answer these questions fully, they are then issued a drivers licence.
- 4.5 This means there is no direct testing of geographical knowledge or driving ability. Therefore we expect drivers to be fit and proper but this is initially judged on their driving licence and criminal record, plus a limited knowledge and suitability test of 10 questions. Attached at **Appendix 1** is the sheet which the Licensing Officer uses during the interview, which shows the topics covered.
- 4.6 The introduction of a practical driving test will assist in judging the suitability of the applicant, and create a standard of driving expected. The driving test we wish to introduce follows the test which used to be carried out nationally by the Driving Standards Agency (DSA). This was used widely across the UK by licensing authorities as a means of checking driving standards. When the DSA announced they would no longer offer this test, various companies, individuals and organisations, such as the Blue Lamp Trust etc., stepped in to ensure service to licensing authorities could be maintained. I have attached the descriptive sheet of the test; see **Appendix 2**.
- 4.7 Part of the driving test includes eyesight check –reading of a number plate at a prescribed distance, there is also some 'Cabology' questions, normally two. Although this crosses over with the current knowledge and suitability test it does include technical questions in respect of tyres which are not included in the knowledge and suitability test.
- 4.8 This cost of the test is approximately £60 currently. This, coupled with current checks carried, out will clearly enhance our ability to judge the applicants fitness and suitability and indeed their commitment to the role.
- 4.9 It is our intention that new applicants must produce evidence that they have passed a test equivalent to the DSA test, in order to complete the application process and be issued a licence. I have canvassed the market for a suitable individual/company to carry out these tests locally and have identified a Mr Bryan Booth. He is suitably qualified and has a similarly qualified colleague should he be sick. A similar policy to the one proposed in this report has been in place in West Somerset Council for a number of years and since the DSA stepped away, Mr Booth has been the instructor of choice. He is currently also used by other councils in Somerset, including South Somerset and Mendip. Taunton Deane is in fact the last remaining licensing authority in Somerset not to have a practical driving test for hackney carriage and private hire drivers. Whilst we intend to accept evidence of the test having been completed by any reputable source, my recommendation is that drivers be signposted to Mr

Booth. I have been on a test with him and he clearly understands his role. By introducing this facility to the selection procedure, I believe as I have explained above, it will enhance the quality of driver whom we licence and lead to less complaints in relation to hackney carriage/private hire drivers behaviour and manner of driving.

- 4.10 This addition to the licence application process will require an update of the Taxi Handbook and website to describe the process and give contact details of the tester.
- 4.11 In relation to using the tester following complaints in respect of driving standard, this will give the council a more solid foundation with first hand evidence of the drivers abilities in order to make a sound judgement, which is unlikely to be challenged.
- 4.12 Members of the Taxi and Private Hire Trade Forum were advised of the proposals during the meeting held on Wednesday 23rd May this year. Minutes of the meeting are attached at **Appendix 3**, agenda item 5. Some concerns were raised about the cost of the test, and original proposals to direct drivers to re-take it after accumulating 5 DVLA driving licence penalty points. This has been taken on board and the threshold for retaking the test has been increased from 5 points to 6. Furthermore, it has been clarified that the actual cost of the test is £60; the additional £15 quoted in the meeting (taking the total to £75) representing a practice session, which is entirely optional. Those concerns aside, those at the forum were supportive of the proposal.

5 Links to Corporate Aims / Priorities

- 5.1 The licensing service is committed to helping businesses and individuals to comply with all relevant legislation and reduce unnecessary burdens in order to support new and existing businesses and enabling cultural and leisure activities, thereby supporting the Council's vision 'to enable people to live, work and prosper in Taunton Deane and West Somerset.

6 Finance / Resource Implications (if any)

- 6.1 The introduction of the test will increase the immediate costs to individuals wishing to become hackney carriage and private hire drivers. However, it is anticipated that, over time, demands made on the service would be reduced by virtue of higher standards of driving being maintained and this in turn will minimise costs to the trade through the fees that are levied.

7 Legal Implications (if any)

- 7.1 None apparent.

8 Environmental Impact Implications (if any)

- 8.1 No environmental impact implications were identified.

9 Safeguarding and/or Community Safety Implications (if any)

9.1 Adopting the proposal can only serve to further promote community safety, by ensuring that licences are only granted to those who can evidence a professional standard of driving. Furthermore, where driving ability falls below expected standards, the proposal includes a mechanism to allow the licensing authority to respond in a consistent and positive manner, without necessarily need to resort to suspension or revocation of an individual's licence.

10 Equality and Diversity Implications (if any)

10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance quality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant characteristic and persons who do not share it.

10.2 No equality and diversity implications have been identified within this report.

11 Social Value Implications (if any)

11.1 No social value implications were identified.

12 Partnership Implications (if any)

12.1 No partnership implications were identified.

13 Health and Wellbeing Implications (if any)

13.1 Through effective regulation, confidence in licensed hackney carriage and private hire drivers and their activities can be maintained, helping communities to thrive.

14 Asset Management Implications (if any)

14.1 No asset management implications were identified.

15 Consultation Implications (if any)

15.1 Holders of hackney carriage/private hire vehicle driver licences were consulted via the Taxi and Private Hire Trade Forum, as described at paragraph 4.12, and were overall supportive of the proposal.

16 Scrutiny Comments / Recommendation(s) (if any)

16.1 None

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
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- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency: **Once only** **Ad-hoc** **quarterly**
 Twice-yearly **annually**

List of Appendices

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| Appendix 1 | Licensing Officer's knowledge and suitability interview summary |
| Appendix 2 | Summary of the practical driving test |
| Appendix 3 | Minutes of the Taxi and Private Hire Trade Forum meeting held on Wednesday 23 rd May 2018. |