

Meeting:	Licensing and Enforcement Committee	Date:	9th September 2014
Subject:	Hackney Carriage and Private Hire Drivers assessment		
Report Of:	Gill Ragon, Public Protection Manager		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
	For Information		
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Appendices:	1: GCC Road Safety Unit Guidance Note and Driver Report		
	2: DVSA Taxi and Private Hire Test details		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 For Members to consider and agree for consultation the Driver and Vehicle Standards Agency taxi and private hire driving test for new Hackney Carriage and Private Hire Driver applicants.

2.0 Recommendations

- 2.1 Licensing and Enforcement Committee is asked to **RESOLVE** that:

- (1) Six week Consultation is undertaken on the proposal to replace the County Council Road Safety Unit assessment with the Basic Hackney Carriage and Private Hire driver assessment from the Driver and Vehicle Standards Agency (DVSA). This will also include the wheelchair assessment for drivers of wheelchair assessable vehicles.

3.0 Background and Key Issues

- 3.1 This Council, as part of the criteria for assessing the fitness and propriety of new driver applicants, requires the applicant to take a 'Drivers Assessment'. This is currently provided by Gloucestershire County Council's Road Safety Unit at a cost of £30 for a one hour assessment. The guidance for drivers and a copy of the assessment report are attached as Appendix 1.

- 3.2 The Local Government (Miscellaneous Provisions) Act 1976 simply requires applicants to have held a full standard drivers licence as issued by the DVLA for 12 months.
- 3.3 Investigation shows now that the majority of licensing authorities in England and Wales require an assessment or test to be undertaken before a driver is issued with a private hire or hackney carriage driver's licence.
- 3.4 The reason being is that Hackney Carriage and Private Hire drivers have a responsibility to ensure that their passengers have a safe, comfortable and enjoyable journey.
- 3.5 The Road Safety Unit 'test' is conducted as an assessment of current driving skills followed with advice where considered necessary. Although it is possible to fail the assessment this, in fact, very rarely happens. In the last ten years Officers can only recall this happening on two occasions.
- 3.6 The Gloucestershire Licensing Officer Group has been consulted in this matter and currently all but South Gloucestershire Council use the County RSU. Cheltenham is proposing to adopt the DVSA as part of a policy review.

3.7 The DVSA test is currently available in 3 formats.

Test Type	Weekdays	Weekdays after 16.30, Weekends and Bank Holidays
• Basic HC/PH test	£79.66	£96.00
• Basic plus wheelchair	£92.94	£112.34
• Taxi wheelchair exercise	£26.56	£32.68

- 3.8 The current RSU assessment is only available on weekdays.
- 3.9 Currently the nearest DVSA tests centres offering these tests appear to be Bristol, Worcester and Redditch and it would not seem reasonable to expect drivers to travel. However, the DVSA have been contacted with a view to providing the test at one of the local driving test centres currently located in Quedgeley and Cheltenham.
- 3.10 Details of the DVSA are attached at Appendix 2.
- 3.11 If Members decide to consult on the proposal to adopt the DVSA test then the Following questions will be asked:
- Should the test be the basic one or the enhanced test covering wheelchair accessibility?
 - If the basic test is chosen then should the wheelchair exercise be made mandatory for all drivers who drive wheelchair accessible vehicles?
 - Should the test be a requirement for new driver applicants only?

- Should the test be required for both new applicants and all existing driver licence holders upon renewal of their licence? N.B. driver's licences can be valid for 1 to 3 years.
- If it is decided not to introduce the DVSA test for new or existing drivers, Should it be adopted under the Hackney Carriage and Private Hire disciplinary procedures? This would apply where a driver has been brought before a Licensing Sub-Committee in accordance with the Hackney Carriage and Private Hire rulebooks. This could be following a complaint from members of the public, Councillors or the totting up of penalty points issued by Licensing and Enforcement Officers under the Hackney Carriage and Private Hire Regulatory Guidelines for Gloucester City Council or points on their drivers DVLA licence for motor offences.
- What life should the DVSA certificate have? (Can we suggest timescales e.g. every 3, 6, 9 years etc.?)

4.0 Alternative Options Considered

- 4.1 Members may consider dispensing with the requirement for additional testing of drivers as the current law does not require it, however, this would not ensure that drivers meet a specified standard of safe driving.
- 4.2 Officers have considered whether it is more appropriate to undertake an evaluation of the current RSU assessment with a view to designing a 'purpose built' assessment for Gloucester drivers, however, any redesign would not ensure the same nationally recognised standard as the DVSA is achieved and it would not be transferrable to other parts of the country.
- 4.3 Members may wish to explore the market further to see if there are other organisations who provide advanced driver training such as the Institute of Advanced Motorists and Royal Society for the Prevention of Accidents.
- 4.4 There is also an option to wait until the government have commented on The Law Commission's report and Draft Bill on taxi and private hire services before deciding on whether to change the Driver assessment. One recommendation in this report is the introduction of national standards for both taxi and private hire vehicles and drivers. It is proposed that this should include an element of disability awareness training as a pre-condition of the grant or renewal of a driver's licence.

5.0 Reasons for Recommendations

- 5.1 The DVSA taxi and private hire assessment is a nationally recognised qualification delivered by a Government Agency. This means it is transportable between authorities and gives drivers flexibility. The test focuses on the professional experienced driver and ensures high standards of safe driving and customer awareness are met.
- 5.2 Uniformity of the qualification across the U.K. means it is transportable between different licensing authorities.
- 5.3 Failure rates are relatively high due to complacency and errors made by drivers who have been driving for a number of years since passing their DVLA driving test.

6.0 Future Work and Conclusions

- 6.1 Should Members decide to change the current requirements and propose to adopt the DVSA test then there would need to be a consultation exercise undertaken with all interested parties and stakeholders over a 6 week period.

7.0 Financial Implications

- 7.1 There are no financial implications to Gloucester City Council because the cost would be passed on to the driver.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

- 8.1 The Council must be satisfied that new applicants and existing drivers are “fit and proper” persons to hold a hackney carriage or private hire vehicle driver’s licence.
- 8.2 A “person aggrieved” from either trade has a right to appeal licence conditions that have been imposed.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

- 9.1 The risk management implications for this report and Policies are as follows:-

- Hackney Carriage and Private Hire Policy is unfair or too prescriptive.
- Consultation inadequate.
- The risk of an appeal to Magistrates should an inappropriate or unreasonable decision be made and the potential for a financial penalty in costs awarded to be incurred.

- 9.2 The risks identified above are all low due to the actions / risk responses taken.

- 9.3 There is a risk of loss of revenue to Gloucestershire County Council Road Safety Unit if we no longer use with their services, which may have a knock on effect on their provision of road safety services.

10.0 People Impact Assessment (PIA):

- 10.1 The Screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.
- 10.2 The PIA screening stage was completed and did not identify any potential or actual negative impact. The need to carry out a full PIA will be assessed once representations have been considered from the consultation process.

11.0 Other Corporate Implications

Community Safety

- 11.1 The basis for licensed drivers to successfully complete an approved standard of safe driving promotes community safety by reducing the risk of potentially dangerous driving habits and motoring offences conducted. The overall aim of the licensing regime is public protection.

Sustainability

- 11.2 Hackney Carriage and Private Hire licensed drivers provide an important addition to the public transport provision in the City and so contribute to environmental sustainability.

Staffing & Trade Union

- 11.3 None

Background Documents:

The Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

The Law Commission Report and Draft Bill on Taxi and Private Hire Services