

# Gloucester City Council

<b>Meeting:</b>	<b>Licensing &amp; Enforcement Committee</b>	<b>Date:</b>	<b>9 December 2014</b>
<b>Subject:</b>	<b>Hackney Carriage and Private Hire Drivers Assessment</b>		
<b>Report Of:</b>	<b>Gill Ragon – Head of Public Protection</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Darren Mountford – Senior Licensing &amp; Markets Officer</b>		
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<b>Appendices:</b>	<b>1: Consultation responses</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 To present to Members the results of the six week consultation 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).

### 2.0 Recommendations

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

The Basic Hackney Carriage and Private Hire Driver Assessment from the Driver and Vehicle Standards Agency (DVSA), which will include the wheelchair Assessment for drivers of wheelchair accessible vehicles be adopted.

- 2.2 If the DVSA assessment is adopted, Members should also decide and resolve the following:

1. Should the test be a requirement for new drivers only?
2. Should the test be required for both new applicants and all existing driver licence holders? (If yes, a suitable timescale should be set for existing drivers to successfully pass the assessment e.g. 12 months)
3. Should Officers continue to consider the use of the DVSA assessment as an option for addressing motoring convictions at disciplinary hearings?
4. What life should the DVSA certificate have? For example 3, 6, 9 years currency etc.

### 3.0 Background

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976 simply requires applicants to have held a full standard drivers licence issued by the DVLA for 12 months.
- 3.2 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 Hackney Carriage and Private Hire Driver's Licence.
- 3.3 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.
- 3.4 At the Licensing and Enforcement Committee on 9<sup>th</sup> September 2014 members considered a report 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 was to include the wheelchair Assessment for drivers of wheelchair accessible vehicles.
- 3.5 Officers proposed that there would need to be a six week consultation should members decide to change the current requirements and adopt the DVSA Hackney Carriage and Private Hire Drivers Assessment.
- 3.6 Members approved the consultation.
- 3.7 The consultation took place from 30<sup>th</sup> September until 7<sup>th</sup> November 2014. Consultation documents were sent to all Hackney Carriage and Private Hire drivers, The Police, placed on Gloucester City Council's website, Shopmobility, Gloucester Dial a Ride, Gloucestershire Association for the blind, Gloucestershire Lifestyles, Gloucestershire Talking Newspaper, South Gloucestershire Fibromyalgia, Integrated Transport Unit, Gloucestershire County Council and Road Safety Unit, Gloucestershire County Council.
- 3.8 The consultation document not only asked whether the Council should adopt the DVSA Hackney Carriage and Private Hire driver's assessment, it also asked the following questions:
  1. Should the test be the basic one or the enhanced test covering wheelchair accessibility?
  2. If the basic test is chosen then should the wheelchair exercise be made mandatory for all drivers who drive wheelchair accessible vehicles?
  3. Should the test be a requirement for new drivers only?
  4. 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)
  5. If it is decided not to introduce the DVSA test for new and existing drivers, should it be adopted under the Hackney Carriage and private Hire disciplinary? 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 driver's licences for motoring offences.

6. What life should the DVSA certificate have? For example 3, 6, 9 years currency etc.

3.9 In total 9 responses to the consultation were received from members of the Hackney Carriage and Private Hire trade, no further comments were received from other consultees.

### Consultation responses

3.10 In summary, of the nine responses received, seven were in favour of the DVSA test being introduced whilst two were against. Six responders then went on to say that they thought that the test should only apply to new drivers, with one responder stating that they thought all drivers who have been licensed less than 2 years should be included. The seven responders who were in favour of the DVSA test all believed that the test should be used as a tool in the disciplinary process. Finally of the seven responders that were in favour of the test, three did not think it should have a set life whilst four responders considered it should.

The table below illustrates the responses to the consultation questions.

Question	Respondent								
	1	2	3	4	5	6	7	8	9
<b>Adopt DVSA?</b>	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
<b>1.</b>		Basic	Enhanced	Basic	Basic	Basic	Enhanced		Basic
<b>2.</b>		Yes	Yes	Yes	Yes	Yes	Yes		Yes
<b>3.</b>		Yes	Yes	Yes	Yes	Yes	No, drivers <2 years		Yes
<b>4.</b>		No	No	No	No	No	No, drivers <2 years		No
<b>5.</b>		Yes	Yes	Yes	Yes	Yes	Yes		Yes
<b>6.</b>		10 years	9 years	No expiry	No expiry	9 years	5 years		No expiry

The full responses can be seen in **Appendix 1** in further detail.

#### 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 re-design would not ensure the

same nationally recognised standard as the DVSA is achieved and it would not be transportable.

- 4.3 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 Hackney Carriage and Private Hire Driver 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 The DVSA test is a valuable qualification which demonstrates good driving skills. This is supported by the fact that 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 If the decision is made to adopt the DVSA assessment for licensed drivers, any alterations to conditions will take effect to all existing Hackney Carriage and Private Hire Licences, 28 days after each driver has received notification from the Licensing Authority in writing. If Members are minded to change the requirement for existing licensed drivers, an appropriate timescale to successfully pass the assessment should be considered. E.g. 12 months.
- 6.2 Members are asked to consider the consultation feedback responses and refer to the recommendations in paragraph 2.1 and 2.2 of this report.

## **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 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.

## **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:**

Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

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

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