

**LICENSING AND SAFETY COMMITTEE
1 FEBRUARY 2007**

**TAXI AND PRIVATE HIRE VEHICLE LICENSING – BEST PRACTICE GUIDANCE
(Director of Environment and Leisure)**

1 INTRODUCTION

- 1.1 The Department for Transport has recently released Best Practice Guidance to assist taxi and private hire vehicle licensing authorities in England and Wales. It is proposed that the Guidance should be considered when making decisions and reviewing policies.

2 SUPPORTING INFORMATION

- 2.1 In November 2003 the Office of Fair Trading carried out a market study of the regulation of taxis and private hire vehicles in the UK. One of the recommendations of the study was that the Department for Transport (DfT) should produce guidance on best practice for taxi and private hire licensing authorities.
- 2.2 Draft guidance was published in Autumn 2005 for consultation purposes. The final version of the Guidance was published in late October 2006.
- 2.3 The Guidance has no legislative effect, it is simply a guidance document. It is recognised that it is for individual licensing authorities to make their own decisions on policy and licensing matters, taking into account local circumstances. However, as the Guidance is considered to be Best Practice, it is reasonable to ensure that wherever practicable the Bracknell Forest policy and licence conditions meet the recommendations of the DfT Guidance to reduce the likelihood of legal challenge to policy and decisions.
- 2.4 Areas where the Bracknell Forest policy differs from the DfT Guidance are as follows:
- 2.5 Vehicle emissions testing – A review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test, which suggests that emissions testing should be carried out on an ad hoc basis and more frequently than the full vehicle test. Present facilities at the Depot do not allow for emissions testing. Checks are currently carried out as part of the annual MOT and ad hoc VOSA checks.
- 2.6 Vehicle testing centre – It is recommended in the Guidance that more than one testing station would be good practice. The present arrangements with the Depot are felt satisfactory.
- 2.7 Vehicle identification – It is important that members of the public are able to tell the difference between private hire vehicles and hackney carriages. It is recommended that a 'pre-booked only' sign is displayed on private hire vehicles. The Committee considered the placing of such a condition on licences around 4 years ago. After representations from the trade and taking into consideration that illegal plying for hire is not a major issue within the Bracknell area, the Committee considered it was disproportionate to introduce such a system at that time. Unless there is new

evidence to suggest that public safety is being put at risk within Bracknell Forest which would be resolved by the use of such signs, it is not proposed to seek committee approval for a change in policy.

- 2.8 Acceptance of driving licences from other EU/EEA member states – Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 states that a driver must have held a GB DVLA licence for at least 12 months in order to be granted a taxi or private hire driver's licence. This has been amended by the Driving Licences (Community Driving Licence) Regulations 1996 which allows full driving licences issued by EEA states to count towards the qualification for grant of a taxi or private hire driver's licence. A number of states have joined the EU and EEA since 1996, and the DfT takes the view that drivers should be eligible to obtain a taxi or private hire driver's licence if they have held a full driving licence for at least 12 months which was issued by any EU/EEA state. The Deregulation (Taxis and Private Hire Vehicles) Order 1998 gave equal recognition to Northern Ireland driving licences for the purpose of taxi and private hire driver licensing under the 1976 Act. Council policy currently states that applicants must have held a full DVLA licence for at least 2 years prior to application. It would seem that in light of the above the Council should reconsider its present policy, and a recommendation is included in the "Competency of Taxi and Private Hire Drivers" report on this agenda.
- 2.9 Certificates of Good Conduct – The DfT suggests that a useful way to check the background of applicants who have not been resident in the UK for the last 5 years would be to require the applicant to supply a certificate of good conduct from the relevant embassy or High Commission. This has not been found to be necessary, but with the other proposed changes it would seem to be a useful and necessary action to ensure that persons are fit and proper to become taxi and private hire drivers. A recommendation to implement the best practice is included in the "Competency of Taxi and Private Hire Drivers" report on this agenda.
- 2.10 Insulin-treated diabetes – The Guidance recommends that taxi and private hire drivers should be tested in accordance with the DVLA Group 2 medical standards, which is the standard required for bus and lorry drivers. However, there are exceptional arrangements within DVLA Group 2 to allow insulin-treated diabetics to drive category C1 vehicles (3,500-7,500 kg lorries). It is suggested that best practice is to apply the same standards to taxi and private hire drivers with insulin-treated diabetes. The Council currently applies the DVLA Group 2 standards, and it should be considered whether the medical standard for insulin-treated diabetics should be amended. This would allow insulin treated diabetics to drive taxis and private hire vehicles, subject to them meeting certain qualifying conditions as set out in Annex B to the DfT Guidance. A recommendation to implement the best practice is included in the "Competency of Taxi and Private Hire Drivers" report on this agenda.
- 2.11 Age Limits – The DfT does not recommend maximum age limits for drivers, provided that regular medical checks are made. They also state that minimum age limits would be inappropriate, and that each applicant should be assessed on their merits. Council policy has recently been amended to remove the upper age limit, and it should be considered whether this should also be amended in respect of the minimum age limit. This would, in effect, lower the minimum age limit from 21 to 18. A recommendation to implement the best practice is included in the "Competency of Taxi and Private Hire Drivers" report on this agenda.
- 2.12 Driving Proficiency/Other Training – The DfT does not specifically recommend a form of assessment to ensure the competency of drivers. However, it does specify that the Driving Standards Agency provides a driving assessment specifically designed

for taxi and private hire drivers. The Council does not currently test practical driving skills, but the DSA Taxi and Private Hire driver test could be implemented to ensure a minimum standard. This might be particularly relevant when looking to reduce the minimum age, reduce the 2-year full driving licence requirement to 12 months, and licence foreign nationals who may not have any relevant experience of driving on UK roads. Additionally, there are nationally recognised vocational qualifications for the taxi and private hire trade which focus on customer care, rather than driving skills. A recommendation to require all new drivers to take and pass the DSA Taxi and Private Hire driver test is contained in the "Competency of Taxi and Private Hire Drivers" report on this agenda.

- 2.13 Criminal Record Checks - Operators – Private hire vehicle operators are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced Criminal Record disclosures (which reveal both spent and unspent convictions) cannot be required as a condition of grant of an operator's licence. It is recommended that a Basic Criminal Record disclosure (which reveals unspent convictions only) would be appropriate, along with a certificate of good conduct from the relevant embassy or High Commission for those applicants who have not been resident in the UK for the last 5 years. The Council currently carries out Standard CRB checks for all operators. In order to comply with legislation, the procedure shall be amended so that Basic (rather than Standard) CRB checks are carried out on all private hire vehicle operators.
- 2.14 Operator Licence Duration – The Guidance states that annual licences do not seem necessary, and up to a 5-year period is recommended, with an option of a shorter licence period if requested by the applicant. The Council currently issues operator licences for one year. It would seem appropriate to consider increasing this to 3 years, plus the option of a one-year licence, in line with existing driver licence arrangements. This has been addressed within the Fees and Charges Report for 2007/8.

3 IMPACT ASSESSMENT

- 3.1 There are no direct consequences of the report for any group and no direct community safety implications.

4 STRATEGIC RISK MANAGEMENT ISSUES

- 4.1 There are no strategic management issues identified

Background Papers

DfT Taxi and Private Hire Vehicle Licensing – Best Practice Guidance

Contact for further information

Laura Driscoll, Licensing Section, 01344 352517
laura.driscoll@bracknell-forest.gov.uk

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