

**LICENSING AND SAFETY COMMITTEE
1 FEBRUARY 2007**

**COMPETENCY OF TAXI AND PRIVATE HIRE VEHICLE DRIVERS
(Director of Environment and Leisure)**

1 PURPOSE OF DECISION

- 1.1 The Department for Transport (DfT) has recently released Best Practice Guidance to assist taxi and private hire vehicle licensing authorities in England and Wales. It is for individual licensing authorities to make their own decisions on policy and licensing matters, taking into account local circumstances. However, the proposed procedures outlined in this report will ensure that wherever practicable, Bracknell Forest policy and licence conditions will mirror the recommendations of the DfT Guidance and thereby reduce the likelihood of legal challenge to Council policy and decisions.
- 1.2 In addition as part of the process of adopting best practice, it is proposed that new procedures are introduced to ensure the competency of licensed taxi and private hire vehicle drivers.

2 RECOMMENDATIONS

2.1 That the Committee agrees that:

- (a) The minimum age condition for taxi and private hire drivers be removed.**
- (b) Persons who have held full driving licences issued by any EU or EEA state for at least 12 months should be entitled to apply for a taxi or private hire vehicle driver's licence.**
- (c) All applicants who do not hold a UK passport and have not been resident in the UK for the last 5 years be required to obtain a certificate of good conduct or equivalent from the relevant embassy or High Commission.**
- (d) All new applicants for driver licences must take and pass the Driving Standards Agency practical test specifically designed for either:
 - i) Hackney Carriage drivers, to include loading and unloading of wheelchair users or**
 - ii) Private Hire drivers**from 1 April 2007.**
- (e) The medical standard required for insulin-treated diabetic drivers be amended to match the DVLA Group 2 standard for drivers of category C1 vehicles.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The relevant legal provisions are contained within the main body of the report.

Borough Treasurer

- 3.2 There are no significant financial implications arising from this report.

Impact Assessment

- 3.3 There are no implications identified.

Strategic Risk Management Issues

- 3.4 There are no strategic risks identified.

Other Officers

- 3.5 Not applicable.

4 SUPPORTING INFORMATION

- 4.1 The Age Discrimination Regulations 2006 came into effect on 1 October 2006 and provide for legal action where it is shown that a person has been discriminated against due to age in their employment or application for employment. The Regulations put forward the principle that competency to do a job is paramount and that age should not be a factor in the determination of competency. Whilst the regulations do not at this time directly apply to licence conditions, it can be seen as best practice to apply the principles of the regulations unless there are clear grounds not to.

- 4.2 The recent DfT Guidance contains the following recommendations relevant to this report:

- 4.3 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, but there is a current minimum age limit of 21.

- 4.4 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 allow 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 has now issued guidance which 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 issued by any EU/EEA state for at least 12 months. Council policy currently states that applicants must have held a full DVLA licence for at least 2 years prior to

application, so it would seem that this policy needs to be reconsidered in light of this new guidance.

- 4.5 Certificates of Good Conduct – The DfT suggests that a useful way to check the background of applicants from elsewhere in the EU and other overseas countries would be to require the applicant to supply a certificate of good conduct from the relevant embassy or High Commission. This is to help satisfy the Council that an applicant is a 'fit and proper person' as required by the legislation.
- 4.6 Driving Proficiency/Other Training – The DfT do not specifically recommend a form of assessment to ensure the competency of drivers. However, they do 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, relying upon age and UK driving experience to determine competency. If the decision of the Committee is to remove the lower age limit, reduce the minimum period to hold a full driving licence to 12 months from 24, or to permit EU drivers who may not have experience on UK roads to be licensed, then members may wish to consider if other competency measures such as the DSA test should be implemented to maintain residents' confidence that a licensed driver is "fit and proper" for that role. The DSA offers 2 levels of test depending upon whether the driver will be driving a vehicle suitable for carrying a wheelchair user, a wheelchair accessible vehicle. It is Council Policy that all Hackney Carriages will be wheelchair accessible by 2010 and it is therefore recommended that an applicant for a licence to drive a Hackney Carriage must pass the DSA test which tests the applicant's practical skills in loading and unloading a wheelchair user in a Hackney Carriage. At this time, officers do not feel it is necessary or appropriate for drivers of Private Hire vehicles to have to take this test.
- 4.7 Insulin-treated diabetes – The DfT Guidance recommends that taxi and private hire drivers should be tested in accordance with the DVLA Group 2 medical standards. Bracknell Forest presently fully adopts those standards. It is suggested in the DfT Guidance that in certain very restricted circumstances a person who has insulin-treated diabetes should be passed as fit to drive a taxi. Regulation changes to the Group 2 medical standard were made in 2001. This allows insulin-treated diabetics who meet certain qualifying conditions to drive category C1 vehicles (good vehicles up to 7,500 kg). It is suggested that it is best practice to apply the same standard to taxi and private hire drivers with insulin-treated diabetes. This change would permit a very small number of people who meet specific medical requirements to drive a taxi or private hire vehicle when this would not previously have been possible.

Background Papers DSA Test Information

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