

**TO: LICENSING AND SAFETY COMMITTEE
13 OCTOBER 2011**

**CHAUFFEUR BADGES
(Chief Officer: Environment and Public Protection)**

1 PURPOSE OF REPORT

- 1.1 On 13 January 2011 the Committee received an information report on the creation of a category of Private Hire Driver Licence referred to as a Chauffeur Licence. The Committee at that time agreed that officers would consult with the taxi trade and bring back a report with recommendations.

2 RECOMMENDATIONS

That the Committee:

- (a) agrees to the introduction of a Chauffeur Private Hire Driver Licence subject to the following:**
 - (i) the Chauffeur Licence permits the driver to drive only a vehicle that has been granted a Private Hire Dispensation by the Council;**
 - (ii) the applicant must take and pass the Council Private Hire Driver Knowledge Test without the geographical element;**
 - (iii) the applicant must also satisfy the other elements including the criminal record checks, DSA Private Hire Saloon Test, medical fitness and attend the Council's First Aid Course within 12 months of the grant of the licence; and**
 - (iv) a report back to the Committee in October 2012 on the implementation of the Chauffeur Licence.**

3 REASONS FOR RECOMMENDATION

- 3.1 The present private hire driver badge is generally a 'one size fits all' provision and does not fully recognise changes in service delivery which have occurred over the years with distinct niches being developed for private hire provision. The Council has already recognised this to a degree and has created a Home to School private hire driver badge. The introduction of a Chauffeur badge would be an extension of this process. The Borough has a strong chauffeur trade due to the number of multinational companies based in the area. The introduction of a Chauffeur badge would assist those Chauffeur businesses to recruit more easily but if appropriate conditions are applied to the licence would not result in a drop in standards for the work carried out.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee could decide to leave the present conditions in place and require all

private hire applicants to undertake the same geographical test.

5 SUPPORTING INFORMATION

- 5.1 The Committee received an information report on 13 January 2011. A copy of that report is attached as Annex A to this report. As a result of that report officers consulted with the trade.
- 5.2 At present it is estimated that there are 20+ companies and 50+ drivers who specialise in corporate chauffeur work and to which any change as recommended would provide a business advantage, enabling them to recruit more easily and over a wider area to match their business needs.
- 5.3 On 28 February 2011 a letter was sent to all drivers and private hire operators seeking their views on changes to the present licensing provisions. A copy of that letter is attached as Annex B. Only one response was received prior to the closing date of 31 March 2011 from a Mr T Carroll and that is attached to the report as Annex C. It can be seen that Mr Carroll would not support a change in the licence conditions. Despite phone calls to interested parties no further responses were received prior to the consultation closing date.
- 5.4 On 4 August it was decided to give businesses that would be perceived as those most likely to benefit from such a change a final chance to comment on the proposal. A copy of the letter was sent to chauffeur businesses and a request was made for a response within 5 days. The responses from Mr O'Shea, Bray Cars Ltd and Mr Mehr, Raven Business Services are attached to the report as Annex D and E. In addition further chase up emails were sent during August to those who had not responded. A response from a Tariq Hanif of Taylor Hanson was received on 11 August and is attached as Annex F, and from UK Chauffeur Network on 17 August attached as Annex G.
- 5.5 Members of the Committee have to consider firstly why a condition requiring a geographical test for private hire drivers is in place and secondly what would the impact be upon the removal of such a test within the parameters set out within this report. It is suggested by officers that within the local area the cost of a journey within a private hire vehicle is dependant upon the distance travelled, this is often via a meter similar to those within a Hackney Carriage or by reference to the trip meter or the odometer against a rate per mile determined by the operator. A geographical knowledge of the area is therefore important to protect the financial position of the customer. Additionally a customer would normally wish to travel by the most direct route to save time. Officers would therefore not support the removal of a geographical test for all private hire drivers.
- 5.6 As mentioned within the report of 13 January 2011 there are said to be reasons why a restricted / niche area of the private hire trade should not be subjected to this condition. Such a condition is said to be superfluous to the area within which they work and a barrier to effective trade. Charges are fixed for a journey and not variable depending upon the mileage travelled or time taken. The journeys are also planned in advance and frequently carried out with satellite navigation equipment fitted to the vehicle. It is common for drivers to drive from their home, frequently many miles from Bracknell Forest, to destinations also outside of Bracknell Forest. The requirement to undertake a geographical test associated with Bracknell Forest in many cases discourages applicants from other areas applying or delays the processing and issuing of licences due to the time necessary to gain sufficient knowledge of

Bracknell Forest to be able to pass the test. This is seen by businesses within the Borough as an unnecessary barrier to their ability to trade and expand their business.

- 5.7 Those who use private hire vehicles must have a level of protection which is judged as appropriate given all circumstances. Those circumstances can include the impact upon the business supplying those services and a balance needs to be struck between those often conflicting positions. Whilst officers are of the view that the geographical knowledge test provided for private hire drivers is appropriate and necessary to protect users, there are grounds within very narrow parameters to remove this without risk of detriment for users and which would also remove a burden from some specialist local businesses. The officers' recommendation is therefore that for drivers of only vehicles having a corporate exemption certificate, for which there is no pro-rata charge relating to mileage travelled, a Private Hire Chauffeur Driver Badge can be issued without having to take and pass the Private Hire Geographical Test.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal provisions are contained within the report.

Borough Treasurer

- 6.2 There are no significant financial implications arising from the recommendations in this report.

Equalities Impact Assessment

- 6.3 There are no equality impacts identified with this recommendation.

Strategic Risk Management Issues

- 6.4 No strategic risks have been identified at this time.

Other Officers

- 6.5 None.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Taxi and Private Hire trade.

Method of Consultation

- 7.2 Letter to licensed individuals and companies within Bracknell Forest.

Representations Received

Included with the report.

Background Papers

Licensing and Safety Committee 13 January 2011

Contact for further information

Robert Sexton - 01344 352580

robert.sexton@bracknell-forest.gov.uk

Doc Ref

G/Secs/Licensing&SafetyCommittee/2011/ChauffeurBadges13-10-11 (c)