

Telford & Wrekin Council

Licensing Committee – 26th June 2013

Amendments to the Council's Policy on Tests for Licensed Drivers

Report of the Service Delivery Manager – Public Protection

1. Purpose

- 1.1 To inform Members of the proposal to amend the current Driving Test applicable to all new and existing Hackney Carriage, Private Hire and Dual Drivers

2. Recommendations

It is recommended that Members agree, subject to the consultation referred to below:

- 2.1.1 To amend the current conditions in respect of the Driving Standards Agency (DSA) Test and to now refer to it as the Road Safety & Sustainable Transport Team Assessment.
- 2.1.2 To remove the current conditions relating to driving tests from 31 October 2013.
- 2.1.3 To amend the current Policy to state that all drivers will be subject to the new Road Safety & Sustainable Transport Assessment. This assessment must be completed on all initial applications and for all existing drivers this must be completed prior to the renewal of Drivers Licence.
- 2.1.4 That Members approve a four week consultation on this matter and for the Chair of the Licensing Committee and the Principal Licensing Officer to consider and determine the results of the consultation as set out in paragraph 5.1.17 of this report.

3. Summary

- 3.1 On 7th September 2011, Members of the Council's Licensing Committee resolved to amend the Council's Private Hire Driver Condition 7.2(b) relating to driver training and condition 7.2 and 7.3 Dual Driver Licence Conditions relating to driver training.

3.2 Current conditions state:-

b) That a Driving Standards Agency (DSA) Test shall be taken by all existing Private Hire Drivers within 24 months (of this condition coming into force).

4. Previous Minutes

4.1 LC-132 and 133 – Licensing Committee 29th March 2010.

4.2 LC-05 Licensing Committee 7th September 2011

5. Information

5.1 Background

5.1.1 Telford & Wrekin Council has responsibility for licensing Hackney Carriage and Private Hire Vehicles, Drivers and Operators within the borough of Telford & Wrekin.

5.1.2 The purpose of licensing Hackney Carriages and Private Hire Vehicles, Drivers and Operators is for the provision of a safe and accessible service to the public.

5.1.3 On 7th September 2011, Members considered a report which proposed developing the conditions attached to Private Hire Driver and Dual Driver Licences, by introducing Driving Standards Agency (DSA) testing for all new drivers and existing Private Hire and Dual Drivers. The current DSA Test is explained in Appendix A.

5.1.4 All new applicants for Hackney Carriage, Private Hire and Dual Driver Licences are required by this Council to take and pass the DSA driving test for taxi and private hire prior to being granted a licence.

5.1.5 The current fee is payable by the driver to the DSA at the time of the test. The fees are attached at Appendix B

5.1.6 Over the last twelve months, the Licensing Service has been notified by representatives of the Taxi Trade of severe delays in booking a test with the DSA. The length of delay has varied considerably, with several drivers waiting in excess of ten weeks to undertake the Test.

5.1.7 The Licensing Service has raised these concerns with the DSA and invariably, the standard response has been that there has been a

reduction in resources (particularly Inspectors) to deal with the volume of required Tests.

- 5.1.8 Representatives of the Trade have raised their dissatisfaction with the current level of service provided by the DSA. In particular, a number of licensed drivers are concerned that, due to the delay, they will not be able to adhere to the current conditions of licence which insist that all existing Private Hire and Dual Drivers shall undertake the DSA Test by 31st October 2013.
- 5.1.9 In addition, members of the Taxi Trade have raised concerns about the current costs of completing a DSA Test and it has been continuously raised that the cost of such a test is a barrier to encouraging applicants becoming a driver here in Telford & Wrekin. There have been numerous examples of potential drivers migrating to our neighbouring authority, who charge considerably less for a driving assessment.
- 5.1.10 Records indicate that currently there are 123 Private Hire and Dual Drivers still to undertake the Test prior to 31st October 2013.
- 5.1.11 The Licensing Service has carefully examined the information from the licensed trade and has been pro-active in obtaining a solution to this problem. Careful consideration has been given to ensuring public safety is maintained and to providing an assessment that continues and improves driver awareness.
- 5.1.12 As a result, numerous meetings have taken place with the Road Safety and Sustainable Transport Team at Telford & Wrekin Council. The Road Safety Team has been tasked with producing a driver assessment that meets the requirements of today's driving needs and to ensure that public safety remains a paramount objective.
- 5.1.13 The Road Safety Team has produced a procedure document detailing what any new driving assessment would entail. The driving assessment procedure is attached as Appendix C. In addition, the Road Safety Team has provided an Assessment Form and a Definition Guide to assist drivers. These are attached as Appendix D & E respectively.
- 5.1.14 Members should note that the cost incurred to any new driver or any existing Private Hire/Dual Driver is nearly 50% lower than the current costs encountered with undertaking a DSA Test.
- 5.1.15 Similarly, it is the opinion of the Licensing Service that a revised driving assessment may encourage new drivers to licence with Telford & Wrekin Council.

5.1.16 If Members agree to the proposed amendment to the Policy then the requirement for specific conditions will be obsolete as it will be a requirement of applying for a licence rather than a condition on the licence. It is therefore proposed that the current conditions specifically relating to driving tests be removed from 31 October 2013 when the time limited requirement as set out above will expire.

5.1.17 It is proposed that a 4 week consultation exercise in respect of the proposed changes is undertaken. The representations made during the consultation will be considered by the Chair of the Licensing Committee and the Principal Licensing Officer. If it is determined that the representations warrant an amendment to the proposed policy, then the matter will be brought back to this Committee for further consideration. However, if the representations only necessitate minor or procedural changes to the proposals, then Members are asked to grant authority to the Principal Licensing Officer, following consultation with the Chairman of Licensing Committee, to implement the changes.

5.2 Equal Opportunities

5.2.1 A draft Community Impact Assessment has been carried out on this review of Council Policy and Private Hire Driver and Dual Conditions of Licence and is attached at Appendix F.

5.3 Environmental Impact

5.3.1 There is no environmental impact arising from this report.

5.4 Legal Comment

5.4.1 Section 57(1) Local Government (Miscellaneous Provisions) Act 1976 provides that the Council can request information from applicants in respect of licence applications; this can include the issue of whether the applicant has or has not passed the driving test.

5.4.2 The information received under section 57 can then be considered by the Council when determining whether an applicant is a fit and proper person to hold a licence in accordance with sections 51 and 59 Local Government (Miscellaneous Provisions) Act 1976.

5.4.3 This approach has received judicial approval in the High Court in the case of Darlington BC v Kaye [2005] RTR 14.

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following Corporate Priorities:

2. protect and create jobs as a 'Business Supporting, Business Winning Council'

3. improve local people's prospects through education and skills training
4. protect and support our vulnerable children and adults

5.6 Opportunities and Risks

5.6.1 In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.

5.6.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

- (i) The Financial risks to the Council in the event of a legal challenge to the change in Policy.

5.7 Financial Implications

5.7.1 This scheme will operate as a pilot and will be reviewed in October 2013. The Licensing Team will administer the scheme within current resources. DSA tests will be provided by resources within the Road Safety Team.

6. Ward Implications

6.1.1 This report has implications for all wards in the District.

7. Background Papers

7.1.1 Equality Act 2010

7.1.2 Local Government (Miscellaneous Provisions) Act 1976.

7.1.3 T&WC Conditions of Licence for Private Hire Drivers

7.1.4 T&WC Conditions of Licence for Dual Drivers

7.1.5 T&WC Licensing Policy – Hackney Carriage and Private Hire

7.1.6 DSA Driving Test Report

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