

**BABERGH DISTRICT COUNCIL**

**FROM:** Head of Natural and Built Environment

**REPORT NUMBER:** **J130**

**TO:** LICENSING AND APPEALS COMMITTEE

**DATE OF MEETING:** 12 November 2009

**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - DRIVER STANDARDS**

**1. PURPOSE OF REPORT**

- 1.1 Generally, this report refers to procedures and checks to aid the Authority with the assessment of 'fit and proper person' status for combined Hackney Carriage and Private Hire Driver Licence applicants and holders in the Babergh District. Section 57(1) of the Local Government (Miscellaneous Provisions) Act 1976 allows a district council to require an applicant '*to submit such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted or whether conditions should be attached to any such licence*'.
- 1.2 Specifically, this report is asking the Committee to consider the relevant issues and resolve whether, at this time, the Authority should investigate the possibility of introducing additional assessment procedures in the form of a driving assessment test. This could be part of the application process for new driver applicants or extended to include all of the district's licensed drivers over a period of time. Any development of such a scheme will require full consultation with those likely to be affected.

**2. RECOMMENDATIONS**

- 2.1 That the Licensing and Appeals Committee instruct the Head of Natural and Built Environment to proceed with development of options on a proposed mandatory driver testing scheme, conduct the necessary consultation, and report options back to the Committee for a further decision; or
- 2.2 That the Licensing and Appeals Committee resolve that such a scheme is not reasonably necessary in Babergh at this time, and defer any further consideration on the matter until such time as there are any relevant changes – for example national guidance, local reorganisation or legislative change.

The Committee is able to resolve this matter.

**3. FINANCIAL IMPLICATIONS**

- 3.1 Any recommendation made by the Committee to proceed with an exploration of introducing a mandatory DSA or similar licensing scheme, will necessitate a period of consultation with those likely to be affected by the proposals. There will be a significant resource and cost implication for the Authority.
- 3.2 An aggrieved applicant or licence holder may challenge any decision on the Council's policy on mandatory driver testing - either generally or in an individual case.

#### 4. **RISK MANAGEMENT**

4.1 Key risks are set out below:

<b>Risk Description</b>	<b>Likelihood</b>	<b>Seriousness or Impact</b>	<b>Mitigation Measures</b>
Failure to review licensing procedures in response to emerging practices, guidance, legislative changes or local partnership working may result in inconsistencies or a decrease in public confidence.  Setting of terms or conditions that could be viewed as disproportionate or unreasonable may result in adverse publicity or legal challenge.	High	Critical	Member review of existing practices in the light of any relevant local or national information.

#### 5. **KEY INFORMATION**

5.1 At the current time Babergh District Council licences around 180 drivers. Every application is assessed, and every licence on issue is monitored, on its own merits - guided by national and local procedures, conditions and precedents. The Council already may require production of a Driving Standards Agency (DSA) test pass certificate where there are an accumulation of endorsements revealed by DVLA/driving licence check, relevant convictions, complaints or other information to suggest that such an assessment is reasonably necessary. Driver qualifications and assessment schemes are also encouraged as good practice on the part of the operator/driver.

5.2 It is clearly advantageous in several key respects to require such a driving assessment, for example:

- (a) increased assurance of driving standards and customer care for members of the travelling public, and those with an interest in the standard of drivers employed on school, social services and similar contracts;
- (b) increased confidence and professional competence for the driver - including disability awareness for drivers of accessible/specially adapted vehicles;
- (c) 'portable' and demonstrable competence for the pass certificate holder;
- (d) possible reduction in insurance premiums upon successful completion;
- (e) business benefit to the operator;
- (f) another tool to help the Authority assess whether a driver is, or continues to be, fit and proper to hold a licence; and

- (g) consistency with neighbouring authorities that require it. Differing practices in the local geographical area may impact on the lesser resourced Authorities - i.e. drivers deterred by arrangements in one area may seek to be licensed in another.

5.3 However, there are significant consequences associated with a 'blanket' scheme of this nature that need to be carefully considered and balanced against potential benefits. Some disadvantages may include:

- (a) the additional cost burden of £100-£200 for the assessment/test plus the potential loss of earnings for the driver whilst they undertake the test;
- (b) operators already report that trade is down and costs of fuel, insurance, fees and medicals, CRB's etc. are high. From 2010 all drivers will be required, over a 5 year lead-in time, to register with the ISA (Independent Safeguarding Authority) at an extra cost of around £69 per driver;
- (c) delays in processing applications. DSA testing may take as long as 6-8 weeks to obtain plus the operator may need to travel further to an approved centre out of the local area to obtain a quicker test. At peak times, the necessary CRB reports can also take 8 weeks or more to be returned;
- (d) that it will undoubtedly be unpopular with the trade and may be viewed as disproportionate regulation by drivers, and a burden on local business by operators at a time of economic pressure. It may deter those wishing to drive on a part time/casual basis to top up their income from applying;
- (e) that there is no statutory requirement for requiring such testing. The DVLA history, convictions and driving licence checking, and ongoing licence maintenance, performed by the Authority during both the application, licensed and renewal processes are already adequate to pick-up matters that may require driver assessment;
- (f) that any locally developed practice may in due course be superseded by a national mandatory requirement - similar to those required from HGV and PSV drivers;
- (g) additional administrative burden, and consequential delay in considering applications, on the Licensing Team at a time when resources are already stretched. It would potentially increase enquiries for the team as drivers require assistance in arranging tests, re-tests and obtaining general advice on the scheme. Increased costs would have to be passed on in licence fees - which provide for a cost neutral service; and
- (h) increased risk of legal challenge, and associated costs, for the Council. Negative publicity for the Council may also result.

5.4 It is worthy of note that some larger Councils have made available disability awareness training for drivers, at no cost to the participant, but have had very little uptake or interest from the trade.

- 5.5 Other Councils, including St. Edmundsbury, have introduced mandatory DSA testing only to encounter problems from the delays in getting drivers tested (6-8 weeks delays). One possible solution to overcome such a problem, could be to involve Suffolk County Council Passenger Transport who have recently developed an 'in-house' one-day taxi driving assessment scheme, at a cost of approximately £95 per session. This is however likely to have less national recognition, including with insurers, than the DSA scheme.
- 5.6 Suffolk County Council could themselves require school and social service providers to undertake this test as part of their contract agreements, rather than make it a part of the licensing process. There is also no assurance that this County scheme of providing training for 'people who drive for work' will be available in the longer-term.

6. **APPENDICES**

Appendix 1: Driving Standards Agency (DSA) assessment summary

7. **BACKGROUND PAPERS REFERRED TO**

None

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## **SUMMARY OF THE DSA HACKNEY CARRIAGE & PRIVATE HIRE ASSESSMENT**

### **Introduction to taxi driving**

The Driving Standards Agency (DSA) first introduced a non-statutory practical driving test for Hackney Carriage and Private Hire in 1999 and now DSA conduct tests on behalf of many Licensing Authorities on a national basis.

DSA take the view that professional Hackney Carriage and Private Hire drivers have a special responsibility in the safe transportation of fare paying passengers. Every journey should be a safe one, taxi drivers make millions of safe and efficient journeys in Britain each year and the safe completion of each journey totally depends on the skill of the driver.

Some Licensing Authorities insist that before you are issued with a Hackney Carriage or Private Hire drivers licence you must pass a Hackney Carriage/Private Hire assessment. If your Licensing Authority requires you to take the test, it is recommended that you familiarise yourself with the content of the test and that you take professional instruction prior to taking the test.

The standard of the taxi assessment test is set at a level suitable for the full driving licence holder, which is therefore higher than the learner driver test.

### **The eyesight test**

At the start of your practical test you will be asked to read in good daylight (with the aid of glasses or contact lenses if worn) a registration mark fixed to a motor vehicle with letters and figures 79.4 millimetres high at a distance of 20.5 metres (20 metres for a new style number plate). If you fail the eyesight test, you will be unable to take the driving part but will still be able to continue with the wheelchair section.

### **The practical test**

The practical test will last for about 35 to 40 minutes, depending on traffic. During the test you should drive in a natural way, and should not adjust your driving to what you may feel the examiner would expect to see. The examiner will give you clear instructions which you should follow throughout the test.

During the practical test, you will be examined on the following:

- awareness and anticipation
- effective planning of prevailing road and traffic conditions
- correct use of speed
- emergency stop (one in three tests)
- a manoeuvre involving reversing
- Hackney Carriage/Private Hire Car related exercise
- passenger safety and comfort
- wheelchair element (for Black Cab style only)

## **The wheelchair exercise**

If you are taking the taxi test with the wheelchair exercise you should also be able to:

- demonstrate your ability to securely erect the wheelchair ramps, floor ramp etc
- safely install the wheelchair in your vehicle
- secure seat belts/safety harness and also secure any wheel belts/clamps fitted to your vehicle
- reverse the process by taking off the belts, harnesses and clamps, taking the wheelchair out of the vehicle and putting the ramps away

## **At the end of test**

On passing the test you will receive:

- a pass certificate
- the offer of a debrief
- an assessment copy

If you pass the driving element of the taxi test you will receive a TPH10 certificate. If you pass the wheelchair element you will receive a WTA10 certificate.

If you fail the test you will receive:

- the offer of a debrief
- an assessment copy
- training advice

If you fail the taxi practical test you may retake the test again at a later date. You must, however, wait a minimum period of three clear working days between appointments. There is no limit to the number of times you can take the test.