

**MINUTE EXTRACT FROM SPECIAL LICENSING COMMITTEE
16TH DECEMBER 2016**

0550. INTERIM TAXI LICENSING POLICY AMENDMENTS

Committee considered a report which sought approval and adoption of minor amendments to the Council's Statement of Licensing Policy for hackney carriage and private hire drivers, vehicles and operators.

The Council introduced the current policy for the licensing of hackney carriages and private hire drivers, vehicles and operators (collectively referred to here as the taxi trade) three years ago. The Policy would be subject to a full review in line with county-wide standards which local authorities were currently working on. However, there were some areas which were in need of improvement and amendment immediately and in some cases urgently.

The report identified those priorities for amendment which could be made immediately pending the full review of the Policy. These were as follows;

Hackney Carriages – Intended Use

In 2014 the Council opted to restrict the issue of hackney carriage vehicle plates to those vehicles only which were intended to be used in the District. This helped to limit the problem whereby applicants obtained a hackney carriage and then used it (legally) to carry out pre-booked work in other districts. Currently, all applications for hackney carriage vehicle licences were considered by Licensing Committee. Not only was this resource-intensive in preparing reports for Committee, there was often insufficient evidence at a first application for Members to make a proper determination.

Accordingly, Members needed to consider whether they wanted to delegate the power to determine such applications to officers. They would then be referred to the Licensing Committee only when;

- (a) officers had concerns about the application; or
- (b) subsequent to the grant of the licence, evidence was obtained that they were not complying with the licence conditions.

Related to this issue, it was worth noting that the Council currently had a small number of operators who held a licence but their base lied outside the District boundary. Direction was sought from Members as to whether they required officers to undertake further work on the restriction of operators who held licences outside of the controlled District.

Members agreed that officers carry out further work on the restriction of operators who held licences outside of the controlled District.

Medical Checks for HGV & PSV Drivers on First Application

Currently, the policy stated that HGV and PSV licence holders were not required to provide a medical certificate proving their fitness because they would have already provided one to

meet the Group 2 medical standards. However, they may have gone several years since obtaining their Group 2 licence so the assumption that they were medically fit may be inaccurate. Amending the policy to require all applicants and licence-holders to provide an up-to-date medical certificate as and when required would eliminate this risk. The overall policy on medicals and the intervals at which they were required would remain unchanged.

It was proposed to amend the policy at section 4.2.5 by removing the words:

“Holders of current PSV and/or HGV licences, where the holder is able to produce proof of current medical examination, will not be required to undergo a further medical examination”.

Members agreed that the policy be amended to require all applicants and licence-holders to provide an up-to-date medical certificate as and when required by the Council.

DVSA Testing

The DVSA were due to withdraw their provision of the taxi driving test, a requirement of the current policy for new HC/PHV drivers, at the end of the year (2016). DVSA had already stopped providing test appointments. Work was ongoing to identify both interim and longer-term replacements to ensure applicants met the required driving standards. Once the replacement measures were identified it was sensible to move quickly to implement them as soon as possible.

Accordingly, it was proposed that the policy be amended to:

- (a) Remove the requirement to meet DVSA taxi test standards;
- (b) Replace with a requirement to meet such driving standards test as the Council saw fit to introduce; and
- (c) Leave it to officers using delegated powers to determine the most appropriate form of testing.

Members agreed that in consultation with the Chair of Licensing Committee, officers determine, as an immediate replacement, the most appropriate form of testing to fit in as an interim driving test and also carry out further work on the best replacement for the DVSA test and present the options to a future meeting of Licensing Committee.

Safeguarding Training

Officers were currently exploring opportunities, in partnership with other Derbyshire authorities, if possible, to provide safeguarding training for applicants and licence-holders.

In anticipation of this being put in place a suitable requirement to undertake the training needed to be added to the policy. Implementation of the training itself could be left to officers acting under delegated powers.

Members would be informed once the options had been considered. If a charge was to be applied for the training then further consultation would be required.

Knowledge Test Amendments

In light of recent focus on safeguarding and the introduction of relevant training as set out above, the possibility of including an element of questions as part of the knowledge test should be considered. This would allow the Authority to ensure knowledge of safeguarding practices was tested in the same way as other areas of knowledge.

It was also considered that the current test format (3 sets of 10 questions) was too prescriptive and did not allow the Authority to react quickly to new developments in the law or in areas of concern such as safeguarding.

It was therefore proposed to amend the policy sections relating to knowledge tests to remove the prescriptive tests and replace with a simple requirement to undertake such test of an applicant's knowledge as the Council deemed appropriate from time to time. This would need to be accompanied by a delegated power to the Joint Assistant Director to determine the composition of tests in future.

Certificates of Good Conduct

A problem had been identified in the wording of the existing policy which required that a Certificate of Good Conduct be supplied by "overseas applicants" for licences. In practice this did not reflect good practice which was to determine whether a certificate should be provided by those who were not currently or recently overseas but who had spent significant time living abroad.

It would therefore be sensible to amend the policy to require that a Certificate of Good Conduct should be provided by applicants/licence-holders, "where officers deemed it reasonably appropriate to do so", so other circumstances could be taken into account.

CCTV in Taxis

Following the county-wide review of taxi licensing standards, additional policy review work would be undertaken. One issue that could be explored was the introduction of CCTV as a mandatory measure in taxis. Direction was sought from Members as to whether they required further work on the possible options for CCTV to be undertaken as part of the extensive policy review.

Members agreed that officers carry out additional work on the options for the introduction of mandatory CCTV in taxis as part of the broader policy review and this be presented to a future meeting of Licensing Committee.

Moved by Councillor R.A. Heffer and seconded by Councillor R.J. Bowler

RECOMMENDED that (1) Council approve the adoption of the following amendments to the Statement of Licensing Policy for Hackney Carriage & Private Hire Drivers, Vehicles and Operators;

- (2) the Hackney Carriage Vehicle Licence condition be amended to reflect the intended use restriction,
- (3) the following words be remove from section 4.2.5;

"Holders of current PSV and/or HGV licences, where the holder is able to produce proof of current medical examination, will not be required to undergo

a further medical examination”.

- (4)
 - (a) the requirement to meet DVSA taxi test standards be removed,
 - (b) the requirement to meet such driving standards test as the Council sees fit to introduce; and
 - (c) delegated powers be granted to the Joint Assistant Director Planning & Environmental Health, in consultation with the Chair of Licensing Committee, to determine the most appropriate form of testing as an immediate replacement,
- (5)
 - (a) the requirement in respect of HC/PHV driver’s licences for all new applicants and existing licence holders to undertake such safe-guarding training as the Council sees fit to introduce; and
 - (b) delegated powers be granted to the Joint Assistant Director Planning & Environmental Health, in consultation with the Chair of Licensing Committee, to determine the most appropriate training.
- (6)
 - (a) those sections relating to knowledge tests, to remove the specific test format and replace with a requirement to undertake “such test of an applicant’s knowledge as the Council deems appropriate from time to time”; and
 - (b) delegated powers be granted to the Joint Assistant Director Planning & Environmental Health to determine the format and content of knowledge tests.
- (7) Amend the requirement to provide a Certificate of Good Conduct to those occasions where Licensing officers reasonably consider it to be appropriate.

and (2) **RESOLVED** that;

- (1) delegated powers be granted to the Joint Assistant Director Planning & Environmental Health to consider applications for hackney carriage vehicle licences,
- (2) the Joint Assistant Director Planning & Environmental Health to carry out further work on the restriction of operators who held licences outside of the controlled District,
- (3) the Joint Assistant Director Planning & Environmental Health to undertake additional work on the options for the introduction of mandatory CCTV in taxis as part of the broader policy review and present these to a future meeting of Licensing Committee for consideration.