

REPORT TO:	Licensing Committee
DATE:	20 th September 2017
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) licensing@denbighshire.gov.uk 01824 706433
SUBJECT:	Review of Hackney Carriage and Private Hire Driver Regime

1. PURPOSE OF THE REPORT

- 1.1 For Members to consider the current hackney carriage and private hire vehicle driver regime and some suggested improvements to enable Officers to develop a Hackney Carriage and Private Hire driver policy to better regulate and support the hackney carriage and private hire regime in the County.

2. EXECUTIVE SUMMARY

- 2.1 To seek the views of Members on the existing hackney carriage and private hire vehicle driver regime and to seek approval to consult on a new policy.

3. BACKGROUND INFORMATION

- 3.1 Section 51 of The Local Government (Miscellaneous Provisions) Act 1976 provides a local authority with powers in relation to private hire driver licences.
- 3.2 Section 46 of The Town Police Clauses Act 1847 provides a local authority with powers in relation to hackney carriage drivers licences.
- 3.3 In order to be licensed as a driver, an applicant must show they are a “fit and proper” person.
- 3.4 The authority’s current “fit and proper” test and existing regime comprises of the following:
 - a. Disclosure and Barring Service check (criminal record check)
 - b. DVLA driving licence check

- c. Group 1 Medical assessment
 - d. Knowledge Test (7 areas - local area knowledge, Child Sexual Exploitation, customer service, numeracy and tariffs, highway code, vehicle maintenance, licensing policy and conditions)
 - e. Social Services checks
 - f. National Fraud Initiative check
- 3.5 Only upon satisfactory completion of the above assessments will an applicant be deemed fit and proper and will therefore be granted a licence.
- 3.6 Currently the Council does not have a written policy for hackney carriage and private hire drivers, however, office procedures are set out as in 3.4 above.
- 3.7 We are proposing that a hackney carriage and private hire vehicle driver policy should be introduced which clearly sets out the Authority's stance on the regime. However, It should be noted that the Welsh Government have just commenced consultation on the reform of taxi legislation which could impact on the future regulation of hackney carriage and private hire licensing. Therefore, any future policy will take into account any new legislative requirements whilst also considering any relevant guidance. The full consultation document can be found at Appendix 1.
- 3.8 Officers are of a view to continue developing a new hackney carriage and private hire driver policy, and to keep a watching brief on the progress of the Welsh Government consultation.
- 3.9 Officers would welcome any views of Members on the hackney carriage and private hire driver regime, but the following subjects have been raised as areas of possible improvement:

SUBJECT	CURRENTLY PROCEDURE	POSSIBLE OPTIONS
Medicals	Group 1 Medical by registered GP – on application and every 3 years up to 60 years of age and then every year thereafter	The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey and they are on the road for longer hours Option: Group 2 Standards of Medical Fitness as applied by the DVLA to HGV and bus drivers – applicants are required to

		<p>undergo a medical assessment at the initial application stage. A further medical assessment will then be conducted at 45 years of age and every five years thereon, until 65 years of age when they will be undertaken annual, unless otherwise instructed by their medical practitioner</p>
Qualification	None	<p>The licensing authority believes that due to the nature of the role and the high demands and pressures that are brought with it, all applicants who are not currently licensed with the authority should undertake and pass a nationally recognised qualification that includes, customer care, road safety and meeting the needs of people with disabilities and safeguarding.</p> <p>OPTION: To introduce a suitable qualification for new applicants and also as well as its use as an additional enforcement tool for any taxi licensing breaches</p>
Age and driving experience	Held DVLA driving licence for a minimum of 12 months irrespective of age	<p>Age is an important factor to take into consideration in judging the suitability of new applicants due to the nature of the role. The licensing authority must be satisfied that all applicants have appropriate experience and knowledge of driving</p> <p>Option: It is expected that applicants when making an application will not be less than 21 years of age and will have held a DVLA driver's licence for not less than two years at the time grant.</p>

4. **RECOMMENDATION**

4.1 That Members note the contents of the report and recommend the following:

- i. Instruct Officers to start work on a draft policy, taking into consideration any developments from the Welsh Government process, and authorise Denbighshire's consultation with interested parties, and report back to a future meeting.