

## PART A

**Report to:** Licensing Committee  
**Date of meeting:** 23 November 2015  
**Report of:** Head of Community and Customer Services  
**Title:** Private Hire (Chauffeur) Licences

### 1.0 SUMMARY

- 1.1 The Council issues licences for private hire operators, drivers and vehicles to carry passengers for hire and reward. The council has a broad discretion in exercising this function and has established criteria for obtaining and maintaining each of those three types of licence. In doing so it has established separate criteria for “chauffeur” licences that officers no longer feel are necessary or suitable.

### 2.0 RECOMMENDATIONS

- 2.1 That no new applications for “chauffeur” operator, vehicle or driver licence applications be accepted with immediate effect.
- 2.2 That before 31<sup>st</sup> January 2016:
- (1) existing licences for “chauffeur” operators, drivers and vehicles be revoked and;
  - (2) immediately replaced with the equivalent private hire licence for the duration of the previous licence at no additional charge, providing the licensee fulfils all the requirements to hold that licence as if they were existing licensees.
- 2.3 That the ability to grant an exemption to the requirement to display a plate on the rear of a private hire vehicle be introduced.

This exemption can only be authorised by the Licensing Manager or Section Head, applies to individual vehicles only and will be required to be renewed at least annually with the associated private hire vehicle licence application. The licensee will need to demonstrate the need for the exemption on the grounds of business necessity and that it will have no impact on public safety.

**Contact Officer:**

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**Report approved by:** Alan Gough, Head of Community & Customer Services

**3.0 DETAILED PROPOSAL**

- 3.1 The council licenses private hire (PH) operators, vehicles and drivers under part II of the Local Government (Miscellaneous Provisions) Act 1976. Licences are only issued to applicants who meet the legal requirements set out in the Act and who can meet the conditions set out by the Licensing Committee. Appendix 1 sets out the current conditions for PH operator, vehicle and driver licensing.
- 3.2 Historically, some firms argued that because they typically carried VIP passengers such as diplomats and film actors that they should be entitled to greater discretion than normal PHs working on a circuit doing cash or account work. In recognition of the business argument the council introduced a separate system of chauffeur licensing in 2001 with slightly different criteria to other PH licences. Appendix 2 sets out the conditions for PH chauffeur operator, vehicle and driver licensing.
- 3.3 The key differences between PH licensing and chauffeur licensing are:

	<b><i>PH licensing</i></b>	<b><i>Chauffeur licensing</i></b>
<b><i>Driving qualifications</i></b>	Applicants must pass the Driver and Vehicle Standards Agency driving test for PH drivers	Applicants are exempt from the DVSA test if they possess some form of advanced driving qualification
<b><i>Knowledge test</i></b>	Applicants must pass our Knowledge Test before being granted a driver's licence	Applicants do not need to take the Knowledge Test (but see paragraph 3.6(3) below)
<b><i>Licence plates on vehicles</i></b>	A private hire vehicle licence plate must be clearly displayed on the front windscreen and on the rear of the vehicle	A private hire vehicle licence plate must be clearly displayed on the front windscreen only
<b><i>Door signs</i></b>	Door signs must be displayed showing the PH operator's details unless we have granted the vehicle a temporary contract exemption	No door signs can be displayed
<b><i>Operator conditions</i></b>	Records of journeys	Operators must submit a

	undertaken are to be retained for six months and we may inspect them at any reasonable time	copy of their booking records (or a summary of them) by the 10 <sup>th</sup> day of each month
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- 3.4 Both types of licence are in all other respects the same in terms of criminal and medical checks, licence conditions, enforcement criteria and fees.
- 3.5 At present around 130 PH vehicles (and drivers) and fifteen PH operators are licensed. In contrast, there are eleven chauffeur drivers, (six of whom have been licensed in the past year), eleven chauffeur vehicles, and four chauffeur operators currently licensed.
- 3.6 We no longer think that the distinction between chauffeur and other PH licensing is either necessary or justifiable for a number of reasons:
- (1) Whilst the work is principally the same whether it is chauffeur or private hire, there are an increasing number of drivers who are working in both services and so the distinction is for the majority of drivers and vehicles not clear;
  - (2) there is confusion and lack of clarity around the distinction between chauffeur and private hire work. This may lead to risks to public safety from vehicles not being readily identifiable, or drivers not being suitably trained.
  - (3) officers believe the near-50% increase in chauffeur driver applications over the last year may reflect attempts to avoid having to take the knowledge test. On 14 September 2015 the Licensing Committee agreed to change the policy so that all applicants for driver licences now have to take the Knowledge Test whilst these policy changes were developed and consulted on.
  - (4) the Committee has also recently agreed to revamp the knowledge test. From December 2015 it will no longer just be a written test. Officers have identified the need for all drivers to have a greater awareness of the risks within our community and the ability to assist passengers with disabilities. Applicants now will attend a full-day's training course which will include customer service, driver safety, driver rules and regulations, risks to be alert to within the community and how to report these as well as disability awareness training from an expert provider.
  - (5) from October 2015 PH businesses are able to sub-contract their work to licensed PH operators in other council areas under the Deregulation Act 2015 (it was unlawful for them to do so before then). It is important that any business licensed by the council that carries out sub-contracted work ought to be readily identifiable and that the drivers are appropriately trained
  - (6) there is a small additional administrative burden in administering two schemes.
- 3.7 Officers therefore propose to abolish the distinction between the two types of licence schemes and have one for all PH work.
- 3.8 Officers propose to introduce the following arrangements in order to bring the two schemes into alignment:

(1) chauffeur vehicle licences will be revoked by 31<sup>st</sup> January 2016 and a private hire vehicle licence immediately reissued without cost as long as the vehicle meets the new criteria (in respect of door signs and plates). It will expire on the same date as the previous (revoked) licence. In suitable cases vehicles can be granted an exemption from having to display permanent door signs in line with existing strict policy.

(2) It is proposed that an ability to be granted an exemption to displaying a plate on the rear of the vehicle be introduced for private hire vehicles. An exemption will only be granted at the discretion of the Licensing Manager or Section Head. It will apply to individual vehicles only, and will be on the grounds that the licence holder demonstrates the business need and that this does not impact on public safety. The exemption will need to be renewed at least annually with the associated private hire vehicle licence application..

(2) chauffeur driver licences will be revoked by 31<sup>st</sup> January 2016 and a private hire drivers' licence immediately reissued without cost. This will expire on the same date as the previous (revoked) licence.

(3) existing chauffeur driver licence holders will not be required to retrospectively take the knowledge test. They will however continue to be required to attend the Professional Skills Update Course as part of their licence renewal criteria; this refreshes drivers in the same topics as the knowledge test training day. Those drivers that have not yet attended this, i.e. those that have only recently been licensed, will be required to attend this or the knowledge test (they will not be required to sit the test) within 3 months of 24<sup>th</sup> November 2015.

(4) all chauffeur operator licences will be revoked by 31<sup>st</sup> January 2016 and a private hire operator licence will be immediately re-issued expiring on the same date as the previous (revoked) licence. The only change in conditions relates to record keeping, and the new licence stops the requirement to submit monthly booking records.

(5) No applications for chauffeurs, drivers, vehicles or operators will be accepted after 24<sup>th</sup> November 2015, all applications will have to meet the current requirements for PH operator, driver and vehicle licences.

3.9 Officers do not believe there will be any significant financial implications to businesses following these proposals. Although future applicants for driver licences will have to pay to attend the Knowledge Test, this is not unreasonable when compared to entry to many other trades and professions and given the service being provided the training is considered essential. Training courses will be provided on at least a monthly basis and so there should be little or no delay in being able to accommodate applicants.

### 3.10 Consultations

Officers sent a consultation document to existing chauffeur licence holders on 2 October 2015, inviting comments by 2 November 2015. Only two email responses have been received, both of which were supportive of the proposals.

3.11 Officers have taken into account the argument that this recommendation will benefit existing chauffeur drivers who will gain private hire licences without the benefit of a Knowledge Test. That argument is accepted but the impact is minimal given that there

are only 11 chauffeur drivers currently licensed and the scheme is stopping. Any complaints regarding service will be dealt with the drivers are being required to attend training in the same way new applicants are.

### 3.12 Regulators' Code

The Council is required to take account of the statutory Regulators' Code when devising and developing policy. In this scenario officers would argue that the changes are very limited and in any analysis any additional burdens imposed on existing chauffeur licence holders are no more than those imposed on private hire licence holders. In addition, removing the requirement for monthly reporting of booking reduces the regulatory burden.

## 4.0 **IMPLICATIONS**

### 4.1 **Financial**

- 4.1.1 The Shared Director of Finance comments that there are no financial implications as the licence fees for the three licence fee categories are the same.

### 4.2 **Legal Issues** (Monitoring Officer)

- 4.2.1 The Head of Democracy and Governance comments that no legal issues have been identified. There is a power to revoke licences "for any reasonable cause" and no prejudice will be caused to chauffeur licence holders who will be immediately granted private hire licences providing they meet the requirements to be granted those licences (which are no more onerous than existing licence holders). There is a right of appeal to the magistrates' court against the refusal to grant or the conditions upon which a PH licence is grant. It is thought the risk of appeal is very low as all existing licence holders should be able to meet the required standards.

### 4.3 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Continuing with existing policy	2	1	2
<i>Objections made after the decision to merge the schemes</i>	1	1	1
<i>Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service's Risk Register.</i>			

## Appendices

Appendix 1 – current conditions for PH operator, vehicle and driver licences

Appendix 2 - existing conditions for chauffeur operator, vehicles and driver licences

## Background Papers

Report to Environmental Health and Licensing Committee (3 October 2001)

File Reference  
None