

*PART A

Report to: Licensing Committee
Date of meeting: 12 January 2015
Report of: Head of Community and Customer Services
Title: Licensed Driver Application Criteria

1.0 **SUMMARY**

- 1.1 The council is responsible for licensing hackney carriage and private hire drivers. Current policy requires new applicants to produce a certificate from the Driver and Vehicle Services Agency (DVSA) that they have passed a particular driving assessment, and that certificate must not be more than six months old. The Committee is asked to extend that time period to the time period the certificate remains valid for (currently twelve months).
- 1.2 The Committee is also asked to exempt applicants for licences from having to pass the wheelchair-handling assessment conducted by the DVSA where a candidate has satisfactorily attended a disability awareness course approved by the Council.
- 1.3 In relation to training for licensed drivers in disability awareness. The Committee is asked to extend the requirement for training to applicants for private hire licenses as well as hackney carriage licences. It is also asked to make a change from council provided courses to council approved courses.

2.0 **RECOMMENDATIONS**

- 2.1 That applicants for a hackney carriage driver's or private hire vehicle driver's licence
- (1) be required to submit with their application a valid certificate to show they have passed an appropriate assessment by the Driver and Vehicle Standards Agency (DVSA).
 - (2) be exempt from having to pass the DVSA wheelchair-handling assessment if they have attended a disability awareness course approved by the Council.
- 2.2 From 1st February 2015 applicants for a hackney carriage driver's or private hire vehicle driver's licence have to submit evidence that they have attended a disability awareness course approved by the Council, prior to or within three months from the grant of a licence.

Contact Officer:

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

3.0 DETAILED PROPOSAL

3.1 Driving assessments

Current policy requires that an applicant for a hackney carriage or private hire vehicle driver's licence must pass the specialist Driver and Vehicle Standards Agency hackney carriage/private hire driving assessment (and Council Knowledge Test) before a licence can be granted.

3.2 To ensure that candidates' competency is kept up-to-date in those areas, the Committee resolved that the Knowledge Test and DVSA test certificates should only be accepted if issued within the six months prior to the licence application.

3.3 The DVSA certificates are currently valid for twelve months from the date of issue, which is stated on the face of the certificate. The current policy has occasionally required applicants to re-sit the DVSA test despite their certificate still being in date, for example if they have not passed their knowledge test within the six-month period. The Committee is asked to agree to accept DVSA certificates providing they are valid as indicated on the test certificate.

3.4 Disability awareness

At its meeting on 15 February 2010 the Licensing Committee confirmed that hackney carriage drivers should attend the Council's disability awareness course which has to date been provided free of charge. All the hackney carriage drivers licensed at the time this requirement was brought in have now attended the course and there is insufficient demand to provide or procure the course on a regular basis. In addition, the Committee is asked to extend the requirement for this training to private hire drivers too as officer's consider there is no distinction between the requirements, responsibilities and risks placed relevant to private hire drivers as oppose to hackney drivers.

3.5 The proposed changes are intended to:

- make it a requirement for all drivers, private hire and hackney carriage drivers, to undertake training in disability awareness before or within a reasonably short time of being granted a licence
- enable drivers to do this in a cost-effective and timely manner that suits them;
- remove the duplication in requirements to undertake the DVSA wheelchair handling assessment as well as general disability awareness training.

3.6 It is important that new entrants to the trade are able to provide a safe and effective service to people with disabilities, who often rely on licensed vehicles as their primary form of transport. This was recognised by the Law Commission in its recent report on

Taxi and Private Hire Services¹ which said:

One of our key provisional proposals to promote equality and accessibility was that private hire and taxi drivers should be required to undergo recognised disability awareness training. This received unanimous support, and statistics published by the Department for Transport show that it is far from a universal requirement in current local licensing conditions. Lack of such training means that some drivers may be less likely to be aware of the needs and rights of disabled passengers; this can contribute to unacceptable practices, for example ignoring their attempts to hail a vehicle, carrying them in an unsafe manner, refusing to carry them at all or charging extra for the service.

- 3.7 The Committee is recommended to introduce a policy requirement that from 1 February 2015 applicants must undertake at their own cost a disability awareness course approved by the Council either prior to, or no later than three months after the grant of the licence. Where a driver fails to provide evidence that they have attended such a course within the timescales without reasonable excuse their licence will normally be revoked after a written warning. This stringent level of enforcement is proposed as the flexible approach being taken towards applicants, (ie. giving them three months after receiving their licence to undertake the course rather than requiring it prior to issuing their licence) recognises that attending such a course may unreasonably delay a driver in commencing work but this should not undermine the principle that safe, legal and customer focussed transport for the disabled is an essential skill of any driver.
- 3.8 Applicants who intend to drive a wheelchair-accessible hackney carriage currently also have to pass the wheelchair-handling assessment conducted by the DVSA. This costs applicants between £26.56 and £32.68 (depending on when they wish to take the test). This requirement is reinforced by a hackney carriage vehicle licence condition that drivers of such specialist vehicles must possess the certificate. It is recommended that drivers be exempt from the requirement if they have already attended an approved disability awareness course prior to their application being issued. It is not recommended this requirement is removed altogether so as to ensure passengers in a wheel chair accessible vehicle are provided a satisfactory and safe service immediately from licence.
- 3.9 If the Committee agree the proposal relating to disability awareness training, then suitable courses will be sourced and an approved list will be produced and made available to drivers between now and 1st February 2015. This will include a list of the key elements any course should cover. Applicants will have several options open to them, currently officers are aware of the several options that would satisfy the requirements including:
- the course run by St Albans City & District Council by the same provider that formerly provided the courses in Watford. These are run every other month at £30 per person
 - a course organised on behalf of the Council by Herts Fire Safety Training costing up to £40 per person although this is dependent on demand

¹ *Taxi and Private Hire Services*, Law Com LC437 (2014), para 1.41
(http://lawcommission.justice.gov.uk/docs/lc347_taxi-and-private-hire-services.pdf)

- evidence of other similar training eg the MIDAS passenger transport assistance training, confirmation of training from another employer etc.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Shared Director of Finance comments that there are no financial implications arising from this report.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that individuals have the right of appeal against the refusal or revocation of a licence to the Magistrates Court.

4.4 **Potential Risks**

None

Background Papers

None

File Reference

None