

Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Licensing and Public Safety Committee	3 Feb 2016

HACKNEY AND PRIVATE HIRE DRIVER LICENCE CONDITION: DRIVER AND VEHICLE STANDARD AGENCY (DVSA) TEST

PURPOSE OF REPORT

1. To review the current requirement for all new hackney and private hire driver licence applicants to successfully undertake the DVSA taxi driving test.

RECOMMENDATION(S)

2. Members are asked to consider the options provided in this report and determine whether the Council should continue to require the successful completion of the DVSA taxi driving test as a requirement before grant of a hackney carriage or private hire drivers licence.

EXECUTIVE SUMMARY OF REPORT

3. In 2011 the Council introduced a requirement for all hackney and private hire drivers to successfully complete the DVSA taxi Driver Test prior to and as part of a grant of licence.
4. Representations have been made from the taxi trade identifying issues in obtaining test dates from the DVSA and questioning the credibility of the test when applicant drivers have failed the test.
5. As part of the ongoing liaison and consultation with the trade, the Licensing and Public Safety Committee are asked to review this condition of a Private Hire and Hackney Driver Licence and determine if it should continue to be required.
6. Members are asked to consider two options:
 - Option 1 – Retain the requirement for driver licence applicants to successfully complete the DVSA taxi driver test.
 - Option 2 – Remove the requirement for driver licence applicants to successfully complete the DVSA taxi driver test.
7. Officers have considered alternative means of determining driver proficiency such as private test providers and NVQ/BTech courses. However these alternatives currently have an extended time period to completion and additional cost implications for the taxi trade (over £100)

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	√	An ambitious council that does more to meet the needs of residents and	

BACKGROUND

9. Private hire and hackney carriage taxis provide a vital public transport service and are subject to licensing requirements. Local Authorities have the scope to set reasonable requirements and attach appropriate conditions to the grant of a taxi service licence including driver licences.
10. For many years the Council relied solely on the provision of a standard DVLA UK Full Driver Licence in the light of any motoring conviction history to indicate a driver's practical competency to drive a taxi.
11. In 2011 Members determined that, as professional drivers, applicants for a taxi driving licence should undertake and pass a higher threshold than that required by a standard UK driving test. The Department of Transport guidance cites the DVSA taxi driver test and the Licensing and Public Safety Committee agreed that successful completion of this test should be applied as a pre requisite to grant of a Private Hire or hackney Carriage driver licence.

BEST PRACTICE GUIDANCE

12. The Department of Transport Taxi and Private Hire Vehicle Best Practice Guidance (2010) provides guidance to local authorities on several aspects of taxi licensing.
13. In terms of driving proficiency the best practice guidance states: *"Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis"*.
14. There have been no revisions of this guidance in the interim and it is still valid.

OTHER LICENSING AUTHORITIES

15. Local Authorities have significant scope to apply conditions to taxi licensing requirements.
16. There are no national standard conditions and locally there is no agreement across Lancashire local authorities to adopt a consistent standard set of conditions.
17. Consequently there can be significant differences across proximate areas and this is the case in terms of taxi driver licence requirements. The table below outlines the requirement for additional driving proficiency requirements as a condition of licence across a number of Councils.

Local Authority	Driver Testing Requirement	Comment
Chorley Council	DVSA Taxi Test certificate	Driving proficiency test introduced in 2011
Ribble Valley BC	DVSA Taxi Test certificate	Introduced 2016 – previously required the 'Steering to Success' course
Rossendale BC	DVSA Taxi test certificate	Over 3000 taxi driver licences issued
South Ribble BC	NVQ/BTech or DVSA Test	Note the NVQ/BTech is not

		a practical assessment of driving proficiency
Preston CC	BTech Level 2	This is not a practical assessment of driving proficiency
Lancaster CC	NVQ Level 2	To be completed before for date of first renewal
Hyndburn BC	'Steering to Success' Course	Tailored theoretical course provided by local college
Fylde BC	Basic DVLA Driving Licence	Subject to no significant driving convictions
Wyre BC	Basic DVLA Driving Licence	Subject to no significant driving convictions
Pendle BC	Basic DVLA Driving Licence	Subject to no significant driving convictions
Burnley BC	Basic DVLA Driving Licence	Subject to no significant driving convictions
Wigan MBC	Basic DVLA Driving Licence	Subject to no significant driving convictions
Bolton MBC	Basic DVLA Driving Licence	Subject to no significant driving convictions
West Lancashire BC	Basic DVLA Driving Licence	Subject to no significant driving convictions

18. Officers have contacted the local authorities who do not require any additional driving proficiency testing over and above the standard UK driving licence to understand on what basis they might consider an additional test. In general the response was that they would only look at additional driving test requirements if and when there was a significant level of complaints from service users regarding the standard of taxi driving in their areas.
19. Officers have considered the use of non-practical taxi driver assessments such as the BTech and NVQ route and whilst they provide useful learning on customer service they do not assess an individual's driving proficiency.'

TRADE OBJECTIONS

20. Several members of the taxi trade have expressed concerns with regard to this requirement which can be summarised as follows:
 - Time delay in obtaining an appointment to undertake the test
 - Proximity of available test centres
 - Credibility of the examiner and reasons for failing test

21. Officers have made contact with the Driving Standards Agency to raise some of these concerns and received the response below:

Thank you for your email of 18 December about test availability at Chorley test centre.

I've investigated the points you raised and spoken to the Area Operations Manager, Richard Bacon, about your enquiry.

The majority of taxi tests for the Chorley area are provided by our centre at Blackburn with Darwen due to the fact that Chorley is a small centre with less capacity. Waiting times are currently higher than desired due to an increase in demand for car tests; however we still generally provide taxi tests from Blackburn with Darwen on most days of the week. Although taxi tests are conducted at Blackburn with Darwen, candidates are free to nominate any council authority on their certificate at the end of the test.

Any taxi tests that have not been booked two weeks before their due date will generally be converted to standard car tests to ensure as many car tests are delivered as possible.

22. In terms of the credibility and reasons for test failure, it should be a matter for individuals to take up with the centre at the time and not one that the Council as Local Authority should get involved in, bearing in mind the test is provided by a national Government agency.
23. Officers have contacted trade representatives to provide specific written examples of the issues for further investigation, but to date no representations have been received.

OPTIONS

24. There are two options available to Members:
- Option 1 – Retain the requirement for the successful completion of the DVSA taxi driving proficiency test as a pre requisite for the grant of a private hire or hackney carriage drive licence
- Option 2 – Remove the requirement for the successful completion of the DVSA taxi driving proficiency test as a pre requisite for the grant of a private hire or hackney carriage drive licence

IMPLICATIONS OF REPORT

25. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

26. It is the responsibility of the taxi driver to pay for the DSA test, as such removing this requirement will not affect the Council's license fee or other budgets.

COMMENTS OF THE MONITORING OFFICER

27. The Council must not grant a private hire or hackney carriage driver licence unless it is satisfied that the applicant is:

- Fit and proper
- Has held a driving licence for a minimum period of 12 months

The fit and proper test includes considering previous convictions, medical fitness and the so-called knowledge test. It also includes driving proficiency. However there is no prescribed means of assessing this so it is up to the Council what test to apply. It may choose to rely on the fact that the applicant has a full UK Driving Licence for the minimum period. In Chorley as part of the fit and proper test applicants must usually have held a UK or EU Driving Licence for 3 years. Members may consider that this extended period, provided that the licence is clear of driving convictions, suggests that a level of proficiency has already been attained.

JAMIE CARSON

DIRECTOR OF PUBLIC PROTECTION STREETSCENE AND COMMUNITY

Background Papers			
Document	Date	File	Place of Inspection
Dept of Transport Taxi and Private Hire Best Practice Guidance	March 2010	online	https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance
Licensing and Public Safety Committee Minutes March 2011 Agenda Item 6	9 March 2011	Mod gov	http://mod/ieListDocuments.aspx?CId=564&MId=2528

Report Author	Ext	Date	Doc ID
Simon Clark	5732	20 January 2016	DVSAtest