

TO THE CHAIR AND MEMBERS OF THE LICENSING COMMITTEE

Hackney Carriage and Private Hire Licensing Policy – Policy amendments following the Driver and Vehicle Standards Agency (DVSA) decision to stop providing taxi driving assessments

EXECUTIVE SUMMARY

1. The Doncaster Council Hackney Carriage and Private Hire Licensing Policy (HC & PH Licensing Policy) includes details of evidence that an applicant for a driver's licence must provide in order for the Council to be able to establish whether they are fit and proper.
2. The Policy currently requires all new hackney carriage and private hire drivers to pass the Driver and Vehicle Standards Agency (DVSA) taxi assessment to drive a taxi or private hire vehicle. Furthermore, as all Doncaster licensed hackney carriages are wheelchair accessible, all applicants for a hackney carriage driver's licence must also pass the DVSA wheelchair exercise. Existing drivers may also be required to undertake these assessments where serious concerns are raised about the standard of their driving.
3. In September 2016 the DVSA announced that they will stop providing practical driving assessments for local councils from 31 December 2016.
4. It is proposed that Doncaster Council retain the requirement for these assessments and this report seeks to amend the Policy to reflect that the practical driving assessment and wheelchair exercise are now provided in-house by Doncaster Council's own competent assessors.

RECOMMENDATIONS

5. Following the DVSA decision to stop providing taxi driving assessments, it is recommended that:
 - 5.1. The requirement for all new HC & PH drivers to undertake a practical driving assessment and, where applicable, a wheelchair exercise be retained and Doncaster Council's HC & PH Licensing Policy be amended to state that these assessments are now provided in-house by one of Doncaster Council's competent driver assessors.

And

- 5.2. The discretionary requirement for existing drivers to undertake a practical assessment where serious concerns are raised about their standard of driving and/or following conviction for a driving offence be retained and Doncaster Council's HC & PH Licensing Policy be amended to state that these assessments are now provided in-house by one of Doncaster Council's competent driver assessors.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

6. By implementing the recommendation of this report, the Doncaster Council HC and PH Hire Licensing Policy will remain up to date and fit for purpose. The safety of the travelling public of Doncaster will not be compromised and, moreover, will be upheld by the recommendations of this report.

BACKGROUND

7. The HC & PH Licensing Policy (the Policy) was adopted by Council on 19th January 2012. It is within the remit of the Licensing Committee to determine policies that are relevant to the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions unless the policy must be determined by Full Council. The Policy is regularly reviewed and was last revised by the Licensing Committee on 17th March 2016.
8. In order to establish that an applicant has reached an acceptable driving standard, it is policy that new applicants are required to have successfully undertaken the Driver and Vehicle Standards Agency's (DVSA) practical taxi test. Existing drivers may also be required to undertake this test where serious concerns are raised about the standard of their driving and /or following conviction for a motoring offence. Applicants for a hackney carriage driver's licence must have also undertaken the DVSA wheelchair exercise to ensure that they can demonstrate the necessary wheelchair boarding and securing skills required for all Doncaster Council licensed hackney carriages.
9. People intending to become a taxi driver in around 200 councils have to pass a DVSA taxi driving assessment before they qualify. In September 2016 the DVSA announced that it will stop providing the service from 31 December 2016 and that it was not taking any new bookings from September 2016. The DVSA made this decision as part of its drive to reduce the waiting time for driving tests for learner drivers. The DVSA is, therefore, focussing on carrying out the tests it has a statutory responsibility to provide. DVSA taxi assessments are not required by law and they have decided to bring them to an end.
10. According to figures obtained from the DVSA website, the DVSA carried out around 23000 taxi assessments between April 2015 and March 2016. This figure highlights how highly such assessments are

recognised by councils as a valuable tool for determining the suitability of a prospective or existing taxi driver.

11. The DVSA has given guidance to local councils about other organisations that can be used to provide this service, such as road safety charities and driving instructor organisations.
12. Doncaster Council has its own Road Transport Industry Training Board (RTITB) competent assessors capable of delivering the practical driving assessment and wheelchair exercise.
13. In recognition of the public safety benefits of the practical driving assessments and the need to ensure that there are no unnecessary barriers or undue delays for new taxi driver applicants, as soon as the DVSA announced its decision to stop the service steps were put in place to deliver this service in-house effective from October 2016.
14. Based on historical data, it is estimated that 50 to 60 assessments will be required per annum. The costs associated with delivering the driving assessments are met by the applicant and the fees charged by the Council are the same as those that were charged by the DVSA:
 - Taxi driver assessment - £79.66
 - Taxi driver assessment with wheelchair exercise - £92.94
 - Taxi driver wheelchair exercise - £26.56

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

15. Option 1: Remove the requirement from Doncaster Council's HC & PH Licensing Policy for new taxi drivers to undertake a practical driving assessment and, where applicable, a wheelchair exercise along with the discretion to require existing drivers to undertake an assessment where there are concerns about their standard of driving.
16. Option 2: Retain the existing HC & PH Licensing Policy requirements for the driving assessment and wheelchair exercise but amend the Policy to state that these assessments are now provided in-house by one of Doncaster Council's competent driver assessors.
17. Having a Policy that is clear and up to date in terms of the law and best practice is the keystone to an effective taxi licensing regime. Being able to establish that an applicant has reached an acceptable driving standard or that an existing driver has addressed concerns about their driving standard is recognised as a valuable licensing tool. For these reasons option 2 is considered to be the most appropriate option.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

18.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>Council services are modern and value for money.</p>	<p>Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.</p>
	<p>Working with our partners we will provide strong leadership and governance</p>	<p>None</p>

RISKS AND ASSUMPTIONS

19. It is accepted good practice that a Licensing Authority adopts a statement of licensing policy in respect of taxi licensing. By not having a Policy decisions of the Licensing Authority are more open to challenge.

LEGAL IMPLICATIONS

20. The Local Government (Miscellaneous Provisions) Act 1976, states that a district council may require any applicant for a licence under the Town Police Clauses Act 1847 or under part II of the 1976 of Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted. The 1976 Act requires that the Council shall not grant a driver's licence to drive a hackney carriage or private hire vehicle unless they are satisfied that an applicant is fit and proper.

FINANCIAL IMPLICATIONS

21. It is anticipated that there will be approximately 50 to 60 assessments per year based on the number of new driver applicants per year. The fees were originally paid direct to DVSA and will now be paid direct to Transport Services at North Bridge who will undertake the tests. The fees collected by Transport Services will be the same as the DVSA fees and Transport Services have confirmed that they will have the capacity to do this. The fees reflect the cost of the service and are being delivered with existing resources. The change will not have any financial impact on the licensing service, the only change is that the provider has changed to an in-house provider in DMBC.

HUMAN RESOURCES IMPLICATIONS

22. Not applicable

TECHNOLOGY IMPLICATIONS

23. Not applicable

EQUALITY IMPLICATIONS

24. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to

be the subject of separate 'due regard' assessments.

CONSULTATION

25. Consultation has taken place with the Transport Department with regard to the required competency to deliver the assessments to the equivalent standard of the DVSA and at a suitable frequency.

BACKGROUND PAPERS

26. Doncaster Council's Hackney Carriage and Private Hire Licensing Policy.

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