

## AGENDA FOR

### LICENSING AND SAFETY PANEL

*Contact::* Nicole Tilly, Democratic services  
*Direct Line:* 0161 253 5398  
*E-mail:* n.l.tilly@bury.gov.uk  
*Web Site:* www.bury.gov.uk

**To: All Members of Licensing and Safety Panel**

**Councillors :** P Adams, N Bayley, I Bevan, J Grimshaw, R Hodgkinson, D Jones (Chair), G Keeley, J Kelly, O Kersh, A McKay, Sarah Southworth, J Walker and S Wright

Dear Member/Colleague

#### **Licensing and Safety Panel**

You are invited to attend a meeting of the Licensing and Safety Panel which will be held as follows:-

<b>Date:</b>	Thursday, 9 June 2016
<b>Place:</b>	Lancaster Room, Elizabethan Suite, Bury Town Hall
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

Members of the Licensing and Safety Panel are asked to consider whether they have an interest in any of the matters on the agenda, and if so, to formally declare that interest.

### **3 MINUTES** (*Pages 1 - 10*)

The Minutes of the last meeting, held on 11 April 2016, are attached.

### **4 PUBLIC QUESTION TIME**

Questions are invited from members of the public present at the meeting on any matters for which this Panel is responsible.

Approximately 30 minutes will be set aside for Public Question Time if required.

### **5 INTRODUCTION OF ADDITIONAL PREREQUISITE ASSESSMENTS** (*Pages 11 - 28*)

A report from the Assistant Director (Localities) is attached.

### **6 URGENT BUSINESS**

Any other business, which by reason of special circumstances, the Chair agrees may be considered as a matter of urgency.

### **7 EXCLUSION OF PRESS AND PUBLIC**

To consider passing the appropriate resolution under section 100 (A)(4) of the Local Government Act 1972 that the press and public be excluded from the meeting during consideration of the following item of business since it involves the likely disclosure of the exempt information stated.

### **8 APPLICATION FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES** (*Pages 29 - 40*)

A report from the Assistant Director (Localities) is attached.

**Minutes of:****LICENSING AND SAFETY PANEL****Date of Meeting:**

Monday 11 April 2016

**Present:**Councillor D Jones (in the Chair),  
Councillors: P Adams, N Bayley, R Caserta  
D M Cassidy, J Grimshaw, R Hodgkinson, T Holt,  
J Kelly, N Parnell, Sarah Southworth, J Walker  
and M Wiseman**Apologies for absence:**

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**Public Attendance:**There was one member of the Public in  
attendance

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**LSP.855 DECLARATIONS OF INTEREST**

There were no declarations of interest raised in relation to any items on the agenda.

**LSP.856 MINUTES****Delegated decision:**

That the Minutes of the Licensing and Safety Panel meeting held on 29 February 2016, be approved as a correct record and signed by the Chair.

**LSP.857 PUBLIC QUESTION TIME**

There were no Public questions raised under this item.

**LSP.858 OPERATIONAL REPORT**

The Assistant Director (Localities) submitted a report advising Members on Operational issues within the Licensing Service.

The Licensing Unit Manager informed Members of the following matters in relation to the immediate Suspension/Revocation of Private Hire Drivers' Licences:

- Following two accidents by a Private Hire Driver since granting his Licence on 1 March 2016, it has been agreed with the Chair of Licensing, Councillor Jones, that this Private Hire Driver's badge should be suspended, with immediate effect, until he undertakes and passes a Driver and Vehicle Standards Agency Taxi Standard Driving Test, known as a Hackney and Private Hire Saloon Vehicle Test.
- Following a complaint on 3 March 2016 by a member of Public in relation to a Private Hire Driver's inappropriate conduct, which was subsequently reported to Greater Manchester Police, it was agreed with the Chair of Licensing that this Private Hire Driver's badge should be revoked with immediate effect.

Also included within the Operational Report and in order to keep the members of the Licensing and Safety Panel updated were statistics of the Licensing Service, which incorporated the types of work carried out by the Service.

## **LSP.859 CONDITIONS RELATING TO A DOG CRECHE**

A report by the Assistant Director (Localities) was submitted to the Licensing and Safety Panel in relation to a request from a Licence holder to remove a condition from her Animal Boarding Establishment Licence. The Licensing Unit Manager read the report explaining that the Animal Boarding Establishment Act 1963 is the relevant legislation which relates to the boarding of dogs and cats. The Council has specific conditions which relate to Kennels, Catteries and boarding of animals at domestic premises.

On 12 October 2010, the Licensing and Safety Panel considered and approved Licence conditions relating to dog crèches in order to give more specific control in this growing market. The report is in relation to condition 28 which states 'full males, bitches in season and puppies under six months of age must not be boarded with other dogs'. Bury Council adopted this particular condition in order to ensure the safety of all dogs attending a crèche.

Following a complaint by a member of the public concerning Mrs Carol Plumridge, the holder of the Animal Boarding Establishment Licence in relation to Goody 4 Paws, Whitefield, the Council's Animal health inspector visited the establishment and was made aware that the Licence holder admitted that she had breached condition 28 by accepting a puppy into the crèche which was approximately 12 weeks old. This resulted in a formal warning letter being sent to the Licence holder.

The Licence holder subsequently made a request to the Council's Licensing and Safety Panel that condition 28 is removed from her licence to ensure she continues to operate her business in the way that she desires and will no longer be in breach of this particular condition.

Mrs Plumridge attended the meeting and explained to the members of the Licensing and Safety Panel that no dogs are kept overnight at the Premises, only between the hours of 7 am and 6 pm, therefore the word boarding is not accurate. It was explained that puppies are introduced into the day care in a caring, positive way to ensure a pleasant, rewarding experience through play.

Mrs Plumridge stated that Goody 4 Paws was the first dog day care in North Manchester, opening in 2007 and has not had an injured puppy during that time and only vaccinated dogs are allowed into both day care and training classes. It is a family owned business, with no volunteers or work experience staff, as they feel this could compromise the safety of the dogs in their care if persons without behaviour qualifications were allowed to supervise play.

Mrs Sandra Coombes, Enforcement Officer in Animal Health, then addressed the Panel and explained that following her enquiries and having considered the depth of experience and qualifications that Mrs Plumridge and her family have, she stated that she would have sufficient confidence in her ability to run the establishment without the condition attached and would be happy to advise the Licensing Panel to remove condition 28 from her Licence.

### **Delegated decision:**

It was agreed unanimously by the Licensing and Safety Panel to remove condition 28 from the Licence.

**LSP.860 URGENT BUSINESS**

There was no urgent business to report.

**LSP.861 EXCLUSION OF THE PRESS AND PUBLIC**

**Delegated decision:**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business since it involved the likely disclosure of information relating to individuals who hold Licences granted by the Authority or Applicants for Licences provided by the Authority.

**LSP.862 SUSPENSION/REVOCAION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENSES**

**(E)**

The Licensing Unit Manager presented a report submitted by the Assistant Director (Localities) on the proposed suspension/revocation of a Private Hire Driver's Licence.

Licence Holder 15/2016 attended the meeting and was represented by Mr Charles Oakes, Hackney Drivers' Association Ltd. The Chair outlined the procedure to be followed and the Licensing Unit Manager read the report, which was accepted by the Licence Holder and Mr Oakes, explaining that on 18 March 2016, the Licensing Service had received a complaint via a Private Hire Operator. This complaint had originated from a member of staff at Greater Manchester West Mental Health Hospital, Prestwich, and related to the Licence Holder's inappropriate conduct whilst transporting a service user and the member of staff in his Private Hire Vehicle on 16 March 2016.

A written statement had been presented to the Licensing and Safety Panel members prior to the meeting from the member of staff, explaining that on 16 March 2016 he had booked a Private Hire Vehicle to take him and a service user from Tesco, Prestwich to the Edenfield Unit at the hospital in Prestwich. During the journey, the Licence Holder made conversation about the weather and then stated that the sun brings all the girls out in their 'naughty clothes'. The Licence Holder also stated that he got a lot of his sexual conquests in summer and records them on his phone in case they cry rape.

When they arrived at the Edenfield Unit, the complainant paid and obtained a receipt with the Licence Holder's number on it. The Licence Holder offered to leave this blank so that a claim for more than the actual journey could be made, which the complainant declined.

When the member of staff subsequently reported the matter to the Private Hire Operator, the Licence Holder's data head was immediately removed from his vehicle so he could no longer work for them.

Mr Oakes explained to the Panel that the Licence Holder had made these comments in jest and hadn't meant what he said. He stated that the

complainant had taken them out of proportion, in a man to man conversation and that the Licence holder has been very worried about this hearing as he needs to provide for his family. Mr Oakes went on to suggest that the scenario would be different if the conversation had been with a female passenger, the Licence Holder had received no complaints in the past and that his actions merited no more than a suspension.

The Licence Holder then addressed the Panel and stated he did not know why he had made these comments as it is not something he had said before and he would never make inappropriate comments again.

Mr Oakes requested that the Licensing Panel consider a suspension rather than a revocation as although he appreciated the comments were unacceptable they were made only in jest.

### **Delegated decision:**

After carefully considering the written report, the oral statements from the Licence holder and his representative and taking into account the Council's Convictions Policy and Guidelines, pursuant to the Local Government (Miscellaneous Provisions) Act 1976, the Panel resolved, on a majority decision, that the Licence Holder was not a fit and proper person to hold a Private Hire Driver's and decided **to suspend the Licensee for a period of 6 months.**

The Panel noted the following;

- That Licence Holder admitted that inappropriate comments of a sexual nature had been made, albeit he denied offering to leave the receipt blank,
- That the Panel believed the complainant to be telling the truth regarding the Licence Holders behaviour,
- That the comments and behaviour of the Licence Holder was of a totally completely unacceptable nature,
- That the comments of a sexual nature had been made to two strangers one of whom could have been a vulnerable adult,
- That the seriousness of the complaint about the Licence Holder's behaviour was further demonstrated by the action of the Private Hire Operator.

The Applicant was notified of their right to appeal to the Magistrates' Court within 21 days.

## **LSP.863 APPLICATIONS FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

**(E)**

The Licensing Unit Manager presented a report submitted by the Assistant Director (Localities) regarding applications for Public/Private Hire Vehicles Drivers' Licences.

The Applicants were invited to attend the meeting for separate hearings and the Chair outlined the procedure to be followed. The Applicants were invited to address the Panel separately on their applications and any matters referred to in the Officer's report.

1. Applicant 10/2016 attended the meeting and was accompanied by a local business man as a character referee. The Licensing Unit Manager read the report which was disputed by the Applicant.

The report explained that during the application process for a Private Hire Driver's Licence, the Applicant had declared that he had no relevant convictions, cautions or fines, which was also confirmed on his DBS Disclosure Certificate. In response to a specific question on the form, as to whether the Applicant had ever had an Application for a Private Hire or Hackney Carriage Driver's Licence refused by this or any other Council or had a Licence suspended or revoked, the Applicant had ticked 'No' and had stated when questioned by officers, that he had misread the question.

The Applicant was due to be issued with a Private Hire Driver's Licence on 7 March 2016, however on 3 March 2016, due to information received from a member of the public, Bolton Council's Licensing Service were contacted about the Applicant. They stated that this Applicant had in fact held a Private Hire Driver's Licence issued by the Council between 1 October 2006 and 27 July 2015, when the Applicant had appeared before Bolton Council's Licensing Committee and his licence was revoked with immediate effect on the grounds of Public safety. The Council's representative then provided details of 3 incidents regarding which complaints had been made to the Council regarding the Applicant's conduct towards female passengers, based upon which the action had been taken.

The incidents set out in the report where;

1. 4 June 2015 – a member of the public had complained that the Applicant had texted a female after taking her on two journeys from Chorley to Bolton and then back again. The journey from Chorley to a bar in Bolton had been booked via a Private Hire operator; however the return journey from Bolton to Chorley had been booked directly with the Applicant, via his mobile phone, in response to the Applicant telling the female that this was his last job and that he was only doing personal calls after that. He told her to add him to Facebook so that she could contact him directly if she ever needed a taxi in the future. He then provided her with his mobile phone number which she used to arrange the return journey home.
2. In September 2013 the Applicant had attempted to grab hold of a female passengers hand and then her leg and the incident had been reported to Greater Manchester Police (GMP), following which, the complainant had subsequently accepted an apology from the Applicant, who had accepted he had done wrong and no further action was taken as she did not to take the matter any further.
3. In July 2013, a Mother of a 15 year old female had made a complaint against him in relation to a journey when the Applicant had been the Private hire Driver and had asked her daughter if he could 'contact her on Facebook; text her later; if she was still in school and what her friends did for fun'. The Council had taken no further action on this occasion as it was unable to subsequently make contact with the complainant.

As the Applicant indicated he disputed the report, the Chair then asked the Applicant which of the complaints made against him he disputed.

The Applicant stated that in relation to the complaint in June 2013, he was not aware of this complaint, denied it and stated he had not been contacted Bolton Council over this issue.

The Applicant stated that in relation to the complaint in September 2013, he was aware this had been made to GMP but that he denied it and had not apologised to the complainant.

The Applicant stated that in relation to the complaint on 4 June 2015, he accepted that he had contacted the complainant but that it was unintentional as he thought the number was that of a 'prankster' who had been texting him asking for money. He had sent the text by mistake.

The Applicant did indicate when asked, that he had stated 'no' to the question regarding the previous licence, as he needed a licence from Bury Council.

The Applicant explained that he has 4 children and his family depend on him financially. He has been in this Country since September 1996 and is a good citizen. His character referee then stated he had known the Applicant for around 8 years and was a very genuine man. He, his wife and daughter had all been on regular journeys with him with no issues. He knew the Applicant and his family well and described him as 'salt of the earth'.

The Licensing Unit Manager stated that the Applicant had not complied truthfully with Bury Council's application and that all other incidents had been dealt with by Bolton Council, however he requested to speak with Bury Council's Solicitor in private, to obtain legal advice before making further representations.

The Chair agreed to adjourn so that the Licensing Unit Manager and the Council's Solicitor could speak and they subsequently left the meeting.

On their return the Council's Solicitor explained that the Licensing Unit Manager had additional information but the Applicant had not had sight of this and needed to be given the right to consider this information, before the matter proceeded further. The Chair agreed to adjourn again so that the Licensing Unit Manager and the Applicant could speak and they subsequently left the meeting.

On their return it was confirmed by the Applicant that he had been made aware of the additional representations the Licensing Unit Manager wished to make and was happy to continue. The Licensing Unit Manager then stated that Bolton Council had provided a witness statement explaining that 3 text messages had been sent to the complainant in Chorley on 30 May, 31 May and 3 June 2015 and he outlined their content. The Applicant stated that he did not deny sending these messages but he thought they were going to the person (woman) he described as the 'prankster', whom he did not know.

The Applicant explained that he had made a mistake but it would not happen again and requested that the Licensing and Safety Panel gave him the chance to prove this.



**Delegated decision:**

The Panel carefully considered the report and taking into account the relevant Policy and the Council's Conviction Guidelines, the Panel determined the Applicant not to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and therefore resolved that **the application for a Private Hire Driver's Licence by Applicant 10/2016 be refused.**

The Panel noted the following;

- that the Applicant had provided false information as part of the application process for Bury Council.
- that the Applicant had contacted young females passengers via his mobile phone or Facebook
- that the totality of the Applicants words and behaviour was found to be completely unacceptable and inappropriate.

The Applicant was notified of their right to appeal to the Magistrates' Court within 21 days.

2. Applicant 11/2016 attended the meeting and was accompanied by his brother-in-law and his son. The Licensing Unit Manager read the report, which was accepted by the Applicant, which stated that the Applicant had been convicted at Bury and Rochdale Magistrates' Court on 6 December 2012 of an offence of theft and sentenced on 10 December 2013, to a Community Order, with costs of £85.00 and an unpaid work requirement. This related to the theft of fuel from vehicles operated by First Bus Bury, with whom he had been employed for 30 years.

At the time of the conviction the Applicant was employed as night time supervisor and had been on duty with another employee. A third individual, who was not an employee, was also on site when Senior Management and the Police attended and a search of the other employee's and the third individual's vehicles resulted in the recovery of drums of diesel which had been siphoned from buses parked in the depot. The Applicant had also been charged with theft on the basis that he had knowledge of the attempted theft of fuel. He was subsequently dismissed.

The Applicant explained to the Licensing and Safety Panel that he currently has no job and needs to provide for his family. He does not feel there are many jobs he could do as he has worked so long for First Buses and therefore working as a Private Hire Driver would be ideal. He had the opportunity of driving with two Private Hire Operators in Bury if his Licence was granted.

The Applicant's son explained that he had made a mistake but this was his first conviction and he needed the opportunity now to provide for his family.

**Delegated decision:**

The Panel considered the written report, the oral representations and references, and in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and taking into account the relevant Policy and the Council's Conviction Guidelines, the Panel determined that Applicant 11/2016

was a fit and proper person and resolved, unanimously, to **grant the application for a Private Hire Driver's Licence.**

The Panel noted that although the offence was of a serious nature, it was satisfied that the Applicant was not directly involved with the theft and that he was remorseful for his involvement. It also noted that the convictions was more than 3 years ago.

3. Applicant 12/2016 attended the meeting and was unaccompanied. The Licensing Unit Manager read the report, which was accepted by the Applicant, which explained that he had been convicted at Leeds Magistrates' Court on 13 January 2015 of a failure to give information as to the identity of a driver. He had received 6 penalty points on his DVLA Licence and was fined £300.

The Applicant addressed the Panel and explained that the offence was unintentional and that he had loaned his car to his brother who was captured on camera speeding in Bradford. The Applicant stated that when the Police sent him a notice requiring him to disclose the details of the driver of his vehicle at that time, he handed the notice to his brother to complete but he failed to ensure it was returned to the Police, and his brother did not return it.

The Applicant also explained that he needed to financially support his wife who was in Pakistan. When asked why he had not notified the Licensing Service of the conviction he stated he was not aware he had to although he accepted that this information was within the paperwork he had completed but he had made a mistake, which would never be repeated.

### **Delegated decision:**

The Panel considered the written report and the oral representations made by the Applicant and in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and taking into account the relevant Policy and the Council's Conviction Guidelines, the Panel determined that Applicant 12/2016 was a fit and proper person and resolved, unanimously, to **grant the application for a Private Hire Driver's Licence.**

The Panel noted that the conviction for a major traffic offence was a serious one but the Applicant accepted he had made a mistake and seemed genuinely remorseful for his actions.

4. Applicant 13/2016 attended the meeting and was represented by Mr Oakes and supported by his friend, who also acted as a character referee. The Licensing Unit Manager read the report which was accepted by the Applicant, which explained that the Applicant had previously held a Hackney Carriage Driver's Licence with Bury Council but on 5 September 2012 the Applicant had appeared before the Licensing and Safety Panel in relation to an allegation of rape which resulted in his Hackney Carriage Driver's Licence being revoked. He appealed the Panel's decision to Bury Magistrates' Court, but this was dismissed.

The female complainant had reported the matter to the police in July 2012 and the police had investigated the matter. During interview the Applicant had denied raping her but did admit having consensual sex in the rear of his vehicle. The complainant subsequently declined to pursue the matter due to the impact the investigation was having on her health. The circumstances were considered by the Crown Prosecution Service who concluded that whilst the evidential test to authorise a charge had been met, and that there was a realistic prospect of conviction, it was not in the female's interest to compel her to pursue a prosecution, therefore, no further Police action took place.

As part of the current application, a DBS check was undertaken, and information regarding the alleged rape was found to be recorded against the Applicant and disclosed at the discretion of the Chief Police Officer Greater Manchester Police, who believed it should be disclosed despite the fact the Applicant was not charged with an offence, because the application involved working directly with the public, the evidential burden had been met and it was as recent as 2012.

Mr Oakes addressed the Licensing and Safety Panel and explained that the Applicant has been adamant all along that although the sex did take place, it was consensual, although he accepted it should never have happened. No formal charges were made and the case had been dropped. Mr Oakes provided a written statement from the Applicant and his wife to the Panel members and explained that he has four children to financially provide for and that nothing like this would ever happen again. This incident did not result in a conviction or prosecution.

The Applicant's friend also explained that he has learnt by this mistake and has the deepest respect for women. He acknowledged he had shamed himself but he needed the chance now to provide for his family.

#### **Delegated decision:**

The Panel carefully considered the report and taking into account the relevant Policy and the Council's Conviction Guidelines, the Panel determined the Applicant not to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and therefore resolved that **the application for a Private Hire Driver's Licence by Applicant 13/2016 be refused.**

The Panel noted the following;

- That the allegation of rape was very serious and that despite the fact the Applicant was not charged with any offence, it is directly relevant to a working role with members of the Public, and drivers are placed in a position of trust.
- That the Crown Prosecution Service considered that the evidential criteria for a charge had been met and that there was deemed to be a realistic prospect of conviction.
- That GMP's Chief Officer of Police had sufficient concerns regarding the Applicants conduct that it disclosed the information regarding the alleged rape.
- That the Applicant admitted having sex in the rear of his vehicle whilst operating as a Hackney Driver in Bury, which in itself was found to be unacceptable and inappropriate.

- That the incident had occurred within the last 4 years.

The Applicant was notified of their right of appeal to the Magistrates' Court within 21 days.

5. Applicant 14/2016 attended the meeting and was unaccompanied. The Licensing Unit Manager read the report, which was accepted by the Applicant, which explained that the Applicant had been convicted at Bury Magistrates' Court on 19 September 2012 of using a vehicle uninsured against third party risks, for which his DVLA Licence was endorsed with 6 penalty points.

The Applicant addressed the Panel and explained that he had been stopped by a Police motorcyclist and accused of driving whilst using a mobile phone. The Applicant had denied this at the time and was also accused of driving without insurance, which he also denied. He explained that he had used the same insurance company for the past 6 years and he had moved home at this time and therefore did not receive the summons to attend Court. By the time he had got this, it was too late to attend court or to appeal the conviction.

The Applicant explained he has the prospect of work with a Private Hire Operator in Bury if he gets his Licence.

### **Delegated decision:**

The Panel considered the written report and the oral representations made by the Applicant and in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and taking into account the relevant Policy and the Council's Conviction Guidelines, the Panel determined that Applicant 14/2016 was a fit and proper person and resolved, unanimously, to **grant the application for a Private Hire Driver's Licence.**

The Panel accepted that the Applicant had genuine reasons for the conviction and that the offence, although serious, had been committed over 4 years ago.

As this was the last meeting of the Municipal year, the Chair took the opportunity to thank both Councillor Cassidy and Councillor Wiseman, who were both standing down as Councillors in Moorside Ward and Pilkington Park respectively, for their dedication, service and hard work over the years and wished them both all the very best.

Councillor Parnell thanked Councillor Jones for his Charing expertise and professionalism over the past year.

**COUNCILLOR D JONES**

**CHAIR**

**(Note: The meeting started at 7.00 pm and finished at 9.40 pm)**

<b>REPORT FOR DECISION</b>
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<b>Agenda Item</b>
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<b>DECISION OF:</b>	<b>LICENSING &amp; SAFETY PANEL</b>
<b>DATE:</b>	<b>9<sup>th</sup> June 2016</b>
<b>SUBJECT:</b>	This report relates to a proposal for the introduction of additional prerequisite assessments in relation to all new applications received by Bury Council for the grant of a Hackney Carriage/Private Hire Driver licence.
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LOCALITIES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is public
<b>SUMMARY:</b>	This report requests the council to consider the introduction of two pre application assessments for applicants to undergo, the purpose of which is to ensure that all new applicants for a Hackney Carriage/Private Hire Driver licence hold the appropriate minimum communication, numeracy and driving skills.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ol style="list-style-type: none"> <li>1. To approve that all new applicants for a Hackney Carriage/Private Hire Driver licence must provide evidence to the Council at the time of submitting their application, that they have attended and passed the following: <ol style="list-style-type: none"> <li>a. A Driver &amp; Vehicle Standards Agency (DVSA) driving assessment relevant to the type of licence they are applying for and</li> <li>b. If they cannot produce documentary evidence that they have gained an O Level /GCSE /CSE/ pass in English and Mathematics or the ESOL entry level 1 or equivalent, that they be required to undertake and pass an assessment of their communication/numeracy skills by an assessor approved by the Council.</li> </ol> </li> </ol>

	<p>2. To only approve the introduction of the DVSA assessment as a prerequisite for new applicants for a Hackney Carriage/Private Hire Driver licence.</p> <p>3. To only approve the introduction of a communication/numeracy skills assessment as a prerequisite for new applicants for a Hackney Carriage/Private Driver licence where the applicant cannot produce documentary evidence that they have gained an O Level /GCSE /CSE/ pass in English and Mathematics or the ESOL entry level 1 or equivalent.</p> <p>4. Neither of the above two prerequisite assessments are approved</p> <p>Option 1 is the recommended option.</p>
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<b>IMPLICATIONS:</b>	The relevant legislation which authorises a district council to grant driver licences states that a district council shall not grant a licence unless they are satisfied that the applicant is a 'Fit and Proper' person to hold such a licence.
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals or Judicial review.
<b>Statement by Executive Director of Resources:</b>	The assessments are proposed prerequisites to the licensing application process. Both assessments will be paid for by the applicant direct to the external provider carrying out the assessment with no cost implications to the Council.
<b>Equality/Diversity implications:</b>	None
<b>Considered by Monitoring Officer:</b>	This report is in accordance with the appropriate legislation.
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	Overview and Scrutiny Panel

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
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Scrutiny Committee	Committee	Council	

**1.0 INTRODUCTION**

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 allows Local Authorities to use criteria as they deem appropriate to determine if applicants are 'Fit and Proper' before granting a Hackney Carriage/Private Hire Driver licence.
- 1.2 During the period 2013 – 2016 the Licensing Service has seen an increase in the number of complaints against licensed drivers in relation to their alleged conduct or poor driving.
- 1.3 The Licensing Service has liaised with other AGMA Authorities who have provided details of the additional prerequisite application criteria they expect applicants to meet to assist them in determining if the individual is a 'Fit and Proper' person before granting a Hackney Carriage/Private Hire driver licence. See appendix A.

**2.0 BACKGROUND**

- 2.1 As part of the Council's commitment to Public Protection and Customer Service, all new applicants for a Hackney Carriage/Private Hire driver licence are currently required to undertake and pass a Knowledge Test before they are granted a licence. This test is restricted to assessing an applicant's ability to use a Bury Street Plan in order to locate a street/road, to assess their knowledge of the shortest routes between a list of destinations and to assess their knowledge of the legislation/standard conditions which would be attached to any licence granted. To assist applicants in preparing for the test, a 'Home Study Pack' has been compiled by the Licensing Service which is supplied to all new applicants and can be viewed on the Council's web site. The pack explains the difference between how a Hackney Carriage and a Private Hire Vehicle can legally operate, explains the application process, contains the licence conditions in relation to both trades and provides them with examples of questions they will be posed during the knowledge test. Passing the Knowledge Test is the current minimum standard we expect of all new applicants.

**3.0 INTRODUCTION**

- 3.1 In order to compliment the current Knowledge Test and to assist the Council in determining the 'Fit and Proper' status of new applicants and whether or not they hold the appropriate minimum skills to be granted a licence, it is proposed that the additional prerequisite application assessments outlined on page 1 of this report be introduced.

## **4.0 THE RATIONAL BEHIND THE PROPOSAL**

- 4.1 Applications are currently received from individuals of different nationalities and diverse backgrounds. We currently accept the production of a UK or an EU/EEA driver licence which has been held for at least 12 months as proof of meeting the legal requirement stipulated by the Act. However, it is possible for the holder of a non EU/EEA driver licence who has not passed a test in a Member State to exchange their licence in some Member States for an EU/EEA licence without having to re-sit a driving test or to have their driving ability reassessed.
- 4.2 In order to address this concern, the proposal is that the Panel approve the introduction of the recommended option on page 1 of this report. Details of the current DVSA Driver Assessment is attached at Appendix B.
- 4.3 There would be a cost to applicants in relation to undertaking the DVSA Driving Assessment which is set by the DVSA. This would be paid by the applicant direct to the organisation. The current fee is £79.66 for a Private Hire driver assessment and £92.24 for a Hackney Carriage driver assessment.
- 4.4 Members of the Panel will have experienced for themselves that a number of individuals who have appeared before them either as new applicants or existing licence holders have demonstrated that they have poor communications skills in that some have claimed that they could not understand the questions posed to them or cannot communicate effectively in English to the extent that they have brought people with them to interpret on their behalf. Licensed drivers with poor communication skills are at a disadvantage when dealing with customers, particularly those under the influence of alcohol if it is perceived by the customer that the driver cannot understand simple instructions such as preferred route the customer wishes the driver to take or if they are unable to explain a disputed fare. The travelling public also have a reasonable expectation that a licensed driver should have good communication skills. In order to ensure that all new applicants have the necessary skills to be granted a driver licence, the proposal is that the Panel approve the introduction of the recommended option on page 1 of this report.
- 4.5 Bury Adult Learning Centre have indicated that they would be happy to undertake the communication/numeracy skills assessments of applicants for a fee of approximately £30. Applicants would be required to pay this fee direct to the Adult Learning Centre. Anyone who fails the assessment would be advised by the assessor on the appropriate improvement courses the individual would need to undertake in order to pass the assessment.

## **5.0 CONSULTATION**

- 5.1 The Hackney Drivers Association and all current Bury licensed Private Hire Operators have been consulted on the proposals. Positive responsive in support of the introduction of the pre-assessments have been received. These are attached at Appendix D.

## **6.0 CONCLUSION**

- 6.1 Members are requested to consider this report and to adopt the recommended option on page 1.



**List of Background Papers:-**

**Contact Details:-**

Mr M. Bridge  
Licensing Unit Manager  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ  
Email: [m.bridge@bury.gov.uk](mailto:m.bridge@bury.gov.uk)

**Application requirements of other AGMA Authorities**

<i><b>Council</b></i>	<i><b>Fee</b></i>	<i><b>Process</b></i>	<i><b>Tests</b></i>	<i><b>DVSA Assessment</b></i>	<i><b>English/ Numeracy assessment</b></i>	<i><b>Knowledge Test of area</b></i>	<i><b>Notes</b></i>
<b>Bury</b>	£87 for DBS check & 1 Knowledge test) £170 – for grant of 3 year driver licence/badge	Submit licence & DBS applications On receipt of satisfactory DBS sit the Knowledge Test Produce Medical Certificate Licence/badge issued	Knowledge Test – a. Demonstrate ability to use b. a street plan c. Shortest route between destinations c. Conditions attached to a licence	No	No	Yes	£31 Knowledge re-test fee .
<b>Bolton</b>	£44 DBS Check £50 Knowledge Test £195 1 yr licence £550 3 yr licence £45 English & Maths assessment ( payable direct	Submit licence & DBS applications Submit DVSA Certificate & proof of the Screening assessment Submit Medical Certificate Licence/badge issued	DVSA driver assessment Screening assessment – covers Maths & English & knowledge test	Yes	Yes	Yes	

	to Bolton College) £79.66 DVSA assessment						
<b>Blackpool</b>	£50 DBS Check £23 Knowledge Test £250 3 year licence/badge	Submit licence & DBS applications On receipt of satisfactory DBS sit the Knowledge Test Produce Medical Certificate Licence/badge issued	Knowledge test of routes, landmarks, taxi law, policy & highway code – 40 questions in 45 mins If process is not completed within 3 months they must pay again. Test can be sat 4 times if fail on 4 <sup>th</sup> attempt application is rejected and must wait 12 months before re-applying.  Within a year applicants must pass BTEC / NVQ in taxi related or other appropriate qualification	No	No	Yes	Driving test with Licensing Officer must be undertaken if licence has been held for less than 3 years cost of £36 If process is not completed within 3 months they must pay again. Test can be sat 4 times if fail on 4 <sup>th</sup> attempt application is rejected and must wait 12 months before re-applying.

<b>Tameside</b>	£250 3 year licence/badge Topographical test £45	DVSA Submit application, DBS, DVLA Mandate and DSA Undertake basic skills test Wait for DBS to come back If pass these take topographical test Medical Badge Issued	DSA Basic skills Topographical	Yes	Yes	Yes	Applicants must be over 21
<b>Rossendale</b>	£185.00 covers 3 year licence/badge	Application and passport/DVLA licence must be submitted by post together with a signed DVLA mandate a DVSA assessment certificate & a Medical certificate  Applicants pay £62 to an external body	No Knowledge test of the area required	Yes	No	No	Currently processing new applications received 10 days ago  If the applicant has lived outside the UK for a continuous period of 6 months at any time, a

		which administers the DBS check					certificate of good conduct is required covering that period
<b>Manchester</b>	£334 includes DBS, skills assessment, coaching, first knowledge test & 1 yr licence	Application DVLA mandate DVLA licence DBS Passport & bill Fee Pass skills assessment Medical Coaching Knowledge Test	Skills Assessment (Maths & English) Coaching Session Area k test	No	Yes	Yes	Processing time up to 6 months – currently processing new driver applications received after 4 <sup>th</sup> March
<b>Wigan</b>	£244 includes Knowledge Test & 3 year licence/badge £44 DBS check	Application DBS Knowledge Test Medical	Knowledge test – law, conditions, area 45 minutes	No	No	Yes	Must be over 21  £27 Knowledge re-test fee Fee paid if don't attend test
<b>Stockport</b>	£67 covers Knowledge Test & 1 year licence/badge  £142 3 year	Submit at time of application Application Fee Medical Declaration of	DVSA assessment Knowledge Test	Yes	No	Yes	6 week process No refunds £16.50 Knowledge re-test fee

	licence/badge & Knowledge test	Convictions DVLA Mandate DVSA Test Certificate DBS - Administered by an external body for £67					If knowledge test is failed must be re sat within 4 weeks
<b>Salford</b>	£44 DBS check £251 3 year PH licence/badge £220 3 year Hackney licence/	Maths & English test Application DBS Medical 2 written references Test	Maths & English Bylaws & local knowledge	No	Yes	Yes	Must be over 21 & have held a DVLA licence for 2 years. If Knowledge Test is not passed within 3 months application rejected and can't be re-submitted for 12 months
<b>Rochdale</b>	£97.90 Initial application includes Knowledge Test  Knowledge re test £38.50 DBS £44	Submit application & a. Character ref b. Statutory Declaration c. DVLA licence & signed mandate d, Proof of	Coaching Area Test	No	No	Yes	Must be over 21 K Test fee to be repaid if test not cancelled 48 hrs notice  £38

		National Insurance number e. Passport & Bills Coaching Medical DBS Certificate					Knowledge re-test fee
<b>Warrington</b>	£44 DBS check £25 Knowledge Test	DVSA DVLA Check DBS Knowledge Test	Must be able to speak good English DVSA Knowledge Test	Yes	Yes	Yes	Process must be completed within 6 months or must start again
<b>Oldham</b>	£119 1 yr licence/badge £44 DBS check £36 Knowledge	DSA Application Declaration of Convictions DBS Certificate of Good Conduct Medical DVLA check Knowledge Test	DVSA Knowledge Test  Must undertake & pass within 12 months NVQ in road passenger transport	Yes	No	Yes	Must be over 21 Must have held licence for over 2 years  Certificate of Good Conduct if lived outside the UK at any time
<b>Blackburn</b>	No other info available		Knowledge Test routes, law & conditions	No	No	Yes	

**Summary:**  
Out of 12 authorities

- 11 require applicants to sit an area Knowledge Test
- 6 require applicants to undergo a DVSA Driving Assessment
- 5 require applicants to sit a Numeracy & English Assessment
- 2 require applicants to undertake & pass a Road Passenger Transport NVQ within 12 months of being licensed



## **Extract from the DVSA Driving Assessment**

You might need to pass the Driver and Vehicle Standards Agency (DVSA) taxi assessment to drive a taxi or private hire vehicle (PHV) - contact your local council to find out if you need to.

There are 3 types of assessment you can take:

- the standard driving assessment
- the enhanced assessment - this includes a wheelchair exercise
- the upgrade assessment if you've done the standard assessment and now want to do the wheelchair exercise

### ***Book your test***

1. [Contact your local council](#) to find out if you need to take the test.
2. [Book your test](#) with DVSA if you have to take it.

### ***What the assessment involves***

The assessment lasts for about 40 minutes.

### **Eyesight test**

At the start, you'll have to read a number plate from a distance of:

- 20 metres for vehicles with a new-style number plate
- 20.5 metres for vehicles with an old-style number plate

New-style number plates start with 2 letters followed by 2 numbers, e.g. AB51 ABC.

You must use glasses or contact lenses during the whole test if you need them to read the number plate.

You can't take the driving part of the assessment if you fail the eyesight test. You can still do the wheelchair exercise if you're taking the enhanced assessment.

### **Practical assessment**

The assessment will include:

- a manoeuvre where you'll be asked to turn your vehicle to face the opposite direction
- around 10 minutes of driving without being given turn-by-turn directions by the examiner
- stops at the side of the road as if a passenger is getting in or out
- related questions, e.g. what to do if a passenger leaves property in your vehicle
- questions from the [Highway Code](#) and identifying traffic signs and road markings

You might also be asked to do an emergency stop.

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You'll pass the assessment if you make 9 faults or fewer. You'll fail if you make a serious or dangerous fault.

### **Wheelchair exercise**

You'll have to do a wheelchair exercise if you're taking the enhanced assessment - you'll need to bring a wheelchair accessible vehicle.

You'll need to show your ability to:

- safely load and unload the wheelchair in your vehicle
- use the wheelchair brakes to secure and release it
- fasten the seat belts or safety harness
- secure any wheel belts or clamps fitted to your vehicle

### **Vehicle requirements**

Your vehicle must meet the same requirements as the [car practical driving test](#), except it can't have L-plates ('L' or 'D' plates in Wales).

You're allowed to use a hire car to take the test.

If it has a private hire plate, the number must be the same as on the plate inside the vehicle.

It must also be wheelchair accessible if you're taking the enhanced test (eg London-style 'black cabs').

### **Documents you must bring**

You must bring your driving licence.

If you have an old-style paper licence instead of a photocard, you must also bring a valid passport.

### **Passing the assessment**

When you pass your taxi assessment, you'll get:

- a pass certificate (form TPH10)
- a copy of your assessment
- a debrief from the examiner

When you pass your wheelchair assessment, you'll get:

- a pass certificate (form WTA10)
- a copy of your assessment
- a debrief from the examiner

## Proposed Communication & Numeracy Assessment

There are five parts to the Assessment Test:

### Part 1 Speaking (Interview)

The purpose of Part 1 is to assess the applicants spoken English. Applicants will be asked to talk about a particular subject and will be given the opportunity to speak as much as possible.

To avoid applicants pre-rehearsing questions, follow-up questions will be asked. Example of types of questions asked:

*"Describe a recent journey you took" "Describe your favourite place in England"*

### Part 2 Listening Comprehension (Interview)

Applicants will be assessed on their understanding of commonly-used taxi driver and passenger phrases.

Example of phrases:

*"Can you drop me after the lights?"*

*"Can I have a receipt?"*

### Part 3 Reading (Written Assessment)

Applicants will be assessed on their ability to read basic information derived from the Information on becoming a taxi driver – 'Home Study Pack'.

### Part 4 Writing (Written Assessment)

Applicants will be assessed on their ability to write out receipts as well as driver and operator details

### Part 5 Numeracy (Written Assessment)

Applicants will also be required to demonstrate basic numeracy. For example:-

*A fare is £9.30, a passenger gives you £20, how much change do you give them ?*

a. £10.70    b.£10.30    c. £9.70    d.£9.30

**List of Consultees**

The Hackney Drivers Association  
Airport UK/Central;  
Apple Cars Prestwich;  
Blueline;  
Civic PH - Ean Franks;  
David Harris;  
Domino Harveys;  
DS Private Hire;  
Elton Bullitt / Moorside;  
Greenmount Cars;  
Harveys;  
Home James Executive Travel;  
Lawtons Private Hire;  
Local Cars;  
Magnum Tiger (Tram);  
Magnum Whiteline;  
Mainline Sevens;  
Nick Bridge PH;  
Osnat Private Hire;  
Prestige Chauffeurs;  
Priority Chauffeur Services;  
Radcliffe Walshaw Private Hire;  
Raffy Cars;  
Rammy Private Hire;  
Randale Private Hire;  
Royal Peel Cars;  
RZ Private Hire;  
Safe Way Cars;  
Star Cars Bury;  
Swiftline Tandra;  
T1 Travel;  
Taylors Executive Travel;  
Taylors Travel;  
Uber;  
Whitefield Minibus;  
Williams Chauffeurs

**Responses received:**

Ser:	Consultee:	Response:
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<p>1</p>	<p>Apple Cars</p>	<p>I agree with all of the proposals and believe it can only improve the position for customers and operators alike.</p> <p>My concern is that in recent years that exploitation of the system is evident with the Rossendale hackney drivers etc. I believe that this loophole is being reviewed but companies such as Uber have Bolton Bury Salford etc private hire drivers that are plying their trade in Manchester at places that include stations and manchester airport.</p> <p>If Bury council are not liaising with all the relevant councils that the multinationals are licensed within, the floodgates will open the for future potential bury drivers to licence with easier options but work in Bury with companies such as uber.</p> <p>This will inevitably create a reduction in bury applications without necessarily reducing the number of poorly qualified drivers operating in your region.</p> <p>I accept that I have a number of Rossendale drivers working for me but I believe I need to have a level playing field to compete with operators who are more than happy to use these drivers to target our customers.</p> <p>if all the local authorities adopt the identical criteria for all future applicants then this proposal will undoubtedly benefit the trade. However I do not agree that Bury should act alone as this will lead directly to the same exploitation that has occurred with Rossendale due in part to Manchester councils insistence in making rules such as accepted colour of vehicle, waiting time for applications etc.</p> <p>I would be more than happy to discuss this further and offer the experience of 31 years working in the trade as driver owner hirer and operator.</p>
<p>2</p>	<p>Mr Oakes - Hackney Drivers Association</p>	<p>The consultation is in 2 parts -A and B. With regard to point A, we are happy to support the council in this as long as it remains for All New applicants.</p> <p>Point B - DSA, though we agree this we do have some concerns the council will need to keep an eye on over how long it takes applicants to get test date. The association as had some issue in an other authority over how long it was taking to get a test that this does not be come an issue.</p> <p>We, with respect, think that this may be another way for panel to deal with some issues of bad driving that may come before them, as an other way of dealing with</p>

		<p>some bad driving issues rather than revoking a license. We shall look forward to hearing from you and thank you in anticipation of your kind co-operation.</p>
3	Prestige Chauffeurs Limited	<p>I support any plans to make the trade more professional, however, I am concerned as to the timescales these new rules - if passed - would add to the application process.</p> <p>Obviously there will be extra costs as well which may be off putting for people wanting to enter the trade. We are currently trying to recruit new chauffeurs and even though we offer to pay half towards the cost of obtaining the correct licenses we are still struggling to fill the vacancies.</p> <p>As for the potential extra training for existing drivers do you have any idea of the cost - if any - and the time we would have to set aside for this. For small companies like ours this may cause us problems, especially at certain times of the day or year.</p>
4	Swiftline	Absolutely brilliant

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