

REPORT FOR DECISION

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	9th June 2016
SUBJECT:	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.
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is public
SUMMARY:	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.
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 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"> a. A Driver & Vehicle Standards Agency (DVSA) driving assessment relevant to the type of licence they are applying for and 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.

	<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>
IMPLICATIONS:	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.
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals or Judicial review.
Statement by Executive Director of Resources:	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.
Equality/Diversity implications:	None
Considered by Monitoring Officer:	This report is in accordance with the appropriate legislation.
Wards Affected:	All
Scrutiny Interest:	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:-

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Application requirements of other AGMA Authorities

Council	Fee	Process	Tests	DVSA Assessment	English/ Numeracy assessment	Knowledge Test of area	Notes
Bury	£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 .
Bolton	£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						
Blackpool	£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 th 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 th attempt application is rejected and must wait 12 months before re-applying.

Tameside	£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
Rossendale	£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
Manchester	£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 th March
Wigan	£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
Stockport	£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
Salford	£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
Rochdale	£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
Warrington	£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
Oldham	£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
Blackburn	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.

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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1	Apple Cars	<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 discus this further and offer the experience of 31 years working in the trade as driver owner hirer and operator.</p>
2	Mr Oakes - Hackney Drivers Association	<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