

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Environmental Health Portfolio Holder & Licensing Committee 20 February 2007
AUTHORS: Corporate Manager Health & Environmental Services/ Licensing Officer

ADOPTION OF DRIVING TEST FOR PRIVATE HIRE & HACKNEY CARRIAGE DRIVERS

Purpose

1. A recommendation by the Environmental Health Portfolio Holder and the Licensing Committee to Cabinet for the adoption of a formal driving test, carried out by the Driving Standards Agency, for all new applicants for Private Hire and Hackney Carriage driver's badges.

Background

2. The Local Government (Miscellaneous Provisions) Act 1976, Part II and the Town Police Clauses Act 1847, creates a statutory duty for Local Authorities to licence Private Hire and Hackney Carriage drivers. In carrying out this function the Licensing Authority has a duty to ensure that public safety is paramount whether it is to prevent direct danger to the passenger from the driver of the vehicle or danger to the passenger and other members of society from the vehicle itself. The provision of a service to the public should be accessible and safe.
3. Under current legislation the licensing Authority must not grant a Private Hire or Hackney Carriage drivers licence unless they are satisfied the applicant is fit and proper to hold such a licence. In ascertaining this, the Local Authority has the powers to ask the applicant to submit information, as it considers reasonable.

Considerations

4. South Cambridgeshire District Council currently requires applicants to submit an enhanced criminal records check, a satisfactory medical check (carried out by a GP) and a satisfactory check confirming their current DVLA driving licence. The introduction of a Driving Standards test would be added to this list as an additional way of determining a person's fitness to hold a licence.
5. The Driving Standards Agency (DSA) is the Government appointed agency charged with setting driving standards and carries out all driving tests in Great Britain. It is responsible for 1.9 million driving tests taken in Great Britain each year on LGV's, PCV's, cars, motorcycles and other special vehicles. The assessment designed specifically for Hackney Carriages and private Hire drivers costs £58.00 (£70.50 if taken on a Saturday or in the evenings) and takes approximately 35 minutes, the exact details are explained in **Appendix A**.
6. It is not intended to introduce the test retrospectively for existing drivers unless there are serious concerns as to their fitness to hold a licence due to driving problems. Where these concerns are held, it would be for the Licensing Officer to determine whether the test should be taken and each case must be decided on its individual

merits, any such decision would have an appeal process in accordance with Council procedures.

7. Any applicant who fails the DSA test would have a right of appeal through the Driving Agency procedures. The grant of a DSA pass certificate would not automatically give the holder a right to obtain a licence with this Authority and any subsequent application for a drivers licence would be subject to the normal procedures and checks as referred to in paragraph 4.
8. The Government supported vocational qualifications for Taxi & Private Hire trades was also considered. These qualifications are run by an organisation called Go Skills and are nationally recognised vocational qualifications for the taxi and PHV trades. Areas of training cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict.
9. This was considered to be a good initiative however it had the disadvantages of: -
 - (a) Being largely available to the London Area
 - (b) A cost in excess of £500
 - (c) Take time to obtain i.e. approximately 70 hours

It was therefore felt that requiring this qualification would be overly restrictive and not in compliance with the Governments own best practice guidance.

10. There are currently 81 Authorities in the country that have adopted this testing procedure with another 20 currently at a similar stage to SCDC. Nearby authorities that have adopted this scheme include Bedford and South Bedfordshire whilst St Edmundsbury are considering its worth.

Options

11. Members may approve the recommendations, reject them or amend them.

Implications

12. Financial	There are no financial implications to the Council
Legal	Any right of appeal for failing the DSA test would lie with the Driving Standards Agency. Any applicant may appeal to a Magistrates Court in compliance with both the Local Government (Miscellaneous Provisions) Act 1976 and the Human Rights Act (right to a fair hearing) if they feel the procedures adopted by the Council are unreasonable.
Staffing	There are no staffing implications arising from this report
Risk Management	N/A
Equal Opportunities	Applications for the test are welcomed from all persons subject to provisions of legislation

Consultations

13. During August and September 2006 the Trade was consulted on the proposals. All Operators were contacted and asked for their views. Of the 132 licensed Operators 4 replied and all but one were in favour of the proposed test as detailed in **Appendix B**.

Effect on Annual Priorities and Corporate Objectives

14.	Affordable Homes	Not applicable
	Customer Service	Improvement in standards of drivers will benefit the general public
	Northstowe and other growth areas	Not applicable
	Quality, Accessible Services	See customer service
	Village Life	The provision of a safe and reliable transport system assists this objective
	Sustainability	N/A
	Partnership	This is a partnership working with Government agencies

Conclusions/Summary

15. The standard of driving is the single biggest area of complaint by customers using South Cambridgeshire Licensed vehicles. Erratic driving, speeding and generally driving without consideration to the needs of the passengers are recurring themes. The introduction of a nationally approved test completed by a Government appointed agency would address a number of these concerns and would help in building confidence between the trade and the travelling public.

Recommendations

16. The Environmental Health Portfolio Holder and Licensing Committee is requested to recommend to Cabinet that:

All new applicants or existing drivers who have allowed their licenses to lapse in any manner are required to undertake and pass the Driving Standards Agency test for Private Hire and Hackney Carriages before being granted a licence by South Cambridgeshire District Council except,

- (i) Where an applicant for a Private Hire or Hackney Carriage drivers licence has successfully completed all the Go Skills vocational qualification modules and/or
- (ii) Where an applicant already holds the Institute of Advanced Motoring qualification the DSA driving test shall be waived.

Background Papers: the following background papers were used in the preparation of this report: Local Government (Miscellaneous Provisions) Act 1976 Driving Standards Agency private Hire – Hackney Carriage Assessment pack.

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