

Subject: Annual Licence + Fees

Status: For Publication

Report to: Cabinet

Date: 14/11/07

Report of: Licensing Manager

Portfolio

Holder: Finance and Risk Management

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

- 1.1 To inform members regarding the current arrangements for hackney carriage and private hire driver licences
- 1.2 To request the Licensing Committee determine proposed changes to the current period hackney carriage and private hire driver licences are issued for
- 1.3 To request the Licensing Committee determine to include a Statutory Declaration on all renewal applications for hackney carriage and private hire driver licences
- 1.4 To request the Licensing Committee determine a new fee for hackney carriage and private hire driver licences – first application
- 1.5 To request the Licensing Committee determine a new fee for hackney carriage and private hire driver licences – renewal application

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.
 - Delivering Quality Services to Customers (Customers, Improvement)
 - Promoting Rossendale as a cracking place to live and visit (Economy)
 - Improving health and well being across the Borough (Health, Housing)
 - Well Managed Council (Improvement, Community Network)

3. RISK ASSESSMENT IMPLICATIONS

3.1 There are no specific risk issues for members to consider arising from this report.

4. BACKGROUND AND OPTIONS

4.1 The current arrangements for applications for hackney carriage and private hire driver licences – first application – are:

- An applicant passes a private hire / hackney carriage assessment with the Driving Standards Agency (DSA) - valid for life unless a licence is allowed to lapse for a period of more than 1 month.
- An applicant, on passing the above assessment, makes an appointment with the Licensing Unit who complete a document verification check for a Criminal Record Bureau (CRB) check – the return of a CRB can take up to 12 weeks but is usually received within 6 weeks
- Once the CRB has been returned (a copy of which comes direct to the Licensing Unit from the CRB), the applicant makes a further appointment with the Licensing Unit
- At this appointment, the applicant hands in:
 - A DSA assessment certificate
 - A medical declaration completed by their own doctor
 - A completed application to become a hackney carriage / private hire driver
 - 2 passport photographs
 - A fee for £150.00
- All documents are verified by the Licensing Unit and subject to Committee issues, a hackney carriage / private hire driver licence is issued for a period of 3 years

4.2 The current arrangements for applications for hackney carriage and private hire driver licences – renewal application – are:

- 2 months prior to the expiry of the current hackney carriage / private hire driver licence, an applicant makes an appointment with the Licensing Unit who complete a document verification check for a Criminal Record Bureau (CRB) check
- Once the CRB has been returned, the applicant makes a further appointment with the Licensing Unit (renewals can be processed anytime within a calendar month of expiry)
- At this appointment, the applicant hands in:
 - A medical declaration completed by their own doctor
 - A completed application to become a hackney carriage / private hire driver
 - 2 passport photographs
 - A fee for £150.00
- All documents are verified by the Licensing Unit and subject to Committee issues, a hackney carriage / private hire driver licence is issued for a period of 3 years.

- 4.3 Increasingly, on applications for renewal of hackney carriage / private hire driver licence, it was discovered that hackney carriage / private hire drivers had failed to notify convictions, cautions and/or fixed penalty notices received during the period of the hackney carriage / private hire driver licence.
- 4.4 Some of these unreported convictions, cautions and/or fixed penalty notices were received by the hackney carriage / private hire drivers within weeks of the hackney carriage / private hire drivers licences being issued remaining undiscovered by the Licensing Unit for up to 3 years
- 4.5 The unreported convictions, cautions and/or fixed penalty notices varied in seriousness from points on the DVLA driver licence to criminal convictions for fraud / dishonesty.
- 4.6 The DVLA records of 25 randomly selected drivers were audited in April of 2007 and an internal audit of all licensed drivers was conducted at around the same time.
- 4.7 Following the worrying results of the above all licensed drivers were provided with an amnesty period of 28 days in which convictions, cautions and/or fixed penalty notices could be disclosed to the Council without further action against them. The amnesty period did not protect individuals against a review of the licence by the Licensing Committee in light of convictions, cautions and/or fixed penalty tickets received since the initial grant of the licence.
- 4.8 The disclosure of convictions, cautions and/or fixed penalty notices is one of the ways the Licensing Unit assess whether or not an individual is a 'fit and proper person' to hold a hackney carriage / private hire driver licence:
- A Local Authority must not grant a licence to a Hackney Carriage or Private Hire driver unless they are satisfied that the applicant is a fit and proper person - Local Government (Miscellaneous Provisions) Act 1976, Section 59(1).
 - A Local Authority may refuse an application, refuse to renew an application or suspend a Hackney Carriage or Private Hire Drivers Licence if:
 - Since the grant of the licence, the applicant has been convicted of an offence involving dishonesty, indecency or violence,
 - Since the grant of the licence, the applicant has been convicted of an offence under that Act or failed to comply with the Act or any conditions or a licence or,
 - There is any other reasonable cause.
- 4.9 The combined results of 4.5 & 4.6 can be found at appendix 1.
- 4.10 In the interest of public safety and in order to assist the Licensing Unit on keeping up-to-date information relating to any convictions, cautions and/or fixed penalty notices received by hackney carriage / private hire drivers and to better determine the suitability of a hackney carriage / private hire driver as per 4.8 I am proposing:
- The introduction of an annual hackney carriage / private hire driver licence

- An annual statutory declaration

4.11 The proposed arrangements for applications for hackney carriage and private hire driver licences – first application – are:

- An applicant passes a private hire / hackney carriage assessment with the Driving Standards Agency (DSA) - valid for life unless a licence is allowed to lapse for a period of more than 1 month.
- An applicant, on passing the above assessment, makes an appointment with the Licensing Unit who complete a document verification check for a Criminal Record Bureau (CRB) check – the return of a CRB can take up to 12 weeks but is usually received within 6 weeks
- Once the CRB has been returned (a copy of which comes direct to the Licensing Unit from the CRB), the applicant makes a further appointment with the Licensing Unit
- At this appointment, the applicant hands in:
 - A DSA assessment certificate
 - A medical declaration completed by their own doctor
 - A completed application to become a hackney carriage / private hire driver
 - 2 passport photographs
 - A fee to be agreed and reflecting the fact that 2 appointments and additional checks and verification is required for a first time applicant
- All documents will be verified by the Licensing Unit and subject to Committee issues, a hackney carriage / private hire driver licence will be issued for a period of 1 year

4.12 The proposed arrangements for applications for hackney carriage and private hire driver licences – renewal application – are:

- An applicant will make an appointment for renewal of their hackney carriage / private hire driver licence within one month prior to the expiry of the current licence.
- At this appointment an applicant will hand in the following documentation:
 - (Every 3-years) A completed application for a Criminal Record Bureau (CRB) check
 - (Every 3 years) A medical declaration completed by their own doctor – *this is subject to a further Committee determination on a separate report (see 4.24)*
 - A completed and signed 'Statutory Declaration' – see appendix 2
 - A completed application to renew a hackney carriage / private hire driver
 - 2 passport photographs
 - A fee to be agreed and reflecting the fact that although only one appointment is now required, there is additional administration by the Licensing Unit as Licences will be annual rather than 3 yearly
- All documents will be verified by the Licensing Unit and subject to Committee issues, a hackney carriage / private hire driver licence will be issued for a period of 1 year

- 4.13 Applications for renewal of a hackney carriage / private hire driver licence can be made within 1 calendar month prior to the expiry of the current licence, at present, if a licence is allowed to lapse for no more than 1 month after expiry of the current licence; the DSA assessment is still valid. This was agreed by Committee as a deterrent for drivers deliberately allowing their licence to lapse. In reality what is happening is that some drivers are using this month as a period of grace.
- 4.14 Under these new proposals I would further propose that should a hackney carriage / private hire driver licence expire, it is no longer treated as a renewal. Therefore, if an applicant decides after expiry of a hackney carriage / private hire driver licence that they would like to become a hackney carriage / private hire driver, this should be treated as a 'first application'.

FEES

- 4.15 The current fee for a hackney carriage driver's licence or a private hire driver's licence is £150 for a licence which covers a period of 3 years. There is a further cost to drivers of £36 for a criminal record bureau disclosure; the process is administered within the Licensing Unit but no surcharge is added to the fee for administration costs.
- 4.16 At present, the total income for taxi licensing does not cover the costs of processing the application.
- 4.17 Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976, enables a local authority to recover such a fee as they consider reasonable with a view to recovering the cost of issue and administration in respect of driver's fees.
- 4.18 An analysis by Financial Services shows that a fee of £120 for an initial application and an annual renewal fee of £85 thereafter would enable the Licensing Unit to move towards a cost – neutral position in respect of taxi licensing.
- 4.19 The higher initial application fee is justified by the fact that two appointments are necessary for the grant of a driver's licence – one to receive and verify the application for a criminal records bureau disclosure and the second for the full application.

Recommendation by the Licensing Committee on 8th October 2007

Resolved:

- 4.20 That an Annual Licence and application fee of £120 for new applications and £85 for renewals of applications be agreed subject to approval by the Cabinet.
- 4.21 That an Annual Statutory Declaration be introduced, subject to approval by the Cabinet.

4.22 That should a hackney carriage/private hire driver licence expire, it will be treated as a first application, subject to approval of the new procedure by the Cabinet.

4.23 That subject to approval by the Cabinet, the above resolutions be implemented by 26th November 2007.

Other relevant information as determined by the Licensing Committee on 8th October 2007

Resolved:

4.24 That the DVLA Approved Group 2 Medical Procedure be adopted to establish the medical fitness of hackney carriage and private hire drivers.

4.25 That the procedure be implemented by 26th November 2007 as follows:

4.26 **Taxi Licensing**

- The House of Commons Transport Select Committee on Taxis and Private Hire Vehicles recommended in February 1995 that taxi Licence applicants should pass a medical examination before a Licence could be granted.
- Responsibility for determining the standards, including medical requirements, to be applied to taxi drivers, over and above the driver licensing requirements, rests with the Public Carriage Office in the Metropolitan area and the Local Authority in all others areas.
- Current best practice advice is contained in the booklet "Medical Aspects of Fitness to Drive" published by the Medical Commission on Accident Prevention in 1995. **This recommended that the Group 2 medical standards applied by DVLA in relation to bus and lorry drivers should also be applied by local authorities to taxi drivers.**

4.27 **Licence Groups**

- The medical standards refer to Group 1 and Group 2 Licence holders:-
 - **Group 1** includes motor cars and motor cycles.
 - **Group 2** includes large Lorries (category C) and buses (category D).
- The medical standards for Group 2 drivers are very much higher than those for Group 1 because of the size and weight of the vehicle. **This also reflects the higher risk caused by the length of time the driver may spend at the wheel in the course of his/her occupation.**
- All drivers who obtained entitlement to Group 1, category B (motor car) before 1 January 1997 have additional entitlement to category **C1 and D1**. C1 is a medium size lorry of weight between 3.5 and 7.5 tonne. D1 is a minibus of between 9 and 16 seats, not for hire or reward.

- Holders of C1/D1 entitlement retain the entitlement until their Licence expires or it is medically revoked. On subsequent renewal the higher medical standards applicable to Group 2 will apply.
- Under certain circumstances volunteer drivers can drive a minibus of up to 16 seats without having to obtain category D1 entitlement. Individuals should consult DVLA for a detailed fact sheet.

4.28 **Age limits:-**

- Group 2: Excepting in the armed forces and certain PCV licences, Group 2 licence's, Lorries (category C) or buses (category D) are normally issued at age 21 and valid till age 45.
- Group 2 licences are renewable thereafter every five years to age 65 unless restricted to a shorter period for medical reasons.
- From age 65 Group 2 licences are renewable annually without upper age limit.

5. COMMENTS OF THE HEAD OF FINANCE

- 5.1 As noted in the report the proposed increase in fees will more accurately reflect the cost of the Council's service provision.

6. COMMENTS OF THE EXECUTIVE DIRECTOR OF REGULATORY SERVICES

- 6.1 The recommendations are within the powers of the Council.

7. COMMENTS OF THE HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT

- 7.1 There are no direct human resource implications.

8. CONCLUSION

- 8.1 To introduce an annual hackney carriage/private hire driver licence with an annual statutory declaration would be in the best interest of public safety/welfare and assist the Licensing Unit in assessing (and being satisfied) that an individual is a 'fit and proper person' to hold a hackney carriage/private hire driver licence - Local Government (Miscellaneous Provisions) Act 1976, Section 59(1) as per 4.8 of this report.

9. RECOMMENDATION(S)

- 9.1 That an Annual Licence and application fee of £120 for new applications and £85 for renewals of applications be agreed, subject to approval by the Cabinet.
- 9.2 That an Annual Statutory Declaration be introduced, subject to approval by the Cabinet.

- 9.3 That should a hackney carriage/private hire driver licence expire, it will be treated as a first application subject to approval by the Cabinet.
- 9.4 That the above recommendations, if approved by the Cabinet be implemented by 26th November 2007.

10. CONSULTATION CARRIED OUT

- 10.1 Lancashire Constabulary
- 10.2 Taxi trade associations – Appendix 3
- 10.3 Legal Services
- 10.4 Licensing Unit Accountant

11. EQUALITY IMPACT ASSESSMENT

- Is an Equality Impact Assessment required No
- Is an Equality Impact Assessment attached No

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Background Papers	
Appendices	
Document	Place of Inspection
Conviction Amnesty / Random DVLA check & Internal Audit results	Appendix 1
Proposed Statutory Declaration	Appendix 2
Relevant Extracts from Taxi Liaison Group Meeting	Appendix 3