

**DEPARTMENT FOR TRANSPORT TAXI AND PRIVATE HIRE VEHICLE LICENSING:  
BEST PRACTICE GUIDANCE - CONSULTATION**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to inform Members of the details of a consultation document published by the Department for Transport, to seek Members comments and to provide Members with the opportunity to contribute to the consultation.

This report sets out what is currently within the Guidance, proposed amendments to the Guidance and current practice of this authority in respect of the Guidance.

**2.0 BACKGROUND**

- 2.1 The consultation document is entitled 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance'. The closing date of the consultation is 28 July 2009.
- 2.2 The Department for Transport first published Best Practice Guidance for Taxi and Private Hire Licensing in October 2006. The Guidance was prompted by a recommendation from the Office of Fair Trading as a result of its taxi and private hire vehicle study in 2003.
- 2.3 The Department for Transport have now undertaken a review of this document and the consultation invites comments about the usefulness of the original guidance as well as seeking views on proposed changes.
- 2.4 The proposed revisions to the document are highlighted through shading. This document is attached in Appendix 1. A summary of the questions on which the Department for Transport are seeking feedback is attached in Appendix 2 and a pro-forma for responding is attached in Appendix 3. A list of those consulted is attached in Appendix 4.
- 2.5 This report contains a summary of the Guidance document along with details of Wirral's current Licensing Policies for taxis and private hire vehicles.
- 2.6 The key principle is that it is for individual Licensing Authorities to reach their own decisions on overall policies and individual licensing matters. The Guidance is intended to assist the Licensing Authorities but is only guidance.
- 2.7 The Guidance does not cover the whole range of possible licensing requirements but concentrates on those issues that have caused difficulty in the past or that are of particular significance.

**VEHICLES**

**3.0 ACCESSIBILITY**

- 3.1 The Guidance makes it clear that the consideration of accessibility is not limited to wheelchair access but must recognise the needs of other passengers who may be disabled ... 'Licensing Authorities should do what they can to work with operators, drivers

and trade bodies in their area to improve drivers' awareness of the needs of disabled people... Local Authorities should also encourage their drivers to undertake disability awareness training...'

- 3.2 The Guidance recognises that taxis can be hired on the spot and subsequently emphasises the importance of accessibility for these vehicles.
- 3.3 One of the current policies for licensing taxis on Wirral is that the vehicle must be wheelchair accessible. There are further conditions that address the needs of other passengers including; the requirement for colour contrasting grab handles, colour contrasting sight patches on all passenger seats and an induction loop.
- 3.4 Members will also be aware that it is currently a requirement that:

All new applicants for Private Hire and Hackney Carriage Driver Licences are required to obtain the BTEC level 2 in Transporting Passengers by Taxi and Private Hire before being granted a licence.

All current Private Hire and Hackney Carriage drivers are required to complete the training within a five year period from the implementation date of 1 November 2006.

This training includes disability awareness training.

#### 4.0 **SPECIFICATION OF VEHICLE TYPES THAT MAY BE LICENSED**

- 4.1 The Guidance encourages a broad approach to licensing different types of vehicles.
- 4.2 The Council currently apply this approach and when a new type of vehicle is presented for licensing for the first time, should it not completely comply with the current requirements, the applicant is provided with the opportunity to allow members of this committee to apply its discretion.

#### 5.0 **FREQUENCY OF TESTS**

- 5.1 The Guidance state that 'An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years) seems appropriate in most cases, unless local conditions suggest that more frequent tests may be appropriate for older vehicles'. The Guidance suggests twice yearly tests for vehicles more than five years old.
- 5.2 The Council's current policy on vehicle testing is:

The licensing authority require hackney carriage vehicles under ten years old and private hire vehicles under six years old to be tested every twelve months. All hackney carriage vehicles over ten years old and private hire vehicles over six years old must be tested every six months.

#### 6.0 **CRITERIA FOR TESTS**

- 6.1 The Guidance suggests an MOT test along with further checks that are not too onerous.
- 6.2 Members of this Committee approved the testing criteria for vehicles that would include an MOT test plus additional checks set out in a compliance test. This was approved following consultation with the Vehicle and Operator Services Agency (VOSA) and the Private Hire and Hackney Carriage Joint Consultative Committee (JCC).

## **7.0 NUMBER OF TESTING STATIONS**

- 7.1 The Guidance states that it is good practice to have more than one testing station.
- 7.2 Following approval from Members of this Committee we are currently seeking to appoint more than one testing station.

## **8.0 PERSONAL SECURITY**

- 8.1 The Guidance states that Local Licensing Authorities may consider that the installation of security measures is best left to the judgement of owners and drivers but Licensing Authorities should look sympathetically on, or actively encourage their installation.
- 8.2 There are currently no conditions to restrict the installation of security measures in licensed vehicles.

## **9.0 VEHICLE IDENTIFICATION**

- 9.1 There are no proposed changes to this section.
- 9.2 The Council currently follows the Best Practice Guidance in this section with the exception of the requirement to include the wording 'pre-booked only' displayed on the vehicle.

## **10.0 ENVIRONMENTAL CONSIDERATIONS**

- 10.1 This section provides guidance should a Licensing Authority seek to adopt standards for vehicle emissions.

## **11.0 STRETCHED LIMOUSINES**

- 11.1 The Guidance considers that stretched limousines should be brought within the licensing regime wherever possible.
- 11.2 Officers are currently undertaking work in this area and with reference to this Guidance will report further to this Committee.

## **12.0 QUANTITY RESTRICTION OF TAXI LICENCES OUTSIDE LONDON**

- 12.1 The Guidance explains that the present legal provision on quantity restrictions for taxis outside London is set out in Section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the Local Licensing Authority is satisfied there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.
- 12.2 This means that if the authority refuses to licence a hackney carriage for no reason other than to restrict the numbers, they must be able to defend a challenge of this decision by showing that there is no significant unmet demand.
- 12.3 The Guidance regards it as best practice not to impose a limit on the number of hackney carriage vehicle licences and sets out its reasons for this view. The Guidance also includes reference to best practice should an authority take the view that a quantity restriction can be justified in principle. This best practice relates to surveys that may be used to justify a restriction on the issue of hackney carriage vehicles licences.

12.4 Members will be aware that there is no quantity restriction adopted by this authority. It follows that there is no requirement to undertake surveys to justify this position.

### **13.0 TAXI FARES**

13.1 There are no changes proposed for this section.

13.2 The authority currently follows the Guidance set out in this section by undertaking an annual review of fares at the request of taxi drivers

## **DRIVERS**

### **14.0 DURATION OF LICENCES**

14.1 The Guidance considers it is not necessarily best practice to require drivers to renew their licences on an annual basis. The Guidance suggests in general three years as best practice but goes on to recognise the following reasons why an authority may consider it necessary and appropriate to renew licences on an annual basis. Firstly a criminal offence may be committed and not identified through the duration of the licence, secondly an annual licence may be preferred by drivers, because for example it may be that the driver cannot easily pay for a three year licence. This section concludes that it may be best practice to offer drivers the choice of an annual or a three year licence.

14.2 This authority currently requires drivers to renew their licence on an annual basis. Given that the Guidance recognises reasons for this requirement there is no current intention to change this requirement. Further to the reasons set out in the Guidance, Members will be aware that there have been a number of instances when drivers have forgotten to renew their licences under the current process and it is considered that there may be an increased number of these incidents should drivers not have to renew on an annual basis.

### **15.0 ACCEPTANCE OF DRIVING LICENCES FROM OTHER EU MEMBER STATES**

15.1 There are no proposed changes to this section and officers note this Guidance.

## **PRIVATE HIRE OPERATORS**

### **16.0 CRIMINAL RECORD CHECKS**

16.1 Additional guidance is proposed in this section. Officers note the additional guidance.

16.2 The Council currently requires CRB checks in line with the Guidance within this section. It is considered that a review should be undertaken in respect of the Council's current convictions policy relating to the licensing of hackney carriage and private hire drivers and a further report will be submitted to this Committee.

### **17.0 NOTIFIABLE OCCUPATIONS SCHEME**

17.1 This is a new section to the Guidance making reference to a scheme whereby when an individual comes to the notice of the police and identifies their occupation as a taxi or private hire vehicle driver, the police are requested to notify the appropriate local licensing authority of convictions and any other relevant information that indicates a person poses a risk to public safety.

17.2 The Council is currently operating and undertaking the necessary action within this scheme.

## 18.0 IMMIGRATION CHECKS

18.1 This is a new section to the Guidance providing advice on checking an applicant's right to work before granting a taxi or private hire vehicle driver's licence.

18.2 Officers note this proposed Guidance

## 19.0 MEDICAL FITNESS

19.1 This is a proposed new section to the Guidance.

19.2 The Guidance states that it is good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal.

19.3 The Council currently requires a satisfactory medical in accordance with Group 2 Medical Standards before the initial grant of a licence. There is no further requirement to undertake a medical until a driver reaches the age of 65.

19.4 A review of this requirement is necessary. A further report will be submitted to this Committee following the publication of the Best Practice Guidance.

## 20.0 AGE LIMITS

20.1 The Guidance does not consider it appropriate to set a maximum age for drivers provided that regular checks are made.

20.2 The Council does not currently set a maximum age for drivers, however there is a need to review the medical requirement for drivers as detailed in paragraph 19.4.

## 21.0 DRIVING PROFICIENCY

21.1 The Guidance advises Local Authorities to consider carefully costs and benefits of applying additional driving standards to those required by a standard car driving licence.

21.2 Applicants for hackney carriage driving licences are currently required to undertake a test to assess their topographical knowledge in addition to a written test.

## 22.0 LANGUAGE PROFICIENCY

22.1 This is a new proposed section to the Guidance advising Local Authorities to consider language difficulties that may cause problems in communicating with customers.

22.2 Members will be aware that there is currently a requirement for applicants to undertake the BTEC qualification before being granted a licence. Any issue relating to communication is assessed as part of this process.

## 23.0 OTHER TRAINING

23.1 The Guidance states that ... 'There may well be advantage in encouraging drivers to obtain one of the nationally recognised vocational qualifications for the taxi and private hire vehicle trades.'

23.2 Members will be aware of the following training requirements for applicants and current drivers:

All new applicants for Private Hire and Hackney Carriage Driver Licences are required to obtain the BTEC level 2 in Transporting Passengers by Taxi and Private Hire before being granted a licence.

All current Private Hire and Hackney Carriage drivers are required to complete the training within a five year period from the implementation date of 1 November 2006.

23.3 A review of this requirement is currently being undertaken as further training opportunities have become available since 2006 when the above requirement was approved by Members.

#### **24.0 TOPOGRAPHICAL KNOWLEDGE**

24.1 The Guidance considers that it may be unnecessarily burdensome to require an applicant for a Private Hire Driver's licence to pass the same knowledge test as an applicant for a Hackney Carriage Driver's licence. The Guidance also advises Local Authorities that it may be over burdensome to require drivers who only undertake school contract work to pass a knowledge test.

24.2 There is currently a requirement for both private hire drivers and hackney carriage drivers to pass the same knowledge test. There is however an exception for those private hire drivers who only wish to undertake school contract work.

#### **OPERATORS**

##### **25.0 CRIMINAL RECORD CHECKS**

25.1 The Guidance advises that following the introduction of a new system by the Criminal Records Bureau it may be appropriate for authorities to require a CRB check to be undertaken by Operators.

25.2 Officers note this proposed guidance and will follow progress in this area.

##### **26.0 RECORD KEEPING**

26.1 The Guidance states that it is good practice for authorities to require Operators to keep records of each booking.

26.2 The Council currently has this requirement.

##### **27.0 INSURANCE**

27.1 The Guidance advises Licensing Authorities to check that appropriate public liability insurance has been taken for Operator offices that are open to the public.

27.2 The Council does not currently require evidence of public liability insurance from Operators. A review of conditions is due to be undertaken. This will now be done with reference to this Guidance.

## **28.0 LICENCE DURATION**

28.1 The Guidance states that a requirement for an annual licence renewal does not appear to be appropriate for Private Hire Operators.

28.2 The Council currently requires Operators to renew licences on an annual basis. A review will be undertaken having regard to this Guidance.

## **29.0 REPEAL OF THE PRIVATE HIRE VEHICLE CONTRACT EXEMPTION**

29.1 This is a new proposed section to the Guidance. This section guides Local Authorities to a guidance note they produced in November 2007.

29.2 The Council referred to this guidance note in the consideration of the licences issued to those vehicles and drivers that undertake contract work with The Children and Young Peoples Department. Officers will continue to refer to this guidance in consideration of the licensing of other types of Operators.

## **30.0 ENFORCEMENT**

30.1 There is a proposed addition to this section with reference to taxi touting and the power to suspend or revoke a private hire licence with immediate effect.

30.2 Officers note the proposed additional guidance reference.

## **31.0 TAXI ZONES**

31.1 There are no taxi zones in Wirral and there is no legal provision to appoint zones in Wirral.

## **32.0 FLEXIBLE TRANSPORT SERVICES**

32.1 This section examines the potential use of private hire vehicles and taxis in a more flexible way.

32.2 The use of flexible services is predominantly aimed at rural areas. Officers note the guidance in this section.

## **33.0 LOCAL TRANSPORT PLANS**

33.1 This section points out that taxis and private hire vehicles have an important role to play in local transport plans.

## **34.0 FINANCIAL AND STAFFING IMPLICATIONS**

34.1 There are no financial implications arising out of this report.

## **35.0 EQUAL OPPORTUNITIES IMPLICATIONS**

35.1 There are no equal opportunities implications arising out of this report.

## **36.0 LOCAL AGENDA 21 IMPLICATIONS**

36.1 There are none arising directly from this report.

**37.0 LOCAL MEMBER SUPPORT IMPLICATIONS**

37.1 This report affects the entire Borough

**38.0 HUMAN RIGHTS IMPLICATIONS**

38.1 There are no Human Rights implications associated with this report.

**39.0 COMMUNITY SAFETY IMPLICATIONS**

39.1 There are no Community Safety Implications associated with this report.

**40.0 PLANNING IMPLICATIONS**

40.1 There are no planning implications arising out of this report.

**41.0 BACKGROUND PAPERS**

41.1 None

**42.0 RECOMMENDATION**

42.1 Members are invited to provide comments to the Licensing Manager in respect of the draft Department for Transport (DFT) Best Practice Guidance for Taxi and Private Hire Licensing. Comments must be received by DFT no later than 28 July 2009.

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This report has been written by Margaret O'Donnell who can be contacted on 691 8606