

LICENSING COMMITTEE

THURSDAY 19 JULY 2012
7.00 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

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| 1. Apologies for Absence | |
| 2. Declarations of Interest | |
| 3. Minutes of the Meeting held on 19 April 2012 | 1 - 2 |
| 4. Taxi General Competence Course | 3 - 52 |

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

Committee Members:

Councillors: Thacker (Chairman), Peach (Vice Chairman), Hiller, Serluca, Allen, Nawaz, Jamil, Saltmarsh, Miners and Davidson

Substitutes: Councillors: Kreling, Johnson and Harrington

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

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**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 19 APRIL 2012**

Present: Councillors Dobbs (Chairman), Todd (Vice Chairman), Casey, Simons, Miners, Saltmarsh,

Officers in Attendance: Adrian Day, Licensing Manager
Paulina Ford, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Allen, Peach, Kreling (Sub), Ash, Benton, Swift (Sub) Khan and Shearman (Sub).

Councillor Casey was in attendance as a nominated substitute for Councillor Allen for the duration of the meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 16 February 2012

The minutes of the meeting held on 16 February 2012 were approved as a true and accurate record.

4. Decision Notices from Licensing Act 2003 Sub-Committee Hearings

The Licensing Manager presented the Committee with a document containing a summary of the Committee hearings for the Licensing Act 2003 from August 2009 to date. The document provided the following information:

- Date of Hearing
- Name and Address of Premises
- Type of Application
- Who Made Representations
- Reasons
- Committee Decision

The Committee were asked to sign off the decision notices for the hearings held between August 2009 to date as a formal record of those hearings.

Observations and questions were raised and discussed including:

- Current and new Licensing legislation

- The Licensing Manager advised Members that representation from the Police had improved and they had attended Licensing Committee hearings much more prepared.
- Members were informed that Peterborough was currently known as a Relevant Authority which meant that if there was an issue they had to go to a Responsible Authority e.g. Police or Trading Standards to ask them what action they were going to take. Under the new Act Peterborough would become a Responsible Authority which would empower them to refuse, remove or review licences without first having to receive a representation from one of the Responsible Authorities. This would enable the authority to take the necessary actions to tackle irresponsible premises without having to wait for representations from other responsible authorities.

Members asked the following questions:

- What was the average time from when a complaint was received about licensed premises to it going to Committee? Members were informed that not all complaints went to Committee as they were often resolved at the point of the issue being identified. Problems occurred when it was difficult to obtain evidence e.g. noise complaints. There was no average time. If a review was requested it could take about six weeks.
- How many cases had been escalated up to the Magistrates Court? There were very few as the process was followed very carefully.
- How many new applications/amendments were received in a year? Members were informed that between 700 to 800 applications were received in an average year.
- When licences were revoked were checks carried out to ensure that they had ceased trading? Members were advised that they were checked and monitored but it was becoming more difficult to monitor as alcohol could now be sold in local food stores or at the back of a shop.
- How closely do you work with Trading Standards? Members were informed that Trading Standards and Licensing were now co-located in the same department and therefore worked very closely together.

Members wished to note the excellent work that had been carried out by the Licensing Team.

RESOLVED:

The Committee resolved to sign off the decision notices as the formal record of the hearings.

7.00pm – 7.45pm
Chairman

| | |
|----------------------------|--------------------------|
| LICENSING COMMITTEE | AGENDA ITEM No. 4 |
| 19 JULY 2012 | PUBLIC REPORT |

| | | |
|--------------------------------|---|----------------------------|
| Cabinet Member(s) responsible: | Councillor Peter Hiller – Cabinet Member for Housing, Neighbourhoods and Planning | |
| Contact Officer(s): | Regulatory Officer Ian Robinson Licensing Manager Adrian Day | Tel. 453541 Tel. 454437 |

TAXI GENERAL COMPETENCE COURSE

| R E C O M M E N D A T I O N S | |
|--|---------------------------|
| FROM : Licensing Department Regulatory Officer Ian Robinson & Licensing Development Officer Kerry Leishman | Deadline date: N/A |
| For the Committee to approve the introduction of a further requirement of fitness to be attached to the grant of a licence to include the wording, “All new applicants, prior to applying for a Hackney Carriage or Private Hire Driver’s Licence, must undertake the PCC Taxi General Competence Course, provided by Peterborough Regional College.” | |

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following a referral from the Licensing Department (Taxi).

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to allow members to determine whether to amend the requirement of fitness to include the requirement for new applicants to undertake a general competence course, which includes an updated English Reading & Writing Test.
- 2.2 As part of the application process the authority must establish that persons wishing to be licensed drivers must be “fit and proper.” Whilst there is no approved test to establish if an applicant is “fit & proper,” factors such as the ability to communicate effectively in English and understand the relevant licensing legislation and conditions should be considered.
- 2.3 During the current application process, all new applicants are required to undertake an English Reading and Writing Test. This test has been criticised by the licensed trade for being “too easy.” It has been highlighted that some new drivers entering the trade struggle to communicate effectively with their customers. On occasion this has caused simple misunderstandings to escalate into a more heated situation. In addition, our officers have found that despite applicants having passed the current test, they still encounter communication problems.
- 2.4 The current test is facilitated by the Licensing Team’s Regulatory Officers. On average applicants take four attempts before successfully passing the test, which places a considerable drain on the team’s resources. As it stands there is no additional fee to re-sit a test and it is a common occurrence for applicants to attend multiple re-tests, without any preparatory work between each test, or any improvement shown.
- 2.5 If an applicant fails the current test, there is no resource or specialist help available to assist the applicant to reach the required standard to obtain a licence.

- 2.6 This report is for the Committee to consider under its Terms of Reference No. 2.5.1.1(a) “hackney carriage and private hire vehicle licensing” and 2.5.1.4 namely “To approve (and periodically review) the standard conditions to be attached to any licence/permit/consent issued by the Council”.

3. **TIMESCALE**

| | | | |
|---|-----------|---|--|
| Is this a Major Policy Item/Statutory Plan? | NO | If Yes, date for relevant Cabinet Meeting | |
|---|-----------|---|--|

4. **BACKGROUND**

- 4.1 As previously stated on granting a driver’s licence, officers are required to ascertain that the applicant is a “fit and proper” person. The test of establishing if a person is “fit and proper” is not defined by law and is open to the interpretation of the individual licensing authority. In Peterborough all applicants are subject to references, medical, criminal record and D.V.L.A. checks, an English Reading and Writing Test and Local Knowledge/Driving Test.
- 4.2 During the current English Reading and Writing Test the applicant is required to:
- (i) Provide a written receipt, dictated by officer
 - (ii) Write their name and address
 - (iii) Undertake three basic maths questions
 - (iv) Read aloud and explain three randomly chosen licence conditions
 - (v) Identify three locations on a map and state which route would be taken
 - (vi) Read aloud six randomly chosen street names from the list provided.
- 4.3 Members of the trade, via the previous Forum and the more recently, the Hackney and Private Hire Federations, have indicated that they believe the test is too simple and despite passing the test, some applicants are unable to communicate effectively in English. This can be corroborated by the Licensing Team’s officers when dealing with complaints from the public and on personally observing applicants passing the test, only to discover during the driving test that they struggle to communicate with the applicant.
- 4.4 It is a necessary requirement for licensed drivers to be able to communicate effectively in English. Their role requires them to provide a written receipt if requested, understand pertinent legislation / licensing conditions and follow diversion signage if a road closure is in force. In addition if a passenger is taken ill, there may be a need for a licensed driver to contact the Emergency Services and follow instructions given by them to facilitate immediate aid.
- 4.5 We have received a number of complaints concerning the way that disabled passengers are treated and transported by the hackney and private hire drivers. In particular complaints indicate that people in wheelchairs have been placed in hackney carriages without access ramps being used, wheelchairs have not been secured correctly and some disabled passengers allege they have been refused access to hackney carriages. In 2010 we prosecuted two private hire operators for making additional charges for carrying assistance dogs. The Disabled Persons Transport Advisory Committee, in their 2003 Good Practice Guide emphasised the need for driver training for taxi drivers dealing with disabled people. The proposed course includes an input into the Equality Act 2010, in particular the responsibilities placed on taxis & private hire drivers.
- 4.6 On looking to revise / amend the current requirements and to ensure the authority is always striving to improve the service we provide to the public, officers investigated various avenues, from merely increasing the difficulty of the test, to providing a more structured training course, incorporating various aspects relating to the trade and culminating in a new English Reading and Writing Test. In addition, officers looked at the possibility of a more appropriate test, where support and additional training could be offered to those failing to meet the required level. This would also relieve the burden on officers dealing with multiple re-tests.

- 4.7 It appears the most appropriate way to facilitate the necessary changes would be to introduce a competency course, which all new applicants would be required to attend and pass, before being eligible to submit an application to become a driver.
- 4.8 Officers liaised with Peterborough Regional College and the City College to ascertain if they could tailor a specific course / test. Unfortunately City College stated that they did not have the necessary resources to assist, but the Regional College were enthusiastic and met the challenge, producing a syllabus for the proposed new course / test. The staff at the college are trained tutors and are experienced in facilitating the E.S.O.L. courses (English Speaking for Other Languages).
- 4.9 If the committee decides to amend the current requirements, the new proposed "Taxi – General Competence Course" will involve applicants undertaking a day long training course, facilitated by the Regional College. The course will culminate in a new English Reading and Writing Test. When conducting the current test, the officer leads the applicant through the process, step by step, often having to repeatedly explain what is required. The new test will require the applicant to read instructions and questions, thereby increasing the level of English required. The test will cover the topics taught during the day (**see syllabus detailed in paragraph 5.0**). The course will also include an initial assessment. If the applicant is identified as falling below the necessary standard, they can be diverted to various English and Numeracy courses, some of which are free of charge, allowing the applicant to gain further transferable skills and reach the required level to undertake the course. The new applicant would be required to undertake and pass the course before they are eligible to submit an application to become a licensed driver.

5. PROPOSED SYLLABUS

- 5.1 The new proposed syllabus will include:
- (i) Equality Act 2010
 - (ii) Producing written receipts & issuing change
 - (iii) Highway Code
 - (iv) Road Sign Quiz
 - (v) Licensing Conditions
 - (vi) English Reading and Writing Test
- 5.2 It is anticipated that the cost of the course will be met by the new applicant and paid directly to the college. It will cost approximately £95.00 and those applicants who are unsuccessful at the first instance will be offered the opportunity of re-sitting the test at a cost of £25. There will also be an opportunity to complete a half-day refresher course at a cost of £60, if more help is needed.
- 5.3 The new proposed course will establish that the applicant meets Level 1, which is equivalent to D-G grade GCSE / lower foundation BTECs. The minimum class size will be 6 persons and the maximum 10 and as a result applicants would not have to wait for long periods for course availability. It is proposed that the course will be run from the Gladstone Park Community Centre, so will minimise travel for many applicants and provide free parking.
- 5.4 All tutors facilitating the proposed course are qualified to degree level in the subject they are teaching and have a level 5 teaching qualification. Classes are annually inspected by the college's Quality Team, regularly observed by the Curriculum Team Manager and inspected by Ofsted.

6. CONSULTATION

- 6.1 The consultation period ran throughout February 2012, with an article and advertisement appearing in the Evening Telegraph and was also included on the Consultation Database

featured on our website. In addition, letters were sent to a number of interested parties, detailed in paragraph 6.2.

We have received a number of responses, which can be seen in **Appendix A**. Three responses came from the trade and the remainder via Peterborough's Disability Forum.

6.2 Consultees

The Peterborough Hackney Driver Federation.

The Peterborough Private Hire Federation

All Peterborough Private Hire Operators

Advert placed in the Peterborough Evening Telegraph.

Notification placed on council website.

Sara Thompson - Passenger Transport Operations, Peterborough City Council

Sgt. Nikki Hall – Cambs Constabulary

The Physically Handicapped and Able Bodied Club (P.H.A.B.)

The Peterborough Disability Forum

7. **ANTICIPATED OUTCOMES**

- 7.1 It is anticipated that Members of the Licensing Committee will approve the recommendations in order to amend the fitness requirement relating to new applicants issued by Peterborough City Council, to specifically allow the implementation of the proposed course.

8. **REASONS FOR RECOMMENDATIONS**

- 8.1 To deliver a more efficient application and testing process, whilst ensuring new applicants entering the Taxi / Private Hire Trade reach a consistent and recognisable level. Improving the knowledge and communication skills of the Hackney / Private Hire trade will contribute to improving public/driver safety and customer service. The two key principles of the policy will be firstly to identify applicants that currently do not meet the required standards that we expect of our drivers, and secondly, through the Peterborough Regional College offer the necessary help and support on how to gain or develop the necessary skills to the required level.

9. **ALTERNATIVE OPTIONS CONSIDERED**

- 9.1 The Committee may decide not to amend the conditions of fitness and retain the current test, or increase the difficulty of the current test and continue to administer in-house.

10. **IMPLICATIONS**

- 10.1 The introduction of a new course will increase the cost of obtaining a licence by a further £95.00, bringing the total to £244. The cost of the course will be the responsibility of the applicant and paid directly to the college. As the course will be facilitated by the college, it will reduce the impact on the Licensing Department's resources.
- 10.2 The proposed course does not contravene Human Rights legislation and can only have positive cross service implications, i.e. The Passenger Transport Team, who were consulted as part of this process will see a recognisable improvement in the new driver's ability to communicate effectively in English.
- 10.3 Those applying to enter the trade largely come from the Asian community and the introduction of the course could be construed by some as an equality issue, however it is worthy of note that the request for change came from the trade themselves. The ability of taxi / private hire drivers to communicate effectively in English is essential to carry out their duties. Re-locating the testing at the college will allow applicants to access better support, training and access to other courses, thereby developing transferrable skills and in some cases recognisable qualifications. The new policy will empower applicants by increasing

their knowledge of disabilities and widen their awareness of the individual needs of others. The training and assessment will enable the understanding that some customers are vulnerable and accordingly require different levels of assistance and support.

- 10.4 There is a clear potential for inequalities to be removed as applicants will be able to gain additional skill sets, raising their social skills. This will not only enable them to acquire an agreed standard, it will also benefit them by furthering their career, or to consider employment previously out of their reach due to lack of experience or transferable skills. Many people suffer inequalities due to lack of social or academic skills. The assessment and training will identify any assistance the applicant requires and the applicants will be supported and tutored by experienced and qualified College staff. The staff at the college have a wealth of experience working with students where English may not be their first language. The new proposed course can only improve the quality of service we are able to offer the applicants, trade and the public. (Equality Impact Assessment – **Appendix B**)

11. **BACKGROUND DOCUMENTS**

- Sections 51(1&2) & 59 Local Government (Miscellaneous Provisions) Act 1976 (**Appendix C**).
- Department of Transport Taxi & Private Hire Licensing Best Practice (**Appendix D**).

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Licensing
Operations Directorate
4th Floor Bayard Place
Broadway
Peterborough
PE1 1HZ

14th February 2012

Proposed variation of conditions of fitness relating to new applicants applying to become licensed drivers

Further to your recent letter regarding the proposed variation of conditions. Although proposed changes to improve the image and professionalism of any business sector are welcomed, my concerns relating to this proposal are the cost, the availability of the course and the delay this will create in recruiting new drivers. As a new operator the length of time it already takes to get through the process of getting a licence is having a negative effect on recruitment of suitable candidates, especially if they are currently unemployed or wishing to join the profession to be told that it could take between 2-3 months for you to obtain a private hire badge is off putting. The proposed increase to get a licence from £189 to £248 will also distract potential employees, as this in a majority of cases will be self funded by the individual driver.

Without seeing the course content or any evidence of drivers that have undertaken the course it would be hard to ascertain whether this would improve standards in the industry or speed up the time it takes for new drivers to get licensed. Or is this just another way for the City Council to outsource its current work and reduce the number of enforcement officers. Although I can also see the benefit of outsourcing this course as it will hopefully allow the enforcement officers more time to concentrate on enforcing current rules and improving standards.

Within my own business I have been looking at several ways to improve the standard of my drivers one of them being gaining a recognised qualification i.e. City & Guilds NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire), which may include some of the areas that are trying to be improved. Could the proposed course and the City & Guilds course be incorporated and then the drivers will gain an industry recognised qualification. I believe some government funding is available towards the cost of this course.

Yours sincerely,

Tod Howard
Green Leaf Cars

PETERBOROUGH PRIVATE HIRE



DRIVER ASSOCIATION

Built on unity & trust

Ref: Improving new driver test

To whom it may concern,

Firstly we would like to thank Adrian Day and the licensing team for all their hard work in trying to develop a more realistic and true to life testing criteria for all new applicants.

The proposed course & modules

We are in agreement that it should be a day course covering the objectives as set out in the proposal. However there are some additions that we would like for you to strongly consider.

1) Oral spoken English

Oral spoken English of a reasonably high standard should be essential. As communication is a key factor for drivers to have the ability to communicate effectively, for which the benefit to both driver and passenger would be unparalleled.

Throughout our communication and research with our members we have found that the greatest tool for a driver to have is the ability to effectively communicate, in speaking to and understanding the passenger and vice versa. the benefits of which could help in resolving issues on the spot, as some new drivers often get into difficulty due to not having a proper grasp of the English language. This can sometimes lead to heavily intoxicated passengers being verbally and physically abusive towards drivers .

2) Scoring system for a pass

Before this recommendation goes to the licensing committee We would like to know as to how the scoring of new drivers would be tallied up and what the pass mark will be. We would also like to request that a few members of our association be allowed access to the course as a trial, before it goes to the licensing committee as to iron out any unforeseen issues.

3) Verbal and written route directions

In the current testing there is no verbal or written route direction criteria. We recommend that all new applicants should be tested on their navigational skills in writing and verbally illustrating their knowledge of the city by directing from point A to point B accurately. This should be some what similar to Fenland District Councils test criteria. (this is available in paper format)

4) Number of new drivers in to enter the trade in the past 5 years:

2007 = 130

2008 = 121

2009 = 87

2010 = 86

2011 = 77

Total 501

If we were to go by these numbers we would find that in the past 5 years we have doubled the amount of new drivers from approximately 500 to our current approximate of 1000. The effect of which has been extremely detrimental to the trade overall. Who's to say where we will be in another 5 years.

We recommend that PCC should seriously consider increasing the cost of the course as this would benefit both the trade and PCC from the proposed £95 to £500 and accordingly for any re-tests.

Firstly the trade would benefit by having a better standard of new driver entering the trade and would help in controlling the overall numbers.

Secondly PCC would benefit financially by directly charging for the course and then paying PRC for their costs. Therefore PCC would generate a new level of income that the trade would not despair of, as this would help facilitate PCC and current drivers in these economically difficult times.

We have a 500 strong member base that strongly recommends this new testing criteria.

Regards

Peterborough Private Hire Drivers Association

Executive committee

18th February 2012

Adrian Day
Licensing Manager
Peterborough City Council
Bayard Place
Peterborough
PE1 1HZ

Dear Mr Day

PROPOSED VARIATIONS OF CONDITIONS OF FITNESS RELATING TO NEW APPLICANTS APPLYING TO BECOME LICENSED DRIVERS

The Consultation Document dated 26th January 2012 regarding the Peterborough City Councils proposals to vary the conditions of fitness relating to new applicants applying to become a licensed driver in Peterborough has been fully considered by the Federation and our response is as follows:

The Peterborough Hackney Drivers Federation is fully supportive of this proposal and welcomes its introduction. The introduction of any criteria for licensing hackney or private hire that will improve the standards of the trade will always be fully supported by the Federation. We view this proposal as a first stage to ensuring that both drivers and vehicles licensed by Peterborough City Council are fit for purpose.

The Federation considers itself to be in a full and active partner with Peterborough City Council who have always attempted to follow the good practice guidelines of the Public Carriage Office and we will continue to support those guidelines as a benchmark for the safety and security of the travelling public.

Yours Sincerely

Brian W J Gascoyne

**Secretary
Peterborough Hackney Drivers Federation.**

- 1 -

Peterborough is striving to become the Environment Capital of Britain and all Peterborough Licensed Hackney Cabs meet the stringent Euro III or Euro IV emissions requirements. So not only are they purpose built for the work they perform they are environmentally friendly too!!



Robinson Ian

From: Steve Lane |
Sent: 30 January 2012 10:01
To: Robinson Ian; BRYAN TYLER; Nicola Hampshaw
Subject: Re: Taxi driver training

Many thanks, Ian.

I had no problem with the idea in principle, but it was just as though it had come out of the blue, like it was a sudden idea from a well-intended body, but with no background as to how and why. Nor did I realise it was an existing and established practice (not being a taxi driver). I was aware of the legislation you quote from, but there was no mention of this in the attachment to Bryan, or I would probably have said nothing. I am especially pleased the operators are conscious of their responsibilities and seem willing to promote this.

Thanks for your time in replying,

Regards,

Steve

From: [Robinson Ian](#)
Sent: Monday, January 30, 2012 9:37 AM
To: 'Steve Lane' ; BRYAN TYLER ; Nicola Hampshaw
Subject: RE: Taxi driver training

Hi Steve, thanks for your enquiry. Hopefully, in answer to your questions.....

This course will apply to all new applicants, whether hackney or private hire.

There will be a public notice on the PCC Consultation Database, in the ET and in some cases letters sent to individual organisations, as in this case (letters have been sent to drivers, operators, police, Passenger Transport Team, your forum and PHAB.) The consultation period will run until the end of February.

The idea of the course came about after we were initially approached by existing members of the trade, who expressed concerns that they felt the current English Reading & Writing Test wasn't difficult enough. They believed that some recent applicants could not converse well enough with the public. It seemed an ideal opportunity to develop what we already have and include some form of instruction in matters pertaining to the trade.

As Bryan can confirm, last year we unfortunately also had to prosecute some of our drivers for discriminatory offences, such as making additional charges for carrying guide dogs. We've also required a number of drivers attend courses (at their own expense) after complaints that they have conveyed passengers in their wheelchairs, without suitable restraints. So at the very least, I want to ensure that part of the course gives instruction on the driver's responsibilities under the Equality Act.

Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 places a responsibility on the authority, before the grant of a licence, to ensure they are satisfied the applicant is "fit & proper" to hold a licence. The same section of the act also states an authority can attach any conditions to the grant of a licence that they feel is reasonably necessary.

Once the consultation period is over I will be preparing a report to enable the Licensing Committee to make their decision.

Kind regards, Ian

Ian Robinson
Regulatory Officer
Taxi Enforcement Office
4th Floor, Bayard Place
Broadway
Peterborough
PE1 1HZ

E-mail: ian.robinson@peterborough.gov.uk
Tel. 01733 453541

To find out more about Peterborough City Council please go to: www.peterborough.gov.uk
Please consider the environment before printing this email

From: Steve Lane
Sent: 27 January 2012 20:49
To: BRYAN TYLER; Nicola Hampshaw
Cc: Robinson Ian
Subject: Re: Taxi driver training

Sounds a matter for serious consideration, but I am not clear about how they propose to introduce this in the proper manner.

Does this apply to all new applicants – hackney and private hire?
Where is the consultation document to respond to?
What is the period of consultation?
Who is being consulted?
What legislation gives this any legal weight?
Following on from the process laid out in the pdf document dated 26th January, what happens next?

Over to you,

Steve

From: BRYAN TYLER
Sent: Friday, January 27, 2012 11:04 AM
To: Nicola Hampshaw
Subject: Taxi driver training

Hi everyone
Please find attached details of the Taxi driver training that will soon be introduced.
Any comments please send to Ian and copy me in please
ian.robinson@peterborough.gov.uk
Cheers
Bryan

----- Forwarded message -----
From: **Robinson Ian** <Ian.Robinson@peterborough.gov.uk>

Robinson Ian

From: Day Adrian
Sent: 02 February 2012 10:03
To: Robinson Ian
Subject: FW: Competence course

Response for your consultation

Thanks

Regards

Adrian Day
Licensing Manager
Strategic Regulatory Services
Peterborough City Council
Bayard Place
Peterborough.
PE1 1HZ
Email: adrian.day@peterborough.gov.uk

Telephone: 01733 454437

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From: Taxi
Sent: 02 February 2012 08:13
To: Day Adrian
Subject: FW: Competence course

From: Monica Ward
Sent: 31 January 2012 16:37
To: Taxi
Subject: Competence course

Dear Sir/Madam,

In response to the E.T. article on the General Competence Course, I feel this would be an extremely good idea. Whilst I have encountered some very polite and well mannered drivers I feel the course is something that should be embraced by all taxi drivers. Today I tried to park in a designated blue badge slot which was being used by a taxi. I don't think they were waiting to pick up a passenger. I showed my badge and he shrugged his shoulders. I indicated I wanted to park there but he did not move. He then reversed a little but I could not get in. Eventually he reversed some more and I was then able to reverse into the space. As he drove off he raised the middle finger to me. Perhaps the course could give some guidance to drivers to show a little more respect.

Yours sincerely,

Mrs M Ward
Peterborough

consultation entry for website

Please complete and submit by e-mail to: consult@peterborough.gov.uk

| | |
|---|---|
| Title | Proposed amendment to hackney/private hire driver licensing requirements to introduce a requirement for all new applicants to undertake a Taxi Course run by the Regional College, prior to submitting an application to become a driver |
| Business group | Taxi Enforcement Office |
| Who are you consulting with | <ul style="list-style-type: none"> • The Peterborough Hackney Driver Federation. • The Peterborough Private Hire Federation • All Peterborough Private Hire Operators and Hackney owners. • Advert placed in the Peterborough Evening Telegraph. • Notification placed on council website. • Sara Thompson - Passenger Transport Operations, Peterborough City Council • Sgt. Nikki Hall – Cambs Constabulary • The Physically Handicapped and Able Bodied Club (P.H.A.B.) • The Peterborough Disability Forum |
| What is the aim of consultation | To canvas opinion to ascertain if stakeholders are in agreement with the proposed amendment. |
| What method of consultation | <ul style="list-style-type: none"> • Letters to hackney owners, private hire operators, private hire and hackney federations & PHAB 26/01/12 • E-mail to Sara Thompson, Sgt Hall and the Disability Forum 26/01/12. • Published on Consultation Database • Public Notice displayed in E.T. 27/1/12. |
| What will the results be used for | To ascertain opinion prior to the issue being taken to Licensing Committee for decision. |
| How the consultation and its results will be marketed to reach target audience | As stipulated above in "consultation method" we have targeted those directly concerned with any proposed changes. |
| Consultation period | 1 st February – 29 th February 2012 |
| When will results be available | At the end of the consultation period. |
| Contact | Regulatory Officer Ian Robinson, Licensing, 4 th Floor Bayard Place, Broadway, Peterborough. PE1 1HZ E-mail: taxi@peterborough.gov.uk Tel. 01733 453541 |

| | |
|---|-------------------------------|
| Please provide the following information | |
| Name of Officer completing form | Ian Robinson |
| Contact phone number | 453541 |
| Date form submitted | 27 th January 2012 |

Robinson Ian

From: Taxi
Sent: 01 March 2012 09:09
To: Robinson Ian
Subject: FW: Applicant testing
Importance: High

From: Rukhsana Akhtar |
Sent: 28 February 2012 20:14
To: Taxi
Subject: Applicant testing
Importance: High

Dear Taxi Licensing

I, along with the view of many Taxi Drivers strongly object to the proposed change in licensing requirements for the following reasons:-

1. The process is already rigorous with the current test requirements.
2. Peterborough being a much smaller city compared to larger cities where the tests are less rigorous.
3. Unemployment is high in Peterborough and this proposal will disadvantage those who are less able to read and write.
4. The cost of the course is more than paying for a diploma in Literacy or numeracy.
5. Why should you increase business for a private education business at the detriment of self employed taxi drivers, who work long hours to provide a safe journey home to many residents in and around Peterborough City.
6. The Council should run free on-going sessions for new and current drivers who pay hundreds of pound each year for taxi licensing. Topic areas: Equality, disability, basic Maths and English, customer services etc....
7. Why can't you be more supportive to taxi drivers who are victims of abuse and violence, instead of imposing extra unnecessary bureaucratic systems to cause them more stress in this climate of high unemployment.

We strongly object to the proposals. We do hope that these views are shared at the Licensing Committee meeting.

Mrs Akhtar

Robinson Ian

From: Day Adrian
Sent: 02 February 2012 10:04
To: Robinson Ian
Subject: FW: Article on Cabbies.

Another response

Regards

Adrian Day
Licensing Manager
Strategic Regulatory Services
Peterborough City Council
Bayard Place
Peterborough.
PE1 1HZ
Email: adrian.day@peterborough.gov.uk

Telephone: 01733 454437

To find out more about Peterborough City Council please go to www.peterborough.gov.uk
Please consider the environment before printing this email.

From: Taxi
Sent: 31 January 2012 08:31
To: Day Adrian
Subject: FW: Article on Cabbies.

For allocation.

From: Reginald Briggs
Sent: 31 January 2012 07:03
To: Taxi
Subject: Article on Cabbies.

Good morning.

Also teach them not to open doors to on coming traffic. Driving straight out at junctions. Parking in the middle of the road. Double parking when collecting or picking up disabled children, (LINCOLN RD)

Some of the worst drivers in Peterborough are Taxi drivers,

Maybe a LARGER sign on cabs informing the public as to where THEY can report IRREGULARITIES.

Reg Briggs 157, Chaucer Road, Peterborough PE13LS.

Robinson Ian

From: BRYAN TYLER
Sent: 30 January 2012 11:17
To: Robinson Ian
Cc: Steve Lane
Subject: Taxi drivers course

Hi Ian

One question i did mean to ask. Who is carrying out the "disability" part of the training put together by PRC? Will it be run by a person with a disability or will it be part of the one day course and run by an able bodied trainer?

I know from experience when its part of a "package" the disability element seems to be an afterthought or not very well done and ends up as a tick box exercise. This is an opportunity to make long term improvements to taxi services in Peterborough and i,m a bit concerned about how much can be done in one day especially if the drivers are sitting several parts of the course!

Is it possible to see a copy of the Disability Awareness Training?

Cheers

--

Bryan

Bryan Tyler
Disability Forum Manager
DIAL Peterborough
01733 265551
www.dialpeterborough.org.uk
www.sportingpeterborough.btck.co.uk

[Taken from the Equality Impact Assessment Process Guidelines.]

Appendix A1

Equality Impact Assessment:
Initial assessment

What are the proposed outcomes of the policy?

The introduction of a further requirement of fitness to be attached to the grant of a driver's licence requiring all new applicants, prior to applying for a Hackney Carriage or Private Hire Driver's Licence, to undertake the PCC "Taxi General Competence Course", provided by Peterborough Regional College.
 The day training course incorporates Equality Act 2010, producing written receipts & issuing change, Highway Code, Road Signs, Licensing Conditions & PCC Penalty Point System and an English Reading & Writing Test.
 The course is designed to assess the applicant, disseminate pertinent information and ensure they possess the necessary knowledge associated with the private hire/taxi trade

Which individuals or groups are most likely to be affected?

Anyone wishing to become a taxi / private hire driver.

Now consider whether any of the following groups will be disproportionately affected:
See Appendix B for further information

| Equality Group | Note any positive or negative effects |
|--|--|
| Particular age groups | Not affected |
| Disabled people | Not affected |
| Married couples or those entered into a civil partnership | Not affected |
| Pregnant women or women on maternity leave | Not affected |
| Particular ethnic groups | Applicants whose first language is not English may be initially disadvantaged, however steps are in place to assess, support and provide necessary instruction to enable applicants to reach the required level. |
| Those of a particular religion or who hold a particular belief | Not affected |
| Male/Female | Not affected |
| Those proposing to undergo, currently undergoing or who have undergone gender reassignment | Not affected |
| Sexual orientation | Not affected |

What information is available to help you understand the effect this will have on the groups identified above?

Both the Trade and Council Officers have identified issues with the current English Reading & Writing Test, particularly relating to the applicant's ability to understand written and spoken English. A high number of applicants speak English as a second language. On average applicants take four attempts before successfully passing the test. This places a considerable drain on the team's resources.

The test is currently administered by the council's regulatory officers. If an applicant fails the current test, there is no resource or specialist help available to assist the applicant to reach the standard required to obtain a licence.

Members of the trade, via the previous Forum and the more recently, the Hackney and Private Hire Federations, have indicated that they believe the test is too simple and despite passing the test, some applicants are unable to communicate effectively in English. This can be corroborated by the Licensing Team's officers when dealing with complaints from the public and on personally observing applicants passing the test, only to discover during the driving test that they struggle to communicate with the applicant.

It is a necessary requirement for licensed drivers to be able to communicate effectively in English. Their role requires them to provide a written receipt if requested, understand pertinent legislation / licensing conditions and follow diversion signage if a road closure is in force. In addition if a passenger is taken ill, there may be a need for a licensed driver to contact the Emergency Services and follow instructions given by them to facilitate immediate aid.

As an issue had been identified concerning the English Reading and Writing Test it is proposed that a more structured course be introduced. The course will introduce the applicant to relevant legislation and information pertinent to the industry.

In addition we have received a number of complaints concerning the way that disabled passengers are treated and transported by the hackney and private hire drivers. In particular complaints indicate that people in wheelchairs have been placed in hackney carriages without access ramps being used, wheelchairs have not been secured correctly and some disabled passengers allege they have been refused access to hackney carriages. In 2010 we prosecuted two private hire operators for making additional charges for carrying assistance dogs. The Disabled Persons Transport Advisory Committee, in their 2003 Good Practice Guide emphasised the need for driver training for taxi drivers dealing with disabled people. The proposed course includes an input into the Equality Act 2010, in particular the responsibilities placed on taxis & private hire drivers.

As part of the report process a public consultation was undertaken, this included contact with focus groups, some of whom are best placed to advise how it may affect those identified above.

Who will be the beneficiaries of the policy?

The community, the new applicants and the taxi /private hire trade.

The community, due to the improved customer service, communication skills and knowledge of the new applicants entering the trade.

The applicant themselves. On completing the training, new applicants will have better communication skills and a greater understanding of the pertinent legislation. They will also receive instruction on the relevant disability awareness / equality legislation.

Has the policy been explained to those it might affect directly or indirectly?

As mentioned above, before the report was submitted to Licensing Committee, a public consultation exercise was undertaken. Various stakeholders, including the trade were contacted along with a public notice and entry on the council website's consultation pages. The consultation involved groups, some of whom could be affected if the new course is implemented.

Can any differences be justified as appropriate or necessary?

Our strategic priorities include creating opportunities – tackling inequalities

All applicants will be assessed and those unable to reach the desired level will be given the necessary support and access to additional training courses to improve their skill set. These courses will equip the applicant with the necessary skills to gain a private hire / taxi licence and are transferrable skills which will assist in personal development.

Are any remedial actions required?

No

Once implemented, how will you monitor the actual impact?

The Licensing department will monitor the quality of new applicants, customer feedback and liaise with both the Peterborough Hackney Carriage Federation and the Peterborough Private Hire Association in order to assess the impact.

| | |
|------------------------------------|--|
| Policy review date | |
| Assessment completed by | Regulatory Officer Ian Robinson |
| Date Initial EqIA completed | 3rd May 2012 |
| Signed by Head of Service | |

Appendix A2

Equality Impact Assessment:

Full assessment

Name/title of the policy area/strand or programme with which this assessment is concerned

Requirement of Fitness (General Competence Test). The introduction of a further requirement of fitness to be attached to the grant of a driver's licence requiring all new applicants, prior to applying for a Hackney Carriage or Private Hire Driver's Licence, to undertake the PCC Taxi General Competence Course, provided by Peterborough Regional College.

Description/summary of the policy area/strand or programme

See Appendix C for further guidance

The purpose of the policy change if approved by members of the licensing committee is to amend the requirement of fitness to include the requirement for new applicants to undertake a general competence course, which includes an updated English Reading & Writing Test.

As part of the application process the authority must establish that persons wishing to be licensed drivers must be “fit and proper.” Whilst there is no approved test to establish if an applicant is “fit & proper,” factors such as the ability to communicate effectively in English and understand the relevant licensing legislation and conditions should be considered.

During the current application process, all new applicants are required to undertake an English Reading and Writing Test. This test has been criticised by the licensed trade for being “too easy.” They highlight some new drivers entering the trade struggle to communicate effectively with the customers. On occasion this has caused simple misunderstandings to escalate into a more heated situation. In addition, our officers have found that despite applicants having passed the current test, they still encounter communication problems.

The current test is facilitated by the Licensing Team’s Regulatory Officers. On average applicants take four attempts before successfully passing the test, which places a considerable drain on the team’s resources. As it stands there is no additional fee to sit a re-test and it is common occurrence for applicants to attend multiple re-tests, without any preparatory work between each one, or improvement shown.

If an applicant fails the current test, there is no resource or specialist help available to assist the applicant to reach the required standard required to obtain a licence.

It is anticipated that all new applicants will be required to undergo the new proposed course prior to submitting an application form. The course syllabus will include:

- (i) Equality Act 2010
- (ii) Producing written receipts & issuing change
- (iii) Highway Code
- (iv) Road Sign Quiz
- (v) Licensing Conditions & PCC Penalty Point System
- (vi) English Reading and Writing Test

The evidence base (list the principal sources of relevant evidence, both quantitative and qualitative. [See Appendix C for further guidance](#))

The council have been criticised in the past and continue to be challenged regarding the quality of the drivers that are licensed, this originates from various channels including members of the public, other trade members, the police and other regulatory organisations.

The main criticism seems to be the inability of some drivers to communicate effectively, and or their lack of ability to read or write in English, also their lack of disability awareness. The council has a current reading and writing test which is now proved to be out of date and not effective in the assessment of prospective applicants. The test assesses the basic skills in conversation and a reading and writing test.

The downside of the current test is where an applicant fails a test he or she can retake the test at a later date, however in the period between the testing the council are not in a position to offer any support or tuition, this leads to many failed attempts or in fact as we find in practice applicants use the repetitive attempts and memory to pass the test. With the proposed test not only is tuition made available on the day but the testing centre can arrange additional learning facilities for those applicants where required.

What the evidence shows – keys facts [See Appendix C for further guidance](#)

During the consultation phase the council contacted various departments and organisations including

1. The Peterborough Hackney Driver Federation
2. The Peterborough Private Hire Association
3. The Disability Forum
4. All Private Hire Operators
5. Hackney Vehicle Owners
6. Featured on the councils website consultation page
7. Consultation notice placed in the Peterborough Evening Telegraph

All but one response to the consultation saw the introduction of the course as a positive step, offering increased standards within the trade and additional safety to passengers and other drivers. It was indicated that the additional competency testing would benefit all groups and stakeholders by means of greater awareness and understanding.

Challenges and opportunities

(indicate the policy’s potential to reduce and remove existing inequalities)

It has been highlighted far too often that applicants are retaking the current reading and writing tests without making the effort to develop their academic skills. When asked, applicants openly say that they have not practiced or sought help from others, they simply return to re-sit the test hoping to scrape through. It is inappropriate for the licensing officers to offer tuition for many reasons.

The new policy will empower applicants by increasing their knowledge of disabilities, widening their awareness of the individual needs of others. The training and assessment will enable the understanding that some customers are vulnerable and accordingly require different levels of assistance and support.

There is a clear potential for inequalities to be removed as applicants will be able to gain additional skill sets, raising their social skills, this will not only enable them to acquire an agreed standard, it will also benefit them by furthering their career, or to consider employment previously out of their reach due to lack of experience or transferable skills.

Many people suffer inequalities due to lack of social or academic skills, whilst the training will be provided in the area’s identified, as the applicants will be tutored at the Regional College it is expected that some applicants will take the opportunity to continue to learn and benefit by the vast availability of free and low cost courses on offer.

Summary of Equality Impact Assessment

[See Appendix C for further guidance](#)

An adverse impact is unlikely, and on the contrary, the policy has the clear potential to have a positive impact by reducing and removing barriers and inequalities that currently exist.

An adverse impact is unlikely as the 2 key principles of the policy will be firstly to identify applicants that currently do not meet the required standards that we expect of our drivers, and secondly, through the Peterborough Regional College offer help and support on how to gain or develop the necessary skills to the required level. We anticipate that the only adverse impact would be where an applicant does not meet the criteria and is unwilling to consider additional help and support in order to develop, or where an applicant fails to develop skills after receiving further support. Both scenarios are outside of the scope of the proposed policy insofar as where a minimum entry level is required and the necessary tools are made available to achieve that level it is then the applicant’s choice not to progress.

In some cases it might well be assessed that the applicants will not in the foreseeable future reach the required level due to their academic abilities, this sadly cannot be seen as a barrier and more of a fact of life where ability restricts career choice.

With the introduction of the new policy we are offering an opportunity that could significantly enhance the career options for people attending the course. This will have the effect of not only improving the standard of living of the drivers and their families, but also have a positive effect of improving customer safety.

Next steps See [Appendix C](#) for further guidance

The next stage will be to present the report and the associated documents, including this Equality Impact Assessment to Licensing Committee. The committee will then consider the details of the proposed policy and raise any concerns for officers to address. The recommendation to the committee will be to adopt the policy.

If the new course is introduced we will be able to monitor and review implementation through the quality of new applicants, feedback and any customer complaints.

| | |
|----------------------------------|-------------------|
| Policy review date | May 2013 |
| Assessment completed by | Adrian Day |
| Date Full EqIA completed | 16/05/2012 |
| Signed by Head of Service | |

Appendix B

Protected Characteristics

Age

Where this is referred to, it refers to a person belonging to a particular age (i.e. 32 years old) or a range of ages (e.g. 18-30 year olds)

Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person’s ability to carry out normal day-to-day activities.

Marriage and civil partnership

Marriage is defined as a ‘union between a man and a woman.’ Same-sex couples can have their relationships legally recognised as ‘civil partnerships.’ Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and maternity

Pregnancy is the condition of being pregnant. Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman’s ordinary maternity leave entitlement in the employment context.

Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour and nationality (including citizenship) ethnic or national origins. The following categories are currently used on recruitment application forms.

| Group | Type | Group | Type |
|---------------------------|---|---------------------------|---|
| White | British/English/Scottish/Welsh Irish Italian Portuguese Other European Traveller Other White background | Asian or Asian British | Bangladeshi Indian Kashmiri Pakistani Other Asian background |
| Black or Black British | African Caribbean Other Black background | Other ethnic group | Chinese Other background |
| Mixed | White and Asian White and Black African White and Black Caribbean Other Mixed background | | |

Religion and belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Religious groups

| | |
|-----------|--------|
| Christian | Muslim |
| Hindu | Sikh |
| Jewish | Other |

Sex

A man or a woman.

Gender reassignment

Gender reassignment refers to those proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.

Sexual orientation

Where a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

| | |
|-------------------|--------------|
| Gay man | Bisexual |
| Gay woman/lesbian | Heterosexual |

Appendix C

Describing a policy area, strand or programme

Write a summary of the policy, bearing in mind that what you write is a public document, not a file note for yourself or an internal memo for colleagues.

It follows that people reading the description will not necessarily be familiar with educational acronyms and abbreviations. All acronyms and abbreviations should therefore be spelled out in full the first time they are used.

Although they may not be specialists in your area of expertise, the people reading the description may well have specialist knowledge relating to equality issues. Your purpose, in these paragraphs about your policy, is to provide such people with sufficient preliminary information for them to follow the discussion that will follow.

You probably do not need to write more than about 300 words altogether – three or four short paragraphs.

Other things being equal, it will be appropriate to outline the following:

- the policy's rationale and purposes
- how it operates, or will operate, in practice
- the historical background, for example when it began or will begin, and reference to any pilots or trials
- how the policy fits in with other policies, for example whether it is a strand within a larger policy area
- an indication of the size of the budget
- sources of further information.

With regard to sources of further information, please make sure you give sufficient details for them to be easily followed up – paragraph or page references within a document, and URLs for documents that can be accessed online.

Types and sources of evidence

An EqIA should name, with full bibliographical details as appropriate, the principal sources of relevant evidence which have been consulted. The principal types of relevant evidence are summarised below.

Please note that the word 'evidence' is used here in the broad sense. There are many kinds of evidence, that is to say, ranging from substantial academic research to accounts of personal experience and viewpoint by individuals and groups.

It is relevant to note and use the familiar distinction between quantitative evidence and qualitative. The term **quantitative** refers to a type of information based in quantities or else quantifiable data (objective properties) —as opposed to **qualitative** information which deals with apparent qualities (subjective properties). There are further notes on the distinction below.

Quantitative evidence

Quantitative evidence is mostly about relative levels of participation, involvement and take-up, or else about outcomes, successes and failures.

Quantitative evidence is derived from administrative data collected, for example, from local authority returns, census data etc.

In addition to quantitative evidence about participation and outcomes, it may be relevant to cite also the results of opinion surveys of various kinds.

Qualitative evidence

The principal **types** of qualitative evidence include:

- case studies and project evaluations
- literature reviews
- interviews and focus groups i.e. statements of concern and opinion from stakeholders
- inspection reports
- views, proposals, recommendations and good practice guides
- responses to Green Papers and White Papers
- responses to draft equality impact assessments.

The principal **authors** of qualitative evidence include:

- research centres and units based in universities (academic research)
- specialist consultancy organisations
- the three equality commissions (CRE, DRC and EOC) and, more recently, the Equality and Human Rights Commission (EHRC)
- other government departments
- interest and advocacy groups, including trade unions and professional associations, specialist organisations, and associations and alliances representing concerns around any of the protected characteristics.

What the evidence shows

This should detail:-

- which diverse groups have been identified as being disadvantaged by the proposals together
- what consultation has taken place
- a summary of the negative impacts
- the proposed changes as a result of the research and or consultation
- whether the changes to the policy lower the negative impact
- whether the changes provide opportunities to promote equality of opportunity and improve relations between diverse groups?

Summarising an assessment of impact

In the light of evidence make an assessment.

We suggest you copy and paste one of the following statements into your document, and then expand and explain it as appropriate.

- A. A positive impact is explicitly intended and very likely.
- B. An adverse impact is unlikely, and on the contrary the policy has the clear potential to have a positive impact by reducing and removing barriers and inequalities that currently exist.
- C. An adverse impact is unlikely. On the contrary there is potential to reduce barriers and inequalities that currently exist. There is insufficient evidence, however, for this assessment to be made with as much confidence as is desirable.
- D. Adverse impact is unlikely, but positive impact is also unlikely.
- E. Adverse impact is probable or certain, since certain groups will be disadvantaged, either proportionately or absolutely, or both. Remedial action is therefore necessary.
- F. Adverse impact is probable or certain for certain groups but the policy as a whole can nevertheless be justified.

PLEASE NOTE

If you select the last of these assessments it will be necessary to obtain legal advice.

Next steps

An EqIA should conclude by indicating clearly the ways in which it will be followed up and kept under review i.e. progress detailed in a project plan, objectives set in an employees PDR/appraisal etc.

So far as is appropriate, the statements about next steps should reflect SMART principles – the measures should be:

- specific
- measurable
- achievable
- realistic
- time-bound

The statement of next steps should also emphasise the equality impact assessment as a whole is a living document and that, accordingly, it will be revised and updated, as appropriate, in the light of further evidence, discussions and representations.

You are likely to mention some or all of the following:

- plans that are already under way or under active consideration to address challenges and priorities you have highlighted
- arrangements for monitoring, and for periodic reports to certain groups
- arrangements for ensuring that monitoring systems are in place to ensure regular checks are undertaken on the effects of the policy
- arrangements for ensuring that evaluations of any pilot projects take account of the concerns and discussions outlined in your assessment
- arrangements for discussing with other agencies and regulatory bodies the scope for taking account of the concerns and discussions in your assessment
- arrangements for ensuring that your assessment is brought to the attention of all relevant colleagues, and in this contributing to reviews of the Department's single equality scheme
- arrangements for disseminating information about your assessment to local authorities and other stakeholders
- arrangements for improving the information base
- intentions for drawing up a detailed action plan.

APPENDIX C

Sect 51 LGMP Act 1976 -Licensing of drivers of private hire vehicles.

(1) Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or

(b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.

(1) For the purposes of subsection (1) of this section a person is authorised to drive a motor car if—

(a) he holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or

(b) he is authorised by virtue of section 99A or section 109(1) of that Act to drive in Great Britain a motor car.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

Sect 59 LGMP Act 1976 – Qualifications for drivers of hackney carriages

(1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or

(b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.

(1A) For the purposes of subsection (1) of this section a person is authorised to drive a motor car if—

(a) he holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or

(b) he is authorised by virtue of section 99A(1) or section 109(1) of that Act to drive in Great Britain a motor car.

(2) Any applicant aggrieved by the refusal of a district council to grant a driver's licence on the ground that he is not a fit and proper person to hold such licence may appeal to a magistrate's court.



Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

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 - [Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard](#)
-

October 2006

Introduction

1. This Guidance is issued with the aim of assisting those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. The Guidance follows the publication in November 2003 by the Office of Fair Trading of a market study of the regulation of taxis and PHVs in the UK. One of the recommendations of that study was that the Department for Transport (DfT) should produce guidance on best practice for the local licensing authorities concerned. The Guidance is issued in fulfilment of that recommendation.
3. However, it will be appreciated that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.
4. The Department consulted on a draft version of the guidance in the autumn of 2005. We are grateful for all the views expressed on that draft. A summary of the consultation responses and our reaction to them is available on the DfT web-site. Some respondents to the consultation draft felt that the document should be made more prescriptive whilst others felt that the draft struck the right balance in this respect. Taxi and private hire vehicle legislation makes it clear that it is primarily for local licensing authorities to make decisions on the matters covered in this guidance. Furthermore, it is right that local circumstances and requirements are taken into account in making these decisions in each licensing area. So we have in general resisted the calls for the guidance to be more prescriptive. The key purpose of the guidance remains, as proposed in the draft version, to assist local decision-making by setting out the main considerations authorities might wish to take into account in reaching the right balance between costs and benefits in determining the licensing policies for their area.

The Role of Taxis and PHVs

5. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2003 some 650 million journeys were made by taxi and PHV in Great Britain, and households spent around Â£3 billion on taxi and PHV journeys; spending by businesses and foreign visitors was a substantial extra figure. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.

6. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 63-66).

The Role of Licensing: Policy Justification

7. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest - and can, indeed, have safety implications.

8. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

9. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs - financial or otherwise - imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

Scope of the Guidance

10. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

Consultation at the Local Level

11. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg Transport 2000 and other transport providers), womens' groups or local traders.

Accessibility

12. Local licensing authorities will want to consider how accessible the vehicles they license as taxis are for disabled people (which includes - but is not limited to - people who need to travel in a wheelchair).

13. Licensing authorities will know that the Department has for some years now been working on proposals which would substantially improve taxi provision for people with disabilities. This work is continuing and an announcement will be made in due course. In the meantime licensing authorities are encouraged to introduce taxi accessibility policies for their areas. The Department's letter to local licensing authorities of 9 September 2002, the relevant part of which was repeated in the letter of 16 June 2004, gave more detailed guidance.

14. Different accessibility considerations apply as between taxis and PHVs. Taxis can be hired on the spot - in the street or at a rank - by the customer dealing directly with a driver; but PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps makes that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet.

Existing duties under the Disability Discrimination Act 1995 (DDA)

15. Since 31 March 2001 licensed taxi drivers in England and Wales have been under a duty (under s.37 of the Disability Discrimination Act 1995) to carry guide, hearing and other prescribed assistance dogs in their taxis, without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for exemption from the duty on medical grounds. Any other driver who fails to comply with the duty is guilty of a criminal offence and liable, on summary conviction, to a fine of up to Â£1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

16. Enforcement of the duties is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

Duties under the DDA , as amended by the Disability Discrimination Act 2005

17. The Disability Discrimination Act 2005 amended the DDA 1995 to enable the Government to lift the exemption in Part 3 of that Act for operators of transport vehicles. The amendment allowed for the exemption to be lifted for different services, at different times and to different extents. Regulations have been made to lift the exemption in relation to vehicles used to provide public transport services, including taxis and PHVs, as well as for vehicle hire services and breakdown services, These Regulations come into force on 4 December 2006 and will effectively apply certain duties in Part 3 of the DDA 1995 to providers of transport services who provide such services through the use of specified vehicles. In order to meet these new duties, licensing authorities will be required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services. The Disability Rights Commission (DRC) has produced a Code of Practice to explain the new Part 3 duties for the transport industry. This is on the DRC's website at www.drc-gb.org. The Code is a supplement to, and should be read in conjunction with, the Code of Practice for Part 3 of the Act: Rights of Access to Services and Premises, which is also on the website. An example of responding to these new duties would be providing - for use in informing passengers - Braille cards to those drivers exempted from the duty to carry prescribed assistance dogs.

Vehicles

Specification of Vehicle Types That May Be Licensed

18. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

19. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

20. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. (There are at present only two designs of purpose-built taxi.) But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

Imported vehicles: type approval (see also "stretched limousines", paras 26-28 below)

21. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a British Single Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506867.hcsp.

Vehicle Testing

22. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- **Frequency of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- **Criteria for Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726

- **Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.
- **Number of Testing Stations.** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency - VOSA - may be able to assist where there are local difficulties in provision of testing stations.)

Security

23. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office web-site, www.homeoffice.gov.uk (and see for instance, www.crimereduction.gov.uk/cctv/cctvminisite4.htm).

Vehicle Identification

24. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- **a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc.** The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;
- **a licence condition which requires a sign on the vehicle in a specified form.** This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a

roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

Environmental Considerations

25. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted, bearing in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form). Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set.

Stretched Limousines

26. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. Consistent with this view licence applications involving use of these limousines should not be automatically rejected (for example just because the vehicles may be left-hand drive). The Department is currently revising its guidance on the licensing arrangements for stretched limousines.

27. Imported stretched limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime, before they are registered. A licensing authority might wish to request sight of the SVA certificate to ensure that the vehicle was tested by VOSA before being registered and licensed (taxed) by DVLA. The SVA test verifies that the converted vehicle is built to certain safety and environmental standards (there are some vehicles that have gained registration without an SVA and these may not comply with British regulations).

28. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepts vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats is hard to determine. In these circumstances, if the vehicle has obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation. Authorities should check with local MOT testing stations to find out if the station has the facilities to test such vehicles. If there is difficulty in finding a suitable station, the local enforcement office may be able to advise (contact details on www.vosa.gov.uk/vosacorp/contactus/vosalocations/vosaenforcementoffices.htm).

Quantity Restrictions of Taxi Licences outside London

29. 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 that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

30. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

31. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

32. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

33. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

34. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...
- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand,** for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the

Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.

- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

35. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the five-yearly Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

Taxi Fares

36. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

37. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

38. There is a case for allowing any taxi operators who wish to do so to make it clear - perhaps by advertising on the vehicle - that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

Drivers

Duration of Licences

39. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Under this new guidance the police are requested to notify the appropriate local licensing authority of convictions and other relevant information when it comes to their attention that an individual is working as a Taxi or PHV driver. (Further details are contained in Home Office Circular 6/2006. Further information can be obtained from the Criminal Records Section, Safeguarding Vulnerable Persons Team, Police Leadership and Powers Unit, Home Office, Fourth Floor, Peel Building, 2 Marsham Street, London SW1P 4DF; e-mail Robin.Manson@homeoffice.gsi.gov.uk)

40. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

41. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department take the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State. To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act.

Criminal Record Checks

42. A criminal record check is an important safety measure and is widely required. Taxi and PHV drivers can be subject to an Enhanced Disclosure through the Criminal Records Bureau; this level of disclosure includes details of spent convictions and police cautions. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they will doubtless take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to

achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

43. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries. More generally, the Home Office's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY. Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

44. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

Medical Criteria

45. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. It is common for licensing authorities to apply the 'Group 2' medical standards - applied by DVLA to the licensing of lorry and bus drivers - to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 kgs lorries); the position is summarised at Annex B to the Guidance. In the light of the latest guidance from the Secretary of State's Honorary Medical Advisory Panel on Diabetes Mellitus and Driving, it is suggested that best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Age Limits

46. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

Driving Proficiency

47. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

Other training

48. There may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* can guide and support licensing authorities through its regional network of Business Advisers. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can 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. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: www.goskills.org

e-mail: info@goskills.org

Topographical Knowledge

49. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

50. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same 'knowledge' test as a taxi driver, though it may be thought appropriate to test candidates' ability to read a map and their knowledge of key places such as main roads and railway stations.

PHV Operators

51. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

Criminal Record Checks

52. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; the Home Office during 2006/07 will be undertaking a new feasibility study in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

Record Keeping

53. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. That will, for example, enable police checks to be made if any mishap should befall a passenger and may also be of use to licensing authorities in enforcement enquiries. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

Insurance

54. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Licence Duration

55. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

Enforcement

56. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police.

57. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise.

58. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

59. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

Taxi Zones

60. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

61. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

62. It should be noted that the Government intends to make a Regulatory Reform Order which will remove the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. It is intended that the RRO should be introduced for Parliamentary scrutiny during 2006.

Flexible Transport Services

63. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport needs, especially in rural areas - though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

64. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for

example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

65. The main legal provisions under which flexible services can be operated are:

- **Shared taxis and PHVs - advance bookings (section 11, Transport Act 1985):** licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- **Shared taxis - immediate hirings (section 10, Transport Act 1985):** such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.
- **Taxibuses (section 12, Transport Act 1985):** owners of licensed taxis can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity.

66. The Department is very keen to encourage the use of these types of services. More details can be found in the Department's publication 'Flexible Transport Services' (available from dft@twoten.press.net). The document itself can be accessed at: www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_504004.hcsp.

Local Transport Plans

67. The Transport Act 2000 requires most local transport authorities in England (not London) to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance was published in December 2004 asking for a provisional LTP by 29 July 2005 and a final one by 31 March 2006. LTPs set out the authority's local transport strategies and policies, and an implementation programme over a five year period. Authorities report each year on their delivery of policies and programmes in Annual Progress Reports.

68. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to make to the LTP process. The key policy themes for such services could be availability and accessibility. LTP input could include statements of policy on:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;
- encouragement of flexible services.

69. There should also be a statement of changes in policy since the last LTP and changes that are intended. It would be useful to provide statistics of changes in the number of licences for vehicles, drivers and operators, so that trends in availability can be identified.

Annex A: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Useful questions when assessing quantity controls of taxi licences

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
 - Do you receive representations about taxi availability?
 - What is the level of service currently available to consumers (including other public transport modes)?

Annex B: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.