

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING COMMITTEE – 2 JUNE 2010**

Title of report	<b>REVIEW OF THE DRIVING STANDARDS AGENCY ASSESSMENT ELEMENT OF THE HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS 'FIT &amp; PROPER PERSON' POLICY</b>
Contacts	<p>Councillor Alison Smith 01530 835668 <a href="mailto:alison.smith@nwleicestershire.gov.uk">alison.smith@nwleicestershire.gov.uk</a></p> <p>Commercial Services Manager 01530 454610 <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a></p> <p>Licensing Team Leader 01530 454844 <a href="mailto:stephen.eyre@nwleicestershire.gov.uk">stephen.eyre@nwleicestershire.gov.uk</a></p>
Purpose of report	The report details a proposed amendment to the Driving Standards Agency Assessment element of the Council's Hackney Carriage and Private Hire Fit & Proper Person Policy.
Strategic aims	Strong and Safer Communities
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>All resources directed to the administration and enforcement of the taxi licensing function must be recovered via taxi licensing and charges. No additional staffing would be required. Legislation allows the recovery of costs through the licence fee.</p> <p>Safer CAT</p> <p>It is anticipated that the proposed changes will not have a negative effect on service delivery.</p> <p>Equality impact assessment already undertaken, issues identified actioned.</p> <p>None</p> <p>The Service transformation team are currently working with the Licensing Service.</p>

Comments of Head of Paid Service	Report Satisfactory
Comments of Section 151 Officer	Report Satisfactory
Comments of Monitoring Officer	Report Satisfactory
Consultees	Hackney Carriage and Private Hire Driver Consultative Forum
Background papers	Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance. DVLA (2006) 'Fitness to Drive': A Guide for Health Professionals. DVLA. For Medical Practitioners – At a glance Guide to the current Medical Standards of Fitness to Drive – September 2009.
Recommendations	<p><b>(A) TO AMEND THE REQUIREMENT FOR ALL LICENSED DRIVERS OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES TO TAKE AND PASS THE DRIVING STANDARDS AGENCY TEST BY 1<sup>ST</sup> JULY 2010, BY EXTENDING THE DATE TO 31<sup>ST</sup> DECEMBER 2010.</b></p> <p><b>(B) TO APPROVE ISSUE 5 OF THE COUNCILS HACKNEY CARRIAGE &amp; PRIVATE HIRE DRIVER 'FIT AND PROPER PERSON' POLICY, ATTACHED AT APPENDIX 1 WITH AFFECT FROM 3<sup>RD</sup> JUNE 2010.</b></p>

## 1.0 INTRODUCTION

1.1 At a meeting of the driver forum held on March 8<sup>th</sup> 2010, a driver requested a review of the current policy of requiring drivers to undertake the Driving Standards Agency driving assessment be undertaken. The driver questioned the value of the DSA test in terms of improving driving skills and also stated that the cost of the test was excessive given the current economic climate. The request received significant support from other drivers present at the forum. No driver voiced opposition to the request made at the forum.

## 2.0 CURRENT POLICY

2.1 The Government's Driving Standards Agency (DSA) is tasked with improving driving standards with a view to reducing the numbers of road traffic collisions. They have introduced a driving test specifically aimed at prospective and current hackney carriage and private hire vehicle drivers.

2.2 At a meeting of the Licensing Committee on 26<sup>th</sup> November 2008 the current policy requiring drivers to undertake the Driving Standards Agency driving assessment was approved.

2.3 The policy states that:

All prospective drivers must submit with their application the appropriate DSA certificate to say that the applicant has taken and passed the taxi driving test.

Any currently licensed driver whose DVLA driving licence attracts 6 or more penalty point endorsements over a 3 year period will also be required to take a DSA driving assessment.

All current licensed drivers of hackney carriage and private hire vehicles have until 1 July 2010 to take and pass the DSA test. Failure to take the DSA test will result in a driver's licence/s being revoked.

2.4 Following the implementation of the policy further legal advice has been received following the outcome of a taxi licensing case involving Charnwood Borough Council.

Charnwood Borough Council required their drivers to complete a BTEC course by a certain date, failing which their licences would be revoked. A number of drivers who had their licences' revoked after failing to complete the course appealed against that decision. A District Judge sitting at Loughborough Magistrates Court held a driver who was fit and proper one day could not be regarded as not being fit and proper the next, merely because he had failed to undertake a course specified by the council.

However it is accepted that a Council may refuse to renew or grant an application where a driver fails to provide a Licensing Authority with all the information required to process an application/renewal, including information on his driving ability as evidenced by a pass certificate for the DSA test

Therefore from 1<sup>st</sup> July 2010, any licensed driver who fails to provide evidence that they have successfully undertaken the DSA assessment at the time of renewal will have their renewal application refused.

### **3.0 COST/BENEFIT ANALYSIS**

3.1 The Department for Transport Taxi and Private Hire Vehicles Licensing Best Practice Guidance requires local authorities to consider carefully whether this policy 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.

3.2 The requirement to pass a DSA driving assessment was introduced with the purpose of improving driving standards.

3.3 Currently road accident injuries and deaths per mile of road are higher in North West Leicestershire than the national average. Although there is no suggestion that licensed hackney carriage and private hire drivers are significantly contributing to these statistics it is important that we implement local initiatives which aim to reduce the number of road traffic collisions.

3.4 The cost of the DSA driving assessment is £78 (normal hours) or £94 (out of hours)

- 3.5 The number of new driver applications received in 2007 was 72 and in 2008 84. In 2009 the number of new driver applications received fell to 59. What proportion of this decrease, if any can be attributed to the additional requirement to pass the DSA driving assessment is not known.
- 3.6 The following statistics have been obtained from the Driving Standards Agency:
- 3.6.1 At the end of December 2009 the national pass rate was 57.6%
- 3.6.2 The pass rate at the local assessment centres ranged from 36% at Burton on Trent to 72.2% at Leicester, Gypsy Lane centre.
- 3.7 The low pass rates indicate that initiatives such as the DSA driving assessment aimed at improvement taxi driving standards are valid in this locality. Therefore the requirement for all licensed taxi drivers to take the DSA assessment is still considered to be relevant.
- 3.8 Since the introduction of this policy in 2008, the Council has extended the requirement to sit a knowledge test to private hire applicants, the current fee being £35.
- 3.9 Councillor Alison Smith, Portfolio Holder for Environment has given her support to the introduction of a £50 charge for a vehicle retest. This policy is currently being finalised with its introduction being in summer 2010.

#### **4.0 ADDITIONAL CONSIDERATIONS**

- 4.1 All Hackney Carriage and Private Hire driver applicants since 1<sup>st</sup> January 2009 have undergone the DSA driving assessment.
- 4.2 Since 1<sup>st</sup> January 2009 any currently licensed driver whose DVLA driving licence attracts 6 or more penalty point endorsements over a 3 year period has undertaken a DSA driving assessment.
- 4.3 A number of licensed drivers with less than 6 penalty point endorsements on their DVLA driving licence have undertaken the DSA driving assessment in anticipation of the 1 July 2010 deadline.
- 4.4 Approximately 20% of licensed drivers have passed the DSA driving assessment. The impact of any policy change upon drivers who have already taken the DSA driving assessment has been considered.
- 4.4.1 All new applicants will not be affected by the recommendations made.
- 4.4.2 All licensed drivers whose DVLA driving licence attracts 6 or more penalty point endorsements over a 3 year period will not be affected by the recommendations.
- 4.4.3 Should the recommendation at paragraph 6.3 be approved contact will be made with all drivers who have already passed the DSA assessment explaining the changes to the policy and confirming that they are fully compliant with the DSA assessment element of the fit and proper person policy.

4.4.4 Should the recommendations be rejected and the requirement to undertake a DSA driving assessment is considered to be no longer relevant for a licensed driver consideration should be given to refunding the cost of the assessment to drivers who have already undertaken the assessment in anticipation of the July 1<sup>st</sup> 2010 deadline.

4.4.5 Should the recommendation at paragraph 6.3 be rejected and the current deadline of July 1<sup>st</sup> 2010 remains, this will result in driver licence renewal applications being refused from 31<sup>st</sup> July if the applicant has not undertaken the DSA driving assessment. This may result in a shortage of licensed drivers operating within the district. 34 driver licences are due to expire on 31<sup>st</sup> July, of which 26 currently have not successfully completed the DSA driving assessment. 24 driver licences expire on 31<sup>st</sup> August of which 20 drivers currently have not successfully completed the DSA driving assessment.

4.5 In January 2009 the Government announced that the UK was in recession for the first time since 1991. The economy has been contracting for six consecutive quarters, the longest period since quarterly records began in 1955.

4.6 There have been recent signs of recovery. UK unemployment fell for the first time in 18 months in January 2010. The Government have announced that the UK economy has seen small growth in the last 3 months for the first time since quarter 1 of 2008. However the National Institute of Economic and Social Research announced this week that they did not expect UK economy output to return to the levels seen in 2008 until 2012.

4.7 On 21<sup>st</sup> April 2010, Councillor Alison Smith Portfolio Holder for Environment considered the request made and supported the recommendation to extend the date by which all existing licence holders must take and pass the DSA test from 1<sup>st</sup> July 2010 to 31<sup>st</sup> December 2010.

## **5.0 CONCLUSIONS**

5.1 The low pass rate at some local driving assessment centres means that the requirement to undertake a DSA driving assessment remains relevant for all licensed drivers.

5.2 Since the introduction of this policy in 2008, a significant downturn in the economy has affected the income of a licensed driver.

5.3 Since the introduction of this policy in 2008 additional financial barriers to entry to the trade have been introduced, namely the requirement for private hire applicants to sit a knowledge test and the imminent introduction of a £50 fee for vehicle retests.

## **6.0 RECOMMENDATIONS**

6.1 To continue to require all prospective drivers to submit with their application the appropriate DSA certificate to say that they have taken and passed the taxi driving test. The current policy to remain unchanged.

6.2 To continue to require any currently licensed driver whose DVLA driving licence attracts 6 or more penalty point endorsements over a 3 year period to take and pass a DSA driving assessment. The current policy to remain unchanged.

- 6.3 To make a minor amendment to the requirement for all current licensed drivers of hackney carriage and private hire vehicles to take and pass the DSA test by 1 July 2010, by extending the date to 31 December 2010. From 1<sup>st</sup> January 2011 any licensed driver not having passed the DSA driving assessment at the time of their renewal will have their renewal application refused.
- 6.4 If the proposal detailed in paragraph 6.3 is accepted Issue 4 of the Council's 'fit and proper person' policy document approved by the Licensing Committee on 27<sup>th</sup> January 2010 will be amended. A copy of the draft 'Fit and Proper Person' policy for Committee approval is attached at Appendix 1. If approved the document will be referred to as Issue 5 and will come into force on 3<sup>rd</sup> June 2010.



# Hackney Carriage & Private Hire Driver 'Fit and Proper' Person Policy

Issue 5 DRAFT

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## **1.0 INTRODUCTION**

The Council is required by law to ensure that any persons it licenses either as hackney carriage or private hire drivers are 'fit and proper'. There is no specific test for this condition but this council currently checks DVLA driving licence records, an enhanced disclosure from the CRB, requires a DSA driving assessment, a medical examination and a knowledge test.

This policy is the basis on which the Council will decide whether an applicant is a fit and proper person. However, it does not prevent the Council from considering any other information received from whatever source in determining whether to grant or refuse a hackney carriage or private hire driver's licence.

Each of the above elements are discussed in more detail within this policy.

## **2.0 DEFINITIONS**

For the purposes of this policy the following definitions apply:

Council – North West Leicestershire District Council

CRB – Criminal Records Bureau

DSA – Driving Standards Agency

DVLA – Driver & Vehicle Licensing Agency

Driving licence – any driving licence issued by the DVLA

Driver's licence – either a Hackney Carriage or Private Hire driver's licence issued by North West Leicestershire District Council

Driving assessment – DSA private hire/hackney carriage driving assessment

Licensed driver – private hire and hackney carriage drivers currently licensed by North West Leicestershire District Council

## **3.0 APPLICATION & DOCUMENTATION**

Prospective applicants should contact the authority for an application pack. The following documentation is required to be returned for an application to be accepted for processing:-

- Relevant completed and signed application form together with fee.
- DVLA driving licence – prospective applicants may be turned away if they have certain traffic convictions.
- Completed medical examination form.
- A completed enhanced CRB application form together with supporting documentation. Prospective applicants with certain criminal convictions may be turned away.
- DSA driving assessment pass certificate – Applicants need to contact the DSA direct via their booking line telephone number 0300 200 1122 or web address <http://www.dsa.gov.uk/Taxis.asp>.

## **4.0 DVLA DRIVING LICENCE RECORD**

4.1 Applicants must submit a standard DVLA car driving licence as evidence of driving proficiency. Any convictions will be considered in accordance with the Council Policy Relating to the Relevance of Convictions. (See paragraph 7.0)

4.2 In addition to being considered to be a fit and proper person to hold a driver's licence all applicants must have been authorised to drive a motor car for at least 12 months.

## **5.0 DSA DRIVING ASSESSMENT**

- 5.1 The Council requires a DSA driving assessment to be taken by existing drivers under the following circumstances:-
- 5.2 Any licensed driver whose DVLA driving licence has attracted 6 or more penalty point endorsements over a 3 year period will be required to take a driving assessment. Drivers will be permitted 3 months from the date of the qualifying conviction to successfully complete a driving assessment AND lodge their pass certificate with the licensing section. Should a driver lodge an appeal with the court the 3 months will commence on the date it confirms the conviction. Any new endorsements to the driver's DVLA licence during the appeal period will count towards the current period if the appeal is allowed or the next period if the appeal is dismissed. Licensed drivers will continue to be required to take driving assessments each time they breach the 6 penalty point endorsement level.
- 5.3 All currently licensed drivers are required to take and pass a driving assessment AND issue their pass certificate with the licensing section on or before 31<sup>st</sup> December 2010. As soon as the driving assessment has been passed any endorsements shown on the DVLA licence at that date will be disregarded for the purposes of the continuing administration of the Council's policy in relation to the DSA test. The private hire driver's conditions require a driver to notify the authority, in writing, of any conviction within 7 days of the date of conviction. A driver will only be required to undertake another DSA driving assessment if he/she accumulates a further 6 or more penalty points.

### **ADMINISTRATION**

- 5.4 Drivers/prospective drivers will be responsible for contacting the DSA direct to arrange a driving assessment. Any financial arrangements will be between the driver and the DSA, the Council will not accept payment on behalf of the DSA.
- 5.5 Any deception or attempted deception in the course of undertaking the DSA test will result in action to revoke the driver's licence or lead to an application for the grant of a licence being refused. The matter may be reported to the police. The DSA have their own security measures aimed at preventing such instances.
- 5.6 From 1<sup>st</sup> January 2011 any licensed driver not having passed the DSA driving assessment at the time of submitted a renewal application will have their renewal application refused.
- 5.7 Any failure to notify the licensing section of any endorsements is a breach of licence conditions and could lead to proceedings resulting in the revocation of a driver's licence.
- 5.8 A private hire driver is required to inform the licensing section, in writing, of any endorsements received within 7 days of the date of the conviction. Officers will check the driver's records and, if a DSA driving assessment is required, will write to the driver informing him/her of the fact. The letter will contain time limits, for the completion of the DSA driving assessment, with which the driver must adhere. The driver must then contact the DSA directly to organise an assessment.
- 5.9 The decision of the DSA driving assessors is final and the Council will not enter into any negotiations, with the DSA, on behalf of the driver.
- 5.10 For drivers governed by the contents of paragraph 5.2 above, the number of points on their licence will equal the number of points on their licence that could be considered for 'totting up' purposes by a court of law at the commencement date of this policy.

- 5.11 Should any driver falling within paragraph 5.2 above be required to take a third driving assessment, in any 10 year period, they will be automatically brought before a Council committee that will decide whether the driver should remain licensed with this authority.
- 5.12 Any circumstances not covered by this document and requiring a decision will be brought to the attention of the Commercial Services Manager or deputy.
- 5.13 The commencement date of this policy (DSA Assessment) was 1 December 2008. From the commencement date all new applications must include a DSA driving assessment pass certificate.

### **A WORKED EXAMPLE**

On 1 October 2005 Driver A is convicted of a speeding offence and his/her licence is endorsed with 3 penalty points.

On 1 April 2008 Driver A is convicted of offences after a minor road traffic collision and his/her licence is endorsed with 4 penalty points.

Within 3 years from 1 October 2005 Driver A has accumulated 7 points and has until and including 30 June 2008 to take and pass a DSA driving assessment.

On 20 April 2008 Driver A is convicted of another speeding offence and his/her licence is endorsed with 3 more penalty points.

If the DSA driving assessment was taken and passed and the pass certificate lodged with the licensing section by 30 June 2008 those 7 penalty points can be disregarded with regards to another, future, DSA driving assessment. However, the 3 points collected during the 3 month waiting period do count towards the possibility of another DSA test. If Driver A attracts 3 or more penalty points during the period up to and including 19 April 2011 he/she will have to take another DSA driving assessment. Failure to take and pass the DSA driving assessment by the required date may result in proceedings being taken to revoke their driver's licence.

## **6.0 CRIMINAL RECORDS BUREAU - ENHANCED DISCLOSURE**

- 6.1 Hackney Carriage and Private Hire Vehicle driving is an exempt occupation under the Rehabilitation of Offenders Act 1974.
- 6.2 The effect of this legislation is that any convictions recorded against an applicant for a driver's licence will be considered when judging whether he/she is a 'fit and proper' person. When completing an application form for a driver's licence all convictions must be declared and failing to disclose convictions will be considered a dishonest act and may result in the application being refused. Legal proceedings may be instigated if it is found that an applicant has given false or deliberately inaccurate information.
- 6.3 A Criminal Records Bureau (CRB) disclosure application form must be submitted with every application for the grant of a Hackney Carriage and Private Hire Driver's Licence. No driver's licence will be granted until a CRB reply has been received.
- 6.4 Drivers will be required to submit a CRB application every 3 years. Drivers who are not in possession of a current, enhanced CRB disclosure will not be licensed to drive hackney carriages or private hire vehicles.

- 6.5 Drivers must submit a CRB application form in good time of their current disclosure expiring. Drivers must recognise that on occasions it may take several months for a reply to be received. Drivers must be aware that if they have no current CRB disclosure they will not be licensed to drive. A late application could result in several weeks of unemployment as a licensed driver. It is the responsibility of the driver to ensure that they submit all applications properly and in good time. Temporary badges will not be issued.
- 6.6 CRB disclosures are not 'portable' and disclosure certificates obtained through other organisations and/or occupations will not be accepted by North West Leicestershire District Council.
- 6.7 Applications for a Private Hire Operators Licence are not subject to an enhanced CRB disclosure. Operators who also are licensed to drive, with this authority, will already have an enhanced CRB disclosure and this disclosure may be used to determine the grant or renewal of an Operator's Licence.
- 6.8 Applicants for a Private Hire Operators Licence who are not licensed to drive with this authority are required only to submit a disclosure certificate issued by Disclosure Scotland.

## **7.0 COUNCIL POLICY RELATING TO THE RELEVANCE OF CONVICTIONS**

**Definition: For the purposes of this policy a conviction is defined as:**

- **A sentence imposed by a Court**
- **A formal caution**
- **A fixed Penalty Notice**

### **General Policy**

- (a) Each case will be decided on its own merits.
- (b) A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are exceptional mitigating circumstances. However, persons with convictions for offences of a sexual or child related nature or other very serious crime will not normally be issued with a licence. The overriding consideration should be the protection of the public and all other matters, including unemployment, shall be secondary to the public safety factor.

### **Minor Traffic Offences**

- (a) Convictions for minor offences e.g. obstruction, waiting in a restricted street, speeding etc. should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire vehicle driver's licence may be granted after its restoration but a warning should be issued as to future conduct.

## **Major Traffic Offences**

- (a) An isolated conviction for driving without due care and attention or dangerous driving etc. (depending on the circumstances of the individual case) should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from conviction has elapsed.

An applicant with a conviction for any of the following motoring offences should be refused and no further application should be considered until a period of 3 to 5 years free from conviction has elapsed. A period of 12 months must also have elapsed since the end of any disqualification period:

Using a vehicle uninsured against third party risks,  
Reckless driving,  
Driving whilst disqualified,  
Driving or attempting to drive whilst under the influence of drugs or drink.

## **Criminal Convictions**

- (a) An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.
- (b) As hackney carriage and private hire vehicles drivers often carry unaccompanied passengers, applicants with convictions for offences of a sexual or child related nature or other very serious crime will not normally be issued with a licence.
- (c) As hackney carriage and private hire drivers maintain close contact with the public, firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.
- (d) Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

## **8.0 MEDICAL EXAMINATION**

- 8.1 This Authority has adopted the DVLA Group 2 medical standard for all licensed drivers.
- 8.2 Applicants are required to find a Doctor who is familiar with the requirements of a Group 2 medical examination. The examining Doctor will complete and sign the appropriate DVLA form. A driver's licence will not be issued until a satisfactory medical form has been received.
- 8.3 Failure by drivers to inform the Council of any changes in their health that affect the Group 2 medical may result in proceedings being taken to revoke or suspend their driver's licence.

- 8.4 All applicants are required to undergo a Group 2 medical prior to the initial grant of a hackney carriage and private hire driver's licence and every 3 years thereafter to age 65 years.
- 8.5 From age 65 years all hackney carriage and private hire drivers are required to undergo a Group 2 medical annually without an upper age limit.

## 9.0 KNOWLEDGE TEST

Following receipt of a completed application pack the applicant will be booked in to undertake a knowledge test.

- 9.1 The requirement to pass a knowledge test applies to both applicants for the hackney carriage and private hire driver's licence.
- 9.2 The Council's knowledge test seeks to test the applicant's knowledge of taxi and private hire law, the Highway Code, the Council's own byelaws and conditions, conversational proficiency and for hackney carriage applicants only, the local area and road network.
- 9.3 An element of the test will be completed orally. Applicants will need to show that they have the ability to hold a conversation in English.
- 9.4 The Commercial Services Manager in consultation with the Licensing Team Leader is authorised to amend the administration of the knowledge test and add to/delete from the bank of questions to reflect local issues.
- 9.5 The administration of the knowledge test will be transparent to all applicants with all relevant documentation published on the Council web site.

## ADMINISTRATION

The knowledge test consists of the following sections:

- (a) Writing a receipt
- (b) 5 law questions
- (c) 5 questions on the Highway Code and road signs
- (d) 5 questions on the Council's own byelaws/conditions (there will be separate questions for hackney carriage and private hire applicants) AND EITHER
- (e) 5 questions on routes (For Hackney Carriage Driver's) OR  
5 questions on knowledge of key places and main roads (For Private Hire Driver's  
(Section E is an oral assessment)

The first task is to write a receipt but if he/she fails, the rest of the test will be cancelled and he/she will be deemed to have failed the test.

Having completed the receipt element of the test the applicant will move onto the four knowledge based sections (b, c, d & e at 5.3 above).

The 'knowledge' sections of the test consist of 20 questions. The pass mark for prospective **hackney carriage and private hire drivers** will be a total of 16 achieving a score of at least 4 in each of the 4 sections.

**Private hire applicants** are not being tested on topographical knowledge as they are not legally available for immediate hiring in the same way as a hackney carriage. To hire a private hire vehicle 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. Section E for private hire applicants focuses on their ability to read a map and their knowledge of key places and main roads.

Should the examiner have concerns over an applicants conversational proficiency (ability to hold a conversation in English) a second examiner will be introduced. The applicant will then be asked a number of conversational questions on a subject area of their choice. The assessment will last for approximately 5 minutes. In the event that the examiners remain concerned over the applicants conversational proficiency the matter will be referred to Committee. Should the Committee refuse the licence application the applicant will receive details of how to access training to enable their conversational proficiency to reach an acceptable standard. The Certificate in English for Speakers of Other Languages (Entry Level 3) is considered to be an acceptable standard.

Applicants are allowed 3 attempts to take and pass the knowledge test. If an applicant fails, 2 weeks must elapse before they can re-sit the test. If an applicant takes and fails the third knowledge test they will be deemed not to be 'fit and proper' and their application will be refused.

The cost of a knowledge test/retest fee will remain at the current level of £35 and will apply to both hackney carriage and private hire applicants. This fee is non refundable. The level of fee will be subject to regular review.

## 10.0 DELEGATION

10.1 The Commercial Services Manager is authorised to make minor amendments to this policy to reflect changes in other Council policies and amendments made by the DVLA to their policies.

## DOCUMENT HISTORY

Issue Number	Issue Date	Approved by	Nature of Amendment
1	1 <sup>st</sup> December 2008	Licensing Committee 26 November 2008	Introduction of Driving Standards Assessment
2	10 <sup>th</sup> December 2008	Commercial Services Manager	Minor amendment to contact details of DSA at paragraph 3e
3	15 <sup>th</sup> March 2009	Commercial Services Manager	Minor amendment to paragraph 1 (Introduction). Insertion of new second sub-paragraph
4	27 <sup>th</sup> January 2010	Licensing Committee 27 <sup>th</sup> January 2010	Introduction of new knowledge test
5 DRAFT	3 <sup>rd</sup> June 2010	Licensing Committee 2 <sup>nd</sup> June 2010	Recommendation: To amend the requirement for all current licensed drivers of hackney carriage and private hire vehicles to take and pass the DSA test by 1 <sup>st</sup> July 2010, by extending the date to 31 <sup>st</sup> December 2010.

## **COUNCIL'S VISION**

North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home

North West Leicestershire District Council,  
Council Offices, Whitwick Road, Coalville,  
Leicestershire, LE67 3FJ.

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