

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING COMMITTEE – 15 JUNE 2016**

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|--|---|
| Title of report                        | <b>DUAL TAXI DRIVER LICENCE (HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER)</b>  |
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| Purpose of report                      | To outline a proposal to introduce a dual driver licence in North West Leicestershire, for consideration and approval   |
| Council Priorities                     | Business & Jobs<br>Value for money  |
| Implications:                          |   |
| Financial/Staff                        | See body of report  |
| Link to relevant CAT                   | Not applicable  |
| Risk Management                        | No significant risks identified   |
| Equalities Impact Assessment           | Not applicable  |
| Human Rights                           | None  |
| Transformational Government            | None  |
| Comments of Head of Paid Service       | The report is satisfactory  |
| Comments of Deputy Section 151 Officer | The report is satisfactory  |
| Comments of Deputy Monitoring Officer  | The report is satisfactory  |

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|-------------------|--|
| Consultees        | Existing driver licence holders  |
| Background papers | NWLDC Hackney Carriage and Private Hire Driver Fit & Proper Person Policy  |
| Recommendations   | <ol style="list-style-type: none"> <li><b>1. THAT LICENSING COMMITTEE CONSIDERS AND APPROVES THE INTRODUCTION OF DUAL DRIVER LICENCES</b></li> <li><b>2. IMPLEMENTAION OF THE INTRODUCTION OF DUAL DRIVER LICENCES IS DELEGATED TO THE ENVIRONMENTAL HEALTH TEAM MANAGER</b></li> <li><b>3. AMENDMENTS TO THE HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER FIT AND PROPER PERSON POLICY TO REFLECT CHANGES IN LEGISLATION AND CENTRAL GOVERNMENT POLICY IS DELEGATED TO THE ENVIRONMENTAL HEALTH TEAM MANAGER</b></li> </ol> |

## 1.0 Background

- 1.1 Currently NWLDC offers both a hackney driver's licence and a private hire driver's licence.
- 1.2 The licensing team have received requests from licensed hackney carriage drivers to consider introducing a dual hackney carriage/private hire driver's licence. This would allow a dual licence holder to driver both a hackney carriage and private hire vehicle, licensed by NWLDC.
- 1.3 From time to time a taxi company finds themselves in a situation whereby they have a private hire vehicle and a hackney carriage driver available. In that situation the available driver would not be able to drive the private hire vehicle. By replacing the hackney carriage driver licence with a dual driver licence that driver would be able to driver the private hire vehicle, providing the company greater flexibility to satisfy customer demand.
- 1.4 Driver's are not prohibited from holding both licences but are required to go through both application processes. Several drivers do hold both licences.
- 1.5 Offering a dual licence would provide the following benefits to drivers:
  - o Provide more flexibility by allowing the dual licence holder to drive both a hackney carriage and private hire vehicle, licensed by NWLDC.
  - o A driver would only incur the time and cost of one application.

## 2.0 Proposal

- a. To introduce a dual driver licence (hackney carriage and private hire) and
- b. To continue to offer a private hire driver licence (for those drivers that do not intend to driver a hackney carriage vehicle and do not wish to undertake the location/routes element of the knowledge test) and

- c. To cease offering a hackney carriage driver licence. A hackney carriage driver licence would no longer be required as a dual driver licence would permit a driver to driver a hackney carriage vehicle.

### **3.0 Consultation Process & Findings**

#### **3.1 Process**

The initial request to introduce a dual driver licence was received at the driver consultative forum from an existing holder with both a hackney carriage and private hire driver licence. This was supported by other drivers at the forum.

Further consultation work by the licensing team has concluded that there is enough support to justify the work required to introduce this change.

A survey was sent to 60 existing private hire driver licence holders asking for their views on the proposal.

#### **3.2 Feedback**

20 of the 60 drivers replied

11 said they would be happy to take an enhanced knowledge test permitting them to hold a dual driver licence (indicating that they would apply for a dual driver licence)

8 said they would not be prepared to sit an enhanced knowledge test (indicating that they would prefer to continue to hold a private hire driver licence)

1 said 'Don't know'

#### **3.3 Conclusion**

That NWLDC should continue to offer a private hire driver licence in addition to a dual driver licence

### **4.0 Implications for existing licence holders and Implementation**

4.1 Current hackney carriage drivers would be able to apply for a dual driver licence without having to pass additional assessments.

4.2 Current private hire drivers would have a choice, to either apply for a PHD licence (renew their existing licence) or sit an enhanced knowledge test and become a dual licence holder.

4.3 Drivers that currently hold both a hackney carriage and private hire driver licence would be able to apply for a dual licence, saving them both time and money.

4.4 An existing private hire driver licence holder would be able to apply for a dual driver licence both at the time of renewal or part way through the term of their existing licence, subject to there being more than 2 months remaining on their current licence.

4.5 All current hackney carriage driver licence holders will be converted to a dual driver licence, if requested by the licence holder. All licence holders requesting to convert to a dual driver

licence will be provided with a new driver badge, upon return of their current hackney carriage driver badge.

- 4.6 All current hackney carriage drivers that do not request a dual licence before their licence expires will be converted to a dual driver licence at the time of renewal.
- 4.7 All existing driver licence holders would receive a letter explaining the changes week commencing 20 June 2016.

## 5.0 Policy Implications

- 5.1 The introduction of a dual driver licence would require the following minor amendments to the driver fit and proper person policy:
- All references to 'private hire and hackney carriage driver's licence will be amended to read 'private hire and dual (hackney carriage and private hire) driver's licence';
  - The following amendments (showing in 'tracked changes') to paragraph 10 relating to the knowledge test:

### 10.0 KNOWLEDGE TEST

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

10.1 The requirement to pass a knowledge test applies to both applicants for a dual driver~~the hackney carriage~~ and private hire driver's licence.

10.2 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 dual (hackney carriage and private hire) applicants only, the local area and road network.

10.3 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.

10.4 The Environmental Health Team 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.

10.5 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)~~ ~~(a)~~ Writing a receipt
- ~~(a)~~(b) Conversational ability
- ~~(c)~~ 5 law questions
- ~~(d)~~ 5 questions on the Highway Code and road signs

(ed) 5 questions on the Council's own byelaws/conditions (there will be separate questions for dual hackney carriage and private hire applicants) ~~AND EITHER~~

(fe) 5 questions on routes (For dualhackney carriage driver applicantss) ~~OR~~  
~~5 questions on knowledge of key places and main roads (For private hire drivers) (Section E is an oral assessment)~~

### Skills Assessment

The first task is to write a receipt (Section A) 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 successfully written acompleted the a receipt the applicants ability to hold a conversation in English will be assessed (Section B) through general knowledge questions. ~~element of the test the applicant will move onto the four knowledge based sections (b, c, d & e at 5.3 above).~~

If the applicants ability to hold a conversation is not deemed to be adequate, the applicant will not proceed to the knowledge assessment.

### Knowledge Assessment

The 'knowledge' sections of the test consist of 20 questions for dual driver applicants and 15 questions for private hire applicants.

~~The P~~pass Mmark

Dual driver licence - ~~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 (c,d,e,f).

Private hire driver licence – 12 achieving a score of at least 4 in each of the 3 sections (c,d,e)

**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 dual (hackney carriage) licence driver. 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 applicant's 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.

There will be a knowledge test/retest fee and it 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.

5.2 No changes to the hackney carriage or private hire driver licence conditions are required.

## **6.0 Financial Implications**

6.1 The fee for a 12 month hackney carriage driver licence is £98

6.2 The fee for a 12 month private hire driver licence is £98

6.3 The fee for a 12 month dual driver licence will be £98

6.4 All fees are reviewed annually

6.5 Currently 13 drivers hold both a hackney carriage and private hire driver licence. Should all drivers apply for a dual driver licence this would result in a reduction in income of £1274.00 (13 licences at £98)

6.6 An existing private hire driver wishing to convert their licence to a dual driver licence would have to pay a fee to sit the knowledge test. The knowledge test fee is currently £40.50

## **7.0 Future Amendments to Driver Fit & Proper Person Policy**

7.1 The hackney carriage and private hire driver fit and proper person policy is a document detailing the objectives, application and determination processes. This policy will require further amendment from time to time to reflect changes to legislation and central government policy and practice. In order to ensure that any such changes in legislation and central government policy are effectively reflected in the policy without unnecessary reference to Licensing Committee it is proposed that such amendments are delegated to the Environmental Health Team Manager.