

**HUNTINGDONSHIRE DISTRICT COUNCIL**

<b>Title/Subject Matter:</b>	Driver Testing for Private Hire and Hackney Carriage Drivers
<b>Meeting/Date:</b>	Licensing and Protection Committee – 17 November 2016
<b>Executive Portfolio:</b>	CLlr S Criswell - Executive Councillor for Community Resilience
<b>Report by:</b>	Head of Community
<b>Ward(s) affected:</b>	All

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**Executive Summary:**

To establish a replacement scheme for the driver testing of prospective Private Hire and Hackney Carriage drivers following the decision of the Driving Standards Agency (DSA) to withdraw the test specifically designed for Private Hire and Hackney Carriage Drivers with effect from 31 December 2016.

This is a 'live' position, with many licensing departments having to react to the decision of the DSA. Further information may be available at the time of the Committee meeting, and will be presented verbally at the meeting.

**Recommendation(s):**

It is recommended that:

- a) The Licensing and Protection Committee consider the content of the report, together with the options put forward.
- b) That the existing District Council policy requirement that an appropriate formal driving qualification be undertaken and obtained for all new applicants for Private Hire and Hackney Carriage driver's badges and for cases where there are serious concerns as to the fitness of an existing driver to hold a licence due to driving problems.
- c) That the appropriate qualification be amended from the DSA driver's assessment for Private Hire and Hackney Carriages, or future equivalent testing body, to include other equivalent testing bodies e.g. The Blue Lamp Trust.
- d) That tests be valid for a period of one year from the pass date.
- e) Should an annual test rebate be paid at the end of the financial year in the form of a 'grant cheque' that it be awarded to a charity approved by the donator and the Chairman of the Licensing & Protection Committee for the benefit of a community project within the area.
- f) That delegated authority remains for the Head of Community, after consultation with the Chairman and Vice Chairman of the Licensing and Protection Committee, to determine whether a test should be undertaken in

circumstances where there serious concerns as to the fitness of an existing driver to hold a licence and that each case should be considered on its individual merits.

## **1 WHAT IS THIS REPORT ABOUT/PURPOSE?**

- 1.1 On 26 October 2011 the Licensing and Protection Committee approved the DSA driver's assessment for Private Hire and Hackney Carriages as the appropriate qualification for all new applicants for Private Hire and Hackney Carriage driver's badges and for cases where there are serious concerns as to the fitness of an existing driver to hold a licence due to driving problems.
- 1.2 The DSA have recently announced that they are to withdraw the assessment for Private Hire and Hackney Carriage Drivers with effect from 31 December 2016.
- 1.3 A suitable replacement needs to be established as a matter of urgency.

## **2 WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 create a statutory duty for Local Authorities to licence Private Hire and Hackney Carriage drivers and to ensure that the service to the public is accessible and safe.
- 2.2 Until 31 December 2011 the Council provided in-house driver testing conducted by an officer. This method of testing carried a risk that the Council may not have a qualified officer available to undertake testing and the possibility of the Council being open to challenge on driver standards with associated financial implications and legal proceedings.
- 2.3 With effect from 1 January 2012 all tests were outsourced to the DSA, thereby removing the risks to the Council and the system has been operating successfully since that date without incident.
- 2.4 A situation has arisen where DSA test slots are fully booked to 31 December 2016 and no further booking for tests are being made.
- 2.5 Although discussions are taking place between a number of bodies, including the Local Government Association and the Institute of Licensing, no positive feedback has been received to date about the DSA re-considering their decision.
- 2.6 We therefore need to establish an alternative solution for the driver testing of prospective Private Hire and Hackney Carriage drivers and for cases of serious concern as to the fitness of an existing driver to hold a licence due to driving problems.

## **3. OPTIONS CONSIDERED/ANALYSIS**

- 3.1 We have available a number of options, namely:
  - a) Have no test;
  - b) Revert to in-house testing;
  - c) Require a BTEC qualification for drivers;
  - d) Outsource to an alternative provider.

**4. KEY IMPACTS/RISKS?  
HOW WILL THEY BE ADDRESSED?**

- 4.1 To have no test would likely lower standards of driving and public safety and leave the Council open to challenge.
- 4.2 To revert to in-house testing would again expose the Council to the possibility of having no suitably qualified officer available to undertake the testing and the possible challenge of inconsistent standards in testing.
- 4.3 To establish a new BTEC qualification for private hire and hackney carriage drivers would raise standards, but would need a longer term timeframe for implementation, as links with a local college would need to be established. It may also extend the time for obtaining a licence if courses were run upon a demand basis. The cost (likely to be around £250) could be prohibitive. Consultation with the trade would be required.
- 4.4 Outsourcing the testing to an alternative recognised body removes risk from the Council and provides one consistent examining body.
- 4.5 A number of external examining bodies currently advertise their services, although many only operate in specific localities. We have looked into a number of companies offering their services, but the sudden decision by the DSA means many need to revisit their current business practices to accommodate the sudden increase in Council activity. At the present time, one provider in particular appears to stand out as being suitable for our purposes, The Blue Lamp Trust.
- 4.6 The Blue Lamp Trust is a police, fire and ambulance registered charity that has been delivering taxi driver assessments alongside the DSA for over 5 years. Although based at the police and fire headquarters in Eastleigh, Hampshire, they offer a fast efficient service of 1-2 weeks nationally using their network of DVSA approved fleet accredited assessors.
- 4.7 The process involves the driver telephoning the Blue Lamp Trust to arrange an appointment. The examiner contacts them direct with a time and meeting location. The test is undertaken, after which the driver and the Council is advised of the outcome. A pass certificate is issued.
- 4.8 The charge for a test is £85 paid directly to the trust by the prospective new driver. The proceeds of their assessments are recycled back into the community. For local authorities outside Hampshire the fee includes a £7 per test rebate which is paid at the end of the financial year in the form of a 'grant cheque' for the Council to award to a community group or project in our area.
- 4.9 For more information the trust has a website link: [https://www.bluelamptrust.org.uk/?f=Driver\\_Training/taxi\\_driver\\_assessment.php](https://www.bluelamptrust.org.uk/?f=Driver_Training/taxi_driver_assessment.php)
- 4.10 The DSA test is valid for one year. This is stated on all their certificates and our current policy is only to accept valid certificates. As there is no validity date on the Blue Lamp Trust certificates it is considered necessary to stipulate that only pass certificates less than one year old from the date of test will be accepted.

## **5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION**

- 5.1 In view of the extremely short timeframe imposed upon us by the DSA, we have established an interim arrangement with the Blue Lamp Trust. This has enabled the continuity of new driver testing, and provides a safeguard service against which existing drivers can be retested if required. This has provided a valuable opportunity to 'test' the process.
- 5.2 As at the date of writing this report, fifteen drivers have undertaken the test and the feedback received has been positive. The drivers were able to obtain their tests within two weeks at Huntingdon and their pass certificates were e-mailed to the Council the following day.

## **6. LINK TO THE CORPORATE PLAN**

- 6.1 Becoming a more efficient and effective council. Deliver value for money services. Customer focussed. Enabling Communities.
- 6.2 Although the overall cost to the applicant is £7 more than the current DSA test charge, the difference will be paid back as a donation for the benefit of the community. Applicants are able to secure their tests within a quicker timeframe and are able to benefit from a more local test location in Huntingdon, although tests can still be undertaken in Cambridge or Peterborough. Tests are undertaken to suit the applicant and it is understood that it may be possible to include evenings (dependent upon the individual examiner concerned).

## **7. CONSULTATION**

- 7.1 Prior to the change from in house testing to the introduction of the DSA test in 2011, the council undertook 6 weeks consultation with the trade. Out of 688 individual letters sent, no responses were received. In view of the extremely short notice given by the DSA, consultation has not been possible. If the recommendation is approved, the licensing process will remain the same, there will just be the substitution of one testing body for another.

## **8. LEGAL IMPLICATIONS**

- 8.1 None identified.

## **9. RESOURCE IMPLICATIONS**

- 9.1 None identified.

## **10. OTHER IMPLICATIONS**

- 10.1 None identified.

## **11 REASONS FOR THE RECOMMENDED DECISIONS**

- 11.1 Public safety which includes the maintaining of high driving standards is of paramount importance. The Council needs to maintain high standards of driving and at the same time provide a consistency of approach through one standard, impartial qualification supplied by a recognised agency. It will ensure all applicants have achieved a high standard of driving relating to Private Hire and Hackney Carriage Vehicles. The recommendation will allow us to continue with the DSA, should they revisit their decision and at the same time expand our

options for the future in permitting the Council to outsource to other suitable bodies.

### **BACKGROUND PAPERS**

Report to the Licensing & Protection Panel, 26 October 2011 on the Adoption of the DSA driving test for private hire and hackney carriage drivers.  
Hackney Carriage and Private Hire Driver licence application pack.

f/licensing/PH & Taxis/Panel Meetings- Reports material/Lic & Prot panel reports/2016

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