



**THE LICENSING AND HEALTH AND SAFETY
ENFORCEMENT COMMITTEE**

TUESDAY 26 NOVEMBER 2013 AT 7.30PM

COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Cllr Bhinder	Cllr Link
Cllr Mrs G Chapman	Cllr Peter
Cllr Conway	Cllr Ryan
Cllr Fantham	Cllr G Sutton
Cllr Mrs Green (Vice-Chairman)	Cllr Taylor
Cllr Lawson (Chairman)	Cllr Whitman

Substitute Members:

Cllr Bassadone, Cllr R Sutton, Cllr R
Hollinghurst

For further information, please contact Clare Thorley on Tel: 01442 228226, or Email: clare.thorley@dacorum.gov.uk. Information about the Council can be found on our website: www.dacorum.gov.uk.

PART I

Item		Page no.
1.	Minutes	2
2.	Apologies for Absence	2
3.	Declarations of Interests	2
4.	Public Participation	2
5.	Response to consultation on revision of Sex Establishment Licensing policy and application procedures	3
6.	Knowledge test arrangements for taxi and private hire driver Applicants	60
7.	Licensing arrangements for Private Hire Operators	83
8.	Licensing fees and charges 2014-15	117
9.	Exclusion of the Public	136

PART II

10.	Sex establishment licence fees 2009 – 2014	136
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Appendix A Licensing Health & Safety Committee Meeting Minutes from the
27 August 2013

1. MINUTES

To confirm the minutes of the Licensing and Health & Safety Enforcement Committee meeting held on 29 October 2013.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent
and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct for Members.

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting].

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements and ask questions in accordance with the rules on Public Participation.

AGENDA ITEM: 5

SUMMARY



Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	26 November 2013
PART:	1
If Part II, reason:	

Title of report:	Response to consultation on revision of Sex Establishment licensing policy and application procedures
Contact:	Sally Taylor – Lead Licensing Officer, Legal Governance
Purpose of report:	To present the results of consultation on the revisions to the Council's Sex Establishment licensing policy, application form and particulars, and standard conditions.
Recommendations	That the Committee agree the proposed amendments to the Sex Establishment licensing policy and standard conditions arising from the consultation, and adopt the policy as amended. That the Committee adopt the application form and particulars as set out at Annex 5.
Corporate objectives:	Safe and Clean Environment <ul style="list-style-type: none"> • Maintain a clean and safe environment Dacorum Delivers <ul style="list-style-type: none"> • Performance excellence
Implications:	This report relates to a review of an existing policy. No new implications are expected to arise as a result.
Consultees:	Public consultation has been conducted, and the results are contained within this report.
Background papers:	Dacorum Borough Council Sex Establishment licensing policy (v2.0). Dacorum Borough Council application form for a Sex Establishment Licence.
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. On 23rd February 2011, Dacorum Borough Council re-adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, so as to enable the regulation of sexual entertainment venues in addition to existing powers to regulate sex shops and sex cinemas. At the same time, a sex establishment licensing policy was also adopted and published.
- 1.2. Since that date, the Council has dealt with applications for three sexual entertainment venues, one of which was granted but has since lapsed, one of which was refused, and one which remains valid at the time of writing this report. Annual applications have also been received in respect of the sole sex shop in the borough, with one currently under consideration at the time of writing this report.
- 1.3. While there is no requirement in legislation for authorities to publish a policy in respect sex establishment licensing, it is a useful tool for providing local guidance to both applicants who are looking to apply for licences, and those that may wish to make representations. A policy acts as guidance for Members and officers when exercising relevant functions, helping to ensure more consistent and transparent decision-making. It is important to note that all applications are considered on their own merits, and use of any policy as a guidance tool does not prevent that.
- 1.4. The licensing policy was set for an initial period of 3 years, and is due to expire in February 2014.

2. PROPOSED REVISIONS

- 2.1. At the Licensing and Health and Safety Enforcement Committee on 27th August 2013, Officers presented proposals for a Sex Establishment licensing policy to run from 2014-2017. The policy had undergone substantial revision and Members were therefore asked to consider it as a fresh document.
- 2.2. At the same meeting, proposals in respect of revisions to the standard conditions for sex establishment licences were presented, together with a revised application form, and request for particulars which the Council would require to accompany applications for sex establishment licences. The particulars requested would mirror the contents of the proposed application form, and would require the submission of a plan of the premises/location which would satisfy the requirements set out on page 13 of the application form.
- 2.3. The Committee agreed to the commencement of a consultation exercise on adoption of all the proposals to run for a period of two months.

3. RESULTS OF CONSULTATION

- 3.1. Consultation was carried out by setting out the proposals on the Council's website, and the issue of a press release which was reported in the local press. The revised policy was also sent to existing holders of sex establishment licences in the borough, inviting their comments. Responses were invited between 1st September and 1st November 2013.
- 3.2. One response was received to the consultation during this period, from an academic at the University of Kent who has been involved in a study of sex establishments, and this is set out at Annex 1. The response was also accompanied by two academic reports from the Universities of Kent and Leeds into Sex Establishment licensing, which are reproduced at Annexes 2 and 3.

3.3. No valid responses were received from licensees, or members of the public.

4. OFFICER RECOMMENDATIONS

4.1. Having considered the content of the response and the points raised, Officers are recommending the following amendments to the Draft Sex Establishment licensing policy:

- (i) That paragraph 1.20 of the policy be amended to read as follows: ““Relevant locality” means, in relation to the premises, the locality in which they are situated. In considering the question of the “relevant locality” the Council may take into account the following:-
 - a) The size of the neighbourhood;
 - b) The *presence of important thoroughfares or use of the locality as a gateway district.*
 - c) The density and proximity of residential accommodation;
 - d) The proximity of parks and children’s play areas;
 - e) The nature, density and proximity of other retail units and their uses;
 - f) The proximity of schools.”
- (ii) The wording of paragraph 1.21 to be amended to read as follows: “The authority will decide each application on its individual merits. However there are a number of localities in which it is believed that the grant of a sex establishment licence would be inappropriate due to the historic *character of those localities, or that they are areas of mixed commercial use with a high density of families and younger persons frequenting premises in the vicinity.* Therefore, for the purpose of paragraph 12(3)(c) of schedule 3 to the 1982 Act, the Council considers ‘nil’ to be the appropriate number of sex establishments in these localities. The localities to which this paragraph relates include:
 - a) Hemel Hempstead Old Town – *map of defined area at Appendix 1*
 - b) Berkhamsted Town Centre – *map of defined area at Appendix 2*
 - c) Tring Town Centre – *map of defined area at Appendix 3*”
- (iii) The wording of standard condition 12 on page 14 of the policy to be amended to read as follows: “No part of the Premises shall be used for the purposes of prostitution at any time.”
- (iv) The wording of standard condition 16 on page 14 of the policy to be amended to read as follows: “A change from one type of sex establishment approved by the licensing authority to another shall not be effected without the consent of the licensing authority”.
- (v) The following standard condition be added to ‘Annex B – Standard conditions applying to sexual entertainment venues’:

“18. Management of the premises shall maintain a document specifying all applicable house rules and disciplinary procedures, which shall be made available on request to any member of staff, performer or licensing officer. The disciplinary procedure shall not include provision to “fine” performers or otherwise impose pecuniary penalties, but may provide for verbal or written warnings, suspension of a performer’s right to perform at the premises, or revocation of a performer’s right to perform at the premises.”

- 4.2. That the Sex Establishment licensing policy, as amended, be adopted.
- 4.3. There have been no comments received in respect of the revised application form and particulars, and therefore Officers request that the Committee adopt both the form and content of these documents.

Sally Taylor

From: Phil Hubbard <P.Hubbard@kent.ac.uk>
Sent: 02 September 2013 11:01
To: Licensing Mailbox
Subject: sex establishment policy
Attachments: recommendations ESRC.pdf; sanders findings.pdf

I see you are consulting over a revised policy for sex establishments in the Dacorum area. I have conducted the only academic study of lap dance venues and their effect on the community, and as such am recognised as an authority in this area of licensing activity. I am aware of the existing clubs in the area, and some of the controversies that adhered to proposal for clubs in the old town of Hemel. I believe I am entitled to have my views presented to the council as your new policy suggests anyone is entitled to express their view irrespective of whether they live or work near one of the establishments.

As such, I will make the following comments on your policy:

The policy sets down new expectations as to where a club or shop could not be located, but not where one might be located. Can we assume that sites identified in the last policy are now no longer suitable? It can be useful for applicants to guide them towards suitable sites - and last time round some were identified (not just high streets, but leisure parks and industrial parks). If the EU services directive is taken at face value, not providing any useful guidance as to where a premise could be located might be considered prejudicial: c.f a housebuilder, who is told quite clearly where new housebuilding might be encouraged. Case law suggests it is unreasonable to tell applicants that their premise is unsuitable in a given locality without telling them where might be suitable: it seems very unlikely that there are no sites where a club or shop would be suitable. I recommend some stipulation of the localities which could be suitable.

Further comments:

1.20 The first point here is odd. It effectively says that in considering the extent of a relevant locality the authorities will consider the extent of a relevant locality. The second point about thoroughfares is also unclear. If it is the presence of important thoroughfares or gateway districts this is in line with the kind of conditions which exist elsewhere. If it is that localities may be defined by thoroughfares, this should be stated.

1.21 - The definition of areas as unsuitable is a key change to the policy. However, suggesting that an area is historic does not itself provide any basis for suggesting that sex establishments are not appropriate - the definition of what is historic is vague, and there is little support for the idea that there is an incompatibility between historic buildings and sex. It suffices to say that the area have been appraised as unsuitable localities because of their character and the uses of buildings in the vicinity.

I would add that the definition of the town centre areas is not clear and I assume a map showing extent of the three protected areas will be included so there is some clarity over the extent of these localities (if there is not, then the grounds for identifying these as worthy of protection could be open to challenge - one cannot define an area as unsuitable without clarify what the area is which is being spoken of. In the last policy, these areas were not defined in the same way (i.e. Berkhamstead high street is not extended to Berkhamstead town centre) so the need for clarity is clear.

Some minor points:

Annex A: 12. should not refer to prostitutes, as this term is offensive to many and outdated. It should simply read that no part of the premise should be used for the purposes of prostitution at any time. A: 16. Change of use is a planning term and of course change of use is only permissible subject to the appropriate planning

permission being granted. I assume this section ought to read that there shall be no change in licensable activities without the appropriate consent sought from the licensing authority.

I would draw your attention to the two documents which I would wish you to present to the licensing committee and council when adoption of this new policy is carried out. One is from a colleagues' work and relates to good practice in licensing conditions relating to dancers' well-being. From this, it should be taken that licensing conditions will include statements relating to the provision of well-lit, warm changing rooms for performers, and a statement that the fining of dancers by owners is prohibited.

Please let me know of any way I can be of assistance, noting I am an independent academic and have no vested interest in protecting the sex industries or, to the contrary, condemning those who work in that industry.

Phil Hubbard
Professor of Urban Studies, School of Social Policy, Sociology and Social Research
& Faculty Director of Research, Social Sciences
University of Kent, Canterbury
Cornwallis Building CNE206

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Recommendations for Sexual Entertainment Venue Licensing in England & Wales

Sexualisation,
nuisance
and safety

Sexual Entertainment Venues and managing risk

Throughout 2012, our ESRC-funded research collected evidence of the impacts of Sexual Entertainment Venues (SEVs), based on a survey with 941 residents and guided walks in four towns with striptease clubs present. Some of the key findings were:

- A minority - around one in ten people - are strongly opposed to lap dance and striptease clubs and feel they are never appropriate.
- Only around one third of those living in towns with striptease clubs want to reduce the overall number of clubs.
- Very few (15%) believe clubs are suitable near schools, though the majority (55%) regard town and city centres as appropriate locations.
- SEVs appear a relatively insignificant source of fear most people, with most associating antisocial and rowdy behaviour more with pubs, clubs and takeaways than Sexual Entertainment Venues.
- Women are more likely than men to pass comment on SEVs and express un-ease or anxiety about them.
- SEVs which are discrete in terms of their signage, naming and exterior appearance appeared to generate least comment or concern. Sexist imagery and names were objected to by many of our participants.

Our conclusion was that there is a case for licensing SEVs recognizing that their presence can be offensive to a significant minority, but that licensing policies and practices need to acknowledge that most residents perceive these premises as no more problematic than other night-time venues. Licensing must therefore be **proportionate** and not overly restrictive given there may clearly be localities where such premises can be located without causing undue offence to those who object strongly to their presence. These include non-residential locations such as industrial estates where there are

no schools or facilities associated with children in the vicinity, but may also include town and city centres where such clubs are open at times when children are not routinely present.

Following the research, we held a workshop with licensing officers, councilors, premise managers, police, and other interested parties. This generated a range of recommendations for licensing policy and practice as summarized below.

Recommendations for licensing policy

Policies are clearly drawn up by local authorities on behalf of local residents with a view to the specificities of the place in question. However, the fact that only a minority appear to have strong objections to striptease clubs means there is not a compelling case for overly restrictive licensing policies, such as those arguing for a nil limit. This said, it is possible to suggest a nil limit on the basis of local sensitivities, so long as it is clear licences may still be granted in cases where applicants are able to make an exceptional case. It should be stated that applications will always be judged on their merits, noting that different types of clubs and premises can fit into the definition of Sexual Entertainment. Any statement that there is a presumption against the award of an SEV licence may be interpreted as discriminatory and disproportionate within a system that must not be contrary to the goals of the EU Services Directive (i.e. to ensure that regulation of premises is non-discriminatory, necessary and proportionate).

Beyond this general observation, we offer ten recommendations for those drawing up policy:

1. If it is stated there are no suitable localities in a given local authority where a club would be appropriate, it is incumbent on the local authority to demonstrate that all possible localities have been assessed as unsuitable, and the reasons for this judgment described to potential applicants.
2. For the benefit of applicants, and objectors, it is useful to provide clarity as to what is meant by a locality or vicinity. For the purposes of licensing SEVs, a locality cannot be considered to be as extensive as an entire town or city.
3. Licensing policies should be explicit about the type of land uses that might be regarded as incompatible with SEVs. There is a consensus venues should not be located in the vicinity of schools and near areas deemed to be 'family areas' such as museums, libraries and leisure centres. However, the case for not having clubs in the vicinity of industrial facilities, businesses and other sites of leisure and entertainment predominantly aimed at adults is unclear, so needs to be justified.
4. While tourist and heritage sites marketed at family audiences may be regarded as sensitive land uses, there is little obvious justification for suggesting Sexual Entertainment Venues are inappropriate in the vicinity

of listed or historic buildings. This appears overly restrictive as whether or not a building might be harmed by a particular type of activity occurring in it is more a consideration for planning rather than licensing.

5. Statements that venues are inappropriate within a given distance (e.g. 100, 250 or 500m) of given land uses are useful for applicants, but there needs to be clarity here as to what premises fall into different categories of land use. Applicants and licensing committees might usefully be provided with maps indicating the number of sensitive premises and land uses within the vicinity of a given address, meaning such information should be easily obtainable.
6. It is entirely appropriate for policies to set conditions to guarantee clubs are not open when children would routinely be on the street in the vicinity of a club. Given the logic of government curfew orders, this implies 9pm to 6am can reasonably be considered as times when this would occur.
7. Licensing policies should contain model conditions relating to the management of the premises and permitted conduct on the premise. These should ensure certain protections for performers, including a no-fines regime and provision of adequate changing and toilet spaces.
8. Licensing policies should set conditions on the external appearance of premises where appropriate, and alter the name of venues where these contain overtly sexual references. References to 'Gentleman's Clubs' should also be avoided.
9. External signage and displays should not be suggestive or overtly gendered. However, it should be noted that obstructing the visibility of performers from the outside of a venue is unworkable in practice and this condition should be reworded so that only the actual sexual entertainment per se cannot be seen by the passer-by.
10. Finally, it should be remembered that fees for application and renewal of SEV licenses must, following *Hemming v Westminster* (2013), be proportionate to the costs of the procedures and formalities involved in processing an application, not running the SEV licensing system or the costs of licensing enforcement in this area.

Recommendations for licence determination

Case law (*R v South Bucks, 2013*) suggests a local authority has 'a very broad power to make an evaluative judgment whether the grant of a licence would be inappropriate having regard to the character of the relevant locality'. In coming to a decision, the relevant licensing committee should be guided, but not bound, by policy, and should use its own judgment to draw conclusions based on local knowledge.

This said, we offer 10 recommendations for those determining applications:

1. The committee must consider the weight of objections but should be minded to disregard those made on the basis of morality given Home Office guidance suggests that moral or religious objections to sexual

entertainment cannot provide a legitimate basis for licence refusal. Many objections are of this type, and make inferences about the effects of lap dancing clubs on performers and clientele that cannot be substantiated by research. There is no research to suggest that striptease clubs are any more associated with crime, disorder and anti-social behavior than any other type of venue, and they generally cause less noise, parking, and littering. Of course, where clubs are poorly run and problems emerge this provides a basis for non-renewal.

2. Legitimate objections concern the fact that a given locality is inappropriate. There is a social consensus that clubs are inappropriate in the vicinity of schools, nurseries and other land uses habitually used by children. Which land uses fall into this category should be a matter for common sense and not dictated by policy. For example, some pubs market themselves as 'family-friendly pubs', but committees should question carefully if this means they are habitually places where children will be present in the evening.
3. It is possible that children may see clubs even when they are not located away from such locations. Where there are concerns that the name or signage of a club might be inappropriate licensing conditions may require this to be altered.
4. It may be decided that allowing a club to be licensed is contrary to plans to regenerate an area in the future. This is legitimate, but given clubs may bring investment and jobs, it needs to be stated why they are viewed as an obstacle to future investment and regeneration.
5. Women tend to object more to Sexual Entertainment Venues than men. If there is evidence that some women will be put off from visiting an area because of the presence of an SEV then this provides grounds for refusing an application. However, consideration needs to be taken as to whether this is a minority view, and whether the interests of those women who work in, or visit, such venues should be outweighed by those women who find them offensive or problematic.
6. Human rights considerations must be taken into account, in particular, Article 1 of the first protocol (the protection of property and the peaceful enjoyment of possessions and property), Article 8 (the right to respect for private and family life, home and correspondence) and Article 10 (which refers to freedom of expression). These are qualified rights that can be denied if it is in the public interest to do so (e.g. if it is considered necessary to achieve related to the prevention of crime; or, the protection of public order or health). The implication is that a committee needs to be convinced there is a sound basis for refusing an application given this is effectively a denial of rights to open a business offering a legitimate and legal form of entertainment.
7. There is nearly always some residential land use in the localities proposed for Sexual Entertainment Venues. Most people consider such clubs inappropriate in residential areas, so whether the area is predominantly

residential ought to be an important consideration. There might be a different approach taken to a club proposed for a predominantly residential suburban estate than one for a city centre where there is a mixture of residential, commercial and leisure use.

8. Proximity of striptease clubs to other sex establishments - such as sex shops - may appear relevant, but such issues should be considered carefully given these tend to be open during the day rather than in the hours when SEVs are open. There is little evidence that sex shops have negative impacts on their surrounding if these are appropriately licensed and are discrete in appearance.
9. Any licence refusal should be intelligible and adequately justified so as to assist the applicant and other applications. Where a locality is designated as unsuitable, or land uses in the vicinity are determined incompatible with the proposed SEV, it is useful to specify the nature of those land uses and the reasons why the committee determined these to be incompatible.
10. Each application should be determined on its merits, with an assessment of the suitability of the locality and vicinity of the premise decided with reference to the facts presented to the committee. The question as to whether the premise has existing planning consent to operate as a striptease club is irrelevant given licensing is concerned with the operation of the premise and the likely effects it will have on the community, not the general principle of having a lap dance club in a given locale.

How to get further information

Outputs and summaries of the research findings are available online at:
<http://www.esrc.ac.uk/my-esrc/grants/ES.J002755.1/read>

Regular updates on SEV licensing and policy issues at:
<http://sevlicensing.wordpress.com/>

Research on the conditions experienced in SEVs by workers is reported at:
<http://www.esrc.ac.uk/my-esrc/grants/RES-189-25-0290/read>

Please contact P.Hubbard@kent.ac.uk for further details of the methods and findings of this research.



University of
Kent

Annex 3 Findings of academic study by University of Leeds



THE REGULATORY DANCE: SEXUAL CONSUMPTION IN THE NIGHT TIME ECONOMY

SUMMARY OF FINAL FINDINGS (Jan 2012)

Dr Teela Sanders, Dr Kate Hardy and Rosie Campbell

INTRODUCTION

Funded by the Economic and Social Research Council and carried out during 2010-2011 "The Regulatory Dance" is the largest study to date of the strip and lap dancing industry in the UK night time economy. It is the key study illustrating dancers' experiences and working conditions. This briefing reports on findings from the study.

It also draws on information gathered during further consultation with local authority licensing officials, club owners/managers and dancers in the first phase of new project "Sexual Entertainment Venues: Regulating Working Conditions", which is disseminating and making use of the findings. This follow on project is an Economic and Social Research Council project being carried out during November 2011 until the end of October 2012.

METHODS

The research involved;

- An interviewer-administered survey conducted with 197 dancers regarding their experiences across 45 towns and cities in the UK and 16 other locations worldwide.
- Interviews with 35 dancers and 20 other people involved in the industry (including bar staff, security, 'house mums', managers and owners) and 15 regulators (including licensing and enforcement officers, health and safety inspectors and the police).
- Observational methods: 20 clubs were visited
- A photographic visual methods element.

KEY FINDINGS: DANCERS' EXPERIENCES and WORKING CONDITIONS

Who are the Dancers? Demographics

- **Age:** 60% were aged between 22 and 29. The age range spanned from 18-53 years.
- **Age started dancing:** 74% started dancing when they were under 25 years old.
- **Relationship status:** Half of the dancers were single (45.5%), but the other half were in some form of relationship with someone with whom lived (21.4%) or did not live (20.2%). Only 9.5% of the dancers were married.
- **Mothers:** Only 13.5% of dancers surveyed had children. No dancer had more than two children.
- **Nationality:** British nationals constituted over half the dancers surveyed (60.5%); EU nationals, 28.6% (largest group being Romanians); 9.6% non-EU nationals (mainly Brazilian).
- **Education:** All of the dancers had some education and had finished school with some qualifications. 73% had completed at least Further Education, while 23% had completed an undergraduate degree. One third of dancers were currently students. Of these 60% were in full time education; 25% in part time education and the remainder taking evening classes.
- **Other work:** A minority (40.2%) were solely dancing. All others were in education (14.2%), another form of work (32.6%) or both other forms of work and education (10.6%).

Patterns of Working

- **Length of time working:** 70.9% had been working for less than 5 years.
- **Number of clubs:** Respondents had danced in between 1 and 35 clubs. Most women had worked in only 1-2 clubs. Women that had danced in more than ten clubs tended to have worked for agencies.
- **Shifts:** Most dancers worked between 3 and 5 shifts a week (62.6%). A small minority, 12.9% worked 6 or more shifts per week and migrants were likely to work more shifts. Over 90.5% stated that they felt able to choose their shifts. Shifts can be 10-12 hours long.

1

- **Earnings:** Women generally reported earnings going down from the first club they worked in to the current club at the time of the survey. Earnings ranged from £0-£800 per shift. The average earnings per shift in the first club that women worked in was £284 while the average that women currently reported was £243.

Reasons for Dancing

The reasons that dancers gave for leaving jobs prior to dancing varied widely. The largest proportion (21.4%) stated that they simply wanted to become a dancer. A further 16.1% said that they were seeking better pay than their previous position. Escaping boring or stressful work also featured highly. Dancers mainly found work in their first club through friends (41.1%) or the Internet.

The vast majority of dancers had made a decision to do dancing/stripping as a flexible, relatively high earning (although unpredictable), cash-in-hand form of work. Dancing was a popular employment option for some women who were working in low paid, unskilled jobs, but were motivated by the opportunity for future mobility.

Advantages and Disadvantages of Dancing

Dancers identified a number of advantages and attractions. Key amongst these were, 'flexibility' and independence, instant remuneration, earning more than in other roles, keeping fit, and an opportunity to combine fun and work. This resulted in a steady flow of labour supply. However some of these exact characteristics could be disadvantages as dancing remained precarious in terms of a stable income, high overheads, no employee protection, and a competitive environment. Coupled with fewer customers and expenditure during the recession, dancing proved to be a difficult job without guaranteed income. There were also disadvantages for some dancers of keeping the job secret and rude/abusive clients were a problem.

No evidence or anecdotes of forced labour or trafficking of women was found. However, some migrant workers reported high fees for agencies and accommodation. Although 'extra services' were reported anecdotally by dancers, there was no evidence of lap dancing having connections to organised prostitution.

Dancers generally reported high levels of job satisfaction. Almost three quarters (74.1%) stated their job satisfaction as between 7 and 10 out of 10. No dancers said that their job satisfaction was 0-2.

However, they faced a number of problems in the work place, relating to *customer behaviour; insecure work; and financial exploitation.*

Customer Behaviour and Safety

- **Sense of Safety:** Most women (80%) said they felt safe at work and supported by managers when there was a dispute with a customer, but there were significant differences between clubs.
- **Harassment:** Yet 51.9% of dancers reported having received harassment 'lots of times' or a 'a few times', nearly half reported frequent verbal harassment and unwanted touching from customers. This was reported more widely in clubs with private dancing than those with only stage shows.
- **Security:** The quality of security in clubs was very important to dancers
- **Booths:** many dancers felt that the way in which private booths were set up also made them vulnerable and also allowed standards to be lowered by dancers offering more than is allowed in the dances.

Financial Exploitation: Fees, Fines and Commission

House Fees: dancers had to pay, house fees ranging from £0-£200, though the average was around £20-30 in the North and around £80 in the South.

"In the clubs the house fees are so enormous it puts you in such a stressful position to start up with; it's not a good attitude to go and start working from".

Commission: In addition to fees, dancers paid commission. This ranged from 0-66%, though it was usually 30% for each dance.

- **Fines:** Dancers were also fined frequently (often arbitrarily). 61% had been fined at some point in their dancing career, 42% in their current work place. The highest reported fine was £100 for a missed shift. The most common were for chewing gum, using mobile phone on the floor, incorrect clothing and lateness.

- **Tippling:** 50% reported working in clubs where there was an internal tipping system to DJs, waitresses, bar staff and house mums, which in effect acted as an additional fee.
- **Making no money:** due to high overheads (house fees, commission, fines, tips, travel to work): 70% reported leaving a shift without making any money.

Insecure Employment and Tenuous Position as Independent Contractors

- **Self employed:** dancers are defined as self employed. They had no contract with, or obligation to, the club.
- **Flexibility:** this flexibility is one of the key attractions to the industry.
- **House rules and codes of conduct:** yet there were strict, often arbitrary, house rules and codes of conduct which dancers had to sign up to which transferred power to managers, giving them strong disciplinary powers over the dancers. Dancers were concerned that the operation of fines could be linked to favouritism and bullying. Some clubs have strict rules like no hot food.
- **Confusion About Status of Contracts and Rights:** dancers were unclear whether Codes of Conducts constituted contracts and what rights and obligations these entailed. The gap between dancers official and actual statuses as self-employed was raised by dancers:

"Management come and they say, "do this, do that", but we're self-employed, so they shouldn't be able to. Also, what we wear. We should be allowed to wear what we want, we're self-employed".

- **Lack of Information About Council Rules:** many of the women felt that they didn't have access to knowledge about what the council imposed rules were and which had been instituted by the club.
- **Lack of negotiating power and fear of dismissal:** many dancers felt unable to complain about conditions and negotiate conditions for fear of instant "dismissal". Dancers tended to move to other clubs if they were unhappy.
- **Insurance:** few dancers had work-related insurance. Some vaguely knew that they needed it

as self employed contractors, but others had never thought about it and no-one had ever spoken to them about it.

- **National Insurance:** 56.7% (n=59) reported paying National Insurance and 56.9% (n=62) reported paying tax at some point during their dancing careers.
- **Dancers on Shift:** dancers were critical of clubs who had too many dancers on a shift so with a higher dancer to customer ratio it was more difficult to make money. Fees, commission and fines were seen by some as making an unfair and disproportionate contribution to club running costs and in some cases keeping struggling clubs open.
- **Dancers' relationships and perceptions of owners and manager were varied:** distinctions were made between reasonable and unreasonable managers, reasonable managers were seen as fair and considerate of dancers' welfare and others were seen as more self interested, concerned only with profit.

Dancers' status as 'self employed' workers resulted in exploitation as they had no rights or recognition in the workplace. The continuous supply of dancers, rather than the demand for erotic dance, accounted for the expansion of the industry.

Improving Conditions and Security/Safety

Dancers themselves suggested a number of measures to improve conditions and welfare including;

- Limit number of dancers per shift
- Minimum payment stipulations
- Better physical environments (heating, changing rooms, cooking facilities)
- Either commission *OR* house fee (not both)

To improve safety dancers identified as important;

- More quality door staff
- Proactive door staff who patrolled the floor and supervised booths
- Other staff looking out for the safety of dancers and the employment of "House mums"
- Panic alarms in booths
- More CCTV

- Clear display of rules for customers and reinforcement of these
- Dancers had a range of personal safety tips learnt through experience which they felt would benefit new dancers

Lap dancing clubs and strip pubs are workplaces, but regulatory assessments, criteria and licensing process did not examine the industry from this perspective. As a result, dancers are open to financial exploitation, disciplinary measures and few employment rights.

KEY FINDINGS: LICENSING

New Sexual Entertainment Law

The research took place at a pivotal time in which all Local Authorities were re-writing their policy on licensing lap dancing as a result of changes introduced under the Policing and Crime Act, 2010. A new classification of Sexual Entertainment Venue (SEV) has been introduced, aligning lap dancing clubs with the same licensing process as sex shops and cinemas. Further changes essentially give Local Authorities greater powers to control the number of clubs, by using quotas or introducing 'nil policies' which aim to remove existing clubs or prohibit new licenses. New powers also mean that Licensing Committees have the ability to impose certain conditions on licenses to dictate how they operate.

Change in Licensing. There was a strong feeling that the legal changes introduced under SEV licensing would not help the industry be safer or a good place to work: there was overall concern amongst dancers that their welfare and working conditions were not being taken seriously by the new legislation relating to licensing but rather assumptions were being made about exploitation and the community's views were favoured against dancers.

"Councils and any other people who are going to pass legislation need to understand that we do need things to change....but what they're doing at the minute is changing it for the worse, because it's just going to push it underground, because there are more illegal clubs opening where they're run by people that we don't want them to be run by."

In terms of the new law licensing practitioners generally considered that:

- The new laws would be more restrictive for the industry, and there is likely to be considerable variation according to local council policy.
- As there was market demand for the sale of lapdancing, where restrictive policies were implemented by councils, there may be illegal and unregulated venues which start to operate. There was concern that these venues would lack the necessary safeguards.
- There was concern that customers may migrate to areas where more clubs were operating. This may have a negative impact on the night-time economy.

Licensing Practitioners Concerns and Bad Practice

The main concerns regulators had with clubs were; incomplete staff registers, sub-standard operation of CCTV, complaints related to the issue of bills not being paid by customers, the practice of the door staff (being too aggressive or too 'friendly' with the dancers), incidents of problematic noise-levels, sexual services are being sold on the premises, exploitation of the dancers, drug use on the premises, external signage and advertising being too explicit and vehicles being driven in the city-centre which advertise the club and drive customers from the streets to the club.

Bad practice was not found to be common, but was associated with certain venues. Examples of this were issues such as; resistance to resolving issues, allowing touching in the clubs, noise, poor risk management, health and safety, slips and trips on the dance floor, poor backstage areas and poor practice associated with welfare of dancers and club staff.

Dancer Welfare, Safety and Licensing

The research found;

- That working conditions and welfare of dancer facilities differed across clubs and larger clubs were not necessarily better.
- Risks to dancers safety and health were seen as; assaults (which were noted as occurring but infrequently), harassment in the booth areas of the clubs, safety in getting home after shifts, and the risk of slipping and tripping on the dance floor and pole safety, frequency of breaks and club temperature. The role and conduct of the doorstaff in response to assaults was seen as very important.

4

- The priority for enforcers tended to be related to compliance with license conditions, which did not include scope for scrutiny of dancer safety except where serious incidents of crime and disorder occurred.
- That within licensing there was little consideration of the welfare or working conditions of the dancers: e.g. no regulatory checks were done in terms of the facilities for workers. Dancers' safety and wellbeing were not considered in the routine scrutiny process by licensing officials, as it was not related to licensing issues.
- Some practitioners did think standards for dancers could be improved. Suggestions included; safe and secure changing areas, washing facilities, lockers for valuables, somewhere to rest between dances, facilities for making food and drinks.
- Some practitioners felt more rigorous inspection processes would perhaps improve standards, (more covert ops and CCTV surveillance) but also noted this would require more public resources and is not considered a priority.
- A code of practice document with specific enforcement guidance indicating good practice rather than being another burdensome regulatory framework was seen as potentially helpful.
- A split in enforcement responsibilities, which leaves dancers general safety and well-being potentially falling into the area which belongs to no particular agency.
- Priority for enforcers tended to be related to compliance with license conditions which did not include scrutiny of dancer safety except where serious incidents of crime and disorder occurred.

We hope the dissemination of research findings can provide practical information about dancer working conditions and raise awareness amongst Local Authorities of the issues dancers raised regarding their experiences in this workplace.

The consultation phase of the dissemination project found that a number of Local Authority Licensing Committees have now begun to consider dancer welfare, some have added licensing conditions specifically. This follow on consultation has identified

a number of ways licensing could support dancer safety. These include:

- ▶ Requiring clubs to clearly display council rules in a number of places in the club: toilets, changing rooms etc.
- ▶ Requiring license holders to provide a range of information to dancers on their engagement including information about; house rules, insurance.
- ▶ Requiring clubs to provide access to adequate changing and kitchen facilities.
- ▶ Setting limits on the number of dancers related to the capacity of clubs.
- ▶ Tighter regulation on the location and design of private booths to achieve a balance between privacy and security. Requiring clubs to fit panic buttons in booths.
- ▶ Requiring owners to submit their codes of conduct, policies on house fees, commission and fining. Requiring receipts to be provided for fines, fees and commission.

Examples of Good Practice

Here are some good practice examples from Local Authorities we have already worked with:

Leeds City Council: require license holders to provide a welfare pack to new dancers and in the changing rooms. This pack must include: a copy of the Sex Establishment License, including the conditions applied by the Licensing Committee, details of any other conditions applied by management of the premises, details of how to report crime to the relevant authority, details of insurance (public liability/personal), details of unions, trade organisations or other bodies that represent the interests of dancers/entertainers, a copy of the code of practice for entertainers, a copy of the code of conduct for customers, fining policy and pricing policy.

Blackpool Council: has set a maximum on the number of dancers employed on any one night, this is calculated on no more than 10% of the total club occupancy. One of the criteria for assessing the suitability of applicants is that they will have policies for the welfare of dancers (including a policy to ensure dancer safety when leaving clubs), details of these must be provided. Another criteria is that license holders can be "relied upon to act in the interests of

5

the performers e.g. how they are remunerated, the facilities provided and how and by whom their physical and psychological well being is protected". Secure private changing facilities, a means to secure personal property, a smoking area separate to customers must be provided for dancers. Clubs are required to display all charges and fees for dancers in changing rooms. Details of arrangements for dancers' breaks and stewarding and dance supervisors must be provided. They must list procedures for ensuring under 18's do not work at the premises. In relation to fines Blackpool SEV's policy requires a club's codes of conduct not only details any disciplinary procedures but should include a system to ensure that performers who are sick or have a domestic emergency "are not made subject to unfair punitive financial penalties".

Manchester City Council: Manchester includes criteria for assessing suitability linked to performer welfare concerns and also requires a written policy to ensure the safety of performers leaving the club. All private booths must be fitted with panic buttons or a security alarm, booths cannot be fully enclosed and a minimum of one security staff has to be present on any floor where a performance is taking part. Secure and private changing must be provided and a separate smoking area for dancers. There are detailed requirements for CCTV systems and a trained CCTV operator is required.

KEY FINDINGS: MANAGERS/OWNERS

- Most managers/owners reported substantial drops in income and profits in recent years, up to 50% in some instances. Some reported that the number of customers had remained steady, but that they had less money to spend.
- The number of women seeking employment in lap dancing or employed as dancers was perceived as having increased significantly. Managers/owners often linked this with increasing social acceptability of lap dancing.
- Files are kept on the dancers, with details stored including things like National Insurance Numbers, home address, contact numbers, photographs.
- There were 'codes of conduct' documents or 'house rules' (signed by dancers) which seemed to function as a working contract, as they were seen to be binding. However, managers understood that no contract was in place due to the dancers being 'self-employed'.

- Anecdotes of disorder tended to relate to customers trying to touch the dancers or behaving inappropriately towards them, trying to avoid payment, or breaching standard club etiquette after consuming a lot of alcohol.

What More are We Doing to Make the Research Useful?

- *Producing a series of bespoke briefing papers.*
- *Consulting with licensing officials in a number of areas to identify feasible ways licensing processes can play a role in improving dancer safety, welfare and working conditions.*
- *Delivering seminars and presentations for licensing practitioners, policy makers, business owners/managers and labour organisations.*
- *Developing and delivering an employment rights and tax awareness educational programme for dancers, in partnership with HM Revenue and Customs*
- *Developing a website and smart phone application for dancers: this will provide bespoke information about self employment, paying tax and safety based on consultation with dancers*
- *Producing safety information and guidance for dancers in partnership with West Yorkshire Police Community Safety Team and a number supportive police forces and partner agencies*
- *Carrying out a systematic review of International Policy Evidence on Licensing of Sexual Entertainment*

Further Information:

A summary video and a visual findings leaflet from "The Regulatory Dance" study are available here: <http://www.sociology.leeds.ac.uk/research/projects/regulatory-dance.php>

For more information contact: Dr Teela Sanders t.l.m.sanders@leeds.ac.uk or Rosie Campbell: r.campbell@leeds.ac.uk

Item 5 Annex 4 page 8

Item 5 Annex 4 page 9

Item 5 Annex 4 page 13

Item 5 Annex 4 page 14

Item 5 Annex 4 page 16

Item 5 Annex 4 page 17

Item 5 Annex 4 page 18

Item 5 Annex 4 page 19

Item 5 Annex 4 page 20

Item 5 Annex 4 page 22

Item 5 Annex 5 page 2

Item 5 Annex 5 page 3

Item 5 Annex 5 page 5

Item 5 Annex 5 page 6

Item 5 Annex 5 page 7

Item 5 Annex 5 page 8

Item 5 Annex 5 page 9

Item 5 Annex 5 page 10

Item 5 Annex 5 page 11

Item 5 Annex 5 page 12

Item 5 Annex 5 page 13

Item 5 Annex 5 page 14

Item 5 Annex 5 page 16



AGENDA ITEM: 6

SUMMARY

Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	26 November 2013
PART:	1
If Part II, reason:	

Title of report:	Knowledge test arrangements for taxi and private hire driver applicants
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To report the results of consultation on the expansion of the Knowledge test arrangements for prospective applicants for hackney carriage and private hire drivers' licences.
Recommendations	To adopt the proposed changes to the arrangements for Knowledge tests for prospective applicants for hackney carriage and private hire driver's licences, with full effect from the 1 st April 2014.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> Knowledge tests are one element in ensuring that applicants for driver's licence are fit and proper persons, and suitable to work at close quarters with the public. <p>Dacorum Delivers</p> <ul style="list-style-type: none"> The proposals outlined would support the transition to paperless working under the Dacorum Anywhere program.
Implications:	<p><u>Financial</u> All of the proposals outlined within will have a financial implication, which would either be paid directly by applicants (practical driving test), or recouped through test fees (purchase of computer knowledge test software, English test fees).</p> <p><u>Equalities Implications</u> An Equalities Impact Assessment has been carried out. It is believed that the public safety interest justifies the impact.</p>

Implications (cont.):	<u>Value for Money</u> Adoption of a computerised knowledge test will resolve a current undercharge in respect of knowledge tests. <u>Risk / Health And Safety</u> None
Consultees:	The results of consultation are included in this report.
Background papers:	Licensing, Health & Safety and Enforcement Committee Agenda, 25 th June 2013 Taxi and Private Hire Licensing: Best Practice Guidance (Department for Transport, March 2010)
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. When considering applications for taxi and private hire drivers' licences, the Council must satisfy itself that the applicant is a fit and proper person prior to granting a licence. No definition is offered of this term, and the Council's discretion is accordingly wide-ranging.
- 1.2. One element considered as part of this requirement relates to the testing of the applicant's topographical knowledge of the borough of Dacorum. This is currently undertaken through a written knowledge test, in which applicants are required to demonstrate their familiarity with the landmarks, roads and places within Dacorum which they may be required to go to as a licensed driver.

2. PROPOSED REVISIONS

- 2.1. The initial report considered by the Committee in June 2013 detailed the current arrangements in full, together with a summary of the perceived defects with these arrangements. It is not proposed to repeat this detail in full in this report. By way of a summary, candidates are currently required to take and pass a paper-based test testing knowledge of locations, routes, and licence conditions, but there is currently no assessment of driving ability, communication skills, numeracy or demeanour. Tests are randomly generated and individually marked by an officer. This makes the current system unwieldy and expensive, with a loss currently being made on each test taken.
- 2.2. A number of possible improvements are now proposed to various aspects of the test, which should go a long way towards resolving the current weaknesses in the testing regime. The following paragraphs outline all of these proposed improvements.

Computerised testing system

- 2.3 One of the main concerns with the current paper-based test is the length of time spent by officers in preparing, invigilating and marking the test papers.

The cost to the Council of the current test has now been calculated at £61 per paper.

- 2.4. Software has now been identified which allows a knowledge test to be taken on a computer. The Diamond test system presents candidates with a randomly generated test paper, consisting of multiple sections as specified by the authority during installation. The test itself is presented in a multiple choice format, with every question presented alongside 4 or 5 possible answers – the candidate simply uses the mouse to click on the one they believe to be correct, and then proceeds to the next question.
- 2.5. The main advantage of such a system is that preparation time is reduced to almost zero (simply requiring the officer to input the name and test date at the time of booking – the test is then automatically generated). Marking is also instantaneous, and the system can be configured either to display the outcome to the candidate immediately, or to generate a results letter for subsequent dispatch. Previous tests and answers are retained electronically, should a challenge arise.
- 2.6. Use of such a system would, through the reduction in officer time, reduce the cost to the Council of each test to an estimated £27, factoring in the purchase cost and licence fee of the software. It would also assist greatly in the transition to paperless working under the Dacorum Anywhere program, as previous knowledge tests currently form a significant proportion of the hard copy files held by Licensing. There are a number of options for delivering such a test – enquiries have been made about the use of the IT Training Suite in the Civic Centre for multiple simultaneous tests, or alternatively the software could be installed on a single computer for one-on-one testing, either under the invigilation of Licensing or another appropriate area.
- 2.7. There would be a need to reconfigure the test and review applicable pass marks, as the nature of the test would change significantly on the introduction of multiple choice questions. Pass marks would need to be established separately to ensure that the test remained suitably challenging, possibly using the feedback of experienced drivers (or other persons with a comprehensive knowledge of the area).
- 2.8. Changing the test system will provide an opportunity to introduce assessment of other skills and areas of knowledge. The most suitable for assessment in this way would appear to be numeracy (e.g. calculating change due from a fare, or time/distance questions) and equalities issues (e.g. laws around carriage of passengers with disabilities or assistance animals). It was initially proposed to assess knowledge of the Highway Code – however, this would duplicate an aspect of the driving assessment (discussed later) and as such is no longer recommended.
- 2.9. A number of drivers have requested exemption in recent years from the topographical elements of the knowledge test, as they intend to work outside of Dacorum as chauffeurs or executive drivers. It is viewed as desirable to prevent this being used simply as a loophole to obtain a licence, and to ensure the knowledge and skill of such candidates, and for this reason introduction of a substitute topographical test, covering national landmarks and routes, is proposed. Candidates obtaining a licence in reliance on such an exemption would be entitled to a limited licence only, conditioned to prevent use for more typical private hire work. Under no circumstances would

hackney carriage drivers be exempted from the topographical elements of the test.

- 2.10. It is also proposed to end the current practice of exempting applicants from test sections passed previously, and instead to require all sections to be passed in a single attempt. There also appears to be little justification for the retention of the current policy of a 12 month 'cooling-off period' for candidates who have failed three attempts in a 12-month period – it would appear that this requirement could be equally well met by simple advice given to a candidate who has performed particularly poorly. Both of these measures currently cause confusion and increased bureaucracy.

Practical driving test

- 2.11. Paragraph 70 of the DfT Best Practice Guidance states:
“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.”
- 2.12. It is considered desirable to carry out a more in-depth assessment of a prospective applicant's driving ability, prior to considering an application for a new licence, as this will provide evidence that a candidate has a greater than normal knowledge of road traffic legislation, drives safely at an advanced level and can accomplish many technical manoeuvres associated with taxi driving. The DSA assessment provides an objective means of accomplishing this, with added reassurance as to the abilities and accreditation of the examiners. Further information on this test is appended at Annex A.
- 2.13. The DSA assessment is undertaken with a professional driving test examiner, in the applicant's own vehicle, and lasts for around 40 minutes. Tests are booked directly by the candidate, and a fee of £79.66 is payable (£96 for 'out of hours' appointments). No discount is offered for retests following a failure or non-attendance.
- 2.14. During the test, the candidate will be observed driving in a number of situations, including performing a legal U-turn, solo instruction-less driving, (simulated) safe picking-up and dropping-off of passengers, and an emergency stop. They will also be asked a number of 'Cabology' theory questions, and questions about the Highway Code and traffic signs/road markings. The test will be failed in the event of a serious or dangerous fault being committed, or if an excessive number of minor faults are observed.
- 2.15. Passing the test results in a certificate being issued, and a permanent notation being created on the driver's DVLA record. A number of insurers will consider this assessment to be an advanced driving qualification and will offer a discount on motor insurance policies or taxi insurance policies to successful candidates.
- 2.16. A number of DSA test centres in the local area offer the practical taxi test, including Watford (currently a 5 week wait for appointments), St Albans (3 weeks), Barnet (3 weeks), Borehamwood (4 weeks), Aylesbury (3 weeks), Luton (8 weeks) and Hendon (3 weeks).

- 2.17 A second test option, involving a wheelchair loading exercise, is also offered, but for this the candidate must provide a wheelchair accessible vehicle, and it is considered unlikely that many prospective drivers would have access to such a vehicle. This test also carries a higher charge, reflecting the longer test. For these reasons, it is proposed that the basic test would be a sufficient minimum requirement in respect of assessing driving capability, with the enhanced wheelchair test a discretionary extra which the candidate may wish to undertake. The wheelchair exercise can also be booked separately, without the other elements of the test, and this may be of use in the event of complaints against a driver in respect of loading and securing passengers in wheelchairs.

English language proficiency requirements

- 2.18. Paragraph 71 of the DfT Best Practice Guidance states that “Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties.”
- 2.19. Adequate communication skills and language proficiency are considered essential for the work of a taxi or private hire driver, due to the need to correctly understand and follow directional instructions from a passenger, and to enable the driver to give and follow instructions in an emergency situation, which may be stressful.
- 2.20 A number of options exist for English language proficiency testing. However issues arise with the cost and time commitment of many of these, together with the need to ensure that the examining body is reputable, that the course is accredited by a recognised organisation, and that the result is of a sufficient level so as to indicate a suitable proficiency. Many also assess all elements of language skills, including reading and writing abilities, which may not be of such relevance to the work of taxi and private hire drivers.
- 2.21. A suitable option has now been identified for a spoken English test. The Versant English Test, offered by Pearson Education, is taken by telephone and provides a near-instant, objective result, assessing the candidate’s skills in vocabulary, sentence construction, fluency and pronunciation, as well as providing an overall score. The test lasts for around 15 minutes, and the result is available to authorised persons almost immediately after the test, which lasts for around 15 minutes, is completed. Details of a sample test, including the instruction sheet and a results report, are appended at Annexes B and C. During the test the candidate carries out a number of verbal tasks, comprising:
- following verbal instructions to read sentences from a printed sheet,
 - repeating sentences played over the phone,
 - answering simple questions asked over the phone,
 - reconstructing sentences from multiple segments read to the candidate,
 - answering open questions (speaking for 20-30 secs each on several topics) asked over the phone.
- 2.22. The test produces a score within a given range, which correlates to certain language proficiency levels, rather than a straight-forward pass or fail, and as such is suitable for a wide range of proficiencies. The levels also correlate to the Common European Framework of Reference for languages (CEFR),

which allows the results to be accurately compared against other language-based qualifications. For the purposes of driver licensing, it is believed that candidates should have language proficiency equivalent to the threshold of levels B1 and B2 of the CEFR scale (an overall score on the Versant test of 55/80 or higher). Level B2 is defined by CEFR as follows:

Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialisation. Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.

- 2.23. There is a cost of around £30 per test undertaken. For security purposes, it is proposed that tests would be taken under supervision at the Council's offices, following an identification check, so as to ensure that tests are not taken by a person other than the candidate.
- 2.24 The requirement for any test of this type would need to be applied equally to all candidates, including those who may be expected to speak English as a first language by virtue of their country of birth. However, it is proposed to exempt a candidate from any adopted English test requirement if they can demonstrate that they have previously passed a relevant English language qualification at a suitable level, such as:
- a GCSE, GCE O-level or GCE A-level issued by a recognised examining body in the UK (grade C or higher)
 - an NVQ, City & Guilds, or similar vocational qualification (level 2 or higher) issued by a recognised examining body in the UK
 - an equivalent qualification to either of the above, issued by a recognised examining body in an English-speaking country other than the UK
 - a TOEFL, IELTS or ESOL qualification at CEFR level B2 (or equivalent)

Transitional provisions

- 2.25 Purchase and configuration of the computer testing software is likely to take several months, as a result of which it is proposed to commence those changes from April 2014. The practical driving test, while already offered, represents a substantial change to our practices and to ensure sufficient capacity in examination centres it is also proposed that this requirement is not introduced until April 2014. The proposed language requirements are the least onerous change and the simplest to introduce, and it is intended to commence these for all applicants registering for a first test from January 2014.
- 2.26 Several dozen individuals have previously registered and attempted the current knowledge test, without success. As these individuals were previously advised that they would be permitted 3 attempts at the test over a 12-month period, it is proposed that they be permitted to complete their attempts should they wish to do so, and the current test will continue to be offered to pre-registered candidates only for a further 6-months after implementation of the new test, to facilitate this. Candidates may optionally choose to transition immediately to the new test, but will be required to satisfy all of the new requirements.

Summary

- 2.27 The preceding paragraphs outline a number of additional aspects which could be introduced as preliminary requirements to the driver licensing process operated by the Council. Introduction of all of these elements would go a long way towards ensuring a suitable level of knowledge and language proficiency on the part of applicants, and would represent a significantly tougher process and series of checks than those which are currently carried out. The computerised knowledge test would also aid in the Council's transition program, by facilitating the paperless manner of working required by Dacorum Anywhere.
- 2.28 There is a cost implication to the proposals, as all of the revised proposals would increase the total cost of the preliminary knowledge test checks to £150 for applicants, from the current £40. The largest component of this increase, the DSA assessment, may allow drivers to obtain a discount of future insurance premiums (insurer dependent), offsetting this cost. The language test fee is only payable if no other qualifications are held, and the list of these has been left fairly wide – the results of the test would also be provided to the candidate who may be able to use them for other purposes. The computer test is likely to lead to a reduction in the council's costs, which may allow for a reduction in future test fees once fully assessed.

3. CONSULTATION RESULTS

- 3.1. Consultation took place between the 2nd August and the 4th October 2013, by way of a newsletter article and a direct mailshot to licensed drivers. The following comments were received from respondents in respect of the proposals:

*“Point 1. [Computer test] It would depend on what the additional topics are.
Point 2. [Driving test] Not sure about this one.
Point 3. [Language test] Yes I agree with this as it is a requisite part of the job”*

“On my objection to a driving test being offered? I object on the basis that I once had a look at what is involved in that driving test for taxis and I found it to be over the top in general and I got the impression it was aimed at raising the bar beyond the point that is necessary to be a Taxi or Private hire driver. For example, I remember one of the requirements was to reverse into parking places and spaces "rightwards"! Why is that a requirement? We drive on the left in the UK and reversing into a space rightwards and against the general line of parking is frowned upon in most cases. There was also a requirement that the journey had to be as smooth as possible or something like that, no bumps or jerking in anyway and what I would worry about in that scenario is the state of the roads in general and all the potholes, speed bumps, would that count against a person too or be mistaken as a fault?”

“its been harsh for the new candidates to go for a strict and hard test as the existing taxi drivers just qualified with the easy pattern .there should be equality for everyone .still i believe the format is too tough for the new candidates to pass because latest technology is available nowadays in the form of sat nav and other gadgets .there is no point of making routes and other stuff.

*if the council thinks that they should make changes in the test then the existing drivers should pass that test as well especially those who passed in the old format almost five years ago.
there should be something for the existing drivers as well .there are so many drivers who need so much training in that field.”*

“Some of the things you are listing to change, should have been years ago. You let so many that can't speak English already have a licence, and as for some of there driving, has put lots of customers of using taxis so a downturn in the amount of people = downturn in earning money, and how could that be safe for customers if a driver don't understand a customer, how can he do his job, oh wait use Sat Nav, or phone a friend who understand English, and I have seen that done.

Making it hard & if they can't speak English no point them carrying on with test.

Recall licences for ones that can't speak good English, or don't let any more drivers on.”

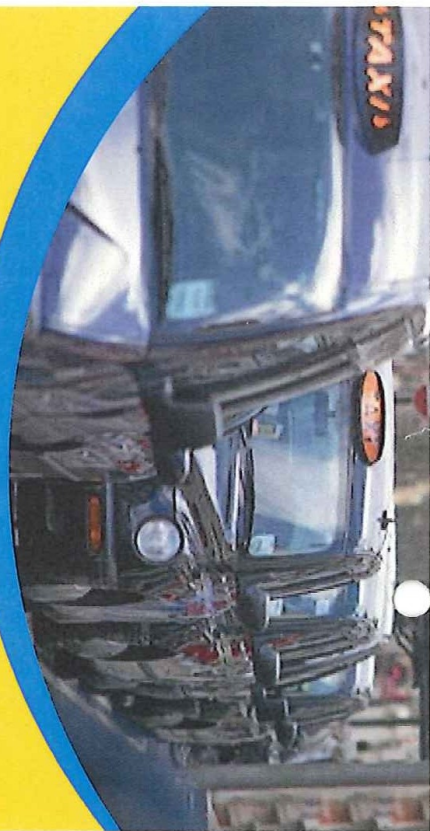
4. RECOMMENDATIONS

4.1. Officers recommend that the proposed revisions to arrangements for knowledge testing of candidates for private hire and hackney carriage driver's licence be adopted as proposed, and ask that Committee resolve:

- a) That all candidates for the council's taxi and private hire driver knowledge test applying for a first test on or after the 1st January 2014 shall be required to demonstrate suitable and sufficient proficiency in English-language speaking and listening skills as a component of successful completion of the test, either:
- i) By producing evidence of satisfactory completion of a recognised English language qualification awarded by an accredited examining body, such as:
- a GCSE, GCE O-level or GCE A-level issued by a recognised examining body in the UK (grade C or higher)
 - an NVQ, City & Guilds, or similar vocational qualification (level 2 or higher) issued by a recognised examining body in the UK
 - an equivalent qualification to either of the above, issued by a recognised examining body in an English-speaking country other than the UK
 - a TOEFL, IELTS or ESOL qualification at CEFR level B2 (or equivalent);
- ii) By undertaking a speaking and listening skill assessment with the council's approved supplier, under the supervision of licensing officers, attaining a grade equivalent to level B2 on the Common European Framework of Reference for languages. The cost of the assessment shall be recharged in full to the applicant, and the choice of provider shall be periodically reviewed to ensure suitability and competitiveness.
- b) That all candidates for the council's taxi and private hire driver knowledge test applying for a first test on or after the 1st April 2014 shall be required to produce evidence of successful completion of the Driving Standards Agency's taxi drivers assessment as a component of successful completion of the test;




- c) That officers arrange for the purchase and installation of a computerised testing program for knowledge tests with a view to activation by the 1st April 2014, to replace the current paper-based testing system; to review and expand the question banks; and to adjust pass marks accordingly to ensure that the required topographical knowledge of candidates remains at an approximately similar level to the current test system;
- d) To incorporate additional test sections on relevant equalities issues and numeracy to the revised test;
- e) To make the following policy amendments to the revised test:
 - i) The 12-month 'cooling-off period' following three unsuccessful test attempts to be removed, to enable candidates to sit tests as and when requested, with no upper limit on the number of test attempts;
 - ii) Previously passed test sections shall no longer be carried forward: all sections of the test must be passed in one sitting;
- f) To introduce a substitute test for candidates seeking exemption from the standard topographical private hire test due to the nature of the work carried on, to assess knowledge of national destinations and routes, for all such candidates applying for a first test on or after the 1st April 2014. Only the Dacorum-specific topographical elements of the test would be substituted, all other test requirements would remain unchanged, and candidates passing this test would be entitled to a restricted licence only, not permitting general private hire work or operation by any licensed operator other than the one in respect of which the exemption was applied.
- g) That candidates who have booked or taken a first test prior to the 1st April 2014 shall be permitted to attempt any further current tests permitted under the pre-existing limits, without being required to satisfy the new proposed requirements, subject to completion of all such attempts within the 6 months following introduction of the new system. Affected candidates may also choose to transition to the revised testing system at any time, but shall be required to satisfy all applicable requirements.
- h) That the revised knowledge test arrangements apply to any new applicant who does not currently hold a driver's licence issued by Dacorum Borough Council, or to a previous licence-holder whose driver's licence expired more than 12 months previously. Existing private hire licence-holders wishing to upgrade to a dual driver's licence shall be required to complete the elements of the revised computer test only. Existing hackney carriage licence-holders wishing to upgrade to a dual driver's licence shall be required to complete the elements of the revised computer test, excluding topographical sections, only.

ANNEX A – DSA PRACTICAL DRIVING TEST INFORMATION



Private hire - hackney carriage assessment

All you need to know about DSA's taxi assessment services

Let us Reward your Good Driving Skills with up to 25% Discount off your Insurance Premium

Pass your DSA hackney carriage/private hire test and immediately access top quality insurance underwritten by Norwich Union at exclusive rates

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TFP Taxi gives you:

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- Insurer strength through Norwich Union
- Guaranteed plated replacement vehicle or unique income replacement compensation
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- FREE Curbline claims service – 24 hrs a day, 365 days a year
- Up to £25,000 Driver Assault cover
- Personal Legal Advice via RAC Legal Services
- Access to RAC Breakdown Assistance cover at specially competitive terms
- Protected no claims bonus available

For more details and an immediate quote call:
TFP TAXI
029 20 30 10 30
 (Please quote ref DSA Scheme)
www.tfpschemes.co.uk

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Contents

- 4 Introduction
- 5 Preparing for your Assessment
- 8 Booking your Assessment
- 10 At the Driving Test Centre
- 11 Important Information about your Assessment
- 13 Assessment Explained
- 16 Annex 1: Driving Test Centres
- 17 Annex 2: Cabology Questions

Introduction

The Driving Standards Agency is committed to improving driving standards through its testing and assessment activities. All drivers must take responsibility for developing the correct attitude and approach towards safe and considerate driving. This, combined with a sound knowledge of defensive driving will make our roads safer, a safer environment for all road users.

As a professional driver you have a special responsibility to ensure that your passengers have a safe, comfortable and enjoyable journey. You may have years of driving experience and will be able to demonstrate a good standard of driving on the taxi assessment.

The principles of good driving practice are set out in our official publication *The Official DSA Guide to Driving - the essential skills*. Study these principles and by putting them

into practice you can demonstrate to your passengers and other road users that you are a professional driver.

There are millions of journeys made every year by Hackney Carriage and Private Hire Vehicles. Consider taking on board good sound advice. This will result in these journeys being completed in safety and in comfort by your passengers. This will ensure a service delivered by professional taxi drivers who take pride in their driving and the service they give to their customers.

Rosemary Thew
Driving Standards Agency -
Chief Executive



The Role of the Driving Standards Agency (DSA)

DSA is the only agency in Great Britain charged with setting driving standards and delivering the consistently high quality required to ensure safe driving practice. DSA has a wealth of experience in assessing all types of drivers. It is responsible for 1.6 million driving tests taken in Great Britain each year on cars, motorcycles, LGVs, PCVs and other special vehicles. DSA also trains, tests and monitors the performance of all examiners, sets the standards and syllabus against which all Approved Driving Instructors teach and authorises motorcycle training bodies to provide Compulsory Basic Training.

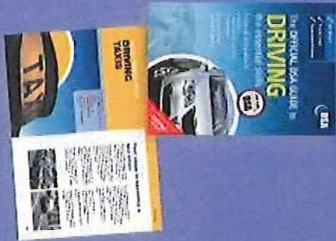
Your Hackney Carriage/Private Hire Assessment

Before you are issued with a Hackney Carriage or Private Hire Driver's Licence you must pass an assessment. It is recommended that you familiarise yourself with the contents of the assessment; these are set out on the following pages. We strongly recommend that you take professional instruction prior to taking the assessment.

Preparing for your assessment

As a professional driver you have a special responsibility to set an example to other road users by driving with courtesy and consideration.

The official range of books from DSA provide expert advice on best driving practices to ensure that you and your passengers have a safe, comfortable and enjoyable journey.



The Official DSA Guide to Learning to Drive

ISBN 9780115528583 Price £7.99

The only official guide which explains the standards required to pass today's practical driving test and assessment for taxi drivers. This latest edition includes references to the current version of *The Official Highway Code*. The book includes information about the 24 key skills examined and the level of ability you need to demonstrate, as a professional driver.

A section on the assessment for taxi drivers covers:

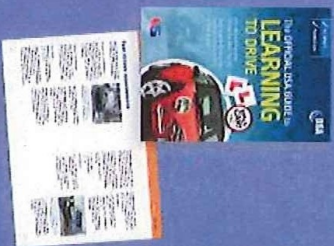
- licensing requirements
- key skills, including taxi manoeuvring exercise and stopping at the side of the road
- what to expect at your assessment and the wheelchair exercise.

The Official DSA guide to Driving – the essential skills

ISBN 9780115528170 Price £12.99

This indispensable driving manual is packed with advice to help you become a safer driver. A section devoted to taxi drivers covers:

- first steps to becoming a taxi driver – regulations and medical checks
- passenger care – passenger comfort, seat belts and dealing with lost property
- professional driving – skills, environmental consideration, awareness, communication, tiredness and distractions
- driving taxis – stopping at the roadside, manoeuvring
- passengers with special needs and requirements.



5

The Official Highway Code

ISBN: 9780115528149 Price: £2.50

Essential reading for all road-users in England, Scotland and Wales. This updated edition of the only *Official Highway Code* contains the very latest rules of the road. Many of these rules are legal requirements and must be adhered to in order to avoid penalty - fines, penalty points, disqualification or even prison. *The Official Highway Code* reflects the most up-to-date legislation that road-users must adhere to, advice on road safety and best practice.

Rheolafr, Ffordd Fawr, Snydddogol (Welsh Language version)

ISBN: 9780115528606 Price: £2.50

Northern Ireland Highway Code

ISBN: 9780337088985 Price: £2.50

The Official Highway Code Interactive CD-ROM

ISBN: 9780115528460 Price: £9.78

The CD-ROM version of *The Official Highway Code* provides an innovative and interactive alternative for users. It is an engaging, fun and educational product, aimed at accelerating the learning process and providing a thorough understanding of road safety and best practice.

Know Your Traffic Signs

ISBN: 9780115528552 Price: £4.99

Your taxi assessment will include five questions on traffic signs, so pick up the latest edition of this comprehensive guide which explains the vast majority of traffic signs that any driver is likely to encounter. A valuable reference for professional drivers, even those with years of experience.



6

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7

Booking your Assessment

Booking your assessment

Remember, it is important to book your assessment early. The more flexible you can be in selecting a driving test centre where you wish to take your assessment, the earlier we can book you an appointment. Secure an appointment even before your police check or your medical.

Practical assessments are available at some test centres on Saturdays, Sundays and in the summer, on weekday evenings.

Booking online or by telephone

You can book your assessment by either of these methods and you'll be given the date and time of your assessment immediately.

You can book online at www.businesslink.gov.uk/transport

To book by telephone, call 0300 200 1122. If you are a Welsh speaker call 0300 200 1133. If you are deaf and need a minicom machine call 0300 200 1144 to book your assessment.

When booking you'll need to explain that you want to take a taxi assessment and provide

- your UK driver number (from your licence)
- credit or debit card details. Please note that the card holder must be present.

Booking by post

Fill in the application form for the type of assessment you wish to take and send it, together with the correct fee, to the address shown on the back of the form. You can get application forms from driving test centres, your instructor or by phoning 0300 200 1122.

You may pay by cheque, postal order or with a credit/debit card. Postal orders or cheques should be made payable to the Driving Standards Agency. Please do not send cash. You'll receive an appointment letter within 10 days.

Appointment letter

Whether you book your assessment online, by telephone or by post, you will receive an appointment letter or e-mail to take with you when you go for your assessment. It will include:

- the time and place of your assessment
- the address of the test centre.

8

Taxi assessment fees

You can change or cancel your assessment online at www.businesslink.gov.uk/transport. Alternatively, you can change or cancel an assessment appointment by calling 0300 200 1122.

You need to give at least three clear working days' notice for change or cancellation of an assessment, not counting the day DSA receives your request and the day of the assessment. (Saturday is counted as a working day). If you don't give enough notice you'll lose your fee.

The assessment is intended to fulfil one of the requirements under local Council taxi licensing procedures. The assessment will be carried out in accordance with the criteria drawn up by DSA to meet the Local Authorities Service Standards. A certificate will be issued when you pass the assessment and there is no further fee for this.

Taxi assessment fees

	Normal Hours	Out of Hours
Z Hackney Saloon / Private Hire Saloon Highway Code / Traffic Signs / Cabology Questions.	£78.00	£94.00
Z1 Hackney Wheelchair enhanced Wheelchair Accessible Vehicles Highway Code / Traffic Signs Cabology Questions.	£91.00	£110.00
Z2 Wheelchair Exercise	£26.00	£31.99

Note: Assessment fees are correct at time of publication (1st January 2010) but please check at time of booking.
Taxi fees include VAT.

9

At the Driving Test Centre

You must bring the following items to your assessment:

- an appropriately insured and taxed / licensed vehicle suitable for the assessment
- your appointment letter
- a UK/NI photo card licence. Both parts of the licence (photo card and paper counterpart) must be presented

OR

- a full British old style paper licence and current passport
- current recognisable EU licence with a UK paper counterpart (and current passport if there is no photo on the licence).

If you do not bring your documents, your assessment may not be conducted and you may lose your fee.

REMEMBER
NO LICENCE - NO PHOTO
NO ASSESSMENT
YOU WILL LOSE YOUR FEE!

If your car has a front passenger seat you will need to provide an adjustable interior mirror for the use of the examiner.

10

Important information about your assessment

To pass you are permitted to accumulate up to 9 driving faults. If you accumulate 10 or more driving faults you will fail. Any serious or dangerous fault will be immediately recorded as a failure but the assessment will still continue, finally returning to the driving test centre. The taxi assessment is reflective of modern driving practices and the standard is set at a level suitable for full driving licence holders. It is important that you do not adjust your driving to what you may feel the examiner would expect to see, do not drive in an unnatural manner.

- You may be asked to complete an emergency stop, i.e. demonstrate that you can stop the vehicle as in an emergency, promptly and under control (avoid skidding).
- You will be asked to complete an emergency stop, i.e. demonstrate that you can stop the vehicle as in an emergency, promptly and under control (avoid skidding).
- You will be asked to carry out two manoeuvres one of which will be your own choice, e.g. reverse around a corner. In both cases you will be expected to demonstrate your ability to manoeuvre your vehicle under control and with good all-round effective observations, giving consideration to other road users and pedestrians.
- You will be asked on a number of occasions to pull up on the left at a safe and convenient place, as if a fare is either going to get in or out of your vehicle. Avoid parking next to lampposts and trees - this could be potentially hazardous for your passenger.
- Whenever you have been stationary at the side of the road, remember your important safety check - check your blind spot (look over your right shoulder) before pulling away.
- You need to use all your mirrors effectively (interior and exterior) and at the appropriate times. You should demonstrate that you are aware of what is happening around your vehicle at all times.
- You need to signal correctly and in good time to let other road users know your intention - other road users need to see and understand what you plan to do.
- You will be expected to understand and comply with traffic signs and road markings, as they are there to help you anticipate and plan your journey. You will also need to see and react to signals given by the police, traffic wardens etc. and signals given by other road users.
- You must be able to demonstrate your ability to make progress when the speed signs and the road and traffic conditions dictate it is safe to do so. Equally it is important to demonstrate that you recognise and comply when in lower speed limit areas.
- You need to watch your separation distance from the vehicle in front and also your separation distance from parked cars.
- You need to use sound judgement and planning when overtaking, meeting oncoming vehicles and when turning right in front of oncoming traffic. At no time be in a situation where you cause another vehicle to brake or swerve to avoid you.
- You should demonstrate that you are aware of other road users at all times; plan ahead, predict how the actions of others will affect your driving and react in good time. Be aware of vulnerable road users such as pedestrians, cyclists, motorcyclists etc. and act in good time, rather than at the last moment.

11

- You will be asked a few questions on the Highway Code, some general cabology questions and asked to identify a few traffic signs. This may include such questions as the length, width or height, tyre pressures, what to do if you found an item of lost property in your cab.

It is important that you read *The Highway Code* and be familiar with your vehicle. It is strongly advisable to consider taking professional instruction prior to taking the assessment.

Wheelchair Accessible Vehicles

- You should demonstrate your ability to
 - securely erect the wheelchair ramps (whatever style of ramp is fitted to your vehicle)
 - safely install the wheelchair in your vehicle, backing the chair to the fold down seats, then securing both wheelchair brakes
 - secure seat belts/safety harness and also secure wheel belts/clamps if fitted to your vehicle
 - satisfy yourself that the wheelchair is secure, as if to start a journey. Therreverse the entire procedure.

It is important that you can demonstrate all the principles of safety and security - if seat belts, wheel belts or wheel clamps etc. are fitted then they should be in good working order and applied, whatever style of wheelchair accessible vehicle you bring on assessment.



12

Assessment Explained

1a Eyesight test

At the start of the assessment the examiner asked you to read a vehicle registration number. If you need glasses or contact lenses, you must wear them whenever you drive. If you had problems with the eyesight test, perhaps you should consider consulting an optician.

1b Highway Code Safety

You will be asked questions on *The Highway Code*, traffic signs and 'Cabology' (General questions relating to taxis and taxi driving).

2 Controlled stop

You will need to be able to display a high level of skill in bringing your vehicle to a stop, safely, promptly and under full control, avoiding locking the wheels. Remember that in wet weather it can take twice as long to stop safely.

3, 4 and 5 Reverse exercises

You will need to display the ability to control the vehicle safely whilst reversing to the left, right, when parking on the road or into a parking bay.

You must take good effective all-round observation throughout the manoeuvre and show consideration to other road users.

6 Turn in the road

You will need to display the low speed control and observation skills necessary to carry out this exercise safely with due regard for other road users and pedestrians.

7 Vehicle Checks

Not applicable

8 Taxi manoeuvre

You must be able to display the ability to turn your car around by whatever means available, making sure you take effective, all-round observation, showing consideration to other road users and pedestrians.

You should control your vehicle smoothly, making proper use of the clutch, accelerator, brakes and steering. You should not use a driveway or allow your vehicle to mount the pavement as this could damage your vehicle.

9 Taxi wheelchair

You should be able to securely erect wheelchair ramps, safely install the wheelchair and an imaginary wheelchair occupant into your vehicle, ensuring the wheelchair and its occupant are secured in readiness for the journey, then reverse the entire process.

10 Vehicle and trailer combinations

Not applicable

11 Precautions

Before you start the engine make sure that you are comfortably seated and all controls can be safely operated.

12 Control

This section covers, where appropriate, the safe and controlled use of accelerator, clutch, gears, footbrake, parking brake and steering.

Always try and use the vehicle controls as smoothly as possible. This means less wear and tear on your vehicle and a smoother ride for your passengers. Make proper use of your accelerator and clutch to make a smooth start. Always depress the clutch just before you stop. Select the correct gear to match the road and traffic conditions. Change gear in good time but not too soon before a hazard. Do not allow the vehicle to coast by running on in neutral or with the clutch depressed.

There should be no need to look down at the gear lever when changing gear. Use the footbrake smoothly and progressively. Brake in plenty of time for any hazard. Make full use of the parking brake whenever it would help you to prevent the vehicle rolling backwards or forwards, and if you are parking. Steer the vehicle as smoothly as possible.

Avoid harsh steering or steering too early or too late as it may cause you to hit the kerb or swing out towards another road user.

13 Move off

You will need to demonstrate your ability to move off smoothly and safely on the level, on a gradient and at an angle, taking the correct precautionary observations.

14 Use of mirrors - Rear observations

Use all the mirrors fitted to your vehicle safely and effectively. You must always check carefully before signalling, changing direction or changing speed. Use the Mirrors-Signal-Manoeuvre (MSM) routine effectively.

15 Signals

You must signal clearly to let others know what you intend to do. You should only use the signals shown in *The Highway Code* if it would help other road users (including pedestrians).

Always signal in good time and ensure that the signal has been cancelled after the manoeuvre has been completed. Do not beckon to pedestrians to cross the road.

16 Clearance to obstructions

Allow plenty of room to pass stationary vehicles, obstructions and be prepared to slow down or stop. A door may open, a child may run out or a vehicle may pull out without warning.

17 Response to signs/signals

You should understand and be able to react to all traffic signs and road markings. You must act correctly at traffic lights, and check that the road is clear before proceeding when the green light shows. Obey signals given by police officers, traffic wardens and school crossing patrols. Look out for signals given by other road users, including people in charge of animals, and be ready to act accordingly.

18 Use of speed

You should make safe, reasonable progress along the road bearing in mind the road, traffic and

weather conditions and the road signs and speed limits. Make sure that you can stop safely, well within the distance you can see to be clear. Do not speed.

19 Following distance

Always keep a safe distance between yourself and other vehicles. Remember, on wet or slippery roads it takes much longer to stop. When you stop in traffic queues leave sufficient space to pull out if the vehicle in front has problems.

20 Maintain progress

In order to pass your assessment you must show that you can drive at a realistic speed appropriate to the road and traffic conditions. You should approach all hazards at a safe, controlled speed, without being over-cautious or interfering with the progress of other traffic. Always be ready to move away from junctions as soon as it is safe and correct to do so; driving excessively slowly can create dangers for yourself and other drivers.

21 Junctions (including roundabouts)

You should be able to judge the correct speed of approach so that you can enter a junction safely and stop if necessary. Position your vehicle correctly. Use the correct lane - if you are turning right, keep as near to the centre of the road as is safe. Avoid cutting the corner when turning right. If turning left, keep over to the left and do not swing out. Watch out for cyclists and motorcyclists coming up on your left and pedestrians who are crossing. You must take effective observation before moving into a junction and make sure it is safe before proceeding.

22 Judgements

Only overtake when it is safe to do so. Allow enough room when you are overtaking another vehicle. Cyclists and motorcyclists need as much space as other vehicles; they can wobble or swerve suddenly. Do not cut in too quickly after overtaking. Take care when the width of the road is restricted or when the road narrows. If there is an obstruction on your side or not enough room for two vehicles to pass safely, be prepared to wait and let the approaching vehicles through.

When you turn right across the path of an

approaching vehicle, make sure you can do so safely. Other vehicles should not have to stop, slow down or swerve to allow you to complete your turn.

23 Positioning

You should position your vehicle sensibly, normally well to the left. Keep clear of parked vehicles and position correctly for the direction that you intend to take. Where lanes are marked, keep to the middle of the lane and avoid straddling lane markings. Do not change lanes unless necessary.

24 Pedestrian Crossings

You should be able to recognise the different types of pedestrian crossing and show courtesy and consideration towards pedestrians. At all crossings you should slow down and stop if there is anyone on the crossing. At zebra crossings you should slow down and be prepared to stop if there is anyone waiting to cross. Give way to any pedestrians on a pelican crossing when the amber lights are flashing. You should give way to cyclists as well as pedestrians on a toucan crossing and act correctly at puffin crossings (refer to *The Highway Code*).

25 Position / Normal Stops

Choose a safe, legal and convenient place to stop, close to the edge of the road, where you will not obstruct the road and create a hazard. You should know how and where to stop without causing danger to other road users. See bullet 3 page 95, Learning to Drive.

26 Planning

You must be aware of other road users at all times. You should always think and plan ahead so you can judge what other road users are going to do, predict how their actions will affect you and react in good time. Take particular care to consider the actions of the more vulnerable groups of road users such as pedestrians, cyclists, motorcyclists and horse riders. Anticipate road and traffic conditions, and act in good time, rather than reacting to them at the last moment.

27 Ancillary Controls

You should understand the function of all the controls and switches, especially those that have a bearing on road safety. These include indicators, lights, windscreen wipers, demisters and heaters. You should be able to find these controls and operate them correctly when necessary, without looking down.

28 Eco-safe Driving

Driving skills should demonstrate recognition of the principles of Eco-safe Driving, including appropriate use of the vehicle controls.

Annex 1

Driving Test Centres

Driving Test Centres listed below in bold are able to do the Wheelchair Assessment.

Aldershot (Farnborough)	Eastbourne	North Allerton
Ashted (Kent)	Enfield	Norwich
Aylesbury	Exeter	Nottingham (Chalfont Drive)
Ayr	Farnborough (Aldershot)	Nottingham (Colwick)
Barnet	Folkestone	Nuneaton
Barnsley	Gillingham LGV	Peterborough
Basildon	Girvan	Pontrract
Basingstoke	Glasgow (Shieldhall)	Pool LGV
Barry	Goodmayes	Portsmouth
Bedford	Grantham	Preston
Birmingham (Shirley)	Gravesend	Reading
Birmingham (South Yardley)	Guildford LGV	Redditch
Bishop Auckland	Hairfax	Reigate
Bishop Stortford	Hastings	Rotherham
Blackburn	Heckmondwike	Sevensoaks
Blatchley	Hendon	Sheffield (Handsworth)
Blyth	Herne Bay MPTC	Skipton
Borehamwood	High Wycombe (Bucks)	Slough
Bradford (Eccleshill)	Hinckley	Souhampton (Forest Hills)
Bradford (Heaton)	Horsforth	Souhampton (Maybush)
Bridgend	Huddersfield	St Albans
Bridlington	Hull	St Helens
Bristol Multi Purpose Test Centre	Kimnack	Strensall
Bristol (Brislington)	Isleworth	Swarvesea
Bristol (Southmead)	Keighley	Taunton
Burgess Hill	Lee on the Solent	Telford
Burton-On-Trent	Leeds (Harehills)	Tolworth
Bury St Edmunds, Suffolk	Leicester (Gipsy Lane)	Tunbridge Wells
Bury, Lancs	Leicester (Welford Road)	Wakerfield
Cambridge (Chesterton Road)	Leicester (Wigston)	Warwick
Cambridge (Cowley Road)	Letchworth	Watford
Cannock	Lincoln	Wedsbury/
Canterbury	Loughborough	Weston-Super-Mare
Cardiff (Fairwater)	Lower Gornal	Widnes
Carlisle	Luton	Winchester
Chermsford	Maidstone	Wisbech
Chertsey	Merthyr Tydfil	Wolverhampton
Coventry (Bayton Road)	Middlesbrough	Wokington
Crawley	Nelson	Worthing
Croydon	Newbury	Yeovil
Derry (Siffin Lane)	Newport	
Darlington	Newport	
Dorchester	Newton Abbott	

Note: Taxi Assessment Centres were correct at time of press but are subject to change, please check at the time of booking.

Annex 2

Cabology Questions

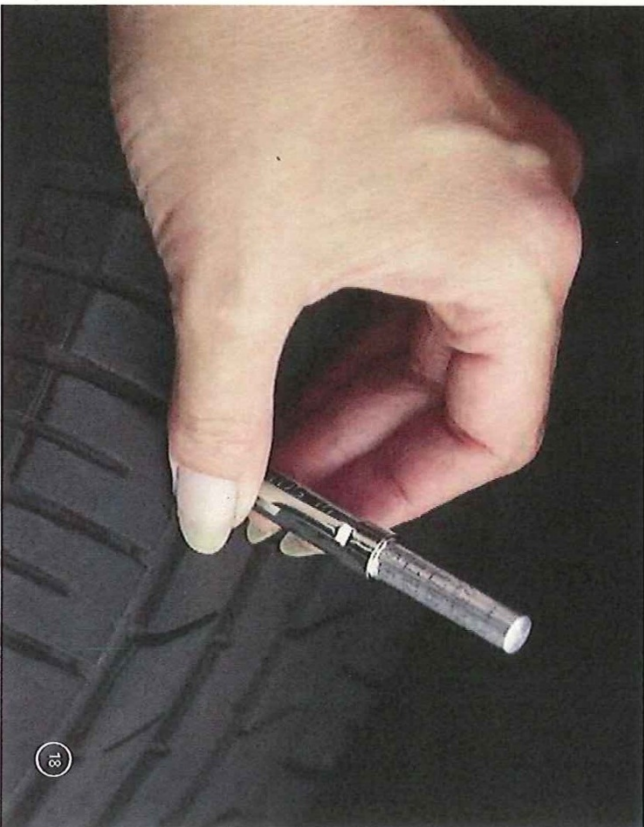
Only the questions in bold print will be used on Black Cab style taxi tests.

Example questions:

- Q. What is the length, width and/or height of the cab you are now with?**
- A. See page 26
- Q. What are the correct tyre pressures for the cab you are now with?**
- A. See page 26
- Q. Whilst driving a taxicab, how would you know if the rear automatic door locking system became inoperative?**
- A. The warning light on the dashboard will illuminate (green with black key icon)
- Q. If the tyre pressures of the vehicle you are driving are 35psi at the front and 40psi at the rear, what would you consider the correct pressure for the spare to be?**
- A. 40psi, because it would be easier to deflate than inflate a tyre at the roadside
- Q. As a Hackney Carriage driver, what is your main responsibility?**
- A. The safety and comfort of your passengers.
- Q. How would you show consideration for passengers alighting from your vehicle?**
- A. Stop close to the kerb and avoid proximity to obstructions (street furniture, trees etc).
- Q. As a licensed driver, what must you wear and display conspicuously when you are at all times?**
- A. The Taxi driver's badge.
- Q. If you found an item of lost property left in your taxicab, what would you do with it?**
- A. Either hand it into a Police Station or Local Licensing Office within 24 hours, depending on local regulations.
- Q. What is the minimum legal requirement of a tyre tread depth?**
- A. 1.6mm.
- Q. If the tyre pressures of the vehicle you are driving are 35psi at the front and 40psi at the rear, what would you consider the correct pressure for the spare to be?**
- A. 40psi, because it would be easier to deflate than inflate a tyre at the roadside.
- Q. As a Private Hire taxi driver, what is your main responsibility?**
- A. The safety and comfort of your passengers.
- Q. How would you show consideration for passengers alighting from your vehicle?**
- A. Stop close to the kerb and avoid proximity to obstructions (street furniture, trees etc).

17

1. TAXI SPECIFICATIONS		LT1, FX4 Fairway:	
TX1:		Length	4580m/m 180.45in
Length	4580m/m 180.45in	Width	1750m/m 69.00in
Width (mirrors out)	2036m/m 80.22in	Height	1755m/m 69.50in
Height	1834m/m 72.26in	Tyre pressures: front	35psi front 36psi
Tyre pressures: front	35psi rear 40psi		
		Metrocab series 3 & TTT:	
TX11:		Length	4505m/m 177.38in
As for TX1 except for length, which is:	4575mm 180.00in	Width	1770m/m 69.69in
		Height	1755m/m 69.50in
		Tyre pressures: front	38psi front 38psi



18



Passed your DSA test?

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Useful Contacts

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www.businesslink.gov.uk/transport

Phone: 0300 200 1122

Minicom: 0300 200 1166

Driving Standards Agency
PO Box 280
Newcastle Upon Tyne
NE99 1FP

Customer enquiry unit

Email: customer.services@dsa.gsi.gov.uk

Phone: 0300 200 1122

Fax: 0300 200 1155

Driving Standards Agency
PO Box 280
Newcastle Upon Tyne
NE99 1FP

Information about Customer service and

Eco Safe driving can be obtained from

www.dsa.gov.uk

The Driving Standards Agency recognises and values its customers. We will treat all our customers with respect, and deliver our services in an objective, polite and fair way.

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ANNEX B – VERSANT TEST – SAMPLE INSTRUCTIONS



Versant for English

Test Identification Number

1234 5678

Introduction:

Thank you for calling the Ordinate testing system.

Please enter your Test Identification Number on the telephone keypad.

Now, please say your name.

Now, please follow the instructions for Parts A through E.

Part A: Reading. *Please read the sentences as you are instructed.*

1. When it comes to art, people's tastes vary widely.
2. Some enjoy pictures that look as real as a photograph.
3. Others prefer the forms and colors of abstract works.
4. A good art museum will include all types to satisfy a variety of visitors.
5. Now that summer is here, our town has opened up a farmers market.
6. Once a week, local people sell fresh produce and flowers near the bank.
7. Not only are there vegetables, there's also entertainment for kids.
8. It's an enjoyable place for a family to spend a Saturday morning.
9. We received our electricity bill today.
10. I couldn't believe how high our electricity costs were.
11. It had more than doubled since a year ago.
12. We'll have to start using energy-efficient light bulbs.

Part B: Repeat. *Please repeat each sentence that you hear.*

Example: a voice says, "Leave town on the next train."

and you say, "Leave town on the next train."

Part C: Questions. *Now, please just give a simple answer to the questions.*

Example: a voice says, "Would you get water from a bottle or a newspaper?"

and you say, "a bottle" or "from a bottle".

Part D: Sentence Builds. *Now, please rearrange the word groups into a sentence.*

Example: a voice says, "was reading" ... "my mother" ... "her favorite magazine"

and you say, "My mother was reading her favorite magazine."

Part E: Open Questions. *You will have 20 seconds to answer each of three questions. The questions will be about family life or personal choices. Each question will be spoken twice, followed by a beep. When you hear the beep, you will have 20 seconds to answer the question. At the end of the 20 seconds, another beep will signal the end of the time you have to answer.*

01-12345 - 1

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Expires: 2007/11/18

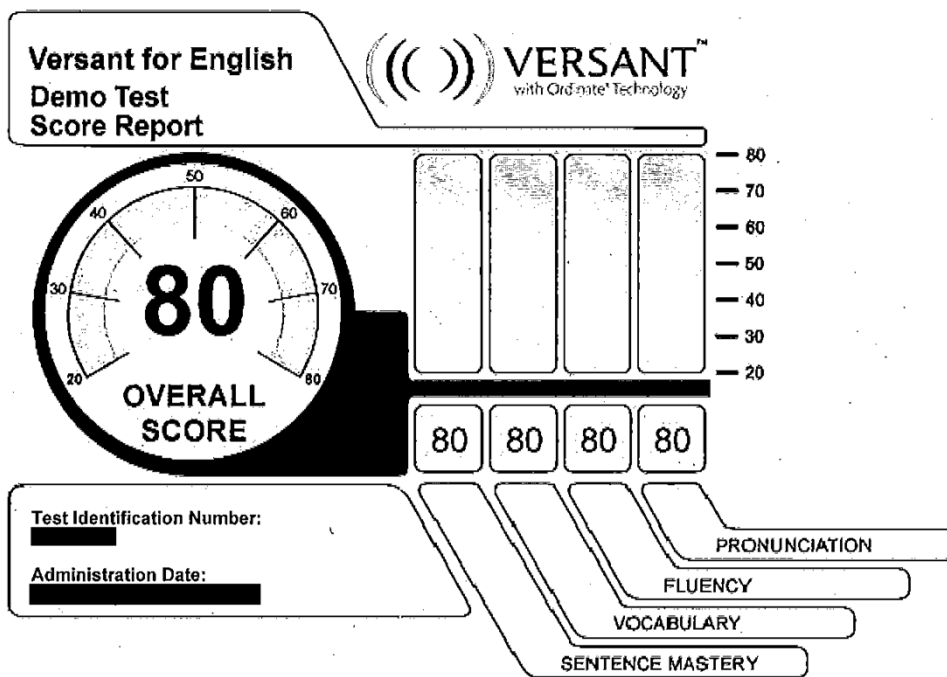
ANNEX C – VERSANT TEST – SAMPLE REPORT

Score Report

Page 1 of 3

English

See All Score Ranges



Overall (80)

The Overall Score of the test represents the ability to understand spoken English and speak it intelligibly at a native-like conversational pace on everyday topics. Scores are based on a weighted combination of four diagnostic subscores. Scores are reported in the range from 20 to 80.

- 72 - 80 Test-taker speaks and understands effortlessly at native-speaker speeds, and can contribute readily to a native-paced discussion at length, maintaining the colloquial flow. Speech is completely fluent and intelligible; test-taker has consistent mastery of complex language structures.
- 63 - 71 Test-taker easily handles a wide variety of discourse and speaking styles, and can contribute to a native-paced discussion. Speech is fluent, smooth and intelligible; test-taker controls appropriate language structure for speaking about complex material.
- 46 - 62 Test-taker can handle many utterances using a variety of words and structures, and can follow and sometimes participate in a native-paced conversation. Pronunciation is generally intelligible; test-taker can express some composite information on familiar topics to a cooperative listener.
- 37 - 45 Test-taker can handle short utterances using common words and simple structures, but has difficulty following a native-paced conversation. Pronunciation may sometimes not be intelligible; test-taker speaks slowly and pauses, but can convey basic information to a cooperative listener.
- 28 - 36 Test-taker can manage some slow, short, isolated utterances, or spoken formulas, but has difficulty following any native conversation; test-taker may often pause to search for words and may be difficult to understand.
- 20 - 27 Test-taker has very limited speaking and listening skills in English.

Sentence Mastery (80)

Sentence Mastery reflects the ability to understand, recall and produce English phrases and clauses in complete sentences. Performance depends on accurate syntactic processing and appropriate usage of words, phrases and clauses in meaningful sentence structures.

- 72 - 80 Test-taker can understand, recall and produce a wide range of English phrases and clauses in sentence context. Test-taker can consistently produce accurate and meaningful

- complex sentences.
- 60 - 71** Test-taker can understand, recall and produce a variety of English phrases and clauses in sentence context. Test-taker generally produces accurate and meaningful sentences.
- 47 - 59** Test-taker can understand, recall and produce many English phrases and clauses in sentence context. Test-taker produces a range of meaningful sentences.
- 31 - 46** Test-taker can understand, recall and produce some English phrases and clauses in sentence context. Test-taker produces some simple meaningful sentences.
- 21 - 30** Test-taker has difficulty understanding, recalling or producing English sentences, even with simple phrases and/or clauses.
- 20** Test-taker provided few if any correct spoken responses to the relevant items; or the test-taker was silent or spoke too softly in response to these items.

Vocabulary (80)

Vocabulary reflects the ability to understand common everyday words spoken in sentence context and to produce such words as needed. Performance depends on familiarity with the form and meaning of everyday words and their use in connected speech.

- 69 - 80** Test-taker understands and produces a wide range of everyday English words as they are used in fluent colloquial speech.
- 57 - 68** Test-taker generally understands and can produce most everyday English words as they are used in clear colloquial speech.
- 45 - 56** Test-taker usually understands and can produce everyday English words when they are used in clear speech.
- 33 - 44** Test-taker has a limited understanding of basic spoken English words, even when they are used in clear, simple speech.
- 21 - 32** Test-taker may understand some very basic words in spoken English, especially if the words are used in slow, clear, simple speech.
- 20** Test-taker provided few if any correct spoken responses to the relevant items; or the test-taker was silent or spoke too softly in response to these items.

Fluency (80)

Fluency reflects the rhythm, phrasing and timing evident in constructing, reading and repeating sentences.

- 75 - 80** Test-taker speaks with good rhythm, phrasing, and overall timing. Speech is generally smooth with few, if any, hesitations, omissions, or repetitions.
- 56 - 74** Test-taker speaks with acceptable rhythm and generally appropriate phrasing; some units may be too fast or too slow. Occasional hesitation, repetition, and/or imperfect word-linking may produce an uneven phrasing.
- 38 - 55** Test-taker speaks with adequate rhythm and some inappropriate phrasing and pausing. Hesitations and possible repetitions or omissions of words result in an irregular speech rate and some disconnected phrases.
- 20 - 37** Test-taker speaks in a slow manner with hesitations, false starts, long pauses, and/or omissions. Spoken words are often not linked and/or not grouped according to their sense.

Pronunciation (80)

Pronunciation reflects the ability to produce consonants, vowels and stress in a native-like manner in sentence context. Performance depends on knowledge of the phonological structure of everyday words.

- 75 - 80** Test-taker produces vowels and consonants that are clear and unambiguous; any minor irregularities do not affect intelligibility. Stress is placed correctly in all common words, and sentence level stress is reasonable. Pronunciation is consistent with fluent speech patterns.
- 55 - 74** Test-taker produces most vowels and consonants in a clear manner, although an occasional word may be unclear. Stress is placed correctly in most words, although some unreduced vowels may render stress placement unclear. Speech is generally intelligible.
- 38 - 54** Test-taker consistently mispronounces certain consonants and vowels. Speech is mostly intelligible, but some listeners will need to adjust to the accent. Stress may be placed incorrectly in some words, or stress placement may be ambiguous.
- 25 - 37** Test-taker mispronounces many consonants and vowels, resulting in a strong, intrusive non-English accent. Listeners may have difficulty understanding a significant portion of the words. Stress placement is often unclear, and syllables may sometimes be added or skipped.
- 20 - 24** Test-taker's pronunciation is strongly non-English in character. Many consonants and vowels are mispronounced, misplaced, or omitted, and some listeners may find the speech

mostly unintelligible. Stressed and unstressed syllables are not clearly distinguished and words may have the wrong number of syllables.



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AGENDA ITEM: 7

SUMMARY



Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	26 November 2013
PART:	1
If Part II, reason:	

Title of report:	Licensing arrangements for Private Hire Operators
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To set out proposed changes to the Council's licensing arrangements for private hire operators, following consultation.
Recommendations	To adopt the proposed changes to the licensing of private hire operators, with effect from the 1 st April 2014.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment <p>Dacorum Delivers</p> <ul style="list-style-type: none"> • Efficiencies
Implications:	<p><u>Financial</u> The proposed application fee (set out in a separate report in the agenda) of £350 would reduce the Council's application fee revenue by around £2,000 annually, when averaged over a 6-year period and assuming current licence numbers remain stable. This reflects the reduced administrative cost due to less frequent applications.</p> <p><u>Value for Money</u> Although each application would take longer to process due to more checks being carried out, the frequency of applications would decrease from annual to 2- or 3-yearly, reducing the administrative burdens on both council officers and business.</p> <p><u>Risk / Health & Safety / Equalities Implications</u> None</p>

Consultees:	Consultation was carried out between the 29 th August and the 1 st November 2013, by way of a newsletter article and direct mail to all licensed operators. No responses were received.
Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. The Council is responsible for the licensing of private hire operators under section 55 of the Local Government (Miscellaneous Provisions) Act 1976. Operators play a key part in the function of private hire vehicles, as the Act requires that these may only accept bookings for journeys which have been invited and accepted through a licensed operator. A licensed operator maintains a fleet of vehicles and drivers, licensed by the same authority, to which any bookings received are allocated.
- 1.2. For the majority of pre-booked journeys, operators are the initial point of contact with the public, and hold personal details (including in some cases financial details) about their customers. They are ultimately responsible for the fulfilment of the booking and safe carriage of their customers, as well as the employment or engagement of drivers and other staff. To ensure that this position of trust is not abused, the Council is required to satisfy itself that applicants for licences are 'fit and proper persons', and may refuse applications or revoke or suspend licences if this is found not to be the case.
- 1.3. As the law stands, a wide variety of businesses require operator's licences. In addition to the 'general' private hire companies providing minicab services to the public, a number of chauffeurs, stretch limo operators, courtesy car providers and other transport services must hold licences.
- 1.4. At the time of writing, the Council has issued a total of 49 private hire operators licences. 37 of these indicated on their most recent application that they operated 5 or fewer vehicles, with a significant proportion of these representing self-employed drivers with a single vehicle, particularly in the executive/chauffeur sector. Operator's licences are currently issued for one year at a time.
- 1.5. Every operator's licence is subject to a number of standard conditions, set by the Council, which stipulate the content of records to be retained by the operator, set the service standards to be followed, restrict the vehicles and drivers which may be employed, and require operators to declare any convictions they receive.
- 1.6. Until March of this year, the Council charged application fees for operators licences in 3 bands – reflecting the operation of 1-5 vehicles, 6-20 vehicles, and 21+ vehicles. From the start of this financial year, the upper two bands were merged. Fees are required to be set to account for the administrative costs of processing the application for the licence, and for a proportion of the costs of ensuring control and supervision of the licensed private hire trade.

2. PROPOSED CHANGES

- 2.1. The initial report on this matter, from the meeting on the 27th August 2013, set out the faults with the current system and the proposed changes in detail, but by way of summary it is proposed to reinvigorate the licensing procedures for operator's licences. The key aspects of the proposal are:
- Adoption of a published policy (draft attached at Annex A) providing guidance for applicants, officers and the Committee, to assist in providing consistency and transparency in decision making;
 - A revised application form, giving details on a greater range of matters while eliminating some irrelevant questions currently contained therein;
 - Requiring applicants to submit Basic Disclosure certificates, listing any unspent criminal convictions, unless they have previously been vetted to a higher level during a recent driver's licence application;
 - Additional financial/insolvency checks on applicants;
 - A single application fee, replacing the current 'banded' approach;
 - Longer duration licences, reducing cost and bureaucracy for businesses, with a greater length for the smallest businesses and startups;
 - Updated standard licence conditions, dealing with a number of defects previously identified affecting the council's regulatory work.
- 2.2. The legislation stipulates that licence must not be issued unless the Council is satisfied that the applicant is a fit and proper person to hold a licence of this type. By requiring a statutory declaration from each applicant, in addition to a criminal record certificate from any applicant who has not previously been vetted by the Council, and by carrying out searches in respect of any previous adverse financial proceedings, it is believed that a firmer picture of applicant's fitness and propriety will be established, leading to better and more proportionate decision-making. The proposed guidelines also refer to the powers of suspension and revocation of licences, and it is proposed that these guidelines would be applied to interim sanctions against licensed operators for misconduct during the period of a licence, again bringing greater clarity over the likely actions that will be taken.
- 2.3. Operator's licences may be issued for a maximum of 5 years. It is believed that the proposed 2- or 3-year licences will offer the best balance between reduced bureaucracy for businesses and fulfilling the Council's public safety duty by verifying that operators are fit and proper for the type of work they are undertaking.
- 2.4. A single application fee of £350 has been proposed for the new longer licences. Although this fee is higher than that currently charged, the licence duration will be longer, resulting in a net saving for most operators. The separate report in this agenda relating to licence fees for the next year gives further details of the criteria by which fees are assessed.
- 2.5. Consultation was carried out between the 29th August and the 1st November 2013, by way of a newsletter article and a direct mailshot to all licensed operators outlining the proposed revisions. No responses were received.

2.6. It is therefore recommended that the proposed revisions to the licensing scheme be adopted, with effect from the 1st April 2014. This delay has been proposed to allow sufficient time for operators to prepare for the amendments, particularly in respect of the records to be retained. The revised licence conditions will apply from the next renewal of the licence.

3. ATTACHED DOCUMENTS

3.1. The following documents are attached to this report:

- Annex A** – Draft Private Hire Operators Licensing Policy
- Annex B** – Draft Private Hire Operator’s licence application form
- Annex C** – Draft guidance notes for completion of PHO application form
- Annex D** – Proposed standard conditions applying to PH operator’s licences

4. RECOMMENDATIONS

4.1. To enact the revised licensing scheme for private hire operator’s as set out in this report, it is recommended that the Committee resolve:

- a) That the draft ‘Private Hire Operators licensing policy’ shown at Annex A be adopted and published with immediate effect, and its provisions implemented in full in respect of licences commencing from the 1st April 2014;
- b) That all private hire operator’s licences issued by the Council with effect from the 1st April 2014 shall be valid for a period of 2 years, or 3 years if the licence permits the operations of no more than 3 vehicles;
- c) That the draft ‘Private Hire Operator’s licence application form’ shown at Annex B, and the particulars therein required, be adopted and utilised for all applications made after the 1st April 2014 or for licence renewals commencing from that date;
- d) That a Basic Disclosure certificate shall be required from any applicant for a private hire operator’s licence (or every director of a limited company applicant) with effect from the 1st April 2014, issued in the relevant individual’s name not more than 3 months prior to the date of application, unless that individual holds a current hackney carriage or private hire driver’s licence issued by the Council.
- e) That the proposed standard conditions for private hire operator’s licences shown at Annex D be adopted and applied to all licences commencing from the 1st April 2014 onwards;

Item 7 Annex D p 1

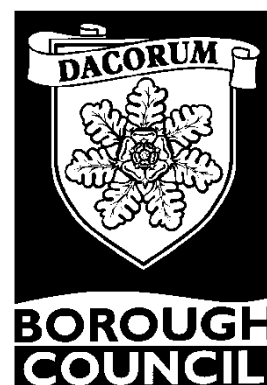
Item 7 Annex D p2

Item 7 Annex D p 3

Item 7 Annex D p 4

AGENDA ITEM: 8

SUMMARY



Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	26 November 2013
PART:	1
If Part II, reason:	

Title of report:	Licensing fees and charges 2014-15
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To outline proposals for licensing application fees in the financial year 2014-15, prior to consultation
Recommendations	To instruct officers to commence public notification and consultation on the proposed fees, and to report results to a future meeting of the Committee
Corporate objectives:	Dacorum Delivers <ul style="list-style-type: none">The proposed fees have been calculated on a cost recovery basis, and projections show that if the revised fees are adopted the costs of administering licensing schemes should be recovered.

Implications:	<p><u>Financial</u> There will be a cost in adoption of fees, as some will require public notice to be given. The proposed fee amendments are projected to result in an increase in Licensing service revenue of approximately 2.5% over the financial year.</p> <p><u>Value for Money</u> The proposed fees have been calculated on a cost recovery basis, with the aim of ensuring that administrative, processing and certain compliance costs are recovered in full.</p> <p><u>Risk / Equalities / Health and Safety</u> None</p>
Consultees:	This report proposes public consultation on all of the fees, with the results to be reported to a future Committee meeting for consideration.
Background papers:	Draft Licensing Fees & Charges 2014-15
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. Dacorum Borough Council has statutory responsibility for the administration and enforcement of a wide range of licences, registrations and permits. A number of these schemes allow the Council to levy an application fee, payable by an applicant for a licence, in order to cover the costs (or a proportion thereof) of the administration of those licences. In some cases, costs are also permitted to cover other aspects of providing the scheme.
- 1.2. The basis in setting such fees is generally to ensure full cost recovery, or as close to it as possible. Numerous legal cases over the years have confirmed that licensing fees may not be used to generate a profit for councils, and that fees should be reviewed regularly (generally annually) to ensure that neither a significant surplus nor deficit is created. Surpluses or deficits are to be carried forward to future years to be redistributed or recouped, as applicable.
- 1.3. Many licensing schemes fall within the definition of ‘services’, under the EU Services Directive, as incorporated by the Provision of Services Regulations 2009. For such schemes, fees and charges must “*be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities*”.¹ The recent case of *R (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council*² has examined this issue, and confirmed that fees must reflect administrative and compliance costs, but cannot include the costs of enforcement action against unlicensed operators.

¹ Reg 18(4), Provision of Services Regulations 2009

² [2012] EWHC 1260 (Admin)

- 1.4. The table at Annex A summarises the Council's powers to set its fees in respect of licensing applications, and any limitations on those powers.
- 1.5. It is now proposed to review and set licensing application fees for the financial year 2014-15, and the remainder of this report sets out the specific proposals in this respect.

2. PROPOSALS

- 2.1. A draft list of service-wide proposals for fees and charges, covering the period from 1st April 2014 to 31st March 2015, is appended to this report as Annex B.
- 2.2. Far fewer changes are proposed than last year, which represented the first wholesale review of fees at a service level in several years. Where increases have been proposed, this is generally due to a more accurate assessment of costs necessitating an increase to ensure costs recovery in full.
- 2.3. Officers are continuing to review many of the licensing policies and licensing procedures for authorisation schemes, with a view to streamlining service provision and reducing costs. Any reductions realised through these processes will be assessed and reflected in future fee-setting exercises.
- 2.4. The following comments are made on specific proposals:

Section 2: Powers for licensing authorities to set fees for alcohol and entertainment licences have been much delayed, but it is understood that a Home Office consultation is now imminent at the time of writing, with a view to commencement in summer 2014. As and when this power is commenced, a separate proposal for these fees will be put to the Committee.

Section 3: Small increases have been proposed to some of the animal licences available. In addition, it is intended to consider the use of veterinarians for inspections of licensed premises, and to carry out a formal tender process to secure the services of such, in the coming months.

Section 6: A number of policy and procedural changes have either been proposed or are currently being implemented to this licensing area, and where possible the fees have taken those changes into account. In particular, it is as expected that significant changes will be made to the licensing processes for vehicles and operators within the next year.

Section 8.1: The setting of scrap metal licence fees is an executive function, and that category of fee will be excluded from consultation. Cabinet have previously agreed that the current fees shall continue to have effect throughout the next financial year.

3. RECOMMENDATIONS

- 3.1. That the Committee note the proposals in the draft 'Licensing Fees and Charges 2014-15' document; and
- 3.2. That the Committee instruct officers to give any necessary public notice and commence consultation on the proposals (excluding scrap metal licences), and report the results back to the Committee at its meeting on the 4th February 2014.

ANNEX A – SUMMARY OF POWERS TO SET APPLICATION FEES

Section	Area	Power arises from
	General principle	Reg 18(4), Provision of Services Regulations 2009 Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.
2.1 – 2.5	Alcohol, entertainment, etc	Prescribed in regulations made by the Secretary of State under the Licensing Act 2003. Section 197A of that Act will allow licensing authorities to set fees locally on a cost-recovery basis, but is yet to be commenced.
3.1	Animal boarding	s.1(2), Animal Boarding Establishments Act 1963 Fee as may be determined by LA.
3.2	Dangerous wild animals	s.1(2)(e), Dangerous Wild Animals Act 1976 Sufficient to meet direct and indirect costs incurred
3.3	Dog breeding	s.3A(2), Breeding of Dogs Act 1973 Reasonable costs incurred in administration and enforcement.
3.4	Pet shops	s.1(2), Pet Animals Act 1951 Fee as may be determined by LA.
3.5	Riding establishments	s.1(2), Riding Establishments Act 1964 Fee as may be determined by LA. Cost of veterinary inspection.
3.6	Zoos	s.15(1), Zoo Licensing Act 1981 Sufficient to cover the reasonable expenditure incurred by the authority. Special provisions for inspections, closures, and direction making.
4.1, 4.3	Gambling notices, premises licences	Set on a cost recovery basis by the authority, up to maximum amounts prescribed in regulations made under the Gambling Act 2005. No fee chargeable for OUN's
4.2, 4.4	Gaming permits, lotteries	Prescribed in regulations made by the Secretary of State under the Gambling Act 2005
5.1, 5.2	Charity collections	No fees chargeable
6.1	HC/PH drivers	s.53(2), Local Gov't (Misc. Provisions) Act 1976 Recovering the costs of issue and administration. Refundable if licence not granted.
6.2, 6.3	HC/PH vehicles, PH operators	s.70(1), Local Gov't (Misc. Provisions) Act 1976 Sufficient to cover the cost of: inspection of vehicle for licensing purposes, providing hackney carriage stands, or other costs for administration and control/supervision of vehicles. Refundable if licence not granted. <i>Maximum fees must be advertised.</i>
7.1	Hypnosis	No fees chargeable (except by London boroughs)
8.1	Scrap metal	Sch 1 para 6, Scrap Metal Dealers Act 2013 Fee set by the authority, with regard to guidance FEES SET BY CABINET UNTIL 31/03/2015

9.1	Sex establishments	Sch 3, para 19, Local Gov't (Misc. Pr'ns) Act 1982 Reasonable fee
10.1	Skin piercing, etc	s.14(6), 15(6) , Local Gov't (Misc. Pr'ns) Act 1982 Reasonable fee

ANNEX B Item 8 p1- DRAFT LICENSING FEES AND CHARGES 2014-15

ANNEX B Item 8 p2

ANNEX B Item 8 p10

ANNEX B Item 8 p12

ANNEX B Item 8 p14

9. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to: the financial or business affairs of any particular person (including the authority holding that information (Item 10).

10. SEX ESTABLISHMENT LICENSE FEE 2009-2014
See Part II Agenda

DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

27 AUGUST 2013

Present –

MEMBERS:

Councillors Lawson (Chairman), Mrs Green (Vice-Chairman), Bhinder, Mrs Chapman, Link, Peter, Ryan, G Sutton, Taylor, Whitman.

OFFICERS:

P Tedd	Legal Governance Team Leader
R Hill	Licensing Team Leader
C Thorley	Member Support Officer

Other Persons Present:

Taxi drivers from the Dacorum Borough

The meeting began at 7.30 pm

1. MINUTES

The minutes of the meeting held on 25 June 2013 were confirmed by the Members present and then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies were made on behalf of Councillor Conway and Councillor Fantham

3. DECLARATIONS OF INTERESTS

No interests were declared

4. PUBLIC PARTICIPATION

Councillor Lawson acknowledged that there were some members of the public present who may have wished to speak in relation to Items 7 & Items 8. Councillor Lawson explained that the purpose of the current meeting was to recommend consultation to begin in relation the decisions outlined in Items 7 & 8 and as no formal requests for public participation had been received prior to the deadline set out in the Constitution, any public participation would be at the Chairman's discretion.

5. IMPLEMENTATION OF SCRAP METAL DEALERS ACT 2013

R Hill introduced the report which outlined new legislation for the control and regulation of scrap metal dealers and motor salvage operators, which was due to take effect from the 1 October 2013.

R Hill explained that the report covers the most important powers available under the new licensing scheme. R Hill drew attention to paragraph 3.1, which set out how the powers under the new legislation would be exercisable by the Cabinet as executive

functions. This was due to the way in which the new Act had been legislated for, and represented the first time that licensing decision-making powers had been designated in this way.

Since the report was written, the Home Office suggested that this approach was adopted to expedite implementation of the new scheme, and that in the months following implementation, the new powers were likely to be re-designated as 'local choice functions', with each authority choosing how to deal with them. R Hill stated that a further report would be prepared at the appropriate time, requesting that the powers would be re-delegated to the Licensing Committee, in order to keep all related decision-making powers together.

The Chairman then asked the Committee if they had any questions. Councillor Green asked how much the cost of enforcement of this act would be and would it affect the rate payers or the scrap metal dealers. R Hill stated that in accordance with the EU Services Directive the cost of enforcement against unlicensed scrap metal dealers would come out of the General Fund but the cost of ensuring compliance by licence holders had been calculated into the cost of the licence.

Councillor Bhinder commented that he was pleased that this act was being implemented to ensure that scrap metal dealers operated properly, Councillor Bhinder asked that as scrap metal dealers were no longer allowed to pay individuals selling them scrap metal in cash how would this be regulated/enforced. R Hill stated that in regards to this issue the police currently had to enforce this as the Council had no powers to do so; however from the date of commencement of the new Act the Council would have enforcement powers for entry and inspection and so could conduct spot checks to ensure that the licence-holders were operating correctly. R Hill explained that this type of compliance work had been taken into account when devising costs for the licences.

Councillor Mrs Chapman then asked if licence applicants would be inspected prior to being granted a licence. Councillor Mrs Chapman also enquired as to whether mobile scrap metal dealers would be regulated. R Hill said that the application process was more thorough and individuals suitability for a licence was closely examined during application, and although plans for implementation had not yet been finalised it was intended to carry out pre-grant inspections on most applicants. R Hill also said that that mobile collectors would also have to be licensed, displaying their licences in their vehicles, and would be liable to enforcement action against them if necessary too.

Resolved:

The Committee noted the report.

6. REVIEW OF SEX ESTABLISHMENT LICENSING POLICY AND APPLICATION PROCEDURES

R Hill began by saying that the Council resolved in 2011 to adopt the licensing provisions in respect of sexual entertainment venues, in addition to existing powers for sex shops and sex cinemas. A licensing policy, providing guidance to applicants, officers, sub-committee members and other affected parties was also adopted and published at the same time.

R Hill explained that a review of that licensing policy was now due, and that the report set out proposed amendments and updates made in this respect. The policy itself had been substantially reformatted, meaning that it was not possible to provide a single document listing all of the relevant changes – instead, a version of the new draft policy was attached in the reports.

R Hill stated that following consideration of recent feedback, paragraphs 1.21 and 1.22 of the policy proposed a number of new situations in which it was envisaged that sex establishments would not be considered appropriate. Each application would continue to be considered on its merits – however, the aim of the revised policy sections was to make it clearer to applicants locations in which such establishments would be viewed more stringently. R Hill drew attention to the revised conditions which would be attached as standard to licences granted which were listed at pages 25-31 of the agenda. R Hill said that as part of the review of the policy, it was also intended to revise the application form particulars that the Council required, a draft application form for this purpose was shown at Annex B on page 32 of the agenda.

R Hill said that section 4 of the report set out the proposed timeline for consultation, and that he would ask that the Committee resolve to commence consultation in respect of these changes.

The Chairman asked the Committee if there were any questions. Councillor Mrs Green referred to point 1.21 in the Sex Establishment Licensing Draft Policy which stated that the Council would not grant licences for Sex Establishments for particular areas. Councillor Mrs Green asked if there was not currently a sex establishment in Hemel Hempstead Old Town. R Hill stated that there was not any more as the licence for the establishment previously located here had lapsed without renewal.

Councillor Mrs Chapman asked if given the Council's new developments occurring in Apsley would the sex establishment in this area need to be reviewed. R Hill answered by saying that if the nature of an area was subject to change then the suitability of the location would be reviewed during any future licence application, including renewals, for any sex establishment in that vicinity.

Resolved:

The Committee noted the report and agreed that officers should commence consultation on the proposals set out in the report.

7. LICENSING ARRANGEMENTS FOR PRIVATE HIRE OPERATORS

R Hill introduced the report which set out proposals for an overhaul of the Council's arrangements for the licensing of private hire operators, and were presented on a pre-consultation basis. With the Committee's approval, R Hill said that the Licensing team would contact all of the licensed operators in the coming weeks to ask for their feedback.

R Hill explained that operators were the cornerstone of the private hire licensing system, as they were responsible for the receipt of bookings and their allocation to licensed vehicles and drivers for fulfilment. Although operators would typically have less interaction with the public than other persons involved in the provision of services, it is critical that the Council could be satisfied as to their fitness and

propriety, due to the personal information that they hold, the responsibility for the care of vulnerable customers, and the financial integrity of the businesses that they run.

R Hill stated that the report set out a number of proposals for enhancing the checks that are carried out, including the submission of criminal record certificates from any person not otherwise approved, financial and disqualification checks, and a formal policy on the verification and approval of such persons and subsequent revocation or suspension of licences. R Hill highlighted that the proposed policy, which would also make decision-making powers more consistent and transparent, was attached at Annex A of the report.

Due to the enhanced checks proposed, it was also suggested that the licence duration could be reduced from annual to bi- or tri-ennial, based upon the size of the operator's fleet.

Finally R Hill explained that changes to the standard conditions attached to operator's licence had been prompted following recent criticism of some of the current conditions by the courts in legal actions brought by the Council.

R Hill highlighted the recommendation at paragraph 4.1 of the report, under which details of the proposals would be sent to all licensed operators with a request for feedback by early November. Consultation results will then be presented to the Committee at the November meeting.

There were no questions from Committee members.

The Chairman asked the representatives of the taxi drivers present if any of them wished to speak in respect of this item. No-one wished to speak, although it was suggested that they would review the consultation documents and respond during the allotted period.

Resolved:

The report was noted and the committee instructed that consultation on the proposals commenced.

8. TAXI AND PRIVATE HIRE VEHICLE LICENSING STANDARDS

R Hill introduced the report which related to a proposal to consult with the trade on updates to the Council's applicable standards for licensed taxis and private hire vehicles.

R Hill firstly addressed the committee and public present concerning some misconceptions that may have been circulated, and stressed that the report proposed the start of consultation only. No decision had been made to proceed with these proposals, nor would any decision be made until after the consideration of feedback at the end of a consultation period, if the Committee were so minded to approve this.

R Hill stated that under the relevant legislation, the Council must satisfy itself as to the suitability for its proposed use, the mechanical suitability, the safety, and the comfort of a vehicle, prior to licensing it for use as a hackney carriage or a private hire vehicle. R Hill explained that if any of these grounds are not met, it was open to the Council to refuse a licence.

R Hill explained that the standards set out key attributes of the vehicles that the Council would expect to grant licences to, but did not preclude the consideration of any type of vehicle which fell outside of these, on its merits. Numerous policy decisions have been made in recent years and the documents at Annexes A and B of the report were intended to pull these decisions together into a single point. The standards were to be read in addition to, rather than replacing, any applicable compliance test requirements or licence conditions.

In addition to consolidating the relevant standards, a number of updates had been proposed, reflecting developments in motor vehicle technology since the last wholesale review of the standards.

R Hill said the proposal which had attracted the most attention and comment to date was the suggested introduction of a 'maximum age on first licensing' policy. If adopted, this would require a vehicle, when first presented for licensing either as a new plate or to replace another licensed vehicle, to be under a specified age limit. However, as proposed, the policy would not affect the ability of a proprietor to renew a licence for an existing vehicle, nor would vehicles automatically be removed upon reaching a certain age.

R Hill explained that the other key proposals included a reduction in the minimum permitted engine sizes, reflecting the higher power output of more modern engines; the extension of the M1 type policy from hackney carriages only to both types of vehicle, ensuring that the Council was only licensing vehicles designed and built to carry up to 8 passengers; and clarification over the use of vehicles converted under small scale type approvals by accredited vehicle converters.

The proposals had been suggested primarily on safety grounds, as newer vehicles are typically tested to higher standards and will include more safety equipment than their older counterparts, thus benefitting both passengers, road users and drivers. Their newer age was also likely to mean greater levels of comfort for passengers, by virtue of the reduced prior usage. Newer, smaller engines were also more likely to deliver reduced emissions than older equivalents, and while a standalone emissions level for licensed vehicles was considered, this was ultimately dismissed due to the complexity of introducing such a requirement, and the expense of ensuring compliance.

R Hill said that while safety was the Council's main consideration, there was no denying that that adoption of these policies would also assist in reducing the number of vehicles licensed to operate in Dacorum. There had been a number of complaints in this regard over the last several years, although licence numbers had remained approximately stable in this period. However, as Dacorum was now the only authority amongst its neighbours that did not insist on more stringent requirements including age policies, it is believed that a number of drivers from other areas have entered the

local market or are looking to do so, attracted by the comparative low cost of licensing a vehicle in the area, and replacing longer term Dacorum drivers who have left the trade.

R Hill stated that while increased vehicle standards may discourage new entrants through increased costs, they also adversely affected a number of existing drivers for the same reason, many of whom were already citing a downturn in local trade and increased overheads in running their vehicles. The Committee were advised that 11 written responses opposing the introduction of an age policy had already been received, prior to any consultation beginning.

R Hill said that if the Committee were minded to approve consultation, officers would request feedback by writing to all those in the licensed trades with a request for comments by early November. Any feedback received would be considered and reported back to the Committee's November meeting.

The Chairman then asked the Committee if they had any questions. Councillor Mrs Green asked if the 7 year age restriction was on first, initial licensing of a vehicle. R Hill stated that this would be the case for vehicles excluding 'golden plate' hackney carriage vehicles which would instead be subject to a 5 year restriction. Councillor Mrs Green then asked if mileage was to be taken into account when vehicles were first licensed, R Hill said that this had not been proposed as it would introduce further complexity in verifying the accuracy of a stated mileage. The Chairman commented that this was a good point and that the potential consideration of mileage as a deciding factor could be looked at during the consultative process.

The Chairman then addressed the public present at the meeting acknowledging that they may have some concerns around items 7 & 8 but that the purpose of this meeting was purely to discuss and initiate consultation with the public around the issues outlined in the reports. The Chairman re-iterated that the meeting would not be making a final decision on the proposals and all individuals that these arrangements potentially affected would be contacted by the Licensing team during the consultation process. With this in mind the Chairman said that he would be happy to hear from one individual on this matter. Tabrez Khan, of the Hackney Carriage Drivers Association and a taxi driver in Dacorum, said that he took the Chairman's comments on board but that some taxi drivers were unaware of the process and were concerned that decisions that would have an impact on their livelihood were about to be taken without the taxi driver's views being considered. The Chairman assured Tabrez Khan that this was not how the council operated and tonight's meeting was purely a procedural process whereby officers would be instructed to carry out the consultative actions outlined in the report.

The Chairman did acknowledge that several individuals had made the effort to attend the meeting with a view to expressing their opinions on the matter so with that in mind he would permit one of them to speak briefly on the issue.

Mr Shahid Khan spoke on behalf of the taxi drivers present. He referenced his email that he sent to Councillors and the Licensing team over the weekend and said that this expressed his and some of his colleagues views on the proposed Licensing standards. Mr Khan said that there were several concerns around the proposed standards which he had outlined in his email. Also in addition to these points Mr Khan pointed out that there may be insurance issues if a driver was in an accident as insurance companies may not pay out the full value of a car under 7 years old and

this may leave the driver with a financial loss in an already challenging economic climate.

Mr Khan also pointed out that during his time as a licence-holder no customers had ever made a complaint in relation to the condition/age of his car and he believed that the age of the car would not necessarily be of detriment to customers. Mr Khan suggested that enforcing this policy might be more appropriate in a few years once the economy was more stable as some taxi drivers in the area were already struggling to make ends meet in the difficult economic climate.

The Chairman thanked Mr Khan for putting his point across so eloquently and reassured him that the Council would want to work alongside the taxi drivers to ensure that the safety of Dacorum Borough residents was upheld at all times. The Chairman urged Mr Khan to encourage his colleagues to fully engage with the licensing team during the consultative process.

Resolved:

The report was noted and officers were instructed to commence consultation on the proposals and report the results to a future meeting, as set out at paragraph 4.1.

9. ARRANGEMENTS FOR DUAL DRIVER LICENSING

R Hill introduced the report explaining that the Committee approved in principle the issue of 'dual driver licences' at its February meeting. This change was intended to simplify the bureaucracy for those individuals who are licensed to drive both hackney carriages and private hire vehicles, or who wished to become so licensed.

R Hill stated that the report set out the proposed detail of implementation. R Hill explained that the report consisted of technical instructions largely intended for the use of officers, pertaining to fees, etc. The report set out details for three situations – an unlicensed driver wishing to obtain both badges immediately, a licensed driver wishing to move from a single licence to both, and a licensed driver who already held both badges and wished to combine them.

The latter two categories also provided differing mechanisms for interim renewals of one badge, and the immediate upgrade to a dual licence, dependent upon the circumstances of the individual driver.

The Chairman asked if the Committee had any questions which they did not. A taxi driver present at the meeting then asked if he could ask R Hill a brief question which the Chairman permitted. The taxi driver said that there were two different knowledge tests for hackney carriage drivers and private hire drivers and wanted to know which one of these applicants for dual driver licences would have to complete. R Hill stated that as the hackney carriage driver geographical test was the more challenging one applicants for dual driver's licences would be expected to pass this, as was currently the case for drivers applying for second licences.

Resolved:

The issue of dual driver licences was agreed for licences taking effect 1 January 2014 in accordance with the proposals set out in the report.

The meeting ended at 8.03 pm

