



AGENDA ITEM: 6

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	20 September 2016
PART:	I
If Part II, reason:	

Title of report:	Changes to taxi/private hire driver licensing arrangements & private hire signage
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To propose consultation on changes to the Council's current arrangements for testing the knowledge and skills of taxi and private hire driver licence applicants; medical requirements for taxi and private hire drivers; and on private hire vehicle signage.
Recommendations	To commence public consultation on the proposed revisions to the Council's knowledge test requirements for taxi and private hire drivers; on medical requirements for taxi and private hire drivers; and signage for private hire vehicles; and to report the results to a future meeting of the Committee.
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"> • Performance excellence
Implications:	<p><u>Financial</u> A longer and more in-depth training day would cost more to deliver, and as such there would need to be an assessment of the fees charged to reflect this. It is too early at this stage to quantify these costs/fees.</p> <p><u>Value for Money</u> Any changes to arrangements would be delivered on a cost neutral basis, with licence applicants paying a fee commensurate with costs incurred.</p> <p><u>Risk/Health And Safety Implications / Community Impact</u> None identified</p>
Consultees:	This report proposes public consultation on the changes set out, the results of which would be reported to a future meeting.

Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. Prior to licensing drivers of hackney carriages (taxis) and private hire vehicles, the Council is under a legal obligation to satisfy itself that applicants are fit and proper to work in such a capacity. In addition to criminal record, driving licence and medical checks, the Council has adopted a policy of testing applicants knowledge of the local area, legal obligations and other skills relevant to working as a licensed driver.
- 1.2. The Council's current arrangements for knowledge tests have grown up over a number of years, and currently consist of:
- A local and legal test, covering geographic knowledge as well as understanding of the applicable legal requirements involved in working as a licensed driver;
 - A communication skills test, taken by telephone from the council offices, testing English skills in reading, listening and speaking (candidates with previous relevant qualifications may be exempted from this requirement);
 - A driving skills test, administered by professional driving examiners from the Driver and Vehicle Standards Agency.
- 1.3. All of these test components must be completed before a licence application will be considered. Although all three components are available on a regular basis, the overall process of learning 'the knowledge' and passing the overall test can take up to a year to complete (according to anecdotal evidence), requiring a significant investment of time, money and commitment by the applicant.
- 1.4. At the time of writing, the Council licenses a total of 425 drivers, comprising:
- 197 hackney carriage drivers
 - 144 private hire drivers (of whom 18 are test-exempted executive drivers)
 - 84 dual-licensed drivers (entitled to drive both HC and PH)
- 1.5. The introduction of dual driver licences in 2014 has made it difficult to accurately compare numbers, as earlier figures included duplicate records for drivers with both individual licences, but it is thought that the total number of individual drivers licensed by the Council has fallen by around 10-20% over the last 5 years. By contrast, according to DfT statistics, all but one of the nearest 8 council areas have seen increases in their numbers of licensed vehicles/drivers between 2011 and 2015.
- 1.6. Although Dacorum is the largest Hertfordshire district by population, and thus in theory should have one of the largest markets for taxi and private hire services in the county, in terms of numbers of licensed drivers and vehicles it only ranks 5th out of the 10 districts, or 8th in per capita numbers (source: DfT Taxi and Private Hire Statistics 2015 – see Annex A for extracts). It has been suggested that the Council's current policies and procedures, especially around knowledge tests for new drivers, may act as a disincentive to licensing, thus limiting growth of local businesses, and

officers often hear anecdotal evidence that drivers and vehicles from other council areas are 'poaching' work in Dacorum.

- 1.7. Until last year, private hire bookings received by a Dacorum operator could only be fulfilled by a Dacorum vehicle and driver. However, following national deregulation in October 2015, it is now lawful for operators to sub-contract bookings to other licensed operators across council boundaries, to be fulfilled by vehicles and drivers licensed by the same authority as the second operator. This has assisted larger operators with multiple bases in different areas, who can now freely pass jobs around the different branches of their business.

2. KNOWLEDGE TESTS

- 2.1. A comparison of Dacorum's knowledge test against the requirements of neighbouring authorities is appended at Annex B to this report.
- 2.2. Dacorum's current test is generally one of the most comprehensive in the region, and while the range of skills it covers is welcome, officers are concerned that the size of the test, in particular the local and legal test which contains over 100 questions per paper, is unduly excessive, and acts as a disincentive to persons with a genuine interest in becoming taxi and private hire drivers in Dacorum.
- 2.3. With cross-border hire now deregulated, at least between private hire operators, the regulatory environment is now competitive – drivers can now lawfully obtain licences in an area with less stringent standards, and undertake sub-contracted work in another area. As some neighbouring authorities have significantly less stringent knowledge test requirements for private hire drivers, there is a risk that if Dacorum maintains its current standards, local operators will form sub-contracting agreements with operators in neighbouring areas to utilise private hire drivers licensed elsewhere to carry out Dacorum-based journeys.
- 2.4. Journeys in private hire vehicles must be pre-booked through a licensed operator, meaning that a driver will generally have time to check a map or sat-nav, or confirm with their operator, to verify their pickup point, destination and route prior to starting a journey. Many operators, especially those utilising smartphones and apps, can also transmit complete route details direct to a device in the driver's vehicle. It could therefore be argued that significant local knowledge is no longer a key consideration for working as a private hire driver.
- 2.5. While the current knowledge test covers many of the skills required to act as a licensed driver, there are other which are not currently assessed nor delivered. These include child sexual exploitation (CSE), which is now a key strategic issue for licensing authorities following revelations of significant abuse involving taxi drivers in other parts of the country, and customer service and equalities issues.
- 2.6. It is therefore proposed that the current local and legal component of the knowledge test be replaced by a new requirement to complete a training and awareness day. This would comprise a full day of training delivered by licensing officers, covering a variety of issues relevant to working as a taxi or private hire driver, including legal matters, customer service, equalities and CSE. The course content would evolve over time in response to local and emerging issues, and it is envisaged that a short multiple choice test covering the course content would be completed at the end of the day to ensure applicants' understanding of the issues covered.

- 2.7. Hackney carriage drivers are not so affected by the deregulation – a hackney carriage driver wishing to ply for hire in a particular area must still be licensed by the applicable council for that area. As hackney carriages are also hired instantly for journeys with no time to check a route, local knowledge is also key for those drivers. It is therefore proposed that applicants for hackney carriage or dual driver licences would still be required to pass a local knowledge test assessing their knowledge of Dacorum and its localities, in addition to the training and awareness day. However, the test content and structure would be reviewed, with a view to making it shorter and more compact.
- 2.8. The Licensing Committee have previously approved a transition to computer-based testing of driver licence candidates – however, due to a lack of officer capacity and some technical barriers this has not been delivered to date. If these further changes are approved, it is envisaged that the revised hackney carriage local knowledge test will be delivered exclusively on computer.
- 2.9. Other components of the current knowledge test, specifically the communication skills assessment (testing English language ability) and the driving qualification requirement (demonstrating advanced driving competency) would not be affected by this proposal, and would continue to apply to all new applicants.
- 2.10. This proposal has been discussed informally with the Dacorum Hackney Carriage Drivers Association, who have indicated that they would oppose the lessening of test standards. However, officers feel that the introduction of these changes will act to prevent the Council's standards from being undermined by cross-border working, removing a disincentive to licensing locally and thereby allowing direct local control over drivers licensed and working here. While there may be an increase in private hire driver numbers as a result of the removal of the current test, the hackney carriage test will remain at a similar level of difficulty and require a similar level of knowledge to the present.
- 2.11. A further issue for consultation is whether current licensed drivers should be required to complete a similar training day to new drivers, to bring them up to date with emerging and recent issues. Many current drivers will not have been trained nor assessed on issues such as CSE and the Equalities Act 2010, and official guidance is increasingly promoting regular training for taxi and private hire drivers to tackle this knowledge gap. If introduced, this requirement would be to complete the training prior to next renewal of licence, with renewal applications not being granted unless the training had been completed.
- 2.12. It is proposed to ask the following questions as part of the consultation exercise:
- a) Do you think that Dacorum Borough Council should replace its current knowledge test for new private hire drivers (who may only undertake pre-booked journeys) with a training and awareness day, delivering more in-depth knowledge of key issues affecting drivers?
 - b) Do you think that hackney carriage drivers, who may accept immediate fares, should still be required to pass a local knowledge test, in addition to a training and awareness day?
 - c) Should current licensed hackney carriage and private hire drivers be required to complete a refresher training and awareness course?

3. MEDICAL REQUIREMENTS

- 3.1. Prior to licensing a taxi or private hire driver, the Council must satisfy itself that the individual concerned is 'fit and proper' to work in such a capacity. The Council has published guidelines on what it considers this to mean, and carries out checks on criminal record, driving entitlement, immigration status, and medical fitness as part of the licensing process.
- 3.2. For medical checks, the Council has previously resolved to apply DVLA's Group 2 medical standards, which are used in respect of other vocational drivers such as bus and lorry drivers. Further guidance on these standards can be found at www.gov.uk/dvla/fitnesstodrive
- 3.3. Applicants for driver's licences must, at their own expense, arrange for their GP or another medical professional with access to their medical records to examine the applicant and complete a questionnaire provided by the Council, certifying their fitness (or otherwise) to drive taxis or private hire vehicles. Additional requirements apply to diabetic applicants. A new questionnaire is currently required with every application for a new or renewal of a licence (every 3 years), and GPs typically charge a fee between £100 and £200 to complete these questionnaires.
- 3.4. The current medical frequency is actually higher than that required by other vocational drivers, who typically only require a medical on first licensing, and then at 5 yearly-intervals between ages 45 and 65 inclusive. Consultation is therefore proposed on whether the Council should reduce its medical frequency in line with the requirements for other group 2 drivers, so that medicals would be required:
 - Accompanying an application for a new licence (including where previously-licensed drivers had been unlicensed for more than 12 months)
 - On or by a driver's 45th, 50th, 55th, 60th, and 65th birthdays
 - Above the age of 65, with every licence renewal application
 - Any alternate frequency as stipulated by a doctor, due to a specific medical condition which may affect fitness to drive.
 - *N.B. Where a medical has been completed less than 12 months prior to one of the above occasions, that occasion will be disregarded unless the medical was carried out at doctor's instructions.*
- 3.5. Whereas licence renewal applications currently depend on production of a medical questionnaire, if the proposal were adopted it would mean that medicals and licence renewals would fall on different schedules, and would therefore need to be separated for drivers below the age of 65. It would therefore be proposed that the applicable Council policies be updated to make clear that if a medical was not produced by the required date, the corresponding licence would be suspended under delegated enforcement powers until such time as a satisfactory medical report has been received. Licence conditions and byelaws would also be amended to include a duty to declare any medical issue which may affect driving ability, during the period of a licence.
- 3.6. As a further part of this change, it is also proposed that doctors would complete the DVLA's standard driver medical form (known as [form D4](#)), and that the Council would cease providing and maintaining its own medical report form. As the D4 form is a standardised form, this could enable taxi drivers to access registered doctors who typically complete these forms for bus and lorry drivers, with resultant volume savings.

3.7. It is proposed to ask the following questions as part of the consultation exercise:

- a) Do you think that Dacorum should reduce the frequency at which medical reports on taxi and private hire drivers are required, to the frequency listed above?
- b) Do you think that Dacorum should require taxi and private hire driver's medical reports to be completed on the DVLA's standard driver medical form (form D4)?

4. PRIVATE HIRE VEHICLE SIGNAGE

4.1. It is also proposed to use this consultation to seek feedback on a further unrelated matter – that of official signage issued by the Council to its licensed private hire vehicles.

4.2. Currently, the Council issues licence 'plates' which are required to be displayed on licensed vehicles. These are in two formats – a yellow oblong for hackney carriages and a thinner white rectangle for private hire vehicles, both to be affixed externally to the rear of vehicles. The differing colours and shapes allow for immediate identification of vehicle types. All vehicles must also display a smaller repeat plate, affixed to the inside of the front windscreen.



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4.3. While there is a legal duty to issue plates for hackney carriages, the issue of plates for private hire vehicles is left to the discretion of licensing authorities. A small number of licensing authorities have dispensed with formal plates for private hire vehicles, and instead issue internal signage only. These include Transport for London, whose private hire vehicles display a distinctive diamond-shaped sticker inside both the front and rear windscreen in lieu of a plastic plate.



4.4. Alternative signage such as this has a number of benefits. It is generally cheaper to produce than hard plastic plates, which require specialist materials and tools, and uses less resources so is more environmentally sound. It is easily affixed inside windscreens, not requiring the vehicle bodywork to be drilled or brackets to be purchased. It can also be removed quickly and cleanly upon suspension or expiry of a licence, with any residue simply removed with household cleaning agents. Implementation across the whole of the private hire fleet would also eliminate requests for exemptions from displaying plates from executive hire companies utilising premium vehicles. The major downside is that it can be less obvious than a traditional plate, potentially meaning that a member of the public may not recognise a vehicle is licensed as a private hire vehicle if they have complaints about it. This however can be overcome with signage, such as the blue and white rear windscreen sticker shown in the above photo. Dacorum's private hire vehicles are already required to display door stickers provided by an operator, and the requirements for these could be updated to include additional content, such as a prescribed message

or the council's crest. Alternatively, a separate sticker could be provided by the Council.

- 4.5. Moving to a system of such alternative signage for private hire vehicles is considered by officers to be a positive move, particularly in light of the impending transition to The Forum where space for storage of plate materials and waste plates will be at a premium. Coupled with the above proposals for revising the knowledge test, it is believed that this could provide fresh impetus and benefit to the private hire trade in Dacorum. It is therefore proposed that consultation with the public and licensed trade be carried out to gauge wider opinion.
- 4.6. It is proposed to ask the following questions as part of the consultation exercise:
- a) Do you think that Dacorum should continue to issue plastic licence plates for its licensed private hire vehicles, or should it begin to issue alternative signage for private hire vehicles, along the lines of that used on vehicles licensed in London?
 - b) If Dacorum were to issue alternative in-car signage in place of private hire plates, do you think that any other signage should be required to be displayed on the exterior of private hire vehicles, to make clear that they are licensed by the council on a pre-bookable basis? If so, what form should this signage take?
- 4.7. Consultation will be limited to the possible implementation of alternate signage on private hire vehicles only – given the legal requirement applying to hackney carriage plates referred to above, no change to that signage is proposed (other than a review of material suppliers and designs).

5. RECOMMENDATION

- 5.1. To commence public consultation on the proposed revisions to the Council's knowledge test requirements for taxi and private hire drivers; medical requirements; and signage for private hire vehicles; and to report the results to a future meeting of the Committee.

Annex A – Extracts from Dft Tax and Private Hire Statistics 31/03/2015

LA	Number of licensed drivers			Number of licensed vehicles		
	March 2011	March 2015	% change	March 2011	March 2015	% change
Hertfordshire						
Broxbourne	425	361	- 15%	349	321	- 8%
Dacorum	542	453	- 16%	444	411	- 7%
East Hertfordshire	354	341	- 4%	261	314	+ 20%
Hertsmere	427	507	+ 19%	446	498	+ 12%
North Hertfordshire	356	329	- 8%	273	249	- 9%
St Albans	508	520	+ 2%	401	454	+ 13%
Stevenage	284	324	+ 14%	270	307	+ 14%
Three Rivers	587	671	+ 14%	507	622	+ 23%
Watford	442	542	+ 23%	418	467	+ 12%
Welwyn Hatfield	507	406	- 20%	416	361	- 13%
Other neighbouring authorities						
Luton	2,360	1,449	- 39%	1,187	996	- 16%
Central Bedfordshire	685	782	+ 14%	471	593	+ 26%
Aylesbury Vale	1,034	993	- 4%	672	687	+ 2%
Chiltern	342	372	+ 9%	245	307	+ 25%

LA	Population (mid-2014 estimate)	Number of licensed vehicles		Licensed vehicles per 1000 people	
			[Herts rank]		[Herts rank]
Hertfordshire					
Broxbourne	95,748	321	[7]	3.4	[5]
Dacorum	149,741	411	[5]	2.7	[8]
East Hertfordshire	143,021	314	[8]	2.2	[9]
Hertsmere	102,427	498	[2]	4.9	[2=]
North Hertfordshire	131,046	249	[10]	1.9	[10]
St Albans	144,834	454	[4]	3.1	[6=]
Stevenage	85,997	307	[9]	3.6	[4]
Three Rivers	90,423	622	[1]	6.9	[1]
Watford	95,505	467	[3]	4.9	[2=]
Welwyn Hatfield	116,024	361	[6]	3.1	[6=]
Other neighbouring authorities					
Luton	210,962	996		4.7	
Central Bedfordshire	269,076	593		2.2	
Aylesbury Vale	184,560	687		3.7	
Chiltern	93,972	307		3.3	

Annex B – Comparison of knowledge test requirements

LA	Knowledge test requirements (<i>pass marks shown in italics where available</i>)							
	Hackney carriage				Private hire			
	Local KT	DVSA driving	Language	Other	Local KT	DVSA driving	Language	Other
Dacorum (current)	Yes <i>(33/43 places, 33/43 routes, 15/20 legal)</i>	Standard	Versant <i>(56/80 (CEFR B2))</i>	-	Yes <i>(23/43 places, 23/43 routes, 15/20 legal)</i>	Standard	Versant <i>(56/80 (CEFR B2))</i>	-
Dacorum (proposed)	Yes (marks tbc)	Standard	Versant <i>(56/80 (CEFR B2))</i>	Awareness training day	-	Standard	Versant <i>(56/80 (CEFR B2))</i>	Awareness training day
Aylesbury Vale	Yes	Enhanced (inc. wheelchair training)	-	-	-	Standard	-	-
Central Beds	Yes <i>(30/40 approx., must pass all 7 parts)</i>	Standard	Included within local KT	Wheelchair training for WAV drivers	<i>DUAL LICENCES ONLY</i>			
Chiltern	Yes <i>(30/35)</i>	Standard	-	KT includes Highway Code, disability, etc	Yes <i>(25/30)</i>	Standard	-	KT includes Highway Code, disability, etc
Hertsmere	Yes <i>(15/20 routes, 8/10 Highway Code)</i>	Standard	-	-	Yes <i>(15/20 routes, 8/10 Highway Code)</i>	Standard	-	-
Luton	Yes <i>(3/5 places, 4/6 routes, 4/5 legal, 4/5 Highway Code, 4/5 arithmetic)</i>	-	-	-	Yes <i>(5/7 places, 2/4 routes, 4/5 legal, 4/5 Highway Code, 4/5 arithmetic)</i>	-	-	-
St Albans	Yes <i>(30/40)</i>	-	'Demonstrate competency in ... English'	Disability awareness training	Yes <i>(10/12)</i>	-	'Demonstrate competency in ... English'	Disability awareness training
Three Rivers	Yes (map OK) <i>(15/20)</i>	-	-	-	Yes (map OK) <i>(15/20)</i>	-	-	-
Watford	Yes (no map) <i>(35/40 routes, 9/10 legal, 9/10 Highway Code, 5/5 arithmetic)</i>	Standard	-	Awareness training day	Yes (map OK) <i>(15/20 routes, 9/10 legal, 9/10 Highway Code, 5/5 arithmetic)</i>	Standard	-	Awareness training day