



LR. 08 11/12
Licensing & Regulatory Committee
05 December 2011

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Subject: Annual Licensing of Taxi Drivers

Report by:	James Nicholson Director of Neighbourhoods and Health
Contact Officer:	Phil Hinch Licensing & Support Team Leader 01427-676610 Phil.hinch@west-lindsey.gov.uk
Purpose / Summary:	For Members to give consideration to approving a scheme whereby Taxi/Private Hire drivers are licensed on an annual basis instead of the current 3 year basis.

RECOMMENDATION:

- 1) That Members agree for implementation with effect from 1 April 2012, the revised process to licence taxi/private hire drivers annually as set out in section 3 of this report.**
- 2) That Members consider the level at which the fee for the simplified process should be set and formally request the Prosperous Communities Committee to give consideration to the views of the Licensing and Regulatory Committee, as part of the budget setting process (for 2012/13).**

IMPLICATIONS

Legal: Every licensed driver has a legitimate expectation to have his licence renewed unless there are sufficient grounds for the licensing authority to interfere.

*The licensing authority shall not grant a licence, unless they are satisfied that the applicant is a “fit and proper person” to hold a drivers licence.

* Section 51 & 59 - Local Government (Misc Provisions) Act 1976

Financial: There are no budgetary implications for the year 2012/13. Depending on the level of fee charged there could be additional income in year 2013/14 onwards.

Please see the table contained within paragraph 3.5.2 which shows the potential income that could be achieved, depending on what fee the Members consider appropriate to suggest to the Prosperous Communities Committee.

Staffing: Within 3 years of implementation the authority will receive triple the amount of current applications. This extra workload will be managed by existing staff and within current budgets.

Equality and Diversity including Human Rights :

Please see Appendix 1 which is attached to this report. (pgs 8-9)

Risk Assessment: The risk involved with adopting an annual licensing regime is that the authority could suffer some criticism from the taxi trade who may see the revised process as overly burdensome or unnecessary. This view needs to be contrasted with that of protecting the fare paying public. The risk could be managed by early engagement from the communications team, so that they can issue a positive message from the outset by engagement with the taxi trade. It is not anticipated that there would be a reduction in the number of licensed drivers as a result of the proposed changes, therefore no or very minimal loss of income to the authority and no reduction in service provision to the customers is anticipated.

Climate Related Risks and Opportunities : N/A

Title and Location of any Background Papers used in the preparation of this report:

None

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

Key Decision:

Yes

No

1. Introduction

- 1.1 This report is for Members to give consideration to approving a scheme whereby Taxi and Private Hire drivers are proposed to be licensed on an annual basis instead of the current 3 year basis.

2. Background

- 2.1 The licensing of taxis and private hire drivers are governed by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Currently at West Lindsey the drivers, (unless there are specific concerns), are issued a licence to drive vehicles for a 3 year period.
- 2.2 The lengthy duration of these licenses can lead to problems in terms of how and when the licensing authority is made aware of issues that have occurred. Past experience of dealing with these matters has shown that offences have been committed, penalty points have been endorsed upon DVLA licences or medical conditions have occurred all without the licensing authority being made aware in the proper manner. Any of these matters could be a cause for concern relating to public safety, which usually means further investigation is required by officers. Therefore it is not uncommon that some issues are only revealed as part of the renewal process which could be any point up to 3 years after the offence(s) or medical condition has occurred.

3. Change of process

- 3.1 Members are aware that the paramount remit of the Licensing Authority is to protect the public. The above scenario poses a risk to the fare paying public who use this mode of transport. The identified risk can be mitigated by reducing the duration of the licence and carrying out increased checks on the individuals at 1 year intervals instead of the current 3 years.
- 3.2 What is being proposed is a very straightforward, self declaration process, that is not over burdensome for the taxi trade, but at the same time provides the licensing authority with greater opportunity to consider the “fit & proper” status of drivers. The simplified scheme will allow officers to process applications efficiently whilst offering further reassurance to help protect customers.
- 3.3 For the avoidance of doubt, the current procedure whereby we request 2 photograph's, references, CRB disclosure, medicals etc will still be retained for every initial grant of a licence and continue to be used for 3 yearly checks. The new process is proposed to be implemented for the annual checks in between these periods.
- 3.4 The simplified new process will require that the applicant will confirm that since their last application:

- the applicant has not received any convictions, cautions, reprimands, final warnings or criminal findings of guilt whether for motoring or other offences,
- the applicant is not aware or have any reason to think they may be prosecuted or receive any convictions, cautions, reprimands, final warnings or criminal findings of guilt whether for motoring or other offences,
- the applicant is not aware of any medical condition that will affect their ability to drive a licensed hackney carriage/private hire vehicle,
- the applicant will then be required to sign a statutory declaration whereby the applicant is informed that it is a criminal offence if they knowingly or recklessly make a false statement or leave out any material information to obtain a licence which could lead to prosecution with any licence issued, suspended or revoked.

3.5.1 In addition the applicant will agree for the licensing authority to contact D.V.L.A. to obtain information in relation to their driving history to ensure the latest up to date information is considered.

3.5.2 The annual charge for the simplified process will need to be determined by the Prosperous Communities Committee. Below is a table containing numerous suggestions, which the Licensing and Regulatory Committee may wish to give some consideration to and offer their suggestions to the Prosperous Communities Committee when it considers fees and charges for 2012/13.

SUGGESTED CHARGES FOR THE SIMPLIFIED ANNUAL LICENCE FEE

(Does not include the DVLA Fee of approx £5.50)

Fee payable	% of full fee	Potential income in 13/14	Potential income in 14/15
£ 22.65	25%	£ 1,359	£ 2,718
£ 29.89	33%	£ 1,793	£ 3,586
£ 45.30	50%	£ 2,718	£ 5,436
£ 59.79	66%	£ 3,587	£ 7,174
£ 67.95	75%	£ 4,077	£ 8,157

3.5.3 As any current licences issued last for three years, there will be a three year transitional implementation period for the scheme to become fully effective. If the scheme is given approval, officers will deal with approximately sixty extra applications in year 13/14 and approximately 120 extra applications in 14/15.

4. Comparisons with other Lincolnshire District Council's format?

4.1 A comparison of process with the other Council's across the County shows that BBC* SKDC, NKDC, SHDC, NELC and City of Lincoln all

operate a 1 year licensing scheme in some type of format, with only ELDC (and ourselves) operating a three year scheme. *BBC operate an annual licence scheme for the first three years only, then issue a licence for a 3 year duration.

COMPARITIVE COSTS WITH OTHER LOCAL COUNCILS OVER A THREE YEAR PERIOD

(Does not include the DVLA Fee of approx £5.50)

Licensing Area	Cost of licenses over 3 year period
BOSTON *	£ 282.00 or 94.00
ELDC **	£ 76.00
SKDC	£ 228.00
NKDC	£ 180.75
SHDC *****	£ 290.00
LCC	£ 165.00
WLDC ***	£ 90.60
NELC ****	£ 167.81
BASSETLAW	£ 132.00

BOSTON *	Initially granted annually for 1st three yrs then 3 yearly
ELDC **	One off 3 year fee
WLDC ***	One off 3 year fee currently, need to determine fee for yr 2 & 3
NELC ****	Initial fee of 75.21 + 46.30 + 46.30
SHDC *****	Initial fee of 120 + 85 + 85

5. Member options

5.1 Options for Members to consider are:

- Do nothing and retain the current three year scheme and accept the public safety risks involved,
- Approve a 1 year licence scheme, in the format contained within section 3 above, which will help mitigate the risks highlighted at section 2.2,
- Approve an alternative 1 year licence scheme, e.g. the current 3 year scheme which demands full CRB disclosure, medicals, photo's etc **but** implement annually.

6. Engagement with taxi and private hire drivers

- ### 6.1
- Licensing officers have written to every West Lindsey licensed driver, to request any feedback on the proposed changes to the current licensing regime. Please see Appendix 2 for the information sent to current licensed drivers.

- 6.2 Officers will provide Members with a verbal update at the committee meeting on any feedback received in relation to this matter.

7. Conclusion

- 7.1 In summary the current 3 year duration of driver licences can and has lead to issues, which has the potential to compromise public safety. Therefore, the recommendation from officers, in order to mitigate the risk involved, is to authorise the implementation of driver licences on a yearly basis with effect from April 2012. The fee to be charged for the self declaration process would be considered by the Prosperous Communities Committee when it looks at fees and charges for 2012/13.

Section: <i>Public Protection</i>		Names of those undertaking assessment: <i>P. Hinch, S. Gamble, D. Kirkup</i>
Name of Policy to be assessed: <i>Taxi Driver Annual Licence Process</i>	Date of Assessment: <i>23/11/2011</i>	Is this a new or existing policy? <i>Revised Policy</i>
Policy aims		
What is the purpose of the policy or function? What outcomes are required?		
<i>The purpose of the function is the processing of taxi driver applications, which forms part of the overall taxi policy. The function assesses the applicants 'fit and proper' status to become a licensed taxi / private hire driver. The purpose of this E.I.A. is to consider the potential impact of changing from a licence issued for 3 years to a licence issued for 1 year.</i>		
Who is intended to benefit from the policy?		
<i>All users of the taxi and private hire trade.</i>		
<i>The taxi and private hire proprietors and their drivers.</i>		
Who are the main stakeholders in relation to the policy?		
<i>The taxi and private hire drivers.</i>		
<i>All public users of taxis and private hire vehicles.</i>		
<i>DVLA</i>		
<i>West Lindsey DC (as licensing authority)</i>		
Does the policy contribute to the achievement of the Council's Equality and Diversity Policy? YES		
Can any aspects of the policy contribute to inequality? NO		
Evidence		
What are the existing sources of evidence and mechanisms for gathering data?		
<i>NI 182</i>		
<i>10/10 customer satisfaction surveys</i>		
<i>Previous applications</i>		
Is there any evidence, or other reason to believe, that there is a higher or lower level of participation or uptake among different groups?		
<i>Analysis of the data previously captured via the above formats, shows there is no reason to believe that there is a higher or lower level of participation generally, when</i>		

<p><i>compared to the same data held within the demographics of the West Lindsey district. The majority of data supplied by respondents is limited to age, gender and ethnicity strands, the only exception to this, is that it is noted from the data that there are more male drivers compared to the amount of female drivers, which is a common tradition given the nature of work involved, therefore officers do not consider this to amount to an adverse impact within this strand.</i></p>												
<p>Is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy or function? <i>No</i></p>												
<p>Is there any informal feedback from managers, staff or voluntary organisations? <i>Licensing officers agree and support the data held that there are more male applications compared to female applications.</i></p>												
<p>What further evidence is needed to understand the impact upon equality? <i>None</i></p>												
<p>Impact</p>												
<p>Does the data show different impact upon different groups? What existing evidence is there for this?</p> <table border="0"> <tr> <td>Race</td> <td><i>No</i></td> <td>Gender</td> <td><i>No</i></td> <td>Age</td> <td><i>No</i></td> </tr> <tr> <td>Religion</td> <td><i>No</i></td> <td>Disability</td> <td><i>No</i></td> <td>Sexual Orientation</td> <td><i>No</i></td> </tr> </table>	Race	<i>No</i>	Gender	<i>No</i>	Age	<i>No</i>	Religion	<i>No</i>	Disability	<i>No</i>	Sexual Orientation	<i>No</i>
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Religion	<i>No</i>	Disability	<i>No</i>	Sexual Orientation	<i>No</i>							
<p>Do these differences amount to an adverse impact? <i>Not applicable</i></p>												
<p>Future actions: <i>To change the current process so that all applicants are issued monitoring forms from the outset of the application to ensure that we have the opportunity to capture data from everyone who applies for a licence and not just the ones who are granted a licence. (Currently we do not monitor those applicants who are unsuccessful with their applications or who withdraw their applications).</i></p>												
<p>Signed: PR Hinch Date: 23 November 2011</p>												



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24 November, 2011

Re: Proposed Changes to Hackney Carriage/Private Hire Driver Licences

Please see enclosed a News Release that will be issued to the media next week.

The release contains details of our plans to retain the current three yearly driver licence application system, but also proposes the introduction of an annual licence procedure which will run alongside it.

We would appreciate your comments and invite you to contact us by telephoning 01427 676598 or 676610 or emailing to licensing.2003@west-lindsey.gov.uk.

Yours sincerely

Licensing Team
West Lindsey District Council

To: All Hackney Carriage/Private Hire Drivers

News Release

Annual licensing will improve taxi safety

Taking a taxi ride in West Lindsey is set to become even safer.

The district council is considering introducing a new scheme which will mean that taxi and private hire drivers will have to be licensed each year instead of every three years.

Chairman of the Licensing and Regulatory Committee, Cllr Jessie Milne, said: "Under the present system taxi and private hire drivers only need to go through a full check every three years which includes a medical, character references and checks for any motoring convictions and criminal offences".

"We think that checks should be done more frequently and that is why we are proposing that the detailed checks should still be carried out every three years but in the years between the major licence applications less detailed checks should also be carried out".

"What is being suggested is that the less rigid checks should mean applicants signing a declaration that they have not been convicted of any offences since their last application and that no offences are pending and they have not developed any medical condition which could affect their ability to drive. Applicants would also have to agree to a DVLA check being carried out."

The Council says the move will bring them into line with six of the eight neighbouring local authorities who already operate similar schemes. The new system would apply to all 180 licensed taxi drivers in West Lindsey and if it is given the go ahead it will be phased in over three years.

Cllr Milne added: "We believe the new scheme will provide the public with more protection and it will enhance the reputation of taxi companies because it will weed out any rogue drivers."

The Council has yet to decide if the scheme will go ahead or what the charge for the new licences will be.

The current licence costs £90.60 and suggestions for the price of the annual licence could be between 25-75% of the cost of the three year charge. This

equates to between £22 and £68 plus a DVLA administration fee of approximately £5.

Cllr Milne added: "If, for example, the council decided on a charge in the middle of this range at £50 this is an increase of £1 a week which I think is a small price to pay to make a massive reduction in the risk of having a rogue driver."

If the scheme goes ahead it will come into force in April 2012.

ENDS

For further information contact:

Geoff O'Neill, Communications Manager on (01427) 676580