
Licensing and Regulatory Committee

4th September 2009

Report of the Director of Neighbourhood Services

PROPOSED INTRODUCTION OF DRIVING STANDARD AGENCY PRIVATE HIRE AND HACKNEY CARRIAGE DRIVING ASSESSMENT FOR NEW APPLICANTS

Summary

1. This report requests members to consider amending the council's existing policy for hackney carriage and private hire driver's licence applications by introducing a requirement for all new applicants to submit with their application a certificate of completion of a driving standards assessment specifically designed for hackney carriage and/or private hire vehicle drivers' as provided by the Driving Standard Agency (DSA).

Background

2. Section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that the Council must not grant a licence to drive a hackney carriage or private hire vehicle unless they are satisfied (a) the applicant is a fit and proper person to hold a driver licence and (b) that they have held a full driving licence for a minimum of 12 months.
3. Currently there is no requirement for applicants wishing to drive either a hackney carriage or private hire vehicle in York to undergo any additional practical driving test, designed to test their skills in taxi driving other than the normal driving test.
4. Whilst applicants must have held a DVLA driving licence for at least 12 months in advance of applying for a taxi licence, applicants for either a hackney carriage and/or private hire driver's licence may otherwise apply to the Council irrespective of the date on which they may have taken a driving test.
5. It is widely accepted that driving skills, knowledge and standards can fade with the passage of time. Over recent years the area has seen an increase in a number of overseas drivers taking up employment as hackney carriage and private hire drivers. Some of these drivers have qualified in their native country but have not passed a test in the UK. Increasingly, the department has seen a rise in the number of drivers accumulating 9 points or more on their driving licences. The introduction of the DSA driving test and assessment will be a

positive step towards addressing some of the concerns raised by these changes.

6. In most areas of professional driving a test is completed to show the suitability of the applicant in that field of driving. Hackney carriage and private hire drivers are the only group of professional drivers in the country who are not required to pass a further national driving standards test before they are allowed to carry passengers for hire or reward.

Driving Standard Agency test

7. The Driving Standard Agency (the DSA) is the Government authorised body that administers the compulsory driving test scheme in the UK, the passing of which is a requirement to the granting and issuing of a conventional driving licence for a motor vehicle.
8. Since 1999 the DSA offer a discretionary driving assessment for the drivers of hackney carriage and private hire vehicles. The DSA hackney carriage and private hire driving assessment is specifically designed to test the skills required to drive a taxi safely and includes assessment of awareness and anticipation, effective planning relating to road conditions, correct use of speed and passenger safety and comfort.
9. The test can also incorporate the loading and unloading of wheelchair bound passengers in suitably constructed vehicles. Consequently, the test will give a good assessment of the applicants driving ability and suitability to be licensed.
10. The assessment can be conducted at any DSA driving test centre. The nearest centres located to York are at Pontefract, Doncaster, Leeds and Wakefield. If members should be mindful to recommend the introduction of the DSA hackney carriage and private hire driving assessment, the DSA have indicated they would provide the necessary examiners and facilities at the DSA training centre at Murton Way, Osbaldwick, York, with a suggested start date of April 2010.
11. The cost of the DSA driving assessment is set at £67.53 including VAT during the week and £81.24 including VAT if conducted out of hours. All fees will be met by the applicant.

Neighbouring Authorities

12. The DSA have reported that by September 2009, 137 local authorities will have adopted the DSA test for hackney carriage and private hire drivers.
13. In the Yorkshire and North East regions, the following authorities have introduced the DSA test: East Riding of Yorkshire, Hambleton, Leeds, Doncaster, Darlington, Wakefield, Barnsley, Rotherham, Middlesbrough and Durham.

Benchmarking and consultation

14. Whilst no data was found with regard to the requirement to complete the

disability awareness training, 137 licensing authorities require the DSA driving standards assessment to be completed by new applicants before a hackney carriage or private hire driver's licence is granted.

York Private Hire Association

15. The proposals were put to the York Private Hire Association at their bi-monthly meeting with Taxi Licensing department on 28th April 2009. The proposed introduction of such assessment was well received. The YPHA fully support the introduction of the DSA test for new applicants.

York Taxi Association

16. The proposals were put to the York Taxi Association (YTA) at their bi-monthly meeting on 12th May 2009. Whilst the YTA support in principle the introduction of the DSA driving test for new applicants they point out this would create another barrier to be overcome before an applicant be granted a licence. It would also increase the already considerable cost of becoming a taxi driver.

17. **Department for Transport's Best Practice Guidance for Taxi & Private Hire Licensing - Published October 2006**

The Licensing Section has consulted with the Department for Transport's Best Practice Guidance for Taxi & Private Hire Licensing which 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 into the trade. However, they note that the Driving Standard Agency provides a driving assessment specifically designed for taxis.

Options

18. Option 1 - To make no changes to the existing policy.
- Option 2 - To adopt the requirement for all new applicants for a hackney carriage or private hire driver's licence to attain a pass in the Driving Standard Agency test and assessment before their application is considered by the Council.

That this policy should come into effect on 1st April 2010.

- Option 3 - (i) To adopt the requirement for all new hackney carriage and private hire drivers to attain a pass in the Driving Standard Agency test and assessment before their application is considered by the Council.
- (ii) In addition, where deemed necessary, to adopt the requirement in discipline or complaints matters involving licensed drivers.

(iii) That this policy should come into effect on 1st April 2010

Analysis

19. The reasoning and analysis of the proposal has been set out in previous paragraphs.

Corporate Priorities

20. An efficient, high quality, taxi service will reduce the dependence on the private car for short journeys in and around the city contributing to making York a sustainable city.
21. Taxis also remain the key transport out of the city late at night. The safe transportation out of the city of those enjoying the late night economy contributes significantly to the reduction of crime and disorder and anti social behaviour making York a safer city.

Implications

22. **Financial:** Payment for the DSA test will be paid by the driver direct to the DSA. There are no cost implications for the authority.

Human Resources (HR): None.

Equalities: None.

Legal: Under sections 47, 48 and 51 of the 1976 Act, licensing authorities may attached conditions to the granting of a licence for private hire driver and vehicle licences and hackney carriage vehicle licences.

A person who is aggrieved by the amended licence conditions has the option to appeal against them to the local Magistrates' court.

Crime and Disorder: To ensure that members of the public are transported safely in appropriately licensed vehicles driven by identified, trained and vetted licensed drivers.

Information Technology (IT): None.

Property: None.

Other: None.

Risk Management

23. In compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

In coming to any decision on this matter the Council can minimise risk by

ensuring it takes all factors into consideration in coming to its decision. The decision should be reasonable in the light of the information available.

Recommendation

24. Members are asked to approve Option 3:-

- (i) To adopt the requirement for all new applicants for a hackney carriage or private hire driver's licence to attain a pass in the Driving Standard Agency test and assessment before their application is considered by the Council.
- (ii) In addition, where deemed necessary, to adopt the requirement in discipline or complaints matters involving licensed drivers.
- (iii) That this policy should come into effect on 1st April 2010.

Contact Details

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Wards Affected:

All

For further information please contact the author of the report

Background Papers

Department for Transport's Best Practice Guidance for Taxi and Private Hire Licensing.

Annexes

Annex 1 – Driving Standards Agency Hackney Carriage Assessment – All you need to know about the agency's taxi testing services.