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<b>REPORT TO:</b>	<b>Environmental and Development Services Committee</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>29<sup>th</sup> January 2009</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>DIRECTOR OF COMMUNITY SERVICES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>CARL JACOBS</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>AMENDMENTS TO PRIVATE HIRE LICENCE CONDITIONS AND ADOPTION OF STATEMENT OF POLICY.</b>	<b>REF: CBJ/PRIVATEHIRE</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS 13</b>

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## **1.0 Recommendations**

- 1.1 That Members approve the amended Private Hire Licence Conditions for Operators, Vehicles and Drivers set out in Appendix 1, to be come effective on the 1<sup>st</sup> April 2009.
- 1.2 That minor amendments to the conditions (issues of spelling or clarification of the wording of existing policy) can be made by the Head of Environmental Services without referral to the Environmental and Development Services Committee.
- 1.3 That Members approve the Statement of Policy concerning the relevance of Criminal Convictions in relation to Private Hire Vehicle Drivers Licences set out in Appendix 2.

## **2.0 Purpose of Report**

- 2.1 To seek approval for amendments to Private Hire Conditions within South Derbyshire District Council so as to secure a greater degree of public safety and align the Council's policy with nationally accepted best practice.

## **3.0 Detail**

- 3.1 The Council has not amended Private Hire Licence conditions for some years, with the exception of the introduction of the Local Knowledge Test earlier this Year.
- 3.2 Many organisations such as the DVLA and the Department for Transport have made certain recommendations to Local Authorities regarding Licence conditions and those recommendations have been included within the proposed Private Hire Conditions.
- 3.3 New Proposed Private Hire Licence conditions are included at Appendix 1 and all changes are indicated in bold type so that amendments can be readily identified.

- 3.4 The conditions have been circulated for consultation to all Private Hire Operators and where possible their comments have been included within the new proposed conditions. We received 8 written consultation forms, and several telephone enquiries.
- 3.5 Most comments received from consultees relate to the additional costs which will be incurred due to the requirements of the additional medicals, and Criminal Records Bureau checks etc. Both of these requirements are recommendations of the Department of Transport.
- 3.6 A further concern raised via the consultation related to the introduction of a Driving Test for all new drivers and also for those committing moving traffic offences. The suggestion was that this would cost more and might reduce the number of applicants to become a private hire driver. In fact, whilst the introduction of the Driving test through the Driving Standards Agency (DSA) will result in a cost of approximately £60 for each person sitting the examination, those persons who pass the test can obtain a reduction of more than £60 from their vehicle Insurance from specific specialist Private Hire Vehicle Insurance companies.

An exemption is recommended in this condition allowing companies to undertake their own methods of testing provided they can satisfy the authority that the standard of testing is of the same or better standard, than that provided by the DSA.

One firm at present has for many years undertaken driver tests by independent examiners at regular intervals for its fleet of drivers. Preliminary investigations of this firm would indicate that they may well be of a similar standard to the DSA testing, and if this condition is approved they may seek the exemption.

- 3.7 Below are major changes to the Private Hire Licensing conditions :-

#### Driver Changes

##### Change 1

**All drivers will be required to submit a new Disclosure of Information Form to the Criminal Records Bureau, every 3 years after their initial approval in order to ascertain that the driver has not received any convictions which have been not brought to the attention of this Authority.**

This is a recommendation of the Department for Transport. At present the Police notify The Commercial and Licensing Manager directly should they become aware of any serious offences relating to Private Hire Drivers. – but this can be at times unreliable.

Consultation indicated that this matter would increase costs of drivers, which it would over a 3 year period. The present cost of a CRB check £39.95 and is already undertaken for new drivers

##### Change 2

**The driver shall provide a Medical Examination Certificate which must be completed and signed by a Medical Practitioner as to his fitness to be a driver of a vehicle with the initial application.**

**A new Medical Examination Certificate will be required on renewal of a drivers licence at the age of 45 years, and then subsequently every 5 years until the age of 65 unless the driver is retested at a shorter period for medical**

**reasons. At the Age of 65 the medical is renewable annually without an upper limit.**

This condition is again a recommendation of the Department for Transport and is of a similar requirement for heavy lorry and bus drivers. Consultation results revealed that this would be an increase in costs especially when the Private Hire Driver also holds of PSV or HGV licence. We recommend that where a Private Hire Driver also holds a PSV or HGV licence then we would accept a certified copy of that medical certificate as it will be for the same period, and hold similar information.

The present SDDC private hire licensing conditions already require a medical to be undertaken at application stage and then when a person reaches the age of 60 and again at 65. After 65 a medical is required every year.

### Change 3

**All new applicants will be required to sit and pass a Driving Standards Agency driving test for Private Hire Drivers.**

It is proposed that existing Private Hire Drivers will not be required to complete this test unless they commit a moving traffic offence which is classified as serious or the driver incurs 6 or more penalty points on their licence during a 2 year rolling period. In addition where an investigation reveals poor driving, where no prosecution has occurred then the matter can be brought before the Licensing and Appeals Sub Committee with a recommendation that the driver sits the Driving Standards Agency Test.

### Change 4

**New applicants and upon annual renewal of private hire driver licences, applicants will be required to sign an authorisation to allow the local authority to check the status of drivers licences with the DVLA or suitable body, until such time as driving licences become more secure.**

### Vehicles

#### Change 1

**a) Vehicle licences will not be renewed when a vehicle reaches the age of 8 years from first registration except for specialist vehicles, which would be on special application.**

**b) Vehicles which are presently registered with this Authority as a Private Hire Vehicle should be allowed to continue until replaced, by their existing drivers. Any transfer of a vehicle will need to comply with the 8 year rule.**

Returns from consultation have stated that this would cause reduction in private hire applications and that hardship could be caused to certain operators / drivers. It was also intimated that many operators purchase older vehicles which are more luxurious and potentially have a lower mileage than newer vehicles. It is also claimed that vehicles which have been converted to LPG which are least polluting vehicles would render them less viable.

If **vehicle change 1a** is approved solely the 8 year rule imposed on 1<sup>st</sup> April

2009 It is estimated that 41 vehicles which are presently used as Private Hire Vehicles will be need to be replaced. The following year a further 13 vehicles would need to be replaced as they would then be over 8 years. The present Private Hire Fleet is approximately 281 vehicles.

If **vehicle change 1b** was additionally approved then there would be a gradual reduction of the older vehicles in favour of newer vehicles, and if change 2 below was also approved (Emission Tests) this would again eliminate older vehicles which are not kept in good order and condition.

### Change 2

**During the 6 monthly vehicle inspection a new test will be introduced testing compliance with the emission standards of a MOT**

Private Hire Vehicles are some of the most frequently used vehicles on our roads. Records show that these vehicles, because of their considerable mileage, are the most polluting vehicles. The equipment will be purchased through the existing fees charged for private hire vehicles, there will be no increase in the fees for private hire vehicles to offset these costs.

### Change 3

**Advertisements will be allowed on vehicles, with prior approval of the Council. They will be allowed affixed to the rear doors of the vehicle and not exceed 600mm x 450mm (24 inches x 18 inches approx)**

This has been requested by several operators and is common practice in many other authorities.

### Change 4

**Wheelchair accessible private hire vehicles will receive a refund of 50% for the first year of application in order to encourage the numbers of such vehicles within South Derbyshire, provided the driver of the vehicle has received the appropriate training for example from the Driving Standards Agency.**

All local authorities in the UK have been asked to look at increasing the wheelchair accessibility of Hackney Carriages. This is a potential method that we can assist in that provision.

### Operators

#### Change 1

**All new Operators of Private Hire businesses will be required to submit a Basic Disclosure of Information Form to Criminal Records Bureau. This requirement will not be required when the operator is also registered as a driver with South Derbyshire District Council.**

This will allow the licensing section to determine if the new operator is a fit and proper person to hold an Operators Licence and where Criminal convictions are recorded will result in the operator appearing before the Licensing and Appeals Sub Committee.

## **Introduction of Statement of Policy**

The statement of Policy is to give guidance to both applicants and officers in order to make clear the standards that the Authority expects when applications are received for Private Hire Licences. The policy is based on the Rehabilitation of Offenders Guidance. It does however provide the Authority with a more substantive basis to justify whether or not applicants are required to go before the Licensing Sub Committee.

### **4.0 Financial Implications**

4.1 There are no major financial implications in respect to this report.

### **5.0 Corporate Implications**

5.1 None

### **6.0 Community Implications**

6.1 The proposed conditions and statement of Policy will bring about increased safety for members of the public using Private Hire Vehicles and should increase confidence of members of the public in respect to this form of transport.

### **7.0 Background Papers**

7.1 None