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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICE COMMITTEE</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>18<sup>th</sup> AUGUST 2016</b>	<b>CATEGORY: DELEGATED/ RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN/EXEMPT PARAGRAPH NO:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>EMMA McHUGH 01283 595 716 <a href="mailto:emma.mchugh@south-derbys.gov.uk">emma.mchugh@south-derbys.gov.uk</a></b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>UPDATE TO PRIVATE HIRE LICENSING POLICY</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **1. Recommendations**

- 1.1 That the proposed changes to the Private Hire Licensing Policy are approved to come into effect on 1<sup>st</sup> October 2016.

## **2. Purpose of Report**

- 2.1 To provide Members with the necessary information to be able to give full consideration to the recommendation contained in paragraph 1.1 of this report.

## **3. Detail**

### **Annual Criminal Record Checks for Private Hire Drivers**

- 3.1 The Deregulation Act 2015 came into force on 1<sup>st</sup> October 2015 and made it mandatory for private hire driver's licences to be issued for a period of 3 years and private hire operator licences for a period of 5 years. The Private Hire Licensing Policy was amended last year to reflect the changes under the Deregulation Act 2015.
- 3.2 Currently, criminal record checks are carried out every 3 years and private hire drivers must notify the Licensing Authority when they are arrested, convicted or cautioned. Since the introduction of the 3 year private hire driver's licence, not all drivers have been notifying the Licensing Authority of any convictions received in accordance with the requirements under the current Policy. In order to address this, the Licensing Authority has amended the Private Hire Licensing Policy to include the following provision:

**It will be mandatory for all private hire drivers to be signed up for the DBS online checking service. This will enable the Council to carry out annual**

**criminal record checks. Further online criminal checks may also be carried out if the Council have reasonable cause to do so.**

- 3.3 The Disclosure and Barring Service (DBS) offer an online checking service which drivers can sign up to in order to keep their DBS certificate 'live'. This will cost the driver £13 per year and enables them to use their certificate for other authorities i.e. Derbyshire County Council in order to obtain a school contract. New and existing private hire drivers have been made aware of this service during their DBS application appointment and strongly advised to sign up for the service.
- 3.4 By making the online checking service mandatory, the Licensing Authority will be able to carry out an annual criminal record check on all drivers to ensure that they remain a fit and proper person to hold a private hire driver's licence. If the annual online check indicates that the driver has any convictions or cautions, the driver will have to apply for a new DBS certificate and the Licensing Authority may take action as necessary against the private hire driver's licence.
- 3.5 If the driver has not signed up for the online checking service, they will be required to apply for a new DBS certificate regardless of when their existing certificate was received. Once received, the driver will then have to sign up for the online checking service so that future checks can be carried out on an annual basis.

#### **Wheelchair accessible vehicles**

- 3.6 Under the current Private Hire Licensing Policy, all vehicles, except limousines, novelty, vintage and classic cars, must be less than 8 years old from the date of first registration. A vehicle may continue to be licensed until it reaches 10 years of age from the date of first registration. This currently applies to wheelchair accessible vehicles however, following a request from several private hire operators at the Driver's Forum, the age limit has been reconsidered and the Private Hire Licensing Policy has been amended to include the following provision:

**Wheelchair accessible vehicles may continue to be licensed until they reach 15 years of age. All other vehicles, except non-standard private hire vehicles, will remain at 10 years of age. A MOT certificate will be required every 6 months for wheelchair accessible vehicles.**

- 3.7 The number of wheelchair accessible vehicles licensed as private hire vehicles has dropped in recent years so the proposed increase to 15 years is to make the purchase of a wheelchair accessible vehicle financially beneficial to a private hire driver whilst being subject to additional tests to ensure roadworthiness and public safety. The proposal should increase the number of wheelchair accessible vehicles available for the community.

#### **Knowledge Test**

- 3.8 Due to a high volume of new applications for a private hire driver's licence, the knowledge test is booked up several months in advance however/ many applicants fail to attend the test on the day and fail to notify the Licensing Authority. This means that applicants are waiting a long time for a test even though there are spaces available on the day. In order to address this issue, the Private Hire Licensing Policy has been amended to include the following provision:

**If an applicant fails to attend the knowledge test without notifying the Council, the fee paid will be forfeited. A further fee will be required to book on to**

## **another test.**

- 3.9 Applicants will be notified of this when booking their knowledge test which should reduce the number of failed appointments thereby speeding up the application process for new applicants. The current fee for a knowledge test is £27.

## **Right to Work – Existing Drivers**

- 3.10 Currently new applicants have to prove their right to work in the UK on their initial application appointment. The Immigration Act 2016 which is due to come into force in 2017 makes it mandatory for the Licensing Authority to ensure that all private hire drivers have the right to work in the UK. In preparation for the Act, the Licensing Authority has amended the Private Hire Licensing Policy to include the following provision:

**Existing drivers will be required to provide their proof of their right to work in the UK. The proof will be requested in line with the annual DVLA driving licence check. Evidence of the right to work will be stored securely on file.**

## **Consultation**

- 3.11 Officers conducted a 6 weeks consultation exercise on these proposals with all existing licence holders and members of the public via the Council's website. No responses were received during the consultation period.
- 3.12 The annual criminal record check was discussed at the Driver's Forum and all drivers and operators in attendance were supportive of the proposed amendments to the Policy.
- 3.13 A copy of the draft Policy is attached as **Appendix 1**.

## **4. Financial Implications**

- 4.1 The online checking service will cost less than the current 3 year check.
- 4.2 There are no financial implications to the Council.

## **5. Corporate Implications**

- 5.1 These proposals will continue to demonstrate to members of the public that the Council takes the protection of local residents, children, and vulnerable adults from the potential harms of private hire licensing seriously, which contributes to the theme of safety and security.

## **6. Background Papers**

Local Government (Miscellaneous Provisions) Act 1976  
Immigration Act 2016