

CANNOCK CHASE COUNCIL

CABINET

24 AUGUST 2006

REPORT OF DIRECTOR OF PUBLIC HEALTH AND POLICY

RESPONSIBLE PORTFOLIO LEADER – HEALTH AND ENVIRONMENT

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

**1. Purpose of Report**

- 1.1 To seek approval for the introduction of dual licensing for Hackney Carriage and Private Hire Drivers.
- 1.2 To seek approval for changes to the test of fitness and propriety in respect of new applications for Hackney Carriage and Private Hire Drivers Licences.
- 1.3 To seek approval for a new system of identity badges for Hackney Carriage and Private Hire Drivers.

**2. Recommendation**

- 2.1 That, from 1 October, 2006, applications for Hackney Carriage/Private Hire Drivers Licences will be for dual Licences.
- 2.2 That, from 1 October, 2006, no Hackney Carriage/Private Hire Licences will be issued to new applicants unless a written knowledge test has been undertaken and all elements passed.
- 2.3 That, from 1 October, 2006, digital or scanned photographs will be used for identity badges and such badges will be purchased by the Hackney Carriage/Private Hire Drivers.

**3. Key Issues**

- 3.1 There is an increasing trend for Hackney Carriages to undertake journeys arranged by telephone booking. This is allowed for in legislation. A Private Hire Operators Licence is not required and so enforcement officers cannot insist that records are kept of the journeys.
- 3.2 The larger Hackney Carriage companies have indicated that they would be prepared to apply for Operators Licences and would be willing to have some vehicles licensed as Private Hire vehicles but would not be willing to pay a second licence fee for their drivers to be able to drive both Hackney Carriages and Private Hire Vehicles.
- 3.3 Over recent months there has been a significant increase in the number of applications for Hackney Carriage Drivers Licences from persons living outside the Cannock Chase District.

- 3.4 There is concern that such persons may not have sufficient knowledge of the area in order to provide the standard of service expected.
- 3.5 Neighbouring authorities require applicants to undertake and pass a written knowledge test as part of their assessment of fitness and propriety. A charge is made to resit the test.
- 3.6 In response to complaints from drivers that the current identity badges are not sufficiently robust to last the currency of the Licence, a new supplier has been identified, requiring a scanned or digital photograph to be incorporated within the plastic badge.
- 3.7 Currently drivers are required to provide passport-type photographs on each application, at their own cost which is generally £3. The proposal would mean that the applicant would not be required to provide photographs in future as a recent photograph, from a current badge, could be scanned. New applicants could have a digital photograph taken by the Licensing Unit staff on attendance at the knowledge test.
- 3.8 It would be reasonable to make a charge for this service, the production of the badge and the cost of the badge holder and lanyard. The suggested charge is £3, making it cost neutral to the applicant.
- 3.9 All Hackney Carriage drivers and proprietors and Private Hire drivers, owners and operators have been consulted on these proposals by way of letter. There have been two telephone responses supporting the proposals for dual badging and one email opposing the dual badging but supporting the knowledge test. All responses were from Proprietors.

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**Section 1**

**Background**

A review of the Hackney Carriage/Private Hire Driver element of Licensing has shown that several aspects require addressing in order to improve the service given by the Licensing Unit to drivers and proprietors which will then allow the Trade to give better service to the paying public.

**Section 2**

**Details of Matters to be Considered**

1. The need for dual Hackney Carriage/Private Hire Driver Licences to encourage more Private Hire Operators and Vehicles in the district.
2. The need for a written knowledge test to be passed by new applicants to ensure that such drivers can provide the required standard of service.
3. A change in the way that identity badges are produced and funded in order to supply a robust badge without additional cost to the driver.

**Section 3**

**Contribution to CHASE**

This is considered to be a public safety issue.

**Section 4**

**Section 17 (Crime Prevention) Implications**

None identified.

**Section 5**

**Human Rights Act Implications**

Existing drivers would not be required to undertake the knowledge test. Accordingly, there is unlikely to be any human rights implications arising from this report.

The requirement that all new applicants undertake the knowledge test and the introduction of new badges again are not likely to give rise to human rights implications.

**Section 6**

**Data Protection Act Implications**

The Council is required to hold Public Registers which give details of Hackney Carriage and Private Hire Drivers. In consequence, there are no Data Protection Act Implications identified.

Section 7

Risk Management Implications

None identified.

Section 8

Legal Implications

Under the Local Government (Miscellaneous Provisions) Act 1976 ('the Act'), section 67, a hackney carriage is allowed to undertake private hire journeys and need not be licensed as a private hire vehicle or the driver licensed as a private hire driver.

Private hire vehicles/drivers cannot ply for hire and all journeys undertaken must be booked through a licensed private hire operator. The licensed operator is required, under section 56(2) of the Act, to keep a record of all journeys that have been booked. This requirement does not however apply to hackney carriages that undertake private hire journeys.

Keeping records of private hire journeys can be extremely useful in providing protection to the operator and private hire/hackney carriage drivers, can assist the Licensing Unit in monitoring and inspecting standards and ultimately provide protection to the public.

Under section 47 of the Act the Council may attach to the grant of a licence of a hackney carriage under the Town and Police Clauses Act 1847 such conditions as the district council may consider reasonably necessary. It may thus be possible to attach a condition requiring the proprietor of a hackney carriage undertaking private hire journeys to keep a record of such journeys. The difficulty that still remains however is where a licenced driver who is not the proprietor drives the hackney carriage.

The Council is entitled to attach conditions to a private hire driver's licence and accordingly the issuing of dual licenses would enable the Council to attach conditions which ordinarily would not be possible if only a hackney carriage licence is granted.

The Council is charged with ensuring that only fit and proper persons hold private hire/hackney carriage driver licences. The protection of the public is of paramount importance and accordingly, the requirement for new applicants to undergo a written knowledge test would be in line with and consistent with the Council's responsibility to ensure it discharges its duty to the public. Similarly, the introduction of more robust identity cards is again consistent with the obligation imposed on the Council to discharge its duty to the public.

**Section 9**

**Financial Implications**

The fee for the dual licence will not increase as this would have implications as there is a statutory requirement to advertise the fees.

Initial written knowledge tests will be provided free of charge by the Council, however each re-sit will incur a charge of £25.

The new identity badges will be produced by the Council and a fee of £3 will be charged for this. This charge covers the cost of a new bespoke printer including software.

**Section 10**

**Human Resource Implications**

Enforcement is undertaken within existing resources. Should drivers without sufficient knowledge of the area continue to be licensed, there is potential for more complaints from the public which will need to be investigated and may result in meetings of the Licensing/Public Protection Committee and/or Court action.

Investing time to ensure applicants have the knowledge is seen as cost effective.

**Section 11**

**Conclusion**

The introduction of a new regime for the dual licensing of Hackney Carriage/Private Hire Drivers with a requirement to pass a written knowledge test will benefit the service provided through the Trade.

The new identity badges will be produced and supplied without additional charge to the driver.

**Section 12**

**List of Background Papers**

None.

**Annexes**

None.