



Walsall Council

REPORT OF THE HEAD OF PUBLIC PROTECTION

TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE

WEDNESDAY 24TH JANUARY 2007

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER TRAINING

FOR EXISTING LICENCE HOLDERS

1. PURPOSE OF REPORT

- 1.1 The report is to inform Committee of the Driver Training programme now in operation for new applicants and for Members to consider the Training Schedule for Existing Licence Holders where it is merited or when circumstances apply.

2. RECOMMENDATION

- 2.1 The Committee is recommended to consider the report and either
- (1) approve the use of the Training Programme for existing drivers as an alternative to revocation or suspension of licences where it is merited and amend the conditions attached to the grant of private hire and hackney carriage drivers licences accordingly or
 - (2) continue with existing provisions.
- 2.2 If Members are mindful to approve the use of the Training Programme then they would also have to approve an amendment to the conditions attached to the grant of such licences. The amendment would show that all drivers could be referred to the training. Any future report submitted in respect of any licensed driver would show this as an alternative recommendation.

3. FINANCIAL IMPLICATIONS.

- 3.1 Within budget: Yes.

- 3.2 The cost of any appeal to a Magistrates court by any person aggrieved by the decision of the Council when setting conditions relating to the issue and grant of Licenses for private hire and Hackney Carriage drivers, vehicles and operators.

4. POLICY IMPLICATIONS.

- 4.1 Within Council Policy: Yes.

5. LEGAL IMPLICATIONS.

- 5.1 Legal Services Consulted: Yes

- 5.2 The Local Government (Miscellaneous Provisions) Act 1976 permits a Council to set conditions in respect of the issue and grant of a licence relating to private hire and Hackney Carriage drivers.

- 5.3 Section 52 of the 1976 Act states that any person aggrieved by:-

- (1) The refusal of the district council to grant a licence under Section 51 of the Act, or
- (2) Any conditions attached to the grant of a driver's licence, may appeal to a Magistrates Court.

- 5.4 Section 61 of the 1976 Act states "Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefore under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds":-

(1)

- (a) that he has since the grant of the licence –

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under, or has failed to comply with the provisions of the Act of 1847, or of this part of this Act; or

- (b) Any other reasonable cause.

(2)

- (a) where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.
- (b) If any person without reasonable excuse contravenes the provisions of this Section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (3) any driver aggrieved by a decision of a district council under this section may appeal to a magistrates' court.

6. EQUAL OPPORTUNITIES IMPLICATIONS.

6.1 None.

7. WARD(S) AFFECTED.

7.1 All.

8. CONSULTEES.

8.1 None.

9. CONTACT OFFICER.

9.1 Bruce Corlett – Licensing and Enforcement Officer. Ext. 2682.

LICENSING AND SAFETY COMMITTEE

WEDNESDAY 24TH JANUARY 2007

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER TRAINING

FOR EXISTING LICENCE HOLDERS

Not for publication by virtue of paragraphs 3 and 7 of Schedule 12(A) of the Local Government Act, 1972 (as amended)

1. BACKGROUND

- 1.1 Members will be aware that since April 2006 the Taxi Licensing Office has been providing a Training Programme for all new applicants for licences to drive private hire and Hackney Carriage vehicles.
- 1.2 The Programme provides an applicant with training on the following:-
 1. Disability Awareness
 2. Customer Care/Safety
 3. Vehicle Care
 4. Legal requirements
 5. Conditions attached to the grant of Licences.
- 1.3 At the end of this stage of the programme there is a written examination with 3 elements. Applicants have to pass all three of the elements to qualify for the driving test stage of the application process. This is taken by a qualified driving examiner.
- 1.4 An applicant is permitted three attempts at the driving test. Following a third failure the applicant will not be considered for another driving test until that person has undergone driver training and provides written proof of that training.
- 1.5 The training programme has received full support from the trade. Feedback from drivers who have attended feel that they have benefited from the course.
- 1.6 Any driver required by committee to undergo this training would have to pay the appropriate fee for the driver training. Currently this is set at £45.
- 1.7 Members are requested to now consider the full Driver Training programme for existing licence holders who appear in front of Committee.

1.8 In some cases, members may consider it to be a more appropriate course of action to require drivers to undergo this training rather than suspending or revoking their licence.

1.9 Members will be aware that under certain circumstances and where the law permits, the police offer a training facility as an alternative to a driver being prosecuted for certain motoring offences.

This has proved very effective and has seen an improvement in those drivers' standards. It is considered that using a similar training scheme would benefit the licensed drivers in Walsall as well as improving safety for the public.

1.10 1.11 If members are in agreement that driver training is a suitable course of action they are recommended to amend the conditions attached to the grant of a licence to drive a private hire/hackney carriage vehicle by amending paragraph two which currently reads:

Failure to comply with any of the conditions or the law may lead to prosecution and revocation or suspension of the licence to drive Private Hire/Hackney Carriage Vehicles

So that it would read:

Failure to comply with any of the conditions or the law may lead to prosecution and revocation or suspension of the licence to drive Private Hire/Hackney Carriage Vehicles or by the imposition of a requirement for the driver to undergo a programme of retraining and to pass any associated tests within a specified period of time in order to retain the licence.