



Walsall Council

REPORT OF THE HEAD OF PUBLIC PROTECTION

TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE

WEDNESDAY 24TH OCTOBER 2007

VARIABLE LICENCE PERIOD FOR PRIVATE HIRE /HACKNEY CARRIAGE DRIVER LICENCES

1.0 PURPOSE OF REPORT

- 1.1 To consider the introduction of a variable licence period policy for hackney carriage and private hire vehicle drivers.
- 1.2 This report has been produced following consultation with the trade and recommendations from the respective trade associations through the Taxi and Private Hire Liaison Group.

2.0 RECOMMENDATION

- 2.2 Licensing and Safety Committee is recommended to consider the report and support the proposal to introduce a variable licence period for private hire/ hackney carriage drivers licences in accordance with the terms set out in the report.

3.0 FINANCIAL IMPLICATIONS

- 3.1 Within budget.

4.0 POLICY IMPLICATIONS

- 4.1 Accords with Council Policy

5.0 LEGAL IMPLICATIONS

- 5.1 Legal Services consulted.
- 5.2 The Local Government (Miscellaneous Provisions) Act 1976 permits a Council to set conditions in respect of the issue and grant of licences relating to private hire and Hackney Carriage drivers, vehicles and operators.

5.3 Section 51 of the Act states:

(1) Subject to the provisions of this part of this Act, a district council on receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence –

(a) unless they are satisfied that the appellant is a fit and proper person to hold a driver's licence; or

(b) to any person who has not for at least twelve months been, and is not at the date of the application for a driver's licence, the holder of a licence granted under Part III of the Act of 1972 (not being a provisional licence) authorizing him to drive a motor car.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

5.4 Section 53 of the Act states:

(1)(a) Every licence granted by a district council under the provisions of this part of this Act to any person to drive a private hire vehicle shall remain in force for three years from the date of such licence or for such lesser period as the district council may specify in such licence.

(b) Notwithstanding the provisions of the Public Health Act 1875 and the Town Police Clauses Act 1889, every licence granted by a district council under the provisions of the Act of 1847 to any person to drive a hackney carriage shall remain in force for three years from the date of such licence or for such lesser period as they may specify in such licence.

6.0 EQUAL OPPORTUNITIES

6.1 None.

7.0 WARDS AFFECTED

7.1 All.

8.0 CONSULTEES

8.1 Walsall Taxi Association

8.2 Walsall Private Hire Association

8.3 Walsall Taxi and Private Hire licence holders.

9.0 CONTACT OFFICER

- 9.1 John Beavon – Trading Standards Manager. Ext. 2214.

10.0 BACKGROUND

- 10.1 The Act of 1976 permits a local authority to grant a licence to drive either private hire or hackney carriage vehicles.
- 10.2 The Act specifies that a licence shall remain in force for 3 years or for such lesser period as the authority may specify.
- 10.3 This Authority has always required drivers of such vehicles to be licensed for a period of no more than 12 months.
- 10.4 Government Guidelines now recommend that Authorities, who do not at present use the full term for such issue, consider the extension of issue of such licences for a period of 3 years.
- 10.5 The Government Paper 'Consultation on Best Practice Guidance' at 37/38 in the report and headed Duration of Licences states:
- “37. It is obviously important for safety reasons for drivers to be licensed. But it's not necessarily good practice to require licences to be renewed annually. That may impose an undue burden on drivers and licensing authorities alike. 3 years is the legal maximum period and is in general the best approach.
38. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a 3 year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a 3 year licence.”
- 10.6 Following release of the Government Paper a consultation by written questionnaire was carried out with the trade. The trade returned overwhelming support for a 3 year driver's licence.
- 10.7 It is proposed that the following changes be considered and if approved be implemented as licences become due for renewal.

11.0 Public Protection Objective

- 11.1 The trade believe that the vast majority of Hackney Carriage/Private Hire Vehicle drivers are well-behaved, law abiding persons and that annual licensing is cumbersome and over-bureaucratic. A three year licence would not undermine the public protection objective.
- 11.2 Licensing services agree that the majority of drivers are well behaved but a minority of badly behaved drivers require regular monitoring to ensure

that they do not become a public protection risk, therefore any decision to extend the period of any licence should be tempered with measures to allow the licensing authority to introduce probationary periods or shorter licensing periods for those subject of concern.

12.0 Extended Hackney Carriage/Private Hire Vehicle Drivers Licences

- 12.1 Applications for extended licences are voluntary and licence holders may choose or revert to annual renewal.
- 12.2 **Existing Drivers of at least two years standing**, who at present hold a licence without special conditions imposed by Licensing Committee may apply for a 3 year licence to be changed at the next renewal which coincides with the Criminal Record and DVLA Mandate checks. Where a CRB or DVLA Mandate check does not precisely coincide with the date for renewal, the date for those checks will be brought forward to so coincide.
- 12.3 **Existing Drivers of one year standing** who at present hold a licence without special conditions imposed by Licensing Committee may apply for a 2 year licence to be changed at the first renewal. Where a CRB or DVLA Mandate check does not precisely coincide with the date for renewal, the date for those checks will be brought forward to so coincide.
- 12.4 **New Applicants** who at present would be granted a licence without conditions set by Committee shall be granted on application a licence for a 12 month period only.
- 12.5 **Drivers with Conditions Set by Committee**, shall be granted a licence in accordance with the terms set and no refund will become payable when the duration of an existing licence is reduced.

13.0 Medical Certification

- 13.1 Current conditions require licence holders to submit to medical examination every five years up to the age of 65 years. Thereafter medical examination is required annually.
- 13.2 An extended licence shall not be granted so as to operate after the age of 65 years. That is a three year licence cannot be issued after an applicant has reached the age of 62 years and a two year licence after the age of 63.
- 13.3 Subject to paragraph 13.2 above it is proposed that for existing licensed drivers the validity of medical certificates be extended if necessary to coincide with the date of next renewal.
- 13.4 It is proposed that licence holders submit to medical examination every six years up to the age of 65 years. Thereafter medical examination is required annually

- 13.5 The above proposals do not affect the obligation of a licence holder to report any illness or medical condition which affects or prevents driving to the licensing service as soon as is practical.
- 13.6 There is no evidence of breach of the conditions relating to the medical fitness or medical certification of drivers which indicates that extending the period for medical examination would pose no significant additional threat to public protection.

14.0 COSTS & SAVINGS

- 14.1 It has been calculated that 15% of the current annual drivers licence fees can be attributed to administration costs.
- 14.2 It is appropriate that the savings in administration costs be reflected in the application fee for extended licences. On current fees the overall saving would be £10 on a two year licence and £20 on a three year licence.
- 14.3 A new fee structure reflecting this and other changes will subject to a separate report to Licensing and Safety Committee.