

LICENSING COMMITTEE

Proposal for the introduction of a fast track new driver (hackney carriage and private hire) application process

2 July 2020

Report of Licensing Manager

PURPOSE OF REPORT

To seek the Committees approval (with or without modification) for the introduction of a “fast track” new driver application for persons whose Lancaster City Council private hire/ hackney carriage drivers licence have expired within 2 years of submission of a completed new hackney carriage/ private hire drivers application

The report is public

RECOMMENDATIONS

- (1) That the Committee approve the following proposal with or without modification and with immediate effect

The Council to introduce a “fast track” new application procedure for drivers whose previous Lancaster City Council hackney carriage/ private hire drivers licence has expired within two years of the completed submission of their new application.

1.0 Introduction

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 is the primary legislation governing the licensing of private hire and hackney carriage drivers. Section 51 and 59 of the Act require that the Council only licence persons it considers “fit and proper” to drive private hire (S51) and hackney carriage (S59) vehicles.
- 1.2 A new applicant for a private hire / hackney carriage drivers’ licence is required to provide the following documentation
- A completed application form including evidence of right to work in the UK
 - A valid enhanced Disclosure and Barring Service DBS certificate and evidence of sign up to the DBS online update system
 - A satisfactory medical to the DVLA Group 2 medical standard
 - A pass certificate in respect of a practical driving assessment from an approved assessor organisation
 - Satisfactorily pass the Lancaster City Council taxi driver knowledge test

- Satisfactorily pass the Btec Level 2 qualification recently replaced by the City and Guilds Level 2 qualification in Introduction to the Role of the Professional Taxi and Private Hire Driver
- 1.3 If all the above listed at para 1.2 are provided and meet the Councils Policy requirements, new private hire and hackney carriage drivers licences are issued by officers. If officers are satisfied that the applicant is not a fit and proper person to hold a licence the licence will be refused.
- 1.4 In the case of an application to renew a hackney carriage/ private hire drivers licence applicants are required to submit the following
- A completed application form including if appropriate right to work in the UK (for applicants who have previously shown limited leave to remain in the uk)
 - Provide a satisfactory medical to the DVLA Group 2 medical standard in line with the requirements of the Council guidelines
 - Provide for officers to access the DBS online update system to identify whether there has been any change to the status of the enhanced DBS certificate. If a change is indicated the renewal applicant will be required to submit a new enhanced DBS disclosure
- 1.5 Where a driver renewal application meets Council policies the licence is issued by officers, where the renewal application does not meet all the required standards it is referred to the Committee for determination.
- 1.6 Where a driver allows his/ her hackney carriage/ private hire driver licence to expire it cannot normally be treated as a renewal, although special consideration has been given to situations in the past where the renewal application has been delayed due to specific circumstances for a very short period of time. Generally, drivers who wish to reapply for a hackney carriage/ private hire drivers licence following expiry of the previous licence are treated as a new applicant and are required to resit the practical driving assessment and re take the driver knowledge test.

2.0 Proposal Details

- 2.1 It is proposed that the Council introduces a “fast track” new application procedure for drivers whose previous Lancaster City Council hackney carriage/ private hire drivers licence has expired within two years of the completed submission of their new application.
- 2.2 The “fast track” new application process would to all intents and purposes mirror the driver renewal process, with fast track applicants not being required to resit the knowledge test or the practical driving assessment. Fast track applicants would be required to provide the following
- A completed application form and evidence of right to work in the UK
 - A satisfactory medical to the DVLA Group 2 medical standard
 - Provide for officers to access the DBS online update system to identify whether there has been any change to the status of the enhanced DBS certificate. If a change is indicated the fast track new applicant will be required to submit a new enhanced DBS disclosure or if the online update service has not been maintained whilst the applicant was unlicensed. A new enhanced DBS certificate will be required together with evidence of sign up to the DBS online update system
 - Completion of any training requirements introduced as mandatory requirements

since the expiry of their previous hackney carriage/ private hire drivers licence

3.0 Officer comments

- 3.1 It is recognised that the impact of the pandemic on the taxi trade has been huge. To all intents and purposes, the night time economy has effectively been closed down for 4 months and many vulnerable/ elderly persons who may normally rely on taxi services to get take then to doctors, hairdressers, and shopping have been forced to “shield” at home. A large percentage of licensed drivers have not worked during this time and may decide not to re-enter the taxi trade until circumstances return to similar to pre pandemic. This proposal allows licenced drivers not to renew their hackney carriage/private hire driver’s licences at expiry but to apply at a later date (within 2 years of expiry) as a fast track new applicant
- 3.2 The two year period from expiry of a previous drivers licence is suggested in respect of fast track new driver application, as this is deemed to be a reasonable time in which the topography of the area and its landmarks will not have undergone significant change. It is recognised that some businesses will no longer be trading and other enterprises will have opened up, but the degree of this change is thought to be something that would not have a material impact on a drivers knowledge of the area/ routes and local landmarks most commonly associated with taxi journeys.
- 3.3. The proposal offers all the safeguarding protections in terms of criminality and medical checks that are associated with the standard driver renewal process.
- 3.3 The proposal does not apply to licensed vehicle renewals. The renewal application process for a private hire vehicle is identical to the new application process and therefore there is no additional expense associated with relicensing a private hire vehicle at a later date.
- 3.4 Lancaster City Council currently limits the number of hackney carriage vehicle licences issued. As indicated by Mr James Button in his book *Button on Taxis Licensing Law and Practice* (page 366) “In areas where a limit is maintained hackney carriage vehicle licences have a value”. In the event that a person fails to renew their hackney carriage vehicle licence, there is a potential for a third party to apply for the vehicle licence that has not been issued, and therefore the licence may not be available to the original licence holder at a later date . There is however further consideration based on a High Court case from 2011 *Exeter City Council v Sandle* which addressed the issue of Could a hackney carriage proprietors’ licence be renewed after it has expired? Held yes it could provided the application was made within a short time of expiry and there was a good reason for the delay in applying.

Any request to relicence a hackney carriage vehicle licence after expiry would have to have regard to the above case law which would suggest that a short delay may be facilitated but that any significant delay in relicensing a hackney carriage vehicle licence would present the opportunity for another person to apply for the vehicle licence that had not been issued at that time .

- 3.5 There has been no formal consultation undertaken regarding this proposal. Officers considered that the matter should be brought to the committee without delay as it provides some flexibility for licensed drivers in respect of any decision to renew their hackney carriage/ private hire drivers licences during the pandemic. Officers have emailed trade representatives who are invited to attend the taxi working group and asked them for their views on this issue. A verbal update on any responses received

will be provided at the committee meeting.

4.0 Officer Preferred Option

- 4.1 For the Committee to approve the proposal in respect of a fast track driver application process available to persons whose Lancaster City Council hackney carriage/ private hire drivers licence has expired within 2 years of a completed new application being received in respect of the same.

5.0 Conclusion

- 5.1 The proposal for a fast track new driver application procedure for drivers who have previously (within the last 2 years) been licensed by Lancaster City Council as a hackney carriage/ private hire driver is being recommended so as to offer some flexibility to licensed drivers who due to current circumstances may not wish to renew their drivers licence, but as the economic situation changes may wish to re-enter the licensed trade without incurring any additional costs to those associated with the renewal process..

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):
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The proposed fast track new application process, if approved would apply to all persons whose previous hackney carriage/ private hire drivers licence had expired within the previous 2 years. There would be no adverse impact on public safety
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LEGAL IMPLICATIONS

The proposal would be complaint with the legal framework
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FINANCIAL IMPLICATIONS

The only financial implication would be the potential for a financial saving for fast track new applicants who would not be required to retake the local taxi driver knowledge test or the practical driving assessment. As well as any financial saving the fast track new application process may facilitate a quicker return to work as applicants would not be waiting for knowledge test/ practical driving test dates and results

BACKGROUND PAPERS	Contact Officer: Jenette Hicks Telephone: 01524 582732 Email: jhicks@lancaster.gov.uk Ref:
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