

Proposed Consultation Scheme**1. The First Proposal**

This approach relies on the introduction of an officer-based system for determining licensing applications based on established current taxi licensing sub-committee processes, but with officers standing in the members' stead. This will replace the current system of member-based taxi licensing sub-committee hearings, and will be chaired by the officer (or any other to whom the role may be further sub-delegated).

Do you support this proposal being implemented?
Yes
No
No view on the proposal

2. The second proposal

This approach relies on the decision making powers of the licensing committee being transferred to officers who will deliver the service in accordance with a new policy and the introduction of new procedures that involve some or all of the features addressed within the consultation questions below.

Do you support this proposal being implemented?
Yes
No
No view on the proposal

3. Penalty points scheme

The effectiveness of an administrative decision making process will require the introduction of a points based system that would be equally applicable to both existing and prospective licence holders, with a threshold maximum number of 12 points above which, as applicable, a licence will be administratively suspended or revoked.

The points system will take account of driving and criminal convictions and/or conduct/behavioural transgressions. It will be made available on the Council website for all current and prospective licence holders to consult.

Do you support the introduction of a penalty points system?
Yes
No
No view on the proposal

4. Minimum application threshold

It is proposed to introduce minimum application criteria before an application can be processed. An initial fee, separate to the licence fee, will be chargeable. An application that does not address the criteria prerequisites will be deemed 'incomplete' and returned to the applicant without a refund of the application fee; applications that meet the prerequisites will proceed to determination, and will be supported by a further, non-refundable, licence fee.

In future, for an application to be deemed 'complete' it is proposed that it must comprise of:

- (a) the application fee
- (b) a signed application (or renewal) form, complete with a declaration of truth
- (c) a valid Disclosure and Barring Service (DBS) certificate
- (d) a clear Group 2 medical clearance
- (e) as may be applicable, a Driver & Vehicle Licensing Agency (DVLA) driving standards trade test
- (f) confirmation of having passed a prescribed safeguarding training course
- (g) proof of right to work in the UK

Do you support the introduction of a minimum application threshold for applications?
Yes
No
No view on the proposal

5. Group 2 Medical

It is also proposed to adopt the Group 2 medical standard for hackney carriage and private hire drivers licensed by the Council. This is the same standard prescribed by the DVLA, for bus and lorry drivers.

This recognises the fact that licensed drivers are on the road for significantly longer hours than non-trades/private car drivers, and that they may have to provide assistance to passengers. These reasons underline the existing acceptance within the licensed trade that hackney carriage and private hire drivers should have more stringent medical standards than those of a normal car driver.

The Council believes that the expectation of the public is that journeys they contract with drivers or firms for will be conducted safely, and that the driver is medically fit to undertake the journey. Adopting the DVLA standard ensures there is consistency of medical standards amongst service drivers.

Do you support the introduction of a Group 2 medical standard for licence holders?
Yes
No
No view on the proposal

6. Age Limit

It is a statutory requirement that a drivers licence will not be issued to any person who, at the time of application, has not held a full driving licence for a continuous period of one year. The Council currently stipulates that licences will only be issued to applicants over the age of 21. Consideration is being given to removing the minimum age requirement.

Do you agree with this proposal?
Yes
No
No view on the proposal

7. Driver Tests – New Applicants

The Council wishes to satisfy itself that licence applicants achieve the highest possible driving standard, in the public interest.

It is proposed that new applicants for hackney carriage or dual badge licences will be required to have successfully undertaken the DVLAs 'Hackney Enhanced Wheelchair Assessable Vehicle Test and Taxi Wheelchair Exercise Test' prior to application.

New private hire driving licence applicants will be required to undertake the DVLAs 'Hackney and Saloon Vehicle and Private Hire Saloon Vehicle Test' prior to application.

Do you support this proposal?
Yes
No
No view on the proposal

8. Driver Tests – Existing Applicants

For existing licence holders, the points system will incorporate a facility for referral to sit the applicable DVLA test detailed in the preceding consultation question where the background to any referral of a complaint to officers for consideration arises out of a proven complaint about the licence holder's driving standard.

The fact of a referral and any omission to undertake the test itself will also incur additional points.

It is proposed to also retain the existing BTEC penalty sanction, where the background to any referral of a complaint to officers for consideration arises out of a proven complaint about the holder's conduct or standard of service, in tandem with the new points system.

NB: The existing NVQ qualification requirement for existing drivers, which must be taken within three years of first obtaining a licence, will also remain in place. This too will be linked to the penalty system, should the holder not provide appropriate certification that they have undertaken the training within the prescribed period.

Do you support this proposal?
Yes
No
No view on the proposal

9. Safeguarding training

The Jay and Casey reports into child sexual exploitation have had a profound and continuing impact on licence holders across the country, the latter in particular identifying a nation-wide common thread between taxi licensing and child sexual exploitation. The Council here in Derby has already introduced a number of changes to address a number of identified shortcomings. However, more can and still needs to be done to increase safeguarding awareness within the trade, and place safeguarding at the forefront of existing and aspiring licence holders minds.

It is proposed that all new applicants (drivers and operators) will be required to successfully undertake an approved safeguarding training course prior to applying to be licensed. Existing drivers and operators who are currently licensed will be required to undertake similar safeguarding training prior to the next renewal of their licences, again without exception.

Where the operator is a corporate entity, the company will be expected to nominate an individual in a position of authority (e.g. a director or manager with day-to-day responsibility for decisions), capable of implementing the 'corporate mind', to undertake the training.

Do you agree with this proposal?
Yes
No
No view on the proposal

10. Right to Work

A new Immigration Bill is under consideration which is aimed at tackling central government's concerns around the issue of illegal working. It is important that driver licences are only issued to individuals who have the right to work in the UK/EEA, as applicable.

Licence holders, like any other employed persons in the UK, will need to be able to demonstrate a right to work. Any new applicant will need to provide evidence of that right as part of the application process. Any limitations on the period for which a person can lawfully undertake work will be reflected in any licence issued.

Current licence holders will also need to be retrospectively checked for compliance with the requirement.

Do you support this proposal?
Yes

No
No view on the proposal

11. Revision of Private Hire Operator Condition No. 11(a)

Condition No. 11(a) currently states that:

The operator shall, before the commencement of each journey, record in a manner prescribed by the Council, the following details of each booking:-

- i. the time and date of booking;
- ii. the method by which is was received (e.g. telephone, personal call etc.);
- iii. by computer, or in a suitable book, with numbered pages set out;
- iv. the picking up and setting down points, by reference to street names;
- v. the date and time when the journey is to commence;
- vi. the name (and address) of the hirer;
- vii. the plate number of the vehicle allocated to the booking;
- viii. the name and badge number of the driver allocated to the booking;
- ix. the call sign of the vehicle allocated to the booking;
- x. the registration number of the vehicle allocated to the booking;
- xi. confirmation that the hirer has been informed of the supply of a vehicle with darkened glass and whether this has been accepted; and
- xii. in the case of bookings taken by text or e-mail, points (iv) and (vi) shall not apply. There must be a unique reference number or name recorded, allowing an audit trail for each booking and the ability to determine the destination of the journey.

It has become clear that this exemption creates the potential for a safeguarding loophole. Fundamentally, if a destination is not recorded until after a journey has concluded, there is the potential for abuse in the event that a dispute arises between a driver/operator and a passenger about what the agreed destination of a journey was. Closing off the loophole, in addition to the obvious safeguarding concern that arises also protects the driver/operator from allegations of impropriety.

The proposal is therefore to delete in its entirety, Condition 11(a)(xii).

Do you support this proposal?
Yes
No
No view on the proposal

12. Online Renewals of Driver Licences

We propose to introduce online renewals for driver licences, the benefits of which would be that drivers would no longer be required to attend the council offices for renewal and that the process would be able to be conducted more efficiently and quicker than the current regime.

Do you support this proposal?
Yes
No
No view on the proposal

13. MOT for vehicles

At present, subject to a vehicle meeting the requirements set out in the Council's vehicle licence conditions and specifications, an approved garage issues the proprietor with a 'Certificate of Compliance', not an MOT certificate. This certificate confirms the vehicles compliance with the vehicle conditions and specification and is used for licensing purposes effectively as a replacement for an MOT certificate. This can create potential issues for a vehicle proprietor, such as being able to apply for vehicle tax and car insurance online, so it is proposed that the use of a 'Certificate of Compliance' is discontinued and approved garages issue the compliant vehicle with an MOT Certificate and a Vehicle Compliance Sheet. In order for a vehicle to be licensed, both documents will need to be submitted.

Do you support this proposal?
Yes
No
No view on the proposal

14. DBS to be administered by a 3rd party

The DBS process for hackney carriage and private hire drivers has changed over the last few years and the Council have made further changes to the process recently following the introduction of deregulation legislation. Currently, these DBS applications are countersigned by an officer from the Licensing Team which means a new applicant or existing driver must attend the council offices for this to be done. There are now a number of other organisations that can undertake this service, often via online services, and so it is proposed that the DBS counter-signatory process for hackney carriage and private hire driver licences in Derby is carried out by one of these organisations through direct arrangement with the applicant. The Council will continue to provide specific information to the applicant about the level and type of DBS required and it will be the responsibility of the applicant to ensure this is done. The proposal offers more flexibility and control over the process to the applicant.

Do you support this proposal?
Yes
No
No view on the proposal

15. Dual Badges

Currently the Council does not issue a dual badge but does issue separate hackney carriage drivers' licences and private hire drivers' licences to a small number of individuals. A dual badge allow a hackney carriage driver only the flexibility to be able to work as a hackney carriage driver or a private hire driver attached to a private hire operator. In line with a number of other local authorities, the Council proposes to introduce the option for a dual badge. It will only be available as an option to licensed hackney carriage drivers because of the legislative provisions that allow hackney carriages to undertake private hire work. It will not be an option for private hire drivers. An appropriate fee for a dual badge would need to be calculated.

Do you support this proposal?
Yes
No
No view on the proposal

16. DVLA Driving licence mandate

From 8 June 2015, the paper counterpart to the photo card driving licence is no longer issued by the DVLA. In order to be able to check the status of drivers licences, it is proposed that drivers should be required to sign up to this mandate to enable the Council to view individual driving history. This is necessary to determine whether or not drivers are safe and capable of driving a vehicle in the manner expected of a taxi driver. It will also be used to confirm that an applicant has held a full driving licence for the statutorily prescribed period of at least twelve months prior to application.

Do you support this proposal?
Yes
No

17. Good Conduct Certificate

A criminal record check is an important safety measure and is widely required by local authorities as part of the application process. We feel it is important that checks are also conducted on applicants who come from overseas, in relation to whom the British Police/DBS would not have access to the equivalent quality of information.

To achieve this purpose, it is proposed that new overseas drivers should be required to provide a Certificate of Good Conduct, authenticated by their relevant embassy.

For existing drivers, the proposal is that all renewal applications for hackney carriage or private hire licences must be accompanied by a Certificate of Good Conduct if the holder has lived or has otherwise been outside the UK for more than three months since their last licence was issued.

Do you support this proposal?
Yes
No

18. Dress Code

In the interest of driving up standards, it is known that a number of other licensing authorities across the country have adopted a dress code for licence holders. The argument is that drivers' dress codes provide a positive image of the hackney carriage and private hire trade and enhance the professional image of licensed drivers.

Do you support this proposal?

Yes
No
No view on the proposal

19. Staffing proposals

The success of any implementation of these proposals will require investment to make the delivery of the service robust and resilient. The fundamental principle behind public authority licensing schemes is that they must be self-sustaining, and for that reason any 'profits' are ring-fenced to be re-applied towards administering the scheme in future years. In practical terms, this means that any additional costs the Council may incur in introducing some or all of the proposals that form this consultation exercise will need to be met by the trade. There is no available budget provision to meet these costs and the Council's budget position is such that there are no plans to meet any additional costs itself.

Do you support the view that costs should be met by -
Licence fees
Council funding
No view on the proposal

20. Vehicle Proprietorship

The transfer of vehicles between different proprietors can often cause administrative problems for the licensing team. Because there is no definitive list of what is acceptable confirmation of a change in proprietorship, the team often receives documentation which does not contain the correct information, or is difficult to read, or is the subject of subsequent challenges/withdrawals.

In order to confirm the legal ownership of vehicles which are licensed by the Council, we propose to only accept either:

- (a) a copy of the tear off slip from the V5; or
- (b) a receipt from the manufacturer of the vehicle; or
- (c) the registered keepers log showing the new owner.

Do you support this proposal?

Yes
No
No view on the proposal

21. Air Quality and Vehicle Emissions/Age

The Council is currently working on a mandate from central government to implement a Clean Air Zone (CAZ) in Derby by 2020. This is necessary to enable legal compliance and reduce levels of nitrogen dioxide (NO₂) to a concentration of below 40µg/m³. It's been identified that there is currently potential to exceed EU limits of NO₂ in Derby by 2020 if no action is taken. Newer vehicles that meet emissions standards will not need to pay to drive in the CAZ, but the Council will have to set charges at levels designed to reduce pollution for non-compliant vehicles. For Derby, the plan identifies a 'Class B' CAZ, which will apply to all buses, coaches, taxis, private hire vehicles and heavy goods vehicles. The minimum acceptable emission standards for car / light commercial (up to 1,305kg) vehicle types will be Euro 6 (diesel) and Euro 4 (petrol). It is expected that this will apply to all taxis and private hire vehicles. Put simply, if a vehicle does not comply with this minimum standard by 2020, the driver will need to pay a charge if they drive within the CAZ. The government has not yet released guidance on what the levels of charge may be. It is highly likely that any CAZ proposal would affect the city centre area (within the inner ring road). The proposal is therefore to use the consultation process to begin to raise awareness within the trade of the impact of a likely CAZ on them.

Will you be able to upgrade all vehicles that you license (and use in Derby) to comply with the minimum acceptable standards before 2020?
Yes
No
No view on the proposal

Would it help if we worked closely with vehicles licenced in Derby (through a progressive licencing policy) to address this issue?
Yes
No
No view on the proposal

22. Minibuses

Recently, it has emerged that a number of minibuses licenced as private hire vehicles in Derby do not meet some of the standards laid out in the Council's vehicle specifications. In particular, this relates to internal minimum dimensions, modifications to seating layout and the provision of additional interior lighting. All these issues have a potential impact on public safety and consultation on a series of proposals is being sought.

Do you agree that all licensed vehicles should have to meet minimum dimension standards?
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Yes

No

No view on the proposal

Should modifications to the manufacturers' internal seating arrangements be allowed in licensed vehicles?

Yes

No

No view on the proposal

Should modifications to the manufacturers' interior lighting be allowed in licensed vehicles?

Yes

No

No view on the proposal

23. Hybrid Vehicles

At present, all private hire vehicles licensed in Derby must have a minimum of 300 litres of luggage space available for customer use. Some hybrid vehicles, such as the Toyota Prius, cannot meet this requirement because of the additional space required for the vehicles battery cells. It is also recognised that for the significant number of journeys undertaken in private hire vehicles, luggage space is not necessarily needed or used. In addition, as the vehicle has to be pre-booked, the need for

luggage space is a topic that could be discussed by the hirer at the time of the booking. Comments are being sought on the continued need to have a defined luggage space requirement.

Do you agree that all private hire licensed vehicles should have a minimum of 300 litres of luggage space available for customer use?
Yes
No
No view on the proposal

Do you believe the need for luggage space should be something the hirer discusses at the time of the booking?
Yes
No
No view on the proposal

24. Basic Skills Test

Related to and extending on from the proposal for mandatory safeguarding training, the Council is also seeking views on the introduction of a basic skills test for all new driver applicants which will include Maths, English (BKSB Level 1 Functional Skills assessments), Customer Service, Licensing Policy and Child Sexual Exploitation awareness training. This will help improve standards for all drivers and ensure continued public safety. For existing drivers, the proposal is to roll this out in due course as a pre-requisite to their renewal application. Agreement would need to be sought from a local college/training provider to administer the test.

Do you agree with the proposal to introduce a basic skills test for all new driver applicants which will include Maths, English (BKSB Level 1 Functional Skills assessments), Customer Service, Licensing Policy and Child Sexual Exploitation awareness training?
Yes
No
No view on the proposal

Do you agree with the proposal to introduce a basic skills test for existing drivers which will include Maths, English (BKSB Level 1 Functional Skills assessments), Customer Service, Licensing Policy and Child Sexual Exploitation awareness training?
Yes
No
No view on the proposal

For existing drivers, do you agree with the proposal to roll a basic skills test out in due course as a pre-requisite to their renewal application?
Yes
No
No view on the proposal