

GENERAL PURPOSES AND LICENSING COMMITTEE – 14 SEPTEMBER 2007

TO CONSIDER CHANGES TO THE HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVER QUALIFICATION REQUIREMENTS AND THE INTRODUCTION OF A BASIC PRE-APPLICATION AWARENESS TEST

1 PURPOSE OF THE REPORT

- 1.1 To highlight the increase in applications received from applicants living outside the New Forest District Council area with limited knowledge of the area.
- 1.2 To highlight the increasing problem of receiving Hackney Carriage & Private Hire Vehicle Driver applications from applicants with literacy and numeracy issues.
- 1.3 To suggest the implementation of a Hackney Carriage & Private Hire Vehicle Driver awareness test to assess the suitability of the prospective applicant before applying for a full licence.
- 1.4 To suggest changes to the Council's requirements which applicants must fulfil, and checks carried out, in order to apply for the grant of a hackney carriage and private hire driver licence.

2 BACKGROUND INFORMATION

- 2.1 The Council is the licensing authority in respect of Hackney Carriage and Private Hire Vehicle Driver licences and is able to regulate on individuals suitability for the role based on the provisions of Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847 and Road Traffic Act 1991.
- 2.2 All applicants for Private Hire and Hackney Carriage Drivers Licences must provide sufficient evidence on application to the local authority to enable them to be determined as 'fit and proper' under section 51 of the Local Government (Miscellaneous Provisions) Act 1976. Licences are then granted to applicants who meet the criteria.
- 2.3 To date, the checks on all applicants include an enhanced Criminal Record Check (CRB), a group 2 medical (professional driver standard), holding a full driver licence for a period of not less than one (1) year, a Driver & Vehicle Licence Authority (DVLA) data subject access enquiry and two personal references.
- 2.4 The CRB check enables an applicant's criminal history to be divulged as far back as the age of 10 which is the age of criminal intent in the UK. It cannot identify any criminal history for any period that an applicant has spent outside the UK. There are, therefore, limitations on the amount of history to be obtained about an applicant who was born or who was registered as having lived outside of the UK.
- 2.5 The DVLA data subject access enquiry allows the Council to establish an applicant's driving history. This can only be carried out when an applicant is in possession of a UK licence or DVLA counterpart issued upon registration of a non-UK licence with the DVLA.

3 CONCERNs RELATING TO THE TYPE OF APPLICATIONS BEING RECEIVED

- 3.1 There has been a considerable rise in the number of applications and enquiries from persons who were born outside or who have spent long periods outside of the UK. At the time of preparing this report there are 14 new driver applications being processed. Eight of these applicants do not have a home address within the New Forest District Council area, whilst 6 do not have English as their first language.
- 3.2 Several major problems have recently emerged and need to be addressed as a matter of urgency. Those of CRB checks, driving experience and DVLA checks, authority to work in the UK, literacy and numeracy issues and limited knowledge of the area.
- 3.3 An increasing amount of applicants have recently emigrated to this country, some converting European Driving Licences or holding DVLA licences of less than two years. Many applicants have limited driving experience in UK conditions.
- 3.4 An increasing number of our applicants do not live within the New Forest District. Consequently, their local knowledge is limited and could impinge on the service our licensed drivers are providing to visitors to the area and locals alike.
- 3.5 Numeracy and literacy skills are not currently measured in any way on application. This is leading to concerns that drivers may not be providing the high quality of service we would want in the district because their own levels of understanding are limited.

4 CRIMINAL HISTORY CHECKS

- 4.1 The CRB check will only disclose a criminal history related to time spent in the UK. There is, therefore, a potential risk that relevant offences that may have been committed outside the UK would not come to light in the CRB check. Therefore, applicants that have been convicted of relevant offences outside the UK would remain undetected if not declared at the time of application. This poses a risk to the safety and protection of the travelling public who use hackney carriages and private hire vehicles.
- 4.2 The difficulty in checking non UK applicants also creates a ‘uneven playing field’ or a 2 tier standard for determining fitness and propriety under the act as it results in UK applicants undergoing far stricter checks than non-UK applicants. This disparity should be removed for reasons of fairness to all applicants as well as ensuring greater public safety.
- 4.3 Advice from the CRB regarding the actions necessary in order that an applicant in these circumstances can provide an equivalent level of criminal history disclosure is that the Council should require all new non-UK applicants provide a signed and sealed ‘Statement of Good Conduct’ from the Embassy of all the relevant countries in which they were born or have lived. These documents are seen as an equivalent to that provided by the CRB. A CRB check will also be required for the time spent in the UK.

- 4.4 It is acknowledged that this will create an additional burden on new applicants but it is considered that the additional burden is far outweighed by the requirement to protect the public from potential harm from drivers with an unidentified criminal history and provide an equitable system.

5 DRIVING HISTORY CHECKS

- 5.1 Currently drivers originating from member states within the EU/EEA are not required to register or convert their licences with the DVLA. This creates further disparity when compared to UK applicants who have their driving history checked on application.
- 5.2 As with the criminal history, it is important and fair that all applicants are checked to the same degree on application. This enables officers to obtain information from the DVLA on an applicant's driving history in the UK. The DVLA will also be able to confirm the status of the driving licence and whether it is valid in this country and for how long.
- 5.3 This is also of benefit to the applicant because by registering the licence they will be able to take advantage of the penalty points system rather than have to go to court for any conviction. The original non UK licence will be returned to the applicant with the UK Counterpart. It is a simple process; a form (D9) to register the licence can be obtained from the Post Office or from www.dvla.gov.uk.
- 5.4 To introduce a requirement that applicants have held a full driving licence for a minimum of two years immediately preceding the date of the application.

6 AUTHORITY TO WORK IN THE UK

- 6.1 It is considered inappropriate for this Council to grant licences to applicants who do not have authority to take up employment in this country. Therefore, proof of entitlement to work in this country should be established prior to making a full application for a licence.

7 AWARENESS TEST

- 7.1 To address the problems surrounding literacy, numeracy and local knowledge it is recommended that a pre-application awareness test should be introduced for all new applicants. The test should include questions to test local knowledge, numeracy and literacy skills and must be taken and passed before making an application for a Hackney Carriage & Private Hire Vehicle Drivers Licence.
Appendix 1 contains short examples of test questions.
- 7.2 The Awareness test to be overseen and administered by the Licensing Services Department under the authority of the Licensing Officer.
- 7.3 Appendix 2 contains the proposed information notes to be sent to
applicants requiring information on the Awareness Test.
- 7.4 At a future date to consider the introduction of a BTEC Licensed drivers' qualification after reviewing a pilot scheme which has been approved in principal by the Hackney Carriage Drivers Association. Funding for the pilot course has

been acquired through Brockenhurst College and Tourism South East however funding for further courses would need to be investigated.

8 EXPECTED OUTCOME OF INTRODUCING THE AWARENESS TEST AND INCREASE IN THE PERIOD OF TIME A DVLA LICENCE HAS BEEN HELD

- 8.1 The aim of introducing the Awareness Test is to set a minimum standard for all driver licence applicants which will ensure, as far as the Council can ascertain, that all newly licensed drivers are legally able to work in the UK, are safe drivers who do not pose a risk to the travelling public and who have a reasonable knowledge of the area in which they work.
- 8.2 It is expected that there will initially be a reduction in driver licence applications particularly from people living outside the district and those with limited knowledge of the New Forest District and surrounding area.

9 FINANCIAL IMPLICATIONS

- 9.1 A charge of £28 per test sat is proposed and this is expected to cover the full cost of administering the Awareness Test. There are no financial implications to New Forest District Council.
- 9.2 It is acknowledged, however, that there will be additional financial implications for new applicants but the need to secure an equal application standard and to secure public safety is seen as of greater significance and importance.

10 ENVIRONMENTAL IMPLICATIONS

- 10.1 There are no environmental factors to be considered as a result of this report.

11 CRIME AND DISORDER IMPLICATIONS

- 11.1 There are no crime and disorder implications to consider as a result of this report. However, there are potential legal implications if an applicant has not undergone adequate checks and is later convicted of a relevant offence whilst acting as a private hire or hackney carriage driver.
- 11.2 The Council is at risk of civil action in the event of a passenger being subjected to an incident or assault by a driver with an unchecked criminal or driving history that would have affected his suitability to hold a licence and the decision to grant had the in-depth checks been carried out on application.

12 EQUALITY AND DIVERSITY IMPLICATIONS

- 12.1 The Council will address any impact the changes to the Hackney Carriage and Private Hire Drivers Licences application process might have on the Council's residents, customers and employees by reference to their disability, age, gender, religion and beliefs, sexuality and race.

13 CONCLUSIONS

- 13.1 A function of the Council is to determine the suitability of applicants who wish to become licensed Hackney Carriage & Private Hire Vehicle Drivers. Currently the Council does this by the use of application forms, references and Criminal Record Bureau Checks.
- 13.2 Following an increase in applicants from outside the District and an increase of applicants with literacy and numeracy limitations we would like to introduce an Awareness Test.
- 13.3 Standards of Hackney Carriage and Private Hire Vehicle Driver applicants are falling which is leading to concerns as to the type of service they are providing.
- 13.4 If the proposals in the report are accepted the checks and awareness test will be overseen by Licensing Services and introduced as a pre-application suitability test.

14 RECOMMENDATIONS

- 14.1 That after considering this report the Committee recommends to the Council the approval:
 - a) that there be no change to the current system or,
 - b) that all non UK applicants for a Hackney Carriage & Private Hire Vehicle Driver Licence must provide a signed and sealed 'Statement of Good Conduct' from the Embassy of all the relevant countries in which they were born or have lived,
 - c) that all applicants Hackney Carriage & Private Hire Vehicle Driver Licence provide proof of entitlement to work in this country prior to making a full application for a licence,
 - d) that all non-UK applicants must have registered their non-UK driving licences with the DVLA and provide a UK Counterpart issued by the Driver and Vehicle Licensing Authority,
 - e) that applicants must have held a full driving licence for a period of not less than two years immediately preceding the date of the application,
 - f) the introduction of an Awareness Test for all new Hackney Carriage & Private Hire Vehicle Driver Licence applicants. The full cost of the test being borne by the applicant and must be passed at the required level before an application for a Hackney Carriage and Private Hire Driver Licence will be considered,
 - g) a review of the impact of the Awareness Test on application numbers and quality of applicants after one year, and
 - h) a review, with recommendations, be presented to the Committee following completion of a BTEC Licensed Drivers qualification pilot course.

Further Information

Tony Hetherington
Licensing Officer
Tel: 023 8028 5449
Fax: 023 8028 5127
Email: tony.hetherington@nfdc.gov.uk

Background Papers

None

APPENDIX 1



HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVER'S AWARENESS TEST - EXAMPLES OF QUESTIONS

The test will take 1.5 hours with a fee of £28.00.

The test is over 5 sections covering:

An understanding of General Driving (10 questions multiple choice)

Example:

If a police officer orders your car to stop and he finds that you have a faulty tyre, who is responsible?

Regulations and the Law (10 questions multiple choice)

Example:

How many passengers are you permitted to carry in a private hire vehicle?

- a) Four
 - b) Five
 - c) Eight
 - d) The number of passengers printed on the licence/plate

English and Numeracy Test (10 questions multiple choice)

Example:

The cost of a journey is £8.50. The passenger gives you a £10.00 note and tells you to keep the change.

How much will your tip be?

Geographical Knowledge (10 questions including the use of a A-Z map)

Example:

Using the Street Atlas provided, please write down the page number and grid reference for the following:

Brockenhurst College

Page no Grid ref

By taking the shortest route, describe the route you would drive from Tesco's, Dibden Purlieu to The Crescent, Marchwood.

Verbal Test (15 questions – A Licensing Officer will ask questions and the applicant will write down the answers)

Example:

Circle the time you hear

- 2.45 pm 2.40 am
2.15 pm 2.40 pm

A pass rate of 80% is required for each section. Individual sections can be retaken if the pass mark is not met but if failed a second time, the whole test should be retaken.

Appendix 2



Hackney Carriage & Private Hire Vehicle Driver Awareness Test

Please read carefully before booking your test date

The Hackney Carriage & Private Hire Vehicle Driver Awareness Test is designed as a general test for driver licence applicants to ensure a working knowledge of the New Forest District Council area and the Hackney Carriage & Private Hire Trade.

- There are five sections to the awareness test headed as follows:

Section 1	An understanding of general driving
Section 2	Hackney Carriage & Private Hire Regulations and the Law
Section 3	Basic English and basic numeracy test
Section 4	Geographical knowledge
Section 5	Verbal test
- A fee of £28.00 is payable for any test taken (including resits).
- The overall time allowed for the test is 90 minutes allocated as follows:

Sections 1 to 4	1 hour
Section 5	30 minutes
- There is a 80% pass mark which must be achieved for **all** sections of the test.
- Any applicant not achieving a pass in any section(s) may apply to resit that section(s) when a fee of £28.00 is payable.
- Applicants can only re-sit a section once but more than one section can be resat on the same day. If a pass is not achieved on a re-sit, the applicant will be expected to retake the whole test.
- At least one month should have elapsed between any test date.
- Applicants will be informed of their test date by post.
- A map book will be made available for reference with sections 1 to 4 only.
- No mobile phones, personal reference books or notes are allowed into the room at the time of the test taking place.
- Depending on demand, there may be a number of applicants taking the test at the same time.
- The test will take place under exam conditions. You must not talk or confer with other applicants.

- Tests will take place at the New Forest District Council Offices, Lyndhurst and be overseen by a Licensing Officer.
- Anyone who has a problem with reading and writing should contact the Licensing Team on receipt of their test date.
- Results will be sent by post within two weeks of the test taking place.

Licensing Services
New Forest District Council
Appletree Court
Lyndhurst
Hampshire
SO43 7PA

Tel: **02380 285505**
Fax: **02380 285596**
Email: **licensing@nfdc.gov.uk**