

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	LICENSING APPLICATIONS COMMITTEE		
DATE:	2 NOVEMBER 2016	AGENDA ITEM:	6
TITLE:	REVIEW OF DRIVING STANDARDS AGENCY DRIVING TEST		
LEAD COUNCILLOR:	PAUL GITTINGS	PORTFOLIO:	CULTURE, SPORT AND CONSUMER SERVICES
SERVICE:	PLANNING, DEVELOPMENT & REGULATORY SERVICES	WARDS:	BOROUGHWIDE
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Members consider an amendment to the current policy in respect of the Driving and Vehicle Standards Agency (DVSA) testing of private hire and hackney carriage vehicle drivers to include equivalent driving standards testing provided by companies other than DVSA.

2. RECOMMENDED ACTION

- 2.1 That you approve additional providers of an equivalent standard of driver testing to that of the current policy.

3. POLICY CONTEXT

- 3.1 The current delegations register provides authority to the Head of Planning, Development and Regulatory services to grant, renew and refuse private hire (including school transport) and hackney carriage vehicle driver licences provided all criteria set out in the application process is successfully completed.
- 3.2 On 30 January 2002 members approved the requirement for the Driving and Vehicle Standards Agency (DVSA) advanced driving test to be included in the criteria for private hire and hackney carriage vehicle drivers to take and pass as part of the driver application process.

4. THE PROPOSAL

4.1 Current position:

- 4.1.2 On 1st October 2016 the DVSA stopped providing this test for private hire and hackney carriage drivers. This decision has resulted in prospective drivers not being able to complete the criteria for licensing as a private hire or hackney carriage vehicle driver with the Council.
- 4.1.3 Officers have identified 4 companies at present that provide equivalent DVSA testing for drivers using DVSA registered trainers.

Blue Lamp Trust <https://www.bluelamptrust.org.uk/>

Diamond Advanced Motoring <http://www.advancedmotoring.co.uk/>

Green Penny <http://www.greenpenny.co.uk/>

Mann Fleet <http://mannfleetsolutions.co.uk/>

4.2 Options Proposed:

- 4.2.1 Officers seek approval to include additional driver training companies who can demonstrate they are providing driver testing to an equivalent standard to DVSA. Any companies wishing to provide their services will be assessed against the current DVSA criteria for testing and as long as the criteria is deemed of an equivalent standard they will be permitted to test drivers suitability for licensing by the Council. A list of Companies with equivalent driver training tests will be provided to drivers.

5. Other options considered with reasons not to support

- 5.1 Replace the current criteria that require private hire and hackney carriage vehicle drivers to take and pass the DVSA driving test with a Customer Care style training and theory test. This option was not progressed because officers felt the time frame for developing a new package would take too long and prevent applicants already in the application process from being licensed sooner.
- 5.2 Remove the requirement for the DVSA test altogether. The DVSA or equivalent test reinforces good driver behaviour, provides a wheelchair accessible test where appropriate and provides a good deterrent for existing drivers from offending against their conditions.

6. CONTRIBUTIONS TO STRATEGIC AIMS

- 6.1 The implementation of measures specified in the air quality action plan contributes to "Keeping the town clean, safe, green and active"

6.2 Equal Opportunities:

The licensing of Hackney Carriages and Private Hire Vehicles, Operators and Drivers has the objective of ensuring that an adequate and efficient service is provided to the residents and visitors of the borough. Additionally, the drivers are fully vetted to ensure the safety of the passengers carried.

6.3 Sustainable Implications:

Efficient and licensed Drivers, Vehicles and Operators provide a valuable contribution to the economic development of the town.

6.4 Community Safety Implications:

The proper consideration of applications in respect of Drivers, Vehicles and Operators is used in conjunction with effective enforcement in order to protect the public while using public transport.

7. **COMMUNITY ENGAGEMENT AND INFORMATION**

7.1 In an effort to ensure that persons applying to work as Hackney Carriage and Private Hire vehicle drivers are fit and proper persons, all records and background history are thoroughly checked with the Disclosure & Barring Service and Driver and Vehicle Licensing Agency (DVLA). Those found to not reach the relevant criteria are referred to the Licensing Applications Committee for consideration.

7.2 In order to provide the highest possible standard of driving and safety to the public, all new drivers are required to pass a theory test based on driver and vehicle conditions, dealing with disabled persons, the Highway Code and locations throughout the borough. This is followed by a 40-minute practical driving test which until the 1 October 2016 was supervised by the Driving Standards Agency.

8. **EQUALITY IMPACT ASSESSMENT**

8.1 Section 149 of the Equality Act 2010 states that a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 Consideration has been given to equality implications arising out this policy change. It has been determined that an Equality Impact Assessment is not

required in respect of this proposal, however there is a general Equality Impact Assessment covering all licensing functions available on request.

9. LEGAL IMPLICATIONS

9.1 The power to grant or renew Hackney Carriage or Private Hire Vehicle Driver's licences is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

9.2 In respect of the grant of a licence to drive Hackney Carriage and Private Hire Vehicles the committee shall refuse on the grounds that the applicant is not a fit and proper person to hold such a licence or has not held a full driving licence for at least 12 months.

9.3 In respect of renewal, revocation or suspension of a licence to drive hackney Carriage and private hire vehicles, you may refuse to renew or may suspend or revoke a licence on the grounds that since the grant of a licence:

- (i) the applicant has been convicted of an offence involving dishonesty, indecency or violence;
- (ii) the applicant has been convicted of an offence or failed to comply with the legislation controlling the private hire vehicle trade;
- (iii) any other reasonable cause.

9.4 An applicant aggrieved by the refusal to grant or renew, or the suspension or revocation of a Hackney Carriage or Private Hire Vehicle Driver's licence may appeal to the Magistrate's Court.

9.5 Licences issued after 1 October 2015 must be issued for a period of 3 years or such lesser period as the council thinks appropriate in the circumstances of the case.

9.6 To assist in assessing the relevance of convictions, the committee has been provided with a copy of the council's Taxi & Private Hire Criminal Convictions Guidance, copies of which are available at the meeting.

10. FINANCIAL IMPLICATIONS

10.1 In the event of a successful appeal to the Magistrates Court, the council may have to bear the costs of defending its action.

11. BACKGROUND PAPERS

11.1 None