



Derby City Council

## Licensing Consultation

### Foreword: What is this consultation about?

The Council's licensing service and the decision making processes that support it has run in its current state for a number of years. Coupled with recent challenges that have been widely publicised, there is now an opportunity to re-shape the service in its entirety, to make it more relevant, robust and fit for purpose.



We are proposing to change the way we make decisions about hackney carriage and private hire licences. There are two options being proposed.

To support the options for change, we are also looking at a number of other proposals to strengthen the application process for those people applying for or renewing a licence. This questionnaire covers all these proposals and enables you to have your say on each.

If either of the proposals were to come into effect, additional resources will be required, the cost of which is likely to form part of the licence fee.

I encourage comments from as wide a range of people as possible and invite as many residents of the city, the trade and users to contribute to this extensive consultation exercise and, in that way, help to shape the future delivery of the service.

Cllr Baggy Shanker  
Cabinet Member for Regulatory Services

### What will be done with the information I provide?

All information provided will be treated in accordance with the Data Protection Act 1998. We will only use this information to inform decision making about the future of taxi licensing in Derby.

### How can I take part?

There are two ways that you can take part in this survey:

- 1 Complete this online questionnaire
- 2 Contact us to request a paper copy of the questionnaire and return it to us in the

envelope provided.

**Please select 'next' to begin.**

### **Making Decisions: Licence Applications**

We are proposing two options that would both make changes to the decision making on licensing applications. We aim to make decision making clearer and more efficient.

#### **Option 1 - Officer-based Panels**

The decision to issue a licence where a hearing is necessary would be made by Council officers through a panel process similar to the current taxi licensing sub-committee process.

##### **What does this mean?**

Panels would be convened and chaired by a Council officer. The decision to approve an application would be made by the officer based on the principles set out in the taxi licensing sub-committee member guidelines. [Hyperlink to PDF document](#)

#### **Option 2 - Administrative decisions using a Derby points based system**

The decision to issue a licence would be made by Council officers applying a proposed Derby points based system.

##### **What does this mean?**

There would no longer be taxi licensing sub-committees; neither would there be officer panels. Decisions would be made based on new principles linked to a Derby points based system. [Hyperlink to PDF document](#)

**Q1 Please consider these two proposals and tell us if you prefer...**

*(Please select one option)*

- ☐ Option 1 - an officer-based system for deciding licensing applications
- ☐ Option 2 - the Derby points based system
- ☐ I have no preference
- ☐ Neither option

## Derby points based system

We propose to introduce a system where points would be given for any driving and criminal convictions and/or conduct/behavioural transgressions. If the maximum number of points (12) is reached, a licence would be refused, suspended or revoked. This would apply to both new and existing licence holders. You can view details of the proposed scheme [here](#). [Hyperlink to PDF document](#). We believe that this would improve safety for our customers, drivers and other road users.

### Q2 Do you agree or disagree with the introduction of a Derby penalty points based system? *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## Minimum application criteria

Our research shows that a large number of licensing authorities across the country apply a minimum criteria before an application will be processed. We propose that we also apply minimum criteria that all applications must meet. We would charge an initial application fee to assess whether an application meets this minimum criteria, which would be separate to the licence fee.

If an application does not meet the minimum criteria it would not be processed. It would be returned to the applicant without a refund of the initial application fee; if it met the minimum criteria, the application would then be processed at which stage the licence fee would be paid. The licence fee would be non-refundable.

For an application to meet the criteria it must include:

- (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) a Driver and Vehicle Standards Agency (DVSA) driving standards trade test
- (f) confirmation of having passed the prescribed safeguarding training course
- (g) proof of right to work in the UK
- (h) Basic Skills Test
- (i) Certificate of Good Conduct

### Q3 Do you agree or disagree with the introduction of minimum criteria for licensing applications? *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## Group 2 Medical Standard

To make sure there is a consistent medical standard amongst licensed drivers, we propose to adopt the DVLA Group 2 medical standard. Licensed drivers are on the road for long hours and may have to provide assistance to passengers, so should have more stringent medical standards than those of a regular car driver. The public should feel safe and need to know that drivers are medically fit to undertake the journey. This would apply to hackney carriage and private hire drivers.

**Q4 Do you agree or disagree with the introduction of Group 2 medical standards for licence applicants?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

### 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 DVLA driving licence for a continuous period of one year.

Currently, the Council will only issue a licence to applicants over the age of 21 years. It is proposed to remove this minimum age requirement.

**Q5 Do you agree or disagree with removing this minimum age requirement and in line with the law, accepting applications from anyone who has held a full driving licence for a continuous period of one year?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

### Driver and Vehicle Standards Agency Tests – New Applicants only

The Council wants to ensure that new licence applicants achieve a high driving standard. To do this, it is proposed that before making their application:

- New applicants for hackney carriage or dual badge licences will have to carry out and pass the DVSA Enhanced Assessment
- New private hire licence applicants will have to carry out and pass the DVSA Standard Driving Assessment.

Further information on these tests is available at <https://www.gov.uk/dvsa-taxi-driving-test>

**Q6 Do you agree or disagree with the proposal for new applicants to carry out higher standard driver tests?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

It is proposed that existing licence holders may be required to achieve the higher driving standard as a sanction following a complaint about their driving standard being upheld.

They would be required to undertake the following as appropriate:

- Hackney carriage or dual badge licence holders may be required to undertake the DVSA Enhanced Assessment
- Private hire licence holders may be required to undertake the DVSA Driving Assessment

Under this proposal, if drivers did not provide proof of undertaking the training and passing within the required period, they may incur points through the proposed penalty points system, or they may be suspended or have their licence revoked.

**Q7 Do you agree or disagree with the proposal for existing licence holder driver tests? (Please select one option)**

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

We also propose to:

- Retain the existing BTEC penalty sanction alongside the new Derby penalty points scheme; and
- The NVQ qualification for existing drivers - this currently must be taken within three years of first obtaining a licence. We propose to reduce this period to 12 months.

**Q8 Do you agree or disagree with the proposal that the timescale for first obtaining the NVQ qualification be reduced to 12 months?**

*(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

If drivers did not provide proof of having undertaken the training and successfully passing it within the required period, the proposal is for their licenses to be suspended or revoked.

## Safeguarding training

The Jay and Casey reports into child sexual exploitation found a link between taxi licensing and child sexual exploitation. This has had an impact on licence holders across the country and the Council in Derby has already introduced a number of changes to address these issues.

The Council feels that there needs to be more done to increase awareness and to place safeguarding at the forefront of existing and future licence holders minds.

It is proposed that all new applicants for driver and operator licences should undertake and pass an approved safeguarding training course before they make an application. Those drivers and operators who are currently licensed would need to undertake safeguarding

training before the next renewal of their licence. This would be compulsory and without exception.

**Q9 Do you agree or disagree with the proposal to undertake safeguarding training prior to application or renewal? (Please select one option)**

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

### Basic Skills Test

Another proposal is to introduce a basic skills test for all new applicants. This would involve: BKSB Level 1 Functional Skills Assessments (which includes Maths, English and ICT)

This is proposed in order to improve standards for all drivers and ensure public safety. All new drivers would need to achieve and pass this skills test. For existing drivers this would be rolled out, to be completed by the time they come to renew their licences.

**Q10 Do you agree or disagree with the proposal to introduce a basic skills test for all new applicants? (Please select one option)**

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

**Q11 Do you agree or disagree with the proposal to roll out the basic skills test to existing drivers to be completed by their next renewal? (Please select one option)**

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## 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:

Extract already in SNAP

A review of condition 11(a) (xii) identifies that it could cause a safeguarding issue if the destination is not recorded until after the journey. It is proposed to remove condition (xii) completely.

**Q12 Do you agree or disagree with the proposal to remove condition 11(a) (xii)?**  
(Please select one option)

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## Online renewals for driver licences

We propose to introduce online renewals for licences. This would benefit drivers as they would no longer have to come to the Council House to produce documents as part of the renewal process, making the process quicker and more efficient. For the system to be effective, licence holders would need to provide access details to the Council.

**Q13 Do you agree or disagree with the proposal to introduce an online process for renewal of licences?** (Please select one option)

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## MOT for vehicles

At present an approved garage issues a pass sheet to enable the Council to issue a 'Certificate of Compliance' to confirm a vehicle is compliant with the Council's vehicle licence conditions and specifications.

To simplify the insuring and taxing of vehicles it is proposed to replace the Certificate of Compliance with an MOT certificate and a Vehicle Compliance Sheet. When making an application for a vehicle licence, both documents should be provided.

**Q14 Do you agree or disagree with the proposal to replace the Certificate of Compliance with an MOT certificate and Vehicle Compliance Sheet?**

(Please select one option)

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## Disclosure and Barring Service (DBS) to be administered by a 3rd party

The DBS process has changed over the last few years, at present applications are countersigned by an officer from the Licensing Team which means the applicant has to attend the Council Offices. A number of other organisations can administer this, usually online. When making their application, the applicant will need to provide their valid DBS certificate and proof of subscription to the online update service

The proposal offers more flexibility and control over the process to the person making the application. The Council would provide information about the level and type of DBS check required and it would be the responsibility of the applicant to make sure this is completed.

### **Q15 Do you agree or disagree with the proposal for a 3rd party organisation to administer DBS certificates?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## Dual Licences

At present the Council does not issue dual licences. However there are a small number of hackney carriage drivers who also have a licence to undertake private hire work. In line with the practice adopted by other local authorities, the Council proposes to introduce dual licences to hackney carriage drivers so they can also undertake private hire work. There would be a separate fee for this dual licence.

### **Q16 Do you agree or disagree with the proposal to issue dual licences?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion



## DVLA Driving licence mandate

The paper counterpart to the photo driving licence is no longer being issued by the DVLA, nor is it valid.

It is proposed that all applicants be required to sign up to the DVLA driving licence mandate service to allow the Council to access their individual driving history. This would ensure that drivers are safe drivers and capable of driving a vehicle in the manner expected of a licensed driver. It would also enable the Council to satisfy itself that an applicant has held a full driving licence for a period of at least twelve months.

**Q17 Do you agree or disagree with the proposal to introduce a mandate to enable the Council to view licence holders driving history?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## Good Conduct Certificate

A Disclosure and Barring Service (DBS) is an important safety measure and is widely required by local authorities as part of the licence application process.

The Council feels it is important that checks are conducted on applicants who come from overseas. We propose that all overseas drivers provide a Certificate of Good Conduct approved by their relevant embassy/high commission. Existing licence holders would have to provide a Certificate of Good Conduct on renewal if they had lived or been outside the UK for more than three months since their last licence was issued.

**Q18 Do you agree or disagree with the proposal for drivers to provide a Certificate of Good Conduct from their relevant embassy if applicable?**

*(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## Dress code

Other licensing authorities across the country have implemented a dress code. We are consulting on implementing a dress code in Derby so that there is a standard of dress that provides a positive image of hackney carriage and private hire drivers in Derby.

**Q19 Do you agree or disagree with the proposal to introduce a dress code?**

*(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## Vehicle ownership

The transfer of vehicles between owners causes problems for the Council.

We propose that, to confirm the legal ownership of all vehicles that we licence, we would only accept either:

- (a) a copy of the tear off slip from the V5; or
- (b) written receipt which include the sellers name and address or
- (c) the registered keepers log showing the new owner.

**Q20 Do you agree or disagree with the proposal to confirm who owns the vehicles being licensed?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## Minibuses

It has been identified that a number of minibuses licensed as private hire vehicles in Derby do not meet some of the standards laid out in the Council's vehicle specifications link to PDF Document. This mostly involves the internal dimensions of the seating layout and additional interior lighting provision. As this could impact on public safety we would like to consult on our proposals to address this issue.

**Q21 Do you agree or disagree that all licensed vehicles should have to meet the minimum dimension standards?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

**Q22 Do you agree or disagree that the internal seating arrangements should be allowed to be modified?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

**Q23 Do you agree or disagree that interior lighting should be allowed to be modified?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

**Q24 Do you agree or disagree that all modified vehicles should have a voluntary individual vehicle assessment (VIVA) undertaken by the Driver and Vehicle Standards Agency (VSA) prior to it being considered to be licensed by the Council?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## Hybrid vehicles

All private hire vehicles licensed in Derby must have a minimum of 300 litres of luggage space available for a customer to use. However, hybrid cars (for example the Toyota Prius), cannot meet this requirement as additional space is needed for the vehicles battery cells. We also understand that for a number of journeys luggage space might not be needed.

A private hire vehicle has to be pre-booked so the need to provide a vehicle with the required luggage space can be decided by the hirer at the time of the booking. We want your feedback on whether there is a need to have a definite luggage space requirement.

**Q25 Do you agree or disagree that all private licence vehicles should have a minimum of 300 litres of luggage space?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

**Q26 Do you agree or disagree that the need for luggage space can be decided by the hirer at the time of booking?** *(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

## Air quality

Derby may have to introduce a Clean Air Zone (CAZ) by 2020. The city has been identified as one of the areas that might not meet the EU Limits if action is not taken. The Government identifies Derby as a 'Class B' Clean Air Zone which will apply to all buses, coaches, taxis, private hire vehicles and heavy goods vehicles. It is likely that the Clean Air Zone would affect the city centre area, within the inner ring road. However, options are still being discussed.

The limits likely to be set for hackney carriages and private hire vehicles will be Euro 6 for diesel vehicles and Euro 4 for petrol vehicles. These are vehicle emissions standards.

If there are vehicles that do not meet the limits set and they drive in the Clean Air Zone, they will have to pay. The Council will set the amount they will charge for these vehicles, which will be decided once the Government release their guidance on what can be charged. Any vehicle that meets the limits set will not be charged.

**Q27 If a CAZ were to be introduced in Derby which impacted upon the vehicle you use as a licensed driver would you be likely to upgrade the vehicle which you currently use so that it complies with the requirements?**

*(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

**Q28 If you did not upgrade your vehicle so that it met the requirements, would you continue to use your vehicle and pay a tariff to drive within the CAZ?**

*(Please select one option)*

- ☐ Agree
- ☐ Disagree
- ☐ I have no opinion

#### Other comments

**Q27 If you have any further comments about any of these proposals or other suggests on how taxi licencing in Derby could be improved please tell us here**

*(Please write in the space below)*

**Please tell us in which capacity you are completing this questionnaire.**  
*(Please select the most appropriate option)*

- I am a licenced driver in Derby
  - I am a vehicle owner
  - I am an operator
  - I am a trade representative
  - I am a local resident
  - On behalf of a local business or organisation
  - Other *(please write below)*
- About You

Add standard demographics section here.

**Thank you for taking the time to complete this survey.**

**Comments from the consultation process will be considered by the Cabinet Member for Regulatory Services, who will make final proposals to Council to consider. Once a decision is made, the aim would be to introduce any new proposals from around December 2016 onwards.**

**Please select submit to send your feedback.**



All information provided will be treated in accordance with the Data Protection Act 1998. We will only use this information as part of the consultation process. If you have given your contact details we will only use them to make contact you if required.

