



Derby City Council

LICENSING COMMITTEE
21 September 2017

Report of the Strategic Director of Communities
and Place

ITEM 6

Update on Changes to Taxi Licensing Administration

SUMMARY

- 1.1 At Council on 23 November 2016, it was agreed to implement a new taxi licensing administration system for the council and a minimum application threshold criteria.
- 1.2 Committee also considered these changes on 19 January and 23 March 2017 and received a previous update on the changes introduced at the last committee meeting on 27 July 2017.
- 1.3 The report provides a further update on the implementation of these changes and seeks approval from committee for determination of a number of matters that have subsequently emerged as implementation of the new system is established.

RECOMMENDATION

- 2.1 To note the information provided on the implementation of the changes made to the taxi licensing administration system.
- 2.2 To approve the proposal set out in the report to change the scheme of delegation to allow officers to refuse a vehicle licence if it does not satisfy the requirements of the voluntary individual vehicle assessment for modified vehicles.
- 2.3 To approve the proposal set out in the report to review the decision to require existing drivers to undertake the basic skills tests in Maths, English and ICT as a mandatory requirement .
- 2.4 To note the information provided in the report at Paragraphs 4.10 about driver conduct at training sessions and 4.11 about disclosure and barring service checks.
- 2.5 To make appropriate determinations, following consideration and debate, to address emerging challenges as are deemed necessary and/or appropriate.

REASONS FOR RECOMMENDATION

- 3.1 To give effect to the need to allow officers to effectively deal with the administrative changes agreed.

SUPPORTING INFORMATION

- 4.1 At Council on 23 November 2016, it was agreed to implement a new taxi licensing administration system for the Council which included the introduction of a new Derby penalty points based system and a minimum requirement application threshold. Licensing Committee also considered these changes on 19 January and 23 March 2017.
- 4.2 Work has continued to be undertaken on implementing the measures agreed and members received an update report at the last committee meeting on 27 July 2017.

Voluntary Individual Vehicle Assessment (VIVA)

- 4.3 Members will recall the introduction of a new requirement on the proprietor of both prospective and currently licensed modified vehicles to produce to approved testing stations and the local authority, a voluntary individual vehicle assessment (VIVA) certificate issued by the Driver and Vehicle Standards Agency (DVSA), prior to being tested. There are two types of VIVA assessment available, basic and standard. Officers have clarified that the standard assessment is the relevant standard to use in these circumstances. To undertake this assessment, the DVSA require sight of the original certificate of conformity issued by the undertaker of the modified works as without this, they are unable to confirm the modified work has been undertaken competently and/or safely. A number of vehicle proprietors have provided this information but for some others, doing so is proving more difficult.
- 4.4 At present, officers do not have the delegated powers to refuse a vehicle licence if it does not satisfy the VIVA requirement for modified vehicles. That power currently sits with the committee, the practical significance of which is that sub-committee's would need to be scheduled in order to determine such applications. Time is often critical in making such decisions, therefore approval is sought from committee to delegate this power to licensing officers.

Basic Skills Test

- 4.5 Members will be aware of the concerns that have been raised by existing licence holders about the benefits to them and their customers of the requirement to undertake the basic skills tests and also the length of time it could take some drivers to satisfy the requirements. It is understood that several elected members of the Council including some on this committee have been contacted by several existing licence holders, raising concerns about the perceived inequity of applying this provision to them.

- 4.6 Officers have been working closely with Derby College to understand the process involved and make it as straightforward as possible. Of the twenty or so existing drivers who have undertaken the initial assessment so far with Derby College, a significant majority of them have been able to confirm that they have achieved the required standard without the need to undergo any further study.
- 4.7 Also, if an existing driver is able to provide the necessary confirmation to our licensing team that they hold a GCSE in English, Maths and ICT, this will also confirm that they have achieved the required standard. GCSE's were introduced in the UK in 1988. Pre-GCSE 'equivalent' qualifications are not considered in the same way.
- 4.8 However, for some existing drivers, neither of these options will apply. What has become apparent from the discussions with Derby College is that some drivers do not have a significant ability to meet the basic skills test requirements, whether wholly or in part, and others would need to undertake a course of study for an extended period of time in order to attain the required standard. Some of these drivers are likely to have held a licence with the Council for many years without any complaints being made about the service they have provided. Pending attaining the required qualification, there is the potential that a number of those falling into this group may remain unlicensed until satisfactorily producing their certification to licensing officers.
- 4.9 With this in mind, Members may wish to consider reviewing the decision it previously took to require existing drivers to undertake the basic skills tests in Maths, English and ICT as a mandatory requirement . A proposal is set out for Committee to consider.

Driver Conduct at Training Sessions

- 4.10 Officers also feel it appropriate to highlight to committee concerns raised by both Derby College (in relation to attendance on the Basic Skills Course) and officers from the Council's Safeguarding Team's (in relation to attendance on the Mandatory Safeguarding Course) about the conduct of a number of drivers when attending these sessions. There have been instances of significant disruption and unruliness sufficient to alarm tutors on both sessions, by a minority of trade members. Both sets of tutors have made it clear that should such disruption continue to occur, they intend to remove offending licence holders from the sessions and, where they do so, there will be no refund of the fees paid. Officers have also asked that where that happens, the details of the offending licence holder should be sent to the licensing team for consideration of the imposition of sanctions in line with the new penalty points scheme.

Disclosure and Barring Service (DBS)

- 4.11 One final matter which officers consider it appropriate to draw to the committee's attention relates to changes advised by the DBS. It has become apparent that the level of DBS checks undertaken for drivers seeking a hackney carriage or private hire drivers licence from the Council is different to the level of check that is required by such licensed drivers who elect to carry out schools' contract work. In effect, the checks are not inter-changeable, the net effect of which is that those drivers undertaking schools' contract work will have to undertake a separate DBS check, at their own cost.

OTHER OPTIONS CONSIDERED

- 5.1 None.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Olu Idowu n/a n/a n/a John Tomlinson
For more information contact: Background papers: List of appendices:	Michael Kay, Head of Environmental Health & Licensing - 01332 641940 michael.kay@derby.gov.uk None Appendix 1 – Implications

IMPLICATIONS

Financial and Value for Money

1.1 None directly arising from the report.

Legal

2.1 None directly arising from the report.

Personnel

3.1 None directly arising from the report.

IT

4.1 None directly arising from the report.

Equalities Impact

5.1 None directly arising from the report.

Health and Safety

6.1 None directly arising from the report.

Environmental Sustainability

7.1 None directly arising from the report.

Property and Asset Management

8.1 None directly arising from the report.

Risk Management

9.1 None directly arising from the report.

Corporate objectives and priorities for change

10.1 The proposals set out in this report address the corporate objectives of:

- protecting vulnerable children, young people, adults and older people
- promoting health and well-being
- being more commercial
- delivering our services differently

10.2 The proposals also meet the Council's core vision of being 'safe, strong and ambitious', and the aim to be a 'modern, flexible and resilient Council'.