

Report of: Transport & Parking Business Manager

To: General Purposes Licensing Committee

Date: 16th January 2008 **Item No:**

Title of Report : Amendment to conditions for new applicants for
hackney carriage and private hire driving licences to
accommodate the holders of EEA driving licences.

Summary and Recommendations

Purpose of report: To amend the conditions applicable to new applicants for hackney carriage and private hire driving licences to allow the proper assessment of applicants holding EEA driving licences.

Key decision: No

Portfolio Holder: N/A

Scrutiny Responsibility:

Ward(s) affected: All

Report Approved by:

Graham Smith. Transport and Parking Business Manager
Daniel Smith Legal & Democratic Services

Policy Framework: None

Recommendation(s):

The Committee is RECOMMENDED to:-

Approve the amended Conditions relating to new applicants for private hire and hackney carriage driving licences shown in Appendix 2

Background

1. The committee are reminded of a report put before them on 12th September 2007 following a request from 001 Cars for the conditions for new applicants for hackney carriage and private hire driving licences to be amended to allow the entry of the holders of EEA driving licences **(Appendix 1)**. The Committee resolved to ask appropriate officers to look at ways of amending the Council's procedures in the light of giving everyone equal treatment, but with the abiding aim of ensuring the safety of the travelling public; and then report back as soon as practicable.
2. Following the committee meeting on 12th September 2007, a meeting was arranged between representatives of the trade and the taxi licensing office. Subsequently a meeting with councillors was held where the recommendations to be put before the Committee were agreed. These have been combined with the existing conditions and are shown at **(Appendix 2)**. The existing conditions are shown at **(Appendix 3)**
3. The recommendations are an attempt to allow drivers who although not holding a DVLA driving licence have held an EEA driving licence for at least two years, to obtain a licence to drive hackney carriages and private hire vehicles. The safety of the travelling public must be the overriding objective and to address any concerns about the applicants' possible lack of experience on UK roads it is proposed that applicants without a DVLA licence for two years be required to take the taxi-driving test conducted by the Driving Standards Agency.
4. The recommendation includes an addition to the conditions to ensure that checks remain current and valid. Applicants must satisfy the criteria within six months of the date of their application, failing this the Authority will expect a new application with new up to date criminal record and driving licence checks.

5. Letters have been received from the trade, which are attached.
(Appendix 4).

Legal Considerations

6. Section 51 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a licence to drive private hire vehicles:
 - (a) unless it is satisfied that the applicant is a fit and proper person to hold a driver's licence; or
 - (b) to any person who has not for at least 12 months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.Section 59 of the Act makes similar requirements for applicants for a hackney carriage driver's licence.
7. The Driving Licences (Community Driving Licence) Regulations 1996 states that the EEA driving licence is acceptable to fulfil the conditions of sections 51(1)(b) and 59(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.
8. Regardless of what type of driving licence is held all applicants must satisfy the Council that they are 'fit and proper' to hold a private hire or hackney carriage drivers licence.
9. Section 57 Local Government (Miscellaneous Provisions) Act 1976 provides that a District Council may require any applicant for a licence to submit such information as it may reasonably consider necessary to enable it to determine whether a licence should be granted.

Human Rights

10. Although a licence is deemed to be a possession covered by Article 1, of the first Protocol of the European Convention on Human Rights, no licence has yet been granted to a new applicant by this Authority, thus any decision made by the committee to change the criteria of new applicants will not be subject to Article 1.

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- Appendix 1 Report of 12th September 2007**
- Appendix 2 Proposed criteria**
- Appendix 3 Existing criteria**
- Appendix 4 Letters from trade**

Appendix 2

Criteria for Applicants for a Hackney Carriage and Private Hire Driving Licence

1. A Hackney Carriage or Private Hire Drivers Licence will not be issued to any new applicant who has not held a full United Kingdom driving licence granted under Part III of the Road Traffic Act 1972 carrying the applicant's current address, for a minimum of 24 months, or held a licence from another EEA state for a minimum of 24 months together with a DVLA counterpart showing the applicants current address.
2. If the DVLA driving licence of an applicant is revoked following the acquisition of six or more points during the first two years since passing the driving test, then a period of 24 months following the restoration of the licence must have elapsed before a hackney carriage or private hire driving licence can be granted.
3. Applicants who have been resident in the UK for less than five years from the date of application are required to provide a Criminal Records check, Certificate of Good Conduct or an equivalent document from all countries in which they have lived within the previous five years, this is to be in English, at their own expense and in addition the CRB check.
4. Applicants who hold a DVLA driving licence are required to agree to the provision of a check on their driving history. Holders of an EEA driving licence only must provide a copy of their driving record showing details of any conviction, this is to be in English, at their own expense.
5. If unable to produce a DVLA counterpart (D9) held for a minimum period of two years applicants must at their own expense, pass the Driving Standards Agency driving test for private hire or hackney carriage vehicles (*as appropriate*) before being granted a licence to drive any vehicle licensed by this council.

6. Any documentation produced must be verifiable, and sufficient to enable the Transport & Parking Business Manager to make an informed decision in respect of the applicant's suitability to hold a driving licence.
7. Prior to taking a written Local Knowledge test, each new applicant for a Hackney Carriage or Private Hire Drivers Licence is required to attend an interview where there will be an appraisal of his/her spoken English, English comprehension, a test of reading, basic written English, and basic mathematics. Drivers not reaching a satisfactory level will be refused a licence
8. Medical examinations must be conducted using the forms provided by the Council and either completed in English or translated into English at the applicant's expense.
9. Applicants must pass a driving test conducted by Oxford City Council. Persons holding a current PCV driving licence or who have passed the Driving Standards Agency taxi driving test within six months prior to the grant of a driving licence by Oxford City Council are exempt from this requirement.
10. A driving licence must be taken up within six months of a candidate being informed that he has successfully passed the Local Knowledge test.
11. Applicants must satisfy the criteria within six months of the date of their application. If more than six months has elapsed from the date of application the Authority will normally expect a new application to be made including a new and up to date Criminal Records Bureau disclosure check and DVLA check.

Appendix 3

Existing Criteria for Applicants for a Hackney Carriage and Private Hire Driving Licence

1. A Hackney Carriage or Private Hire Drivers Licence will not be issued to any new applicant who has not held a full United Kingdom driving licence granted under Part III of the Road Traffic Act 1972 for a minimum of 24 months, or held a licence from another EEA state for a minimum of 24 months together with a counterpart to the licence, which must have been held for a minimum of 12 months and show the applicants current address
2. If the DVLA driving licence of an applicant is revoked following the acquisition of six or more points during the first two years since passing the driving test, then a period of 24 months following the restoration of the licence must have elapsed before a hackney carriage or private hire driving licence can be granted.
3. Applicants who have been resident in the UK for less than five years from the date of application are required to provide a Certificate of Good Conduct or an equivalent document from any country in which they have lived within the previous five years, this is to be in English, at their own expense and in addition the CRB check.
4. Prior to taking the written Local Knowledge test, each new applicant for a Hackney Carriage or Private Hire Drivers Licence is required to attend an interview where there will be an appraisal of his spoken English, English comprehension, a test of reading, basic written English, and basic mathematics. Drivers not reaching a satisfactory level will be refused a licence
5. A driving licence must be taken up within six months of a candidate being informed that he has successfully passed the Local Knowledge test.