

Report of: Head of Environmental Development

To: General Purposes Licensing Committee

Date: 28th October 2008 **Item No:** 5

Title of Report Guidelines Relating to the Relevance of Convictions
and Conditions.

Summary and Recommendations

Purpose of report:

To provide the Hackney Carriage and Private Hire Licensing Sub-Committee with additional powers when dealing with drivers put before them.

Key decision: No

Portfolio Holder: N/A

Scrutiny Responsibility:

Ward(s) affected: All

Report Approved by:

Tony Payne	Environmental Development
Daniel Smith	Legal & Democratic Services
Andy Collett	Finance

Policy Framework: None

Recommendation(s):

The Committee is RECOMMENDED to:-

Consider the report and approve the addition to the Guidelines Relating to the Relevance of Convictions.

Background

1. Drivers already licensed with the Authority who are convicted of a single motoring offence which results in a penalty of five or more penalty points or who acquire nine or more penalty points in total may be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee.
2. The Sub-Committee's options in dealing with these matters are limited to a warning, suspension or revocation of a driving licence.

Addition to the Guidelines Relating to the Relevance of Convictions

3. Since it is likely that the acquisition of penalty points in quantity is an indication that a driver's ability may not be acceptable, it is recommended that the Hackney Carriage and Private Hire Licensing Sub-Committee be given the additional option of being able to require that the driver takes and passes the Driving Standards Agency taxi driving test appropriate to the licence held.
4. It is proposed that an addition be made to the Guidelines Relating to the Relevance of Convictions, below with changes shown in bold type.

Drivers already licensed who are convicted of any single offence which results in a penalty of five or more points or acquires nine or more penalty points, **may** be interviewed and may be referred to the Licensing Committee.– **who can require the licence holder to take and pass the appropriate Driving Standards Agency driving test within two months of the receipt of the notification of the requirement from the Hackney Carriage and Private Hire Licensing Sub-Committee Such test to be at the drivers own expense.**

Any driver who fails to take the test when requested or fails to pass it may be referred back to the Sub –Committee which retains the power to revoke or suspend the licence.

5. The Driving Standards Agency currently carry out 'taxi' driving tests on behalf of the City Council for any new applicant requiring it. The nearest test centres with qualified examiners are at Aylesbury and Reading. The requirements for this test are shown at **Appendix 1**

English Language Testing

6. Passing a basic test of English language skills now forms part of the requirements for the grant of a private hire or hackney driving licence. The success of this can be shown by the large increase in the number of first-time passes of the local knowledge test.
7. The requirement for an acceptable level of English was not made retrospective and it is likely that there are some licence holders who would not have passed this test. It is the opinion of the Head of Environmental Development that it would neither be reasonable nor practical to expect all existing licence holders to take this test however, should an existing licence holder come to the attention of the taxi licensing office as the result of a complaint or other licensing matter and an inadequate standard of English be a factor then it would be considered reasonable to require that driver to pass the test.
8. Members of the Hackney Carriage and Private Hire Licensing Sub-Committee have been consulted and would wish this to be delegated to officers. Should the licence holder fail the test, it would be necessary for that person to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine whether he is a fit and proper person to hold a licence.

9. It is proposed that an addition be made to the licensing conditions.

WHERE

Following a complaint or other licensing matter, or for any other reasonable cause,, when in the opinion of the Head of Environmental Development, the inadequate standard of English, written or spoken, of the licence holder has been a cause or factor, the Head of Environmental Development may require that the licence holder takes and passes the standard English test for initial applicants. Failure to pass the test may result in the licence holder being referred to the Hackney Carriage and Private Hire Licensing Sub-Committee.

Consultation

10. A letter has been sent to all Operators and the Driver's Association advising them of the proposed addition and inviting comment. A reply has been received from Royal Cars, shown at **APPENDIX 2** and a message of support in respect of the English language test has been received from Radio Cars.

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Appendix 1 Requirements for driving test

Appendix 2 Letter from Royal Cars



HACKNEY CARRIAGE / PRIVATE HIRE ASSESSMENT TEST

IMPORTANT INFORMATION

DURING YOUR DRIVING TEST - WHAT THE EXAMINER LOOKS FOR:

PLEASE READ THE "ASSESSMENT EXPLAINED" INFORMATION SHEET CONTAINED IN THIS PACK

To pass you are permitted to accumulate up to 9 driving faults, if you accumulate 10 or more driving faults you will fail. Any serious or dangerous fault will be immediately recorded as a failure; the test will still continue finally returning to the driving test centre. The taxi assessment test is reflective of modern driving practices, the standard is set at a level suitable for full driving licence holders, it is important that you do not adjust your driving to what you may feel the examiner would expect to see, do not drive in an unnatural manner.

- You may be asked to do an emergency stop, you will need to demonstrate that you can stop as in an emergency, promptly and under control (avoid skidding).
- You will be asked to carry out two manoeuvres one of which will be your own choice, in both cases you will be expected to demonstrate your ability to manoeuvre your vehicle under control and with good all round effective observations, giving consideration to other road users and pedestrians.
- You will be asked on a number of occasions to pull up on the left at a safe and convenient place, as if a fare is either going to get in or out of your vehicle. Avoid parking next to lampposts and trees - this could be potentially hazardous for your passenger.
- Whenever you have been stationary at the side of the road, remember your important safety check - check your blind spot (look over your right shoulder) before pulling away.
- You need to use all your mirrors effectively (interior and exterior) and at the appropriate times, you should demonstrate that you are aware of what is happening around your vehicle at all times.
- You need to signal correctly and in good time to let other road users know your intention - other road users need to see and understand what you plan to do.
- You will be expected to understand and comply with traffic signs and road markings, as they are there to help you anticipate and plan your journey. You will also need to see and react to signals given by the police, traffic wardens etc. and signals given by other road users.
- You must be able to demonstrate your ability to make progress when the speed signs and the road and traffic conditions dictate it is safe to do so. Equally it is important to demonstrate that you recognise and comply when in a lower speed limit areas.
- Watch your separation distance from the vehicle in front and also your separation distance from parked cars.
- Use sound judgement and planning when overtaking, meeting oncoming vehicles and when turning right in front of oncoming traffic. At no time be in a situation where you cause another vehicle to brake or swerve to avoid **you**.
- Demonstrate that you are aware of other road users at all times, plan ahead predict how the actions of others will affect your driving and react in good time. Be aware of vulnerable road users such as pedestrians, cyclists, motorcyclists etc. act in good time, rather than at the last moment.

It is important that you read the Highway Code and be familiar with your vehicle. It is strongly advisable to consider taking professional instruction prior to taking the test.

WHEELCHAIR ACCESSIBLE VEHICLES

- You should demonstrate your ability to securely erect the wheelchair ramps (whatever style of ramp is fitted to your vehicle)
- Safely install the wheelchair in your vehicle, backing the chair to the fold down seats, then securing both wheelchair brakes
- Secure seat belts/safety harness and also secure wheel belts/clamps if fitted to your vehicle
- Having satisfied yourself that the wheelchair is secure is if to start a journey, the reverse the entire procedure.
- You will be asked a few questions on the Highway Code, some general cabology questions and asked to identify a few traffic signs. This may include such questions as the length, width or height, tyre pressures, what to do if you found an item of lost property in your cab etc.

It is important that you can demonstrate all the principles of safety and security - if seat belts, wheel belts or wheel clamps etc. are fitted then they should be in good working order and applied whatever style of wheelchair accessible vehicle you bring on test.

Received from

Niaz Mohammed, Manager of Royal Cars.

Driving tests

Concerning the matter of drivers undergoing a driving test, we feel that this is too harsh, as points can be obtained for number of reasons. In example it does not seem fair for some one to face the same penalty who get a points on a speed ticket/or parking ticket and some one who gets points for reckless driving. Further more it is our view that this goes beyond the powers given to Oxford City Council, as there is already organisations out there in that of the DVLA and Thames Valley Police with the powers to decide and revoke licences. On this point we strongly feel that this should not be a matter of the Oxford City Council to decide or enforce who can drive.