

Committee: Licensing & Environmental Health

Agenda Item

Date: 5 March 2014

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Title: Limited Drivers Licenses For Drivers Who Are Vehicle Testers

Author: Michael Perry, Assistant Chief Executive
Legal, 01799 510416

Item for decision

Summary

1. This report is to seek the view of members as to whether it may be appropriate to licence drivers as hackney carriage/private hire drivers in certain circumstances without requiring the standard DBS check and medical examination.

Recommendations

2. That members agree to vary paragraph 2.5 of the council's Licensing Policy relating to the hackney carriage and private hire trades by adding the following at the commencement of that paragraph "Save for drivers who are prepared to accept conditions on their licence that (1) they may not carry passengers and (2) that they will drive hackney carriage/private hire vehicles only for the purposes of road testing or for the purpose of collecting the same from and returning it to an operator or proprietor before and after the vehicle has been submitted for the purposes of repair, servicing or testing ("a limited licence") ...".
3. That appendix A be amended by inserting after paragraph 4 "and (save for limited licences as referred to in paragraph 2.5 of the policy):-"

Financial Implications

4. None.

Background Papers

5. None.

Impact

- 6.

Communication/Consultation	The council has sought the views of ULODA. No views have been expressed at the date of preparation of this report.
Community Safety	None.
Equalities	None.
Health and Safety	None.

Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

7. Under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 only those licensed by the council as hackney carriage or private hire drivers may drive licensed vehicles. There is one minor exception that a person carrying out a road test on a hackney carriage does not require such a licence. This exception does not extend to private hire vehicles.
8. Members will recall that the council agreed some years ago that vehicle testing could be carried out by approved garages. There are a number of these within the district. Some of these garages offer a service to their customers whereby they will collect a vehicle from the customer for the purpose of repair, servicing or testing and return the vehicle to the customer once the job has been completed. Such a service could not be legally provided under the legislation unless the drivers concerned were licensed by this council as hackney carriage and/or private hire drivers.
9. Under the council's policy all applicants for new driver licences are required to undergo a DBS check and medical at their expense. Such checks need to be renewed at 3 year intervals. The cost of this is an impediment to garages being able to offer a collection and return service to its customers. It also discriminates against garages that do not have rolling roads for the purpose of vehicle tests who cannot carry out road tests on private hire vehicles unless their mechanics are licensed as drivers by the council. Whilst the council cannot waive the requirement for drivers to be licensed it can reduce the burden of obtaining licences in such circumstances.
10. The purpose of the legislation governing the hackney carriage and private hire trades is primarily to secure the safety of the public. If the proposal were to be accepted, drivers would still need to meet the council's licensing standards regarding their driving ability contained in appendix 8 of the policy. Paragraphs 5 to 10 of appendix A are primarily aimed at protecting fare-paying passengers. If the licence were to be subject to conditions which prevented drivers from carrying passengers and also limited the purposes for which the vehicles could be driven this degree of protection would not be required.

Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
A person who is not considered fit and proper is allowed to retain his or her licence.	1, where there is any doubt as to whether a driver remains a fit and proper person it has always been the practice to refer such a driver to the committee for consideration.	4, licensing unsuitable drivers may lead to damage to property, personal injury or even death.	In the event that members are prepared to allow the grant of licences to individuals without undergoing DBS and medical checks, appropriate conditions are imposed on the licence.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.