

Committee:	Licensing and Environmental Health Committee	Date:	Thursday, 8 August 2019
Title:	Requirements placed on holders of driver's licences		
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Summary

To inform the Committee of the proposal to reinstatement two conditions on all drivers' licences issued by UDC.

Recommendations

For the Committee to approve the reinstatement of the following conditions onto UDC's driver licence conditions:

- *Notify UDC in writing of:*
 - *Any convictions, cautions or fixed penalty notices (save for in respect of civil parking fixed penalty notices which cannot result in the endorsement of points upon the driver's licence) within 7 days of the date of conviction, caution or the issue of a fixed penalty notice.*
 - *Any investigations being carried out into the activities of the driver by the police or a regulatory authority of which the driver is aware within 7 days of the driver becoming aware of the investigation.*

That the decision should take immediate effect.

Financial Implications

There are no financial implications for the proposed change as it is a matter of adding the two conditions detailed in the report onto template licence documents. Additionally the implementation and operation of the taxi licensing regime operates on a cost recovery basis except for enforcement and compliance costs of drivers and operators.

Background Papers

1. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - a. Taxi and Private Hire Licensing: Best Practice Guidance from the Department for Transport (March 2010).

- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf
- b. Taxi and Private Hire Vehicle Licensing: Protecting Users: Statutory Guidance for Licensing Authorities (currently being consulted upon).
<https://www.gov.uk/government/consultations/taxi-and-private-hire-vehicle-licensing-protecting-users>.
 - c. Law Commission in its report on Taxi and Private Hire Services.
http://www.lawcom.gov.uk/app/uploads/2015/03/lc347_taxi-and-private-hire-services.pdf.
 - d. Local Government (Miscellaneous Provisions) Act 1976.
<https://www.legislation.gov.uk/ukpga/1976/57>.
 - e. Report of the Taxi Task and Finish Group on taxi and Private Hire Vehicle Licensing and the Government response to that report from February 2019.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/775983/taxi-task-and-finish-gov-reponse.pdf.
 - f. Report to Licensing and Environmental Health Committee on 20th March 2019.
<https://uttlesford.moderngov.co.uk/ieListDocuments.aspx?CIId=140&MIId=5196&Ver=4>.
 - g. Proposed driver's conditions (Appendix A).

Impact

Communication/Consultation	No formal consultation will take place. The matters were consulted upon prior to the changes approved in March 2019 and although the conditions were removed the requirement remained part of the UDC Taxi Policy. No objections or comments were made previously and policy is not changing. All that is changing is where the requirement sits within the policy framework. The revision will be communicated to all licensed drivers as licences are renewed or first issued.
Community Safety	The authority has a duty only to licence drivers and operators who are considered to be fit and proper.
Equalities	The Council ensures that it treats all individuals and organisations that are renewing or making new applications for licences with equal respect both during the licensing approval / renewal process and in such instances where enforcement action becomes necessary.
Health and Safety	No impact on employee health and safety.

Human Rights/Legal Implications	<p>Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:</p> <p>Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.</p> <p>Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.</p> <p>2. The Local Government (Miscellaneous Provisions) Act 1976, allows a Local Authority to determine the suitability of an applicant for the grant of taxi and private hire vehicle Licenses and to request such information as it considers reasonably necessary from the applicant in order to determine if a licence should be granted/revoked.</p> <p>Section 52 of the Act allows any person aggrieved by any condition attached to the grant of a driver’s licence to appeal to a magistrates’ court.</p>
Sustainability	No issues arising.
Ward-specific impacts	All.
Workforce/Workplace	No issues arising.

Situation

1. Uttlesford District Council, as an authority that issues hackney carriage and private hire drivers licences, can set its own criteria to ensure that applicants are ‘fit and proper’ to hold a licence. The overriding factor is that of the protection and wellbeing of the public using Hackney Carriage and Private Hire Services.
2. As part of the changes made in March 2019, the two conditions detailed in this report were removed from the list of driver conditions from the 1 May 2019. However they remained part of the formal policy framework and as such all

drivers are still obligated to comply. These matters were to be covered in the new Suitability Policy agreed on the same date.

3. The change to where these requirements sat were made in an attempt to bring clarity around the matter to people both currently holding a drivers licence with this authority and those considering applying to the authority for the first time.
4. Feedback from existing licensed drivers shows that in practice this goal has not been achieved.
5. When a drivers licence is issued the applicant is given a driver's badge that must be worn whilst working and a paper part of that licence confirming other details. On the reverse of the licence all of the conditions of that licence are included for information and future reference.
6. Concerns have been raised that existing drivers that read their paper licence may consider that the obligations above may no longer apply as they do not appear as they have in previous years. This could potentially mean that longstanding drivers of good character could fall foul of failing to report matters having made the assumption that the requirement is no longer there.
7. Officers have explored possible solutions to this issue and consider that reinstating the requirements as licence conditions is the best way to swiftly address these concerns.
8. Whilst it would be possible to contact all UDC licensed drivers to clarify this point it would take officer time and involve the associated costs which would then be passed onto the trade. By reinstating the conditions so that they are included on paperwork that is already issued to every licensed driver there will be no financial implications for the Authority or the trade.
9. The driver conditions, as they will appear on a drivers licence if approved by Committee, are attached to this report as **Appendix A**. The two points have been added to the requirements in condition 19 (points d and e, highlighted in bold for the purposes of this report) and no other changes are proposed to the driver conditions at this time.
10. As Members will be aware driver's licences are issued for three years unless there is a good reason for issuing a licence of a shorter duration in an individual case. The change to the driver conditions agreed by Members at the meeting of the 20 March 2019, only took effect on the 1 May 2019, so the conditions detailed in this report remain on the vast majority of the drivers licences issued by UDC. If Members approve the recommendations of this report then the conditions will be included on all new and renewed driver licences issued from that point.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
An unsuitable person may be granted a driver, vehicle or operator licence.	The revision to the policies and procedures will minimise the likelihood of this occurrence by ensuring an effective and robust licensing regime adequately supported by appropriate enforcement.	Amending UDC's taxi licensing policies will promote public safety which is the core purpose of this licensing regime.	Members adopt the recommended changes and updates to current UDC policy and procedures.

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.