



LICENSING AND REGISTRATION COMMITTEE

DATE: Wednesday 5 October 2016

TIME: 7.30 pm

VENUE: Council Chamber, Council Offices,
Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor Cossens (Chairman)	Councillor Porter
Councillor Callender (Vice-Chairman)	Councillor Raby
Councillor Amos	Councillor Skeels (Jnr)
Councillor B Brown	Councillor Watson
Councillor M Brown	Councillor White
Councillor Bucke	Councillor Whitmore
Councillor V Guglielmi	Councillor Winfield
Councillor J Henderson	

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Katie Sullivan on 01255 686585

DATE OF PUBLICATION: MONDAY 26 SEPTEMBER 2016

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Wednesday 28 September 2016. **(Minutes to follow)**

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, or other interest, and the nature of it, in relation to any item on the agenda.

4 Report of the Corporate Director (Operational Services)

A.1 - Cessation of the Driver and Vehicle Standards Agency (DVSA) Taxi Driver Assessments and how this will affect applicants for new Hackney Carriage and Private Hire drivers licences in Tendring (Pages 1 - 38)

The Committee is asked to consider its agreement for the Licensing Service to find suitable alternative providers to carry out an equivalent to the Driver, Vehicle and Standards Agency (DVSA) Taxi Driver Assessment course which is being ended by the DVSA as from the 31 December 2016.

5 Report of the Corporate Director (Operational Services)

A.2 - Change of supplier for Hackney Carriage and Private Hire Vehicle Licence Brackets and Plates and other miscellaneous related vehicle and driver supplies (Pages 39 - 44)

The Committee is asked to approve a change of supplier for Hackney Carriage and Private Hire Vehicle Licence Plates and holding brackets and other miscellaneous vehicle and driver supplies.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Licensing and Registration Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 7.30 pm on Wednesday 18 January 2017.

Information for Visitors

FIRE EVACUATION PROCEDURE

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Licensing and Registration Committee

5 October 2016

Report of Corporate Director (Operational Services)

A.1 Report on cessation of Driver and Vehicle Standards Agency (DVSA) Taxi Driver Assessments and how this will affect applicants for new Hackney Carriage and Private Hire drivers licences in Tendring.

Report prepared by Simon Harvey

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Licensing and Registration Committee is asked to consider its agreement for the Licensing Service to find suitable alternative providers to carry out an equivalent to the Driver, Vehicle and Standards Agency (DVSA) Taxi Driver Assessment course which is being ended by the DVSA as from the 31 December 2016. The reason that it is necessary to do so, is that the requirement to pass a DVSA Taxi Drivers Assessment is part of the Council's policies in relation to hackney carriage and private hire drivers that all new applicants for hackney carriage and private hire drivers licences must pass a DVSA Taxi Drivers Assessment as a prerequisite to being granted a drivers licence in the Tendring District.

EXECUTIVE SUMMARY

- The Council's policy requirement that all new applicants for hackney carriage/private hire drivers licences in the Tendring District must pass a DVSA Taxi Drivers Assessment was reaffirmed by Members of the Licensing Committee at their meeting of the 16 December 2014.
- The requirement that all new applicants for hackney carriage/private hire driver's licences must pass the DVSA Taxi Drivers Assessment before being granted a driver's licence is part of a number of prerequisites for the grant of such a licence in Tendring and which includes Passenger Assisted Training and driver suitability and knowledge tests.
- All of these requirements including the DVSA Taxi Drivers Assessment were introduced by the Licensing Committee in consultation with the local taxi and private hire trades in order to maintain and improve the standards of driver and passenger safety in Tendring, along with encouraging applicants to regard taxi driving as a professional long term occupation in Tendring and one which can provide high standards of customer safety and care for fare paying passengers and in return give long term employment and income for the drivers themselves.
- This overall ethos may have been put in jeopardy by the very recent announcement from the DVSA that they will be ceasing all Taxi Driver Assessments as from the 31 December 2016 because the demand for these tests is outstripping the DVSA's capacity to meet that demand. They have advised that they do not have enough test examiners and need to prioritise their resources to reduce waiting times for those waiting to take ordinary car tests.

- The Licensing and Registration Committee will therefore need to determine whether they wish its Licensing officers to find alternative service providers that will offer an equivalent taxi driver assessment at a comparable price for all new applicants in our District, or whether they wish to remove the requirement for this test from the Council's policy in regards to the grant of a hackney carriage/private hire drivers for all new applicants in our District.

RECOMMENDATION(S)

It is recommended that the Licensing and Registration Committee agree the following actions:

- 1) **Continue requiring all new applicants for Tendring Council hackney carriage and private hire drivers licences to take and pass a Taxi Drivers Assessment equivalent to the standard required by the DVSA Taxi Drivers Assessment**
- 2) **Allow new applicants for Tendring Council hackney carriage and private hire drivers licences the flexibility to choose the service provider for a DVSA standard taxi driver assessment that suits their needs on locality and price of the test.**
- 3) **Continue to reserve the right to require existing Tendring Council licensed hackney carriage and private hire drivers to take and pass a DVSA taxi drivers assessment should it be deemed necessary by the Committee to do for remedial purposes.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council's policy to require all new applicants to take and pass a Taxi Driving Assessment as well as promoting passenger and driver safety and comfort also links into and supports the Council's Corporate Plan for 2016 – 2020 under the following criteria:

Community Leadership- Employment and Enjoyment

- Support business growth
- Enable better job prospects
- Facilitate improved qualification and skills attainment

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

- The implementation, administration and compliance of the policy is undertaken from existing budgets although legal and other potential and unknown costs may be incurred if the Councils policy was successfully challenged in Court and costs were awarded against it.

- The actual cost of the test which for weekdays is in the region of £80 to £90 and on evenings and weekends is in the region of £96 to £100 is directly payable by the applicant to the assessment provider. There is no cost payable for the test by the Council.

Risk

- There is a financial and reputational risk to the Council of any successful legal challenge made against its policies in relation to the grant of new hackney carriage/private hire driver's licences. .
- This risk is however reasonable and proportionate when taking into account the need to promote passenger and driver safety by having a policy requirement for all new applicants for hackney carriage and private hire drivers licences to take and pass a DVSA Taxi Drivers Assessment.

LEGAL

Any decision made by the Licensing and Registration Committee in regards to matters of grant, renewal, suspension or revocations of licences and attachment of policies or conditions to individual hackney carriage and private hire licences can be appealed to the Magistrates' Court and from there to the Crown Court.

In the event of the appeal being allowed by these Courts, the costs of any such hearing could be awarded against the Council.

In terms of challenging policy decisions, appeals can also be made by way of a Judicial Review to the Administrative Court in the High Court and again in the event of an appeal being allowed by this Court, the costs associated with the hearing could be awarded against the Council.

There is no scope, caveat, restriction or guidance as to what may be considered as "reasonably necessary" within the Act in terms of adopting policy in regards to taxi or private hire licensing or attaching conditions to a licence but the standard of "reasonableness" imposed by the Courts is high and what is "unreasonable" has been said by the Courts to be "whether an authority had acted, or reached a decision, in a manner so unreasonable that no reasonable authority could ever have come to it" (Associated Provincial Picture Houses Ltd. v Wednesbury Corporation (1948) and in subsequent cases the Courts have considered whether a decision is "... so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it." (Council of Civil Service Unions v Minister for the Civil Service (1985))

The Courts have upheld a Council's powers to set local conditions and policy on a number of occasions as stated cases.

The most recent stated cases of interest being R v Hyndburn Borough Council ex p Rauf and Kasim 12 February 1992 QBD and R v City & County of Swansea (Respondent) Ex Parte Julie Amanda Jones (Applicant) 1996 EWHC Admin 290

While these cases have involved the setting of maximum age policies in respect to hackney carriage and private hire vehicles, nonetheless the Courts of appeal have upheld the principle of a Council's right to set reasonable policies that do not fetter the discretion of the Council in relation to the hackney carriage and private hire drivers, vehicles and operators that it licences.

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

CRIME AND DISORDER

Not applicable to this matter.

EQUALITY AND DIVERSITY

Each hackney carriage or private hire driver licence application is considered in its own right and on its own merits and in accordance with the Council's licensing standards, conditions and policies.

AREAS/AWARDS AFFECTED

All

CONSULTATION

The requirement for all new applicants applying for a hackney carriage and private hire driver's licence to take and pass a DVSA Taxi Drivers Assessment is an existing policy. Members are being asked to approve that their licensing officers seek out suitable alternative service providers to carry out this test in light of the DVSA withdrawing its own test examiners and facilities with effect from the 31 December 2016. Therefore given that there is no change suggested or required to the Council's current policy in this regard and also that there is likely to be very little difference in cost for new hackney carriage and private hire driver applicants, undertaking any form of consultation with the existing hackney carriage and private hire trades or any form of public consultation is unnecessary in the circumstances and could also incur the existing taxi trade in unnecessary cost through their licence fees.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council's policy requirement that all new applicants for hackney carriage/private hire drivers licences in the Tendring District must pass a DVSA Taxi Drivers Assessment has been in place for a number of years and was reaffirmed by Members of the Licensing Committee at their meeting of the 16 December 2014. A copy of the minutes of the meeting of the 16 December 2014 is attached to this report as **APPENDIX 1**.

A guide to what is involved with taking and passing the DVSA Taxi Drivers Assessment is attached to this report as **APPENDIX 2**.

The requirement that all new applicants for hackney carriage/private hire driver's licences must pass the DVSA Taxi Drivers Assessment before being granted a driver's licence is part of a number of pre-requisites for the grant of such a licence in Tendring

and which includes Passenger Assisted Training and driver suitability and knowledge tests. Again these pre-requisites have been in place for a number of years and were reviewed and affirmed by Members of the Licensing Committee at their meeting of the 16 December 2014.

All of these requirements including the DVSA Taxi Drivers Assessment were introduced by the Council and approved by its relevant Licensing Committee in consultation with the local taxi and private hire trades in order to maintain and improve the standards of driver and passenger safety in Tendring, along with encouraging applicants to regard taxi driving as a skilled and professional long term occupation in Tendring and one which can provide high standards of customer safety and care for fare paying passengers and in return gives high value employment and long term income for the drivers themselves.

DfT Taxi and Private Hire Vehicle Licensing Best Practice Guidance

The following extract is taken from the Department for Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued in March 2010.

Driving Proficiency

70. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

This guidance is advisory best practice only for local authorities and is not binding but draws attention however to the fact that the DVSA provides a driving assessment specifically for taxi drivers.

The Licensing manager believes that requiring all new applicants to take and pass a taxi driver assessment to be a reasonable and proportionate requirement which helps to sustain and promote taxi and private hire driver and passenger safety and passenger care and comfort in Tendring. It also helps applicants to regard taxi driving as a professional long term occupation in Tendring and one which should provide high standards of customer safety and care for fare paying passengers and in return it can also provide the drivers themselves with high value employment and long term income. In response to the DfT's guidance shown above, the Licensing manager also believes that these long term benefits are commensurate to the cost incurred by new applicants to take and pass the taxi driver assessment. The Committee have also previously taken this view when determining that all new applicants for taxi and private hire driver's licences in Tendring must take and pass a DVSA taxi driver's assessment.

CURRENT POSITION

The DVSA have written to all Local Authorities on the 31 August 2016 to advise them that it is withdrawing its Taxi Driver Assessment with effect from the 31 December 2016. There was no prior warning or consultation with Local Authorities over this withdrawal. See letter attached to this report as **APPENDIX 3**.

It has advised that it is withdrawing this test because of the examiner resource needed to run the assessment and the pressure on the DVSA to reduce waiting times for persons taking ordinary car tests.

The notice period that the DVSA has given to Local Authorities may have seemed like a reasonable lead in time to them, but in reality it has left a significant number of Council's locally in Essex and further afield nationally with a problem in this regard for their new hackney carriage and private hire driver applications. Particularly given that in many areas, it is understood that DVSA test centres have already stopped taking any new bookings for taxi driver assessments pretty much with immediate effect following the sending of their letter of the 31 August. Nationally new applicants are also reporting to Council's that where they have been able to book a test they are being offered places a considerable distance away from their local test centre area.

The Licensing Manager along with over seventy of his opposite numbers in Essex and nationally have written to the Local Government Association (LGA) to highlight this problem and also to seek the LGA's assistance to intercede with the Department for Transport (DfT) and also the DVSA itself to see if the period of notice for withdrawing the taxi driver assessment can be extended, perhaps to the end of the financial year in order that persons who currently have an application pending can have their test honoured. It has been pointed out to the LGA that no prior warning or consultation was offered to Local Authorities by the DVSA before sending its letter of the 31 August.

The LGA are raising this matter with the DfT and the DVSA on behalf of all Local Authorities and applicants affected, but it seems unlikely that there will be a change of heart given the pressures on the DVSA to reduce waiting times for persons taking ordinary car tests.

Therefore if the Licensing and Registration Committee wish to ensure that all new applicants for hackney carriage and private hire driver licences in our area continue take and pass a taxi drivers assessment and which helps sustain and promote passenger and driver safety and comfort in Tendring in a positive way, it is imperative that we find a suitable alternative service provider to the DVSA as soon as it is practically possible.

The Licensing manager therefore requests that the Licensing and Registration Committee continues to require all applicants for new hackney carriage and private hire driver licences to take and pass a suitable taxi driver assessment and also continues to reserve the right to require an existing Tendring licensed driver to do so if it became necessary for remedial purposes.

Initial enquiries have shown that there are a small number of alternative service providers who carry out taxi driver assessments that are equivalent to the DVSA taxi driver assessment and who will carry them out for a very similar price to the DVSA which is in the region of £80 to £90 on weekdays and on evenings and weekends in the region of £96 to £100.

Of the three alternative companies/organisations researched so far, an organisation called the Blue Lamp Trust seems to offer a reasonable equivalent service and assessment to the current DVSA taxi driver assessment.

The Blue Lamp Trust

The Blue Lamp Trust is a charitable organisation based in Eastleigh in Hampshire and has its offices within the Hampshire Fire and Rescue Services Headquarters. It was set up a number of years ago principally to promote driver education and training and it also works closely with Hampshire Constabulary, Hampshire County Council and a number of local authority partners in that area to reduce crime and support victims of crime and incidents of fire in the County.

Initial approaches to the Blue Lamp Trust indicate that they already carry out taxi driver assessments in their area for a number of local authorities and are able and willing to offer taxi driver assessments within our area for a cost that will be in the region of £87 including VAT which is a comparable cost to the current DVSA taxi drivers assessment. They have been carrying out taxi driver assessments for over five years.

For every test booked with them by drivers from authorities outside of Hampshire they rebate £7 per test as a grant back to the local authority in question who can use this for good causes in its area.

The Licensing manager would however like the flexibility of being able to offer new applicants for Tending hackney carriage and private hire drivers licences the option of being able to choose from a number of service providers in order to provide them with the flexibility of choice.

The Licensing teams initial research suggests that there are other taxi driver assessment providers available which includes the following organisations:

Diamond Advanced Motorists

Is accredited by the government through its advanced driver and rider development programme and their examiners are also DVSA accredited. Diamond already carry out taxi driver assessments for a cost of £78 and will carry out the test in the local area as they have over 100 examiners available nationally.

Green Penny

Are based in Bedfordshire and provide a taxi driver assessment that meets the same DVSA requirements. Price for assessment is comparable to DVSA and for example the cost for a weekday test is £80.

Conclusions

- The DVSA have announced that they will no longer conduct taxi drivers assessments as from the 31 December 2016.
- Nationally in some areas it is already becoming difficult for new applicants to book these assessments.
- The Licensing and Registration Committee needs to determine whether or not it wishes to maintain its policy of requiring all new applicants for hackney carriage/private hire drivers licences to take and pass the equivalent to a DVSA taxi drivers assessment after the 31 December 2016. If it does, then alternative but equivalent service providers for the taxi driver assessment will need to be sourced at a comparable price for our new applicants.

- A number of alternative but equivalent taxi driver assessment providers have been identified and at a comparable price per test.
- The Licensing manager would wish to see to retention of the taxi driver assessment for all new applicants for hackney carriage and private hire driver licences and would like the flexibility for new applicants to be able to choose which service provider is more convenient and cost effective for them to use.

BACKGROUND PAPERS FOR THE DECISION

APPENDICES

APPENDIX 1 - A copy of the Licensing Committee minutes of the meeting of the 16 December 2014.

APPENDIX 2 - DVSA Taxi Drivers Assessment Schedule.

APPENDIX 3 - Letter from DVSA 31 August 2016

APPENDIX 1**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE****HELD ON TUESDAY 16 DECEMBER 2014 AT 7.30 P.M.****IN THE COUNCIL CHAMBER, WEELEY**

Present: Councillors Sambridge (Chairman), Coley (Vice-Chairman), Caines, R Callender, Casey, Cossens, De-Vaux Balbirnie MBE, S A Honeywood, Mitchell, Powell, Pugh, D C Skeels, Winfield and Wood

Also Present: Councillors P B Honeywood and M J D Skeels

In Attendance: Environmental Services Manager (John Fox), Legal Services Manager (Lisa Hastings), Licensing Manager (Simon Harvey), Senior Democratic Services Officer (Ian Ford) and Solicitor (Linda Trembath)

18. ELECTION OF CHAIRMAN

Following the casual vacancy caused by the resignation of Councillor T Fawcett, due to illness, as a member of the Committee it was moved by Councillor De-Vaux Balbirnie, seconded by Councillor Cossens and **RESOLVED** that Councillor Sambridge be elected Chairman of the Committee for the remainder of the municipal year.

In the light of the fact that there was now a vacancy in the office of Vice-Chairman of the Committee:

It was moved by Councillor De-Vaux Balbirnie and seconded by Councillor Pugh that Councillor Powell be elected the Vice-Chairman of the Committee for the remainder of the municipal year.

It was then moved by Councillor Mitchell and seconded by Councillor Wood that Councillor Coley be elected the Vice-Chairman of the Committee for the remainder of the municipal year

On being put to the vote it was:

RESOLVED that Councillor Coley be elected the Vice-Chairman of the Committee for the remainder of the municipal year.

The Chairman paid tribute to the work of Councillor Fawcett during his term of office as Chairman of the Committee.

19. APOLOGIES FOR ABSENCE AND SUBSTITUTE MEMBERS

An apology for absence was submitted on behalf of Councillor Shearing.

20. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on Thursday 29 July 2014 were approved as a correct record and signed by the Chairman.

21. DECLARATIONS OF INTEREST

There were none.

22. MINUTES – LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

The Committee received and noted, for information only, the minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 12 August 2014.

23. MINUTES - PREMISES/PERSONAL SUB-COMMITTEE 'A'

The Committee received and noted, for information only, the minutes of the meetings of the Premises/Personal Licences Sub-Committee 'A' held on 30 October 2014.

24. MINUTES – PREMISES/PERSONAL SUB-COMMITTEE 'B'

The Committee received and noted, for information only, the minutes of the meeting of the Premises/Personal Licences Sub-Committee 'B' held on 26 November 2014.

25. LICENSING ACT 2003 – APPLICATIONS APPROVED UNDER DELEGATED POWERS

The Committee noted the contents of a report on Premises Licence/Club Premises Certificate and Personal Licence applications, which had been approved under Delegated Powers, during the period 9 April 2014 to 1 December 2014, which report was submitted for information only.

26. REVIEW OF TENDRING DISTRICT COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER ENHANCED KNOWLEDGE TEST

The Committee reviewed the current Hackney Carriage/Private Hire Drivers' Licence enhanced knowledge test and process following its introduction in April 2012. and also the requirements that accompanied that test that all new applicants applying for a grant of a Hackney Carriage/Private Hire Drivers Licence in the Tendring District Council area also passed a Driver, Vehicle Standards Agency (DVSA) Test and obtained a Business Technology Education Council (BTEC), or its equivalent, in passenger handling prior to submitting an application for a Driver's Licence.

Members recalled that the driver knowledge test itself consisted of five modules which included, signage, Highway Code, routes, places of interest/local knowledge and conditions, law and equality. The Tendring District taxi and private hire driver's licence was granted in order to allow the holder to use it anywhere within the Tendring District and the driver knowledge test reflected this.

Members further recalled that the driver knowledge test and the accompanying skillsets taught under the BTEC and DVSA courses had been introduced after full consultation with the local taxi and private hire trades and the Tendring District Taxi Association and their full support.

As the driver knowledge test had been in place for over two years, the Officers had felt it was prudent to undertake a review of its effectiveness and also in the light of some recent criticism of the test received from a small number of new applicants for driver's licences, existing licence holders and Members. The Committee was therefore asked to determine whether it wished to see any amendments made to the current process of the test, or whether Members wished to leave the knowledge test and its process as it was.

The Committee was also asked to review whether it wished to retain the DVSA test and the BTEC, or its equivalent, in passenger handling in light of the costs involved for new applicants in taking and passing those requirements and review whether the cost to new applicants was a reasonable and proportionate requirement in helping to ensure that only “fit and proper persons” were granted a Hackney Carriage/Private Hire Driver’s Licence in the Tendring District Council area.

The Committee was made aware in the Officers’ written report that it was important to decide whether the above were still reasonable, appropriate and proportionate pre-licensing requirements, which helped to promote and sustain professional and customer-friendly taxi and private hire trades that put passenger safety, protection and service at the forefront of their business and as reasons for holding licences with this Authority, so that the public could have full confidence in licensed Tendring drivers, which, in turn, meant that the Council could have respected, professional and prosperous taxi and private hire trades in the District.

The Licensing Manager gave a comprehensive oral presentation to the Committee which set out the background and the current position of this matter. Points made by the Licensing Officer included:

That, on reviewing some of the criticisms raised in regards to the test, it would be fair to say that there were a very small number of the questions, (no more than six out of an overall pool of 194 questions) that would benefit from further clarification in how they were presented in the test. Officers had carried out a thorough and complete audit of the test and its questions to confirm their clarity and accuracy and where it was thought that the questions would benefit from clarification such amendments had been made accordingly.

The Licensing Manager informed the Committee that by way of an external check on the fairness and clarity of the test a number of proprietors of taxi companies/employers of taxi drivers had been invited to sit the test themselves and give their opinion on it. The general consensus was that while they thought that the test had been quite difficult in places, they agreed that the test was clear in its content. From their own perspective the taxi company owners wanted new applicants and new drivers to be professional and have the necessary awareness, training and proficiencies that were taught as part of the DVSA test and Level 2 BTEC or its PATS equivalent in passenger handling and the Tendring District driver knowledge test, they did not want those to be too difficult to pass and thereby cause them to have any shortage of drivers as a result.

The Licensing Manager made Members aware that, as part of putting together the review of this Council’s knowledge test and new driver licence application requirements, Officers had undertaken research to see what other Essex Councils required in terms of a driver knowledge test, DVSA test and Level 2 BTEC or its PATs equivalent. In addition, Officers had consulted with all current drivers licensed with the Council via a survey questionnaire. While it was disappointing that in the end only 37 of those questionnaires had been returned, nevertheless it the clear majority of those had supported continuing with the requirements of the driver knowledge test, DVSA test and PATs course and had also supported the Officers’ recommended changes.

Therefore, the Licensing Manager stated that, taking into consideration the research and consultation undertaken, it was appropriate that the Council retained the DVSA drivers test and PATS course as licensing requirements and standards to be completed by all new applicants for a hackney carriage and private hire drivers licence, but that those must be passed before the grant of a driver’s licence which was an amendment from the current policy which prescribed that applicants must pass the DVSA and PATS course

prior to even submitting an application for a hackney carriage and/or private hire drivers licence. The Officers' reason for recommending such a change was to prevent circumstances whereby an applicant paid out £80 or more to pass a DVSA drivers test and £80 or more for a PATS course, but then ultimately failed the suitability test or the driver knowledge test and had potentially wasted that outlay. The amendment would still require an applicant to undertake the DVSA test and PATS course, but it would be a requirement that they must do so before the taxi driver's licence was granted to them. In other words the driver's licence would not be granted to the new applicant unless they provided proof of passing the DVSA test and PATS course.

Having discussed the matter and the Officers' advice it was moved by Councillor De-Vaux Balbirnie, seconded by Councillor Powell and unanimously:

RESOLVED that the Committee agreed to:

- (a) Retain the DVSA Taxi Drivers' test and PATS Course as pre-licensing requirements and standards, which must be completed and passed by all new applicants before the grant of a new Hackney Carriage/Private Hire Driver's Licence;
- (b) Only consider the question of 'grandfather rights' for applicants in line with the decision in the stated case of Exeter City Council v Sandle 2011, where only in exceptional circumstances would applications for the renewal of a Hackney Carriage/Private Hire Driver's Licence be considered after a delay of no more than two or three days in applying for such renewal;
- (c) Amend the current policy in relation to suitability and driver knowledge tests in order to permit a thirty day period in between being able to re-sit a second and third attempt at the suitability and driver knowledge tests;
- (d) Allow applicants to re-sit only those modules of the Hackney Carriage/Private Hire Driver's knowledge test that they had previously failed on from the first test onwards;
- (e) Retain the appeal process to the Licensing (General Purposes) Sub-Committee, whereby new applicants for Hackney Carriage and Private Hire Drivers' Licences could appeal to be allowed to take a fourth knowledge test after having failed three tests;
- (f) Permit a maximum timescale of three months from the date of the DBS (CRB) and Medical Certificates to be considered valid at the time of granting a Driver's Licence submitted for all Hackney Carriage and Private Hire Drivers' Licences applications; and
- (g) Not allow new applicants for Hackney Carriage and Private Hire Driver's Licence to re-sit any further knowledge or suitability tests after having failed three, or four, tests for a period of three months from the date of the last failed test.

27. REVISED FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Committee considered whether to remove two fees from the Council's Hackney Carriage and Private Hire Vehicle Licence fee schedule.

The Officers' written report informed Members that, although the fees levied by the Council for Hackney Carriage and Private Hire vehicles were subject to a more detailed review in order to inform the level of fees to be charged in 2015/16, as part of the current

budget setting process, it was considered timely to make changes during 2014/15 rather than wait for the outcome from the review.

It was therefore proposed by Officers that, with immediate effect, the Council no longer charged for a change of Hackney Carriage and Private Hire vehicle, or for a change in ownership with the aim of having a more simplified charging structure and in the light of legal challenges faced by other Local Authorities.

The Licensing Manager gave a detailed oral presentation to the Committee which set out the background and the current position of this matter. In particular, the Licensing Manager informed the Committee that Officers had taken into account recent decisions made by other Councils, both locally and nationally, to cease charging separate administrative fees for those administrative processes. The Licensing Manager stated that, where a mechanical test was required for the change of a vehicle, an inspection fee would still be applied for that test in order to ensure that the new or replacement vehicle was mechanically safe, sound and roadworthy.

The Licensing Manager informed the Committee that the administrative costs incurred by the Council for the change of vehicle and transfer of ownership processes were legitimate costs to be recovered by the Council in accordance with Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976 and must be recovered, but should not be recovered through the use of separate administrative fees. The recovery of those administrative costs would form part of the overall review of fees and charges.

Having considered the Officers' advice it was moved by Councillor Cossens, seconded by Councillor Casey and unanimously:

RESOLVED that

- (a) the Council discontinues charging a separate fee for a change of Hackney Carriage or Private Hire vehicle;
- (b) the Council discontinues charging a separate fee for a change of owner of a Hackney Carriage or Private Hire vehicle;
- (c) the separate charges be removed from the Council's Schedule of Vehicle Licence Fees;
- (d) no variation to the Council's grant of vehicle licence fee be made until the fees for the next financial year 2015/16 are formulated; and
- (e) the outcome of the review be reported to a future meeting of the Committee.

28. REQUEST FROM THE CABINET REGARDING PROHIBITING THE USE OR RELEASE OF CHINESE SKY LANTERNS FROM LICENSED PREMISES OR EVENTS

The Committee was informed that, at its meeting of 1 August 2014, the Cabinet had considered a report from the Rural Projects Panel about the negative impact that the use and release of Chinese Sky Lanterns was having on rural communities and, in particular, to farmers' crops. As part of a number of measures to try and prevent the use or release of Chinese Sky Lanterns in the District, the Cabinet had made the following resolution:

“(d) that the Licensing Committee be requested to identify and take any opportunities to use the licensing legislation in pursuance of the Licensing Objectives for the Prevention of

Public Nuisance and the Promotion of Public Safety to extend the prohibition of the use or release of Chinese Sky Lanterns.”

The Officers' written report informed Members that, in respect of the Licensing Act 2003, the use or release of Chinese Sky Lanterns was not a licensable entertainment or activity that fell within the direct control and jurisdiction of that Act in the way that the sale of alcohol or the performance of live music did.

Officers felt that it was therefore very unlikely that applicants for a premises licence, club premises certificate or Temporary Event Notice would inform the Licensing Authority of any planned use of Chinese Sky Lanterns as part of any other licensable activity or entertainment taking place (such as the performance of live music) because they were not specifically required to under the Act. However, if an applicant did include details of the use or release of such lanterns within their operating schedule, for example, as part of an application for a new premises licence, or a variation of licence, or there was knowledge that this was likely to take place, then it would be open to Responsible Authorities such as the Fire and Rescue Service or residents to comment on that use.

The Committee were reminded that an application would only be heard and determined by a Premises/Personal Licences Sub Committee if representations in the form of objections were submitted against it that were relevant representations under the Licensing Act 2003. It was not open to a Licensing Authority to attach conditions to an application to control, restrict, or curtail times or activities if no relevant representation had been submitted to justify the attachment of such conditions. If no representations were made then an application must be granted as applied for, unless it was clear to the Licensing Authority that by granting the application it would undermine the licensing objectives.

Members were also reminded that in respect to Temporary Event Notices it was only the Police and the Environmental Health Authority that could submit a representation against the Notice.

The Officers' written report informed the Committee that on 4 November 2014 Essex County Council had issued a press release stating that they had banned the release of sky lanterns from any buildings or land owned by Essex County Council. The press release had stated that anyone found releasing lanterns would be asked to leave.

Having considered the Cabinet's request, it was moved by Councillor Powell, seconded by Councillor Mitchell and **RESOLVED** that the Cabinet's request be noted and supported by extending the prohibition of the use or release of Chinese (flammable) Sky Lanterns at, or from, licensed premises or events, where it is possible, reasonable and proportionate to do so.

29. VACANCIES ON PREMISES/PERSONAL LICENCES SUB-COMMITTEES 'A' AND 'C'

It was reported that, on 22 October 2014 and in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to the Chief Executive, Councillor Coley had been appointed to serve on this Committee in place of Councillor Fawcett.

It was further reported that, on 15 December 2014 and in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to the Chief Executive, Councillor S A Honeywood had been appointed to serve on this Committee in place of Councillor Colbourne.

The Committee was reminded that the provisions of the Licensing Act 2003 mandated that a member of a Premises/Personal Licences Sub-Committee must also be a member of the Licensing Committee. In the light of the above change to the membership of this Committee, Councillors Colbourne and Fawcett were no longer eligible to continue to be a member of Premises/Personal Licences Sub-Committees 'A' and 'C' respectively and therefore vacancies existed on those Sub-Committees.

Members were also reminded that the Premises/Personal Licences Sub-Committees were not subject to the Widdicombe Rules on political balance of membership of Committees and Sub-Committees. However, as stated above, a Member of a Premises/Personal Licences Sub-Committee must also be a serving Member of the Licensing Committee. That Member must also have received training in relation to matters pertaining to the Licensing Act 2003 and the Gambling Act 2005 under a continuing programme arranged by the Council.

It was moved by Councillor Pugh and seconded by Councillor Cossens that Councillor Pugh be appointed to fill the vacant seat on Premises/Personal Licences Sub-Committee 'A' for the remainder of the municipal year.

It was then moved by Councillor Casey and seconded by Councillor De-Vaux Balbirnie that Councillor Caines be appointed to fill the vacant seat on Premises/Personal Licences Sub-Committee 'C' for the remainder of the municipal year.

It was then moved by Councillor Sambridge and seconded by Councillor Mitchell that Councillor Wood be appointed to fill the vacant seat on Premises/Personal Licences Sub-Committee 'C' for the remainder of the municipal year.

On being put to the vote it was:

RESOLVED that:

- (a) Councillor Pugh be appointed to fill the vacant seat on Premises/Personal Licences Sub-Committee 'A' for the remainder of the municipal year; and
- (b) Councillor Caines be appointed to fill the vacant seat on Premises/Personal Licences Sub-Committee 'C' for the remainder of the municipal year.

30. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Mitchell, seconded by Councillor S A Honeywood and:

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business to be considered below on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

31. EXEMPT MINUTES - LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

The Committee received and noted, for information only, the exempt minutes of the meeting of the Licensing (General Purposes) Sub-Committee held on 12 August 2014.

The meeting was declared closed at 8.24p.m.

Chairman

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Introduction

The Driving Standards Agency is committed to improving driving standards through its testing and assessment activities. All drivers must take responsibility for developing the correct attitude and approach towards safe and considerate driving. This, combined with a sound knowledge of defensive driving will make our roads safer; a safer environment for all road users.

As a professional driver you have a special responsibility to ensure that your passengers have a safe, comfortable and enjoyable journey. You may have years of driving experience and will be able to demonstrate a good standard of driving on the taxi assessment.

The principles of good driving practice are set out in our official publication *The Official DSA Guide to Driving - the essential skills*. Study these principles and by putting them

into practice you can demonstrate to your passengers and other road users that you are a professional driver.

There are millions of journeys made every year by Hackney Carriage and Private Hire Vehicles. Consider taking on board good sound advice. This will result in these journeys being completed in safety and in comfort by your passengers. This will ensure a service delivered by professional taxi drivers who take pride in their driving and the service they give to their customers.

Rosemary Thew

Driving Standards Agency -
Chief Executive



The Role of the Driving Standards Agency (DSA)

DSA is the only agency in Great Britain charged with setting driving standards and delivering the consistently high quality required to ensure safe

driving practice. DSA has a wealth of experience in assessing all types of drivers. It is responsible for 1.6 million driving tests taken in Great Britain each year on cars, motorcycles, LGVs, PCVs and other special vehicles. DSA also trains, tests and monitors the performance of all examiners, sets the standards and syllabus against which all Approved Driving Instructors teach and authorises motorcycle training bodies to provide Compulsory Basic Training.

Your Hackney Carriage/Private Hire Assessment

Before you are issued with a Hackney Carriage or Private Hire Driver's Licence you must pass an assessment. It is recommended that you familiarise yourself with the contents of the assessment; these are set out on the following pages. We strongly recommend that you take professional instruction prior to taking the assessment.

Preparing for your assessment

As a professional driver you have a special responsibility to set an example to other road users by driving with courtesy and consideration.

The official range of books from DSA provide expert advice on best driving practices to ensure that you and your passengers have a safe, comfortable and enjoyable journey.



The Official DSA Guide to Learning to Drive

ISBN 9780115528583 Price £7.99

The only official guide which explains the standards required to pass today's practical driving test and assessment for taxi drivers. This latest edition includes references to the current version of *The Official Highway Code*. The book includes information about the 24 key skills examined and the level of ability you need to demonstrate, as a professional driver.

A section on the assessment for taxi drivers covers:

- licensing requirements
- key skills; including taxi manoeuvring exercise and stopping at the side of the road
- what to expect at your assessment and the wheelchair exercise.

The Official DSA Guide to Driving – the essential skills

ISBN 9780115528170 Price £12.99

This indispensable driving manual is packed with advice to help you become a safer driver. A section devoted to taxi drivers covers:

- first steps to becoming a taxi driver – regulations and medical checks
- passenger care – passenger comfort, seat belts and dealing with lost property
- professional driving – skills, environmental consideration, awareness, communication, tiredness and distractions
- driving taxis – stopping at the roadside, manoeuvring
- passengers with special needs and requirements.



The Official Highway Code

ISBN: 9780115528149 Price: £2.50

Essential reading for all road-users in England, Scotland and Wales. This updated edition of the only *Official Highway Code* contains the very latest rules of the road. Many of these rules are legal requirements and must be adhered to in order to avoid penalty - fines, penalty points, disqualification or even prison. *The Official Highway Code* reflects the most up-to-date legislation that road-users must adhere to, advice on road safety and best practice.

Rheolau'r Ffordd Fawr Swyddogol (Welsh Language version)

ISBN: 9780115528606 Price: £2.50

Northern Ireland Highway Code

ISBN: 9780337088865 Price: £2.50

The Official Highway Code Interactive CD-ROM

ISBN: 9780115528460 Price: £9.78

The CD-ROM version of *The Official Highway Code* provides an innovative and interactive alternative for users. It is an engaging, fun, and educational product aimed at accelerating the learning process and providing a thorough understanding of road safety and best practice.

Know Your Traffic Signs

ISBN: 9780115528552 Price £4.99

Your taxi assessment will include five questions on traffic signs, so pick up the latest edition of this comprehensive guide which explains the vast majority of traffic signs that any driver is likely to encounter. A valuable reference for professional drivers, even those with years of experience.



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Booking your Assessment

Booking your assessment

Remember, it is important to book your assessment early. The more flexible you can be in selecting a driving test centre where you wish to take your assessment, the earlier we can book you an appointment. Secure an appointment even before your police check or your medical.

Practical assessments are available at some test centres on Saturdays, Sundays and in the summer, on weekday evenings.

Booking online or by telephone

You can book your assessment by either of these methods and you'll be given the date and time of your assessment immediately.

You can book online at
www.businesslink.gov.uk/transport

To book by telephone, call 0300 200 1122. If you are a Welsh speaker call 0300 200 1133. If you are deaf and need a minicom machine call 0300 200 1144 to book your assessment.

When booking you'll need to explain that you want to take a taxi assessment and provide

- your UK driver number (from your licence)
- credit or debit card details. Please note that the card holder must be present.

Booking by post

Fill in the application form for the type of assessment you wish to take and send it, together with the correct fee, to the address shown on the back of the form. You can get application forms from driving test centres, your instructor or by phoning 0300 200 1122.

You may pay by cheque, postal order or with a credit/debit card. Postal orders or cheques should be made payable to the Driving Standards Agency. Please do not send cash. You'll receive an appointment letter within 10 days.

Appointment letter

Whether you book your assessment online, by telephone or by post you will receive an appointment letter or e-mail to take with you when you go for your assessment. It will include:

- the time and place of your assessment
- the address of the test centre.

Taxi assessment fees

You can change or cancel your assessment online at www.businesslink.gov.uk/transport. Alternatively, you can change or cancel an assessment appointment by calling 0300 200 1122.

You need to give at least three clear working days notice for change or cancellation of an assessment, not counting the day DSA receives your request and the day of the assessment (Saturday is counted as a working day). If you don't give enough notice you'll lose your fee.

The assessment is intended to fulfil one of the requirements under local Council taxi licensing procedures. The assessment will be carried out in accordance with the criteria drawn up by DSA to meet the Local Authorities Service Standards. A certificate will be issued when you pass the assessment and there is no further fee for this.

Taxi assessment fees

		Normal Hours	Out of Hours
Z	Hackney Saloon / Private Hire Saloon Highway Code / Traffic Signs / Cabology Questions.	£78.00	£94.00
Z1	Hackney Wheelchair enhanced Wheelchair Accessible Vehicles Highway Code / Traffic Signs Cabology Questions.	£91.00	£110.00
Z2	Wheelchair Exercise	£26.00	£31.99

Note: Assessment fees are correct at time of publication (1st January 2010) but please check at time of booking.

Taxi fees include VAT.

At the Driving Test Centre

You must bring the following items to your assessment:

- an appropriately insured and taxed / licensed vehicle suitable for the assessment
- your appointment letter
- a UK/NI photo card licence. Both parts of the licence (photo card and paper counterpart) must be presented

OR

- a full British old style paper licence and current passport
- current recognisable EU licence with a UK paper counterpart (and current passport if there is no photo on the licence).

If you do not bring your documents, your assessment may not be conducted and you may lose your fee.

REMEMBER
NO LICENCE - NO PHOTO
NO ASSESSMENT
YOU WILL LOSE YOUR FEE!

If your car has a front passenger seat you will need to provide an adjustable interior mirror for the use of the examiner.

Important information about your assessment

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 but the assessment will still continue, finally returning to the driving test centre. The taxi assessment is reflective of modern driving practices and 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 complete an emergency stop, i.e demonstrate that you can stop the vehicle 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, e.g reverse around a corner. 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 lower speed limit areas.
- You need to watch your separation distance from the vehicle in front and also your separation distance from parked cars.
- You need to 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
- You should 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. and act in good time, rather than at the last moment

- 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.

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 assessment.

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
- satisfy yourself that the wheelchair is secure, as if to start a journey.
Then reverse the entire procedure.

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 assessment.



Assessment Explained

1a Eyesight test

At the start of the assessment the examiner asked you to read a vehicle registration number. If you need glasses or contact lenses, you must wear them whenever you drive. If you had problems with the eyesight test, perhaps you should consider consulting an optician.

1b Highway Code Safety

You will be asked questions on *The Highway Code*, traffic signs and 'Cabology' (General questions relating to taxis and taxi driving).

2 Controlled stop

You will need to be able to display a high level of skill in bringing your vehicle to a stop, safely, promptly and under full control, avoiding locking the wheels. Remember that in wet weather it can take twice as long to stop safely.

3, 4 and 5 Reverse exercises

You will need to display the ability to control the vehicle safely whilst reversing to the left, right, when parking on the road or into a parking bay.

You must take good effective all-round observation throughout the manoeuvre and show consideration to other road users.

6 Turn in the road

You will need to display the low speed control and observation skills necessary to carry out this exercise safely with due regard for other road users and pedestrians.

7 Vehicle Checks Not applicable

8 Taxi manoeuvre

You must be able to display the ability to turn your car around by whatever means available, making sure you take effective, all-round observation, showing consideration to other road users and pedestrians.

You should control your vehicle smoothly, making proper use of the clutch, accelerator, brakes and steering. You should not use a driveway or allow your vehicle to mount the pavement as this could damage your vehicle.

9 Taxi wheelchair

You should be able to securely erect wheelchair ramps, safely install the wheelchair and an imaginary wheelchair occupant into your vehicle, ensuring the wheelchair and its occupant are secured in readiness for the journey, then reverse the entire process.

10 Vehicle and trailer combinations Not applicable

11 Precautions

Before you start the engine make sure that you are comfortably seated and all controls can be safely operated.

12 Control

This section covers, where appropriate, the safe and controlled use of accelerator, clutch, gears, footbrake, parking brake and steering.

Always try and use the vehicle controls as smoothly as possible. This means less wear and tear on your vehicle and a smoother ride for your passengers. Make proper use of your accelerator and clutch to make a smooth start. Always depress the clutch just before you stop. Select the correct gear to match the road and traffic conditions. Change gear in good time but not too soon before a hazard. Do not allow the vehicle to coast by running on in neutral or with the clutch depressed.

There should be no need to look down at the gear lever when changing gear. Use the footbrake smoothly and progressively. Brake in plenty of time for any hazard. Make full use of the parking brake whenever it would help you to prevent the vehicle rolling backwards or forwards, and if you are parking. Steer the vehicle as smoothly as possible.

Avoid harsh steering, or steering too early or too late as it may cause you to hit the kerb or swing out towards another road user.

13 Move off

You will need to demonstrate your ability to move off smoothly and safely on the level, on a gradient and at an angle, taking the correct precautionary observations.

14 Use of mirrors - Rear observations

Use all the mirrors fitted to your vehicle safely and effectively. You must always check carefully before signalling, changing direction or changing speed. Use the Mirrors-Signal-Manoeuvre (MSM) routine effectively.

15 Signals

You must signal clearly to let others know what you intend to do. You should only use the signals shown in *The Highway Code* if it would help other road users (including pedestrians).

Always signal in good time and ensure that the signal has been cancelled after the manoeuvre has been completed. Do not beckon to pedestrians to cross the road.

16 Clearance to obstructions

Allow plenty of room to pass stationary vehicles, obstructions and be prepared to slow down or stop. A door may open, a child may run out or a vehicle may pull out without warning.

17 Response to signs/signals

You should understand and be able to react to all traffic signs and road markings. You must act correctly at traffic lights, and check that the road is clear before proceeding when the green light shows. Obey signals given by police officers, traffic wardens and school crossing patrols. Look out for signals given by other road users, including people in charge of animals, and be ready to act accordingly.

18 Use of speed

You should make safe, reasonable progress along the road bearing in mind the road, traffic and

weather conditions and the road signs and speed limits. Make sure that you can stop safely, well within the distance you can see to be clear. Do not speed.

19 Following distance

Always keep a safe distance between yourself and other vehicles. Remember, on wet or slippery roads it takes much longer to stop. When you stop in traffic queues leave sufficient space to pull out if the vehicle in front has problems.

20 Maintain progress

In order to pass your assessment you must show that you can drive at a realistic speed appropriate to the road and traffic conditions. You should approach all hazards at a safe, controlled speed, without being over-cautious or interfering with the progress of other traffic. Always be ready to move away from junctions as soon as it is safe and correct to do so; driving excessively slowly can create dangers for yourself and other drivers.

21 Junctions (including roundabouts)

You should be able to judge the correct speed of approach so that you can enter a junction safely and stop if necessary. Position your vehicle correctly. Use the correct lane - if you are turning right, keep as near to the centre of the road as is safe. Avoid cutting the corner when turning right. If turning left, keep over to the left and do not swing out. Watch out for cyclists and motorcyclists coming up on your left and pedestrians who are crossing. You must take effective observation before moving into a junction and make sure it is safe before proceeding.

22 Judgements

Only overtake when it is safe to do so. Allow enough room when you are overtaking another vehicle. Cyclists and motorcyclists need as much space as other vehicles; they can wobble or swerve suddenly. Do not cut in too quickly after overtaking. Take care when the width of the road is restricted or when the road narrows. If there is an obstruction on your side or not enough room for two vehicles to pass safely, be prepared to wait and let the approaching vehicles through.

When you turn right across the path of an

approaching vehicle, make sure you can do so safely. Other vehicles should not have to stop, slow down or swerve to allow you to complete your turn.

23 Positioning

You should position your vehicle sensibly, normally well to the left. Keep clear of parked vehicles and position correctly for the direction that you intend to take. Where lanes are marked, keep to the middle of the lane and avoid straddling lane markings. Do not change lanes unless necessary.

24 Pedestrian Crossings

You should be able to recognise the different types of pedestrian crossing and show courtesy and consideration towards pedestrians. At all crossings you should slow down and stop if there is anyone on the crossing. At zebra crossings you should slow down and be prepared to stop if there is anyone waiting to cross. Give way to any pedestrians on a pelican crossing when the amber lights are flashing. You should give way to cyclists as well as pedestrians on a toucan crossing and act correctly at puffin crossings (refer to *The Highway Code*).

25 Position / Normal Stops

Choose a safe, legal and convenient place to stop, close to the edge of the road, where you will not obstruct the road and create a hazard. You should know how and where to stop without causing danger to other road users. See bullet 3 page 95, Learning to Drive.

26 Planning

You must be aware of other road users at all times. You should always think and plan ahead so you can judge what other road users are going to do, predict how their actions will affect you and react in good time. Take particular care to consider the actions of the more vulnerable groups of road users such as pedestrians, cyclists, motorcyclists and horse riders. Anticipate road and traffic conditions, and act in good time, rather than reacting to them at the last moment.

27 Ancillary Controls

You should understand the function of all the controls and switches, especially those that have a bearing on road safety. These include indicators, lights, windscreen wipers, demisters and heaters. You should be able to find these controls and operate them correctly when necessary, without looking down.

28 Eco-safe Driving

Driving skills should demonstrate recognition of the principles of Eco-safe Driving, including appropriate use of the vehicle controls.

Annex 1

Driving Test Centres

Driving Test Centres listed below in bold are able to do the Wheelchair Assessment.

Aldershot (Farnborough)	Eastbourne	North Allerton
Ashford (Kent)	Enfield	Norwich
Aylesbury	Exeter	Nottingham (Chalfont Drive)
Ayr	Farnborough (Aldershot)	Nottingham (Colwick)
Barnet	Folkestone	Nuneaton
Barnsley	Gillingham LGV	Peterborough
Basildon	Girvan	Pontefract
Basinstoke	Glasgow (Shieldhall)	Poole LGV
Barry	Goodmayes	Portsmouth
Bedford	Grantham	Preston
Birmingham (Shirley)	Gravesend	Reading
Birmingham (South Yardley)	Guildford LGV	Redditch
Bishop Auckland	Halifax	Reigate
Bishop Stortford	Hastings	Rotherham
Blackburn	Heckmondwike	Sevenoaks
Bletchley	Hendon	Sheffield (Handsworth)
Blyth	Herne Bay MPTC	Skipton
Borehamwood	High Wycombe (Bucks)	Slough
Bradford (Eccleshill)	Hinckley	Southampton (Forest Hills)
Bradford (Heaton)	Horsforth	Southampton (Maybush)
Bridgend	Huddersfield	St Albans
Bridlington	Hull	St Helens
Bristol Multi Purpose Test Centre)	Kilmarnock	Stevenage
Bristol (Brislington)	Isleworth	Swansea
Bristol (Southmead)	Keighley	Taunton
Burgess Hill	Lee on the Solent	Telford
Burton-On-Trent	Leeds (Harehills)	Tolworth
Bury St Edmunds, Suffolk	Leicester (Gipsy Lane)	Tunbridge Wells
Bury, Lancs	Leicester (Welford Road)	Wakefield
Cambridge (Chesterton Road)	Leicester (Wigston)	Warwick
Cambridge (Cowley Road)	Letchworth	Watford
Cannock	Lincoln	Wednesbury
Canterbury	Longbenton	Weston-Super-Mare
Cardiff (Fairwater)	Loughborough	Widnes
Carlisle	Lower Gornal	Winchester
Chelmsford	Luton	Wisbech
Chertsey	Maidstone	Wolverhampton
Coventry (Bayton Road)	Merthyr Tydfil	Workington
Crawley	Middlesbrough	Worthing
Croydon	Nelson	Yeovil
Derby (Sinfin Lane)	Newbury	
Darlington	Newport	
Doncaster	Newton Abbott	

Note: Taxi Assessment Centres were correct at time of press but are subject to change, please check at the time of booking.

Annex 2

Cabology Questions

Only the questions in **bold** print will be used on Black Cab style taxi tests.

Example questions:

Q. What is the length, width and/or height of the cab you are now with?

A. See page 26

Q. What are the correct tyre pressures for the cab you are now with?

A. See page 26

Q. Whilst driving a taxicab, how would you know if the rear automatic door locking system became inoperative?

A. The warning light on the dashboard will illuminate (green with black key icon)

Q. If the tyre pressures of the vehicle you are driving are 35psi at the front and 40psi at the rear, what would you consider the correct pressure for the spare to be?

A. 40psi, because it would be easier to deflate than inflate a tyre at the roadside

Q. As a Hackney Carriage driver, what is your main responsibility?

A. The safety and comfort of your passengers.

Q. How would you show consideration for passengers alighting from your vehicle?

A. Stop close to the kerb and avoid proximity to obstructions (street furniture, trees etc).

Q. As a licensed driver, what must you wear and display conspicuously with you at all times?

A. The Taxi driver's badge.

Q. If you found an item of lost property left in your taxicab, what would you do with it?

A. Either hand it into a Police Station or Local licensing Office within 24 hours, depending on local regulations.

Q. What is the minimum legal requirement of a tyre tread depth?

A. 1.6mm.

Q. If the tyre pressures of the vehicle you are driving are 35psi at the front and 40psi at the rear, what would you consider the correct pressure for the spare to be?

A. 40psi; because it would be easier to deflate than inflate a tyre at the roadside.

Q. As a Private Hire taxi driver, what is your main responsibility?

A. The safety and comfort of your passengers.

Q. How would you show consideration for passengers alighting from your vehicle?

A. Stop close to the kerb and avoid proximity to obstructions (street furniture, trees etc).

1. TAXI SPECIFICATIONS

TX1:

Length 4580m/m 180.45in

Width (mirrors out) 2036m/m 80.22in

Height 1834m/m 72.26in

Tyre pressures: front 35psi rear 40psi

TX11:

As for TX1 except for length, which is: 4575mm
180.00in

LT1. FX4 Fairway:

Length 4580m/m 180.45in

Width 1750m/m 69.00in

Height 1755m/m 69.50in

Tyre pressures: front 35psi front 36psi

Metrocab series 3 & TTT:

Length 4505m/m 177.38in

Width 1770m/m 69.69in

Height 1755m/m 69.50in

Tyre pressures: front 38psi front 38psi



Passed your DSA test?

You could qualify for a **discount** on **insurance** from **Swinton Taxi Division**

Passing your DSA Hackney Carriage Private Hire Assessment test is a fantastic achievement. One of the added benefits is that we could give you a discount on your insurance policy, subject to terms and conditions. The team at Swinton Taxi Division can arrange your insurance quickly and efficiently, so you can get on the road and start running fares.

Swinton Taxi Division can offer:

- same-day document turnaround
- specialist cover for private and public hire vehicles
- cover for MPVs, executive hire and coaches
- 3, 6 and 12 month policies available

Terms and conditions apply



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Ian Gillett, Castle Taxi, Rochdale

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www.businesslink.gov.uk/transport

Phone: 0300 200 1122

Minicom: 0300 200 1166

Driving Standards Agency
PO Box 280
Newcastle Upon Tyne
NE99 1FP

Customer enquiry unit

Email: customer.services@dsa.gsi.gov.uk

Phone: 0300 200 1122

Fax: 0300 200 1155

Driving Standards Agency
PO Box 280
Newcastle Upon Tyne
NE99 1FP

Information about Customer service and
Eco Safe driving can be obtained from
www.dsa.gov.uk

The Driving Standards Agency
recognises and values its
customers. We will treat all our
customers with respect, and
deliver our services in an
objective, polite and fair way.

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Chief Executive
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TENDRING
CO16 9AJ

5 SEP 2016

31 August 2016

DVSA Taxi Driver Assessments

DVSA (and previously DSA) have been conducting Taxi Driver Assessments for participating Local Authorities since 1999. Demand has increased over the years, with a throughput in 2015-16 of approximately 23,000 and a forecast of 28,000 for the business year 2017-18.

These assessments now require considerable examiner resource, at a time when the demand for statutory tests is at an all-time high. The Agency is under pressure to reduce car test waiting times and in order to achieve this, we need to prioritise our activities.

Regrettably, a decision has been made to withdraw the provision of Taxi Assessments with effect from 31 December 2016. We understand that this will be a disappointment and inconvenience to those Local Authorities who currently require their taxi drivers to pass the DVSA assessment.

The Agency also recognises the road safety benefits of such an assessment; therefore, we would point out that there are potential providers such as road safety charities and Driving Instructor representative bodies, who may be interested in providing an alternative service. Details of these organisations can be easily obtained by submitting a general internet search.

Yours faithfully

Neil Wilson
Head of Driver and Driver Training Policy

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Licensing and Registration Committee

5 October 2016

Report of Corporate Director (Operational Services)

A.2 Report recommending change of supplier for Hackney Carriage and Private Hire Vehicle Licence Brackets and Plates and other miscellaneous related vehicle and driver supplies.

Report prepared by Simon Harvey

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Licensing and Registration Committee is asked to approve a change of supplier for Hackney Carriage and Private Hire Vehicle Licence Plates and holding brackets and other miscellaneous vehicle and driver supplies.

EXECUTIVE SUMMARY

- The Licensing Team is always looking for ways to provide the best value service to its customers and one of the means to do this is to regularly scrutinise the cost, quality and suitability of supplies that it purchases.
- Hackney Carriage and Private Hire vehicles are required to display vehicle licence plates as part of the legislation that controls the licensing of these vehicles and also the conditions of vehicle licence.
- These plates and holding brackets are purchased and paid for as part of the Council's vehicle licence fees.
- The team have used the same bracket and licence plate supplier for a number of years, but have now been able to source an alternative provider, MOGO, who is offering what the team in its experience and opinion considers to be a better quality product, but at an overall cheaper price. The saving is not especially significant however, but bearing in mind that a better quality product is being supplied at an overall cheaper price, it is a change worth making.
- Currently our plates can wear quite badly and the poly carbon material used to make the plates has been of flimsy quality and which have often allowed dirt to seep through the protective cover to the plate itself.
- Tending District Council hackney carriage and private hire vehicle licence plates have a licence expiry date printed on them, along with the make, model and colour of the vehicle and number of passengers it can carry.
- It is therefore imperative for passenger safety that the expiry date along with all of the other details held on the plate are clear and easily readable so that passengers can be assured that they are getting into a fully licensed vehicle and also that enforcement agencies such as the Police know that a vehicle is correctly and legitimately licensed. This is the primary reason for proposing a change of licence plate supplier and bracket and plate design.
- The proposed new MOGO plates are much sharper, clearer and distinctive.

They are harder wearing and also can be printed to include the Council's Corporate colour making them far more unique and distinguishing as Tendring Taxis and also carry a distinctive hologram on them which makes plate falsification impossible.

- The brackets that hold the licence plates are also designed to fit neatly and securely underneath the vehicles registration plate.
- The ongoing savings made after the first year purchase of brackets and plates for renewal and first time applicants for vehicle licences will assist in helping to keep our overall costs down to the taxi and private trades in respect to vehicle licences.
- Council's in Essex such as Thurrock and Brentwood have also changed the supply of their hackney carriage and private hire vehicle bracket and licence plate over to MOGO.

RECOMMENDATION(S)

The Licensing and Regulation Committee is recommended to agree to the following actions:

- 1) That the Licensing Team will change its supplier for hackney carriage and private hire vehicle licence plates and brackets and other miscellaneous related vehicle and driver supplies to MOGO once existing plate supplies have been used; and;**
- 2) That prior to any final change, the Licensing Team conducts a short consultation exercise with the taxi and private hire trades including the Tendring District Taxi Association (TDTA) to ensure that they are in support of the change in supplier and in support of the new design for brackets and plates; and;**
- 3) If this consultation proves positive then suppliers will be changed, but if not the matter will be reported back to the Committee for a final decision.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The proposed change to Council's hackney carriage and private hire vehicle licence plate suppliers provide a better product at a cheaper price links into and supports the Council's Corporate Plan for 2016 – 2020 under the following criteria:

Community Leadership- Employment and Enjoyment

- Support business growth

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

This proposed change of plate suppliers is self financing and will save costs against

vehicle fees in the region of £400 in the second year and which will continue to be saved in subsequent years after the initial purchase of the brackets and licence plates in the first year. It will also provide licence holders with a superior product. The amount spent on the purchase of taxi and private hire licence plates per year is below the threshold required by corporate procurement rules under the Council's constitution (£2,500). Therefore the change of supplier is not subject to any required process of competitive bid or tender. The number of taxi and private hire vehicle licence plate suppliers is also very small indeed making any such process unviable in any case. Notwithstanding, two suppliers have been sourced to offer a price comparison and MOGO is offering a better price and a better product.

Risk

Our current plates have a tendency to wear badly and also become dirty behind the protective plastic coating. This carries a risk that passengers or enforcement agencies such as the Police may not be able to readily identify the vehicle as a fully and legitimately licensed Tending taxi.

LEGAL

Any decision made by the Licensing and Registration Committee in regards to matters of grant, renewal, suspension or revocations of licences and attachment of policies or conditions to individual hackney carriage and private hire licences can be appealed to the Magistrates' Court and from there to the Crown Court.

In the event of the appeal being allowed by these Courts, the costs of any such hearing could be awarded against the Council.

In terms of challenging policy decisions, appeals can also be made by way of a Judicial Review to the Administrative Court in the High Court and again in the event of an appeal being allowed by this Court, the costs associated with the hearing could be awarded against the Council.

There is no scope, caveat, restriction or guidance as to what may be considered as "reasonably necessary" within the Act in terms of adopting policy in regards to taxi or private hire licensing or attaching conditions to a licence but the standard of "reasonableness" imposed by the Courts is high and what is "unreasonable" has been said by the Courts to be "whether an authority had acted, or reached a decision, in a manner so unreasonable that no reasonable authority could ever have come to it" (Associated Provincial Picture Houses Ltd. v Wednesbury Corporation (1948) and in subsequent cases the Courts have considered whether a decision is "... so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it." (Council of Civil Service Unions v Minister for the Civil Service (1985))

The Courts have upheld a Council's powers to set local conditions and policy on a number of occasions as stated cases.

The most recent stated cases of interest being R v Hyndburn Borough Council ex p Rauf and Kasim 12 February 1992 QBD and R v City & County of Swansea (Respondent) Ex Parte Julie Amanda Jones (Applicant) 1996 EWHC Admin 290

While these cases have involved the setting of maximum age policies in respect to hackney carriage and private hire vehicles, nonetheless the Courts of appeal have upheld the principle of a Council's right to set reasonable policies that do not fetter the discretion of the Council in relation to the hackney carriage and private hire drivers, vehicles and operators that it licences.

It should be noted however that in terms of changing bracket and plate suppliers this is not a policy decision and is a decision made on price and quality of product only. The legislation that governs the licensing of hackney carriage and private hire vehicles requires a Council to issue vehicles that it grants licences to with a plate or disc. The Council is therefore simply complying with the law in a way that provides best value in price and also in vehicle and plate identification and safety for its licence holders and their passengers.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

CRIME AND DISORDER

Poor quality vehicle licence plates could carry a risk that passengers or enforcement agencies such as the Police may not be able to readily identify the vehicle as a fully and legitimately licensed Tending taxi. This may put fare paying passengers in potential jeopardy, if for example, they got into a vehicle whose licence had expired or were displaying a false plate. The proposed new MOGO plates carry a hologram on them which makes plate falsification or duplication impossible. This is a much better safety feature for passengers and enforcement agencies.

EQUALITY AND DIVERSITY

Not applicable

AREAS AFFECTED

All

CONSULTATION

It is proposed within the recommendation of this report that the licensing team conducts a short consultation exercise with the taxi and private hire trades including the Tending District Taxi Association (TDTA) to ensure that they are in support of the change in supplier and in support of the change of design for the bracket and licence plate. If the result of this consultation provides positive feedback, then our plate suppliers will be changed to MOGO. If the feedback is not positive however then the matter will be reported back to the Committee for a final decision on whether or not our plates should be changed. .

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 require that Hackney Carriage and Private Hire Vehicles respectively are identified by vehicle licence plate or disc and which must be exhibited on the vehicle in a manner prescribed by the District Council.

Tendring District Council hackney carriage and private hire vehicles are issued with plates and which by condition of licence must be affixed to the rear of the vehicle by the use of the plate platform or bracket. The plates and brackets are paid for from the vehicle licence fees.

We have used the same supplier for our vehicle brackets and licence plates for a number of years, but the plates have, in the licensing team’s opinion, deteriorated in terms of quality, durability and clarity in recent times.

CURRENT POSITION

The Licensing Team is always looking for ways to provide the best value service to its customers and one of the means to do this is to regularly scrutinise the cost and quality of supplies that it purchases.

The team have used the same licence plate supplier for a number of years, but have now been able to source an alternative provider, MOGO, who is offering what the team in its experience and opinion considers to be a better quality product for both bracket and licence plate, but which can be supplied however at an overall cheaper price. The saving is not especially significant or substantial, but bearing in mind that a better quality product is being supplied at an overall cheaper price, it is a change worth making.

The net saving after purchase of new brackets and plates is in the region of £400 in the second year after purchase and from there on around £400 per year as an ongoing saving.

This is not a substantial or significant saving, but the primary benefit from the change of bracket and plate supplier over to MOGO is that the Council, the taxi trade and their passengers will be getting a superior product that is more durable and is much sharper, clearer and distinctive as a vehicle licence plate.

The plates are harder wearing and also can be printed to include the Council’s Corporate colour making them far more unique and distinguishing as Tendring Taxis and also will carry a distinctive hologram on them which makes plate falsification impossible. This is a much better safety feature for passengers and enforcement agencies.

Examples of the new design for hackney carriage and private hire vehicle licence plates and holding brackets will be available for the Committee to view at their meeting

on the 5 October.

BACKGROUND PAPERS FOR THE DECISION

Comparison costs for plate suppliers.

APPENDICES