

REPORT TO LICENSING COMMITTEE



DATE	2nd February 2022
PORTFOLIO	Community & Environment
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Review of Taxi Pre-Application Requirements

PURPOSE

1. To review taxi pre-application requirements introduced to accommodate covid-secure measures, and consider implementing permanent changes.

RECOMMENDATION

2. That the Licensing Committee agree:
 - to reinstate supervised online driver Knowledge Tests from 4th April 2022
 - to agree to adopt permanently the online safeguarding training (as prescribed by the Council) and online safeguarding refresher training, to be implemented from 4th April 2022
 - to introduce knowledge test refresher training every 3 years, to coincide with the renewal of the driver licence, from 4th April 2022
 - to confirm Group 2 driver medicals as an alternative to GP medicals where the practice no longer offers the service, implemented immediately
 - to reinstate 3 year driver licences as the norm where the pre-application criteria are met (except in special circumstances eg for medical reasons & hardship)
 - to recommend Full Council to amend the Scheme of Delegation in accordance with Appendix A to enable the Head of Legal & Democratic Services to act where training requirements are not met

REASONS FOR RECOMMENDATION

3. To review the arrangements as per Minute 27 Licensing Committee 23rd June 2021.

SUMMARY OF KEY POINTS

4. The interim arrangements introduced through the pandemic period provided a series of accommodations to pre-application criteria, the impact of which was safeguarded by a requirement for annual renewal of a driver`s licence.
5. The Knowledge Test comprises 3 parts – an assessment of English communication skills; an understanding of the legal framework & local taxi licensing conditions; and familiarity with the Burnley area. Since the introduction of the interim, remote knowledge test arrangements the pass rate has increased to almost 100%. The English language assessment element of the test, which Members have previously felt essential, has not been possible because the test has not been conducted face to face. As covid restrictions have fallen away Contact Burnley anticipate being able to reintroduce supervised tests in the contact centre from April.
6. The absence of a requirement for refresher training, particularly in relation to the legal framework, and conditions was considered at a recent Sub-Committee as part of a driver licence review. Refresher training should be completed as a pre-requisite of each renewal, by way of resitting the Knowledge Test is therefore proposed at a current cost of £48.
7. Online safeguarding training, and refresher training at renewal, have been implemented successfully. They have worked well and it is recommended that they should continue to be delivered in the current remote format. Now that the system has bedded in the expectation will be that refresher training will be completed as a pre-requisite of each renewal.
8. Group 2 medicals are now accepted, subject to the issue of a 12 month driver licence, but only where the applicants own GP does not provide this service. The independent practitioner has access to the individual`s medical history. This has been utilised by a small number of drivers and has worked very well, giving confidence that the licence period can safely be extended to 3 years.
9. Annual driver licences result in a large number of renewals being necessary which would not otherwise be required. Adopting the recommendations of this report will regularise the pre-application requirements and allow 3 year licences to resume as the norm. As has always been the case, annual licences will be retained for `special circumstances` including medical reasons and hardship.
10. In order to act where training requirements are not met, and provide for future circumstances where training requirements are reviewed, the proposal at Appendix A provides for appropriate delegated powers to be available to the Head of Legal & Democratic Services to suspend or refuse to renew licences.
11. For information, a further `tax conditionality` pre-application check will be required from 4th April 2022. This has been introduced nationally and requires all existing drivers and operators to complete a tax check prior to licence renewal, and all licensing authorities to verify that the check has been made. This will be facilitated via an online HMRC portal.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

12. Knowledge Tests, safeguarding training and medicals are paid by the drivers direct to the provider. 3 year licences cost less than 3 x annual licences.

The Contact Burnley services are provided by Liberata, and any changes to services provided will be agreed between the parties.

POLICY IMPLICATIONS

13. The recommendation would introduce permanent changes to pre-application requirements

DETAILS OF CONSULTATION

14. Taxi Task Group were consulted prior to meeting on 19th January 2022 and endorsed the recommendations of the report.

BACKGROUND PAPERS

15. None

FURTHER INFORMATION

PLEASE CONTACT:

Karen Davies

ALSO:

Joanne Swift

Proposed Amendment to Constitution – Part 3 p13 Head of Legal & Democratic Services

Existing:

2. In the event that a driver fails to successfully complete the Burnley Council/Burnley College Taxi Training within the time limits set out as follows:
To require all new applicants, upon applying for a Hackney Carriage or Private Hire Driver's licence, to have registered for the Taxi Training Course within 6 months of the application date: and
To require all existing licensed hackney carriage and private hire drivers to undertake and successfully complete the Taxi Training Course by 31st October 2011;
to approve the use of the Head of Legal and Democratic Services delegated powers to suspend or refuse to renew, as appropriate, the Hackney Carriage and/or Private Hire Driver's licence. In such cases the driver will be offered the opportunity to put any circumstances to show why the licence should not be revoked or renewed to the Licensing Committee for final disposal.
3. To enable the suspension or refusal to renew, as appropriate, of any Hackney Carriage and/or Private Hire Drivers and/ or Operators Licence where the holders of such licences have failed to complete a council approved child sexual exploitation (CSE) course by 31st December 2016.
Where the Council intends to suspend a drivers/operators licence because they have failed to complete a CSE course, the licence holder will be offered the opportunity to put forward any exceptional circumstances to the Licensing Committee to show why the licence should not be suspended or why it should not be renewed.
The suspension of any licence would continue until such time as a driver/operator is able to complete the CSE training

Proposed:

2. In the event that an applicant or licence-holder fails to successfully complete any training required by the Council the Head of Legal and Democratic Services is given delegated powers to suspend or refuse to renew, as appropriate, the Hackney Carriage and/or Private Hire Driver's licence and/ or Operators Licence. The applicant/licence holder will be offered the opportunity to put forward any exceptional circumstances to show why the licence should not be suspended, refused or why it should not be renewed.
The suspension of any licence would continue until such time as a driver/operator is able to complete the training.
3. **Delete**