

Public Document Pack

Date of meeting Tuesday, 15th February, 2022
Time 7.00 pm
Venue Astley Room - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Licensing & Public Protection Committee

AGENDA

PART 1 – OPEN AGENDA

PART 1 - LICENSING

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

To receive declarations of interest from Members on items contained within the agenda

- 3 MINUTES OF PREVIOUS MEETING (Pages 5 - 8)**

FIVE MINUTE BREAK

PART 2 - PUBLIC PROTECTION (OPEN)

- 4 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**

To receive declarations of interest from Members on items contained within the agenda

- 5 PROPOSED TAXI FEES AND CHARGES FOR 2022-23 (Pages 9 - 16)**
- 6 TAX CONDITIONALITY CHECKS FOR TAXI DRIVERS, OPERATORS AND SCRAP METAL DEALERS (Pages 17 - 20)**
- 7 CONSULTATION ON TAXI POLICY AMENDMENT FOR NEW DRIVER CRITERIA (Pages 21 - 32)**

PART 3 - PUBLIC PROTECTION (CLOSED)

- 8 DISCLOSURE OF EXEMPT INFORMATION**

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To resolve that the public be excluded from the meeting during consideration of the attached report, because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

9 MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS (Pages 33 - 38)

To consider the minutes of the Public Protection Sub-Committees which have met since the previous Licensing and Public Protection Committee.

10 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972

Members: Councillors Simon White (Chair), Graham Hutton (Vice-Chair), Sylvia Dymond, Tony Kearon, Mark Olszewski, Gillian Williams, John Williams, Ruth Wright, Andrew Parker, Stephen Sweeney, Gill Heesom, Jill Waring, June Walklate, Julie Cooper and Trevor Johnson

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

SUBSTITUTE MEMBER SCHEME (Appendix 9, Section 4 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	John Tagg	Marion Reddish
	Paul Northcott	Sue Moffat
	Ian Wilkes	Silvia Burgess
	Gary White	

If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need to:

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place) NB Only 2 Substitutes per political group are allowed for each meeting and your Chairman will advise you on whether that number has been reached

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 2nd November, 2021
Time of Commencement: 7.00 pm

Present: Councillor Simon White (Chair)

Councillors:	Graham Hutton	John Williams	Jill Waring
	Sylvia Dymond	Ruth Wright	June Walklate
	Tony Kearon	John Cooper	Trevor Johnson
	Mark Olszewski	Andrew Parker	John Tagg
	Gillian Williams	Gill Heesom	

Officers:	Matthew Burton	Licensing Administration Team Manager
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Nesta Barker	Head of Environmental Health Services
	Anne-Marie Pollard	Solicitor

Also in attendance:

1. **APOLOGIES**

Apologies were received from Councillor Stephen Sweeney.

2. **DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the Minutes of the meeting held on 27 July, 2021 be agreed as a correct record.

4. **GAMBLING ACT 2005 - REVIEW OF STATEMENT OF LICENSING PRINCIPLES (GAMBLING POLICY)**

The Council's Licensing Administration Team Manager, Matthew Burton introduced a report on the review of the statement of Licensing Principles of the Gambling Act, 2005.

Following the consultation, no changes had been made to the draft Policy that had been submitted to this Committee previously.

Resolved: That the updated Policy to be presented for approval to Full Council at its meeting on 17 November, 2021.

5. **FEES TO BE CHARGED FOR THE LICENSING OF SCRAP METAL DEALERS, GAMBLING, SEXUAL ENTERTAINMENT VENUE LICENSING 2022-23**

Matthew Burton introduced a report on the fees to be charged for the licensing of scrap metal dealers, gambling and sexual entertainment venues for 2022-23.

A table of the proposed fees was shown at paragraph 3.1 of the report.

Councillor John Williams stated that he was pleased that the mobile collection of scrap metal was now licenced.

Resolved: That the fees to be charged for the licencing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues for 2022-23 be agreed.

6. DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS

There were no declarations of interest stated.

7. DISCLOSURE OF EXEMPT INFORMATION

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972

8. PRIVATE HIRE & HACKNEY CARRIAGE FEES & CHARGES 2022/2023

Matthew Burton introduced a report on the proposed taxi and private hire fees for Members to consider prior to their going out for consultation.

The proposed fees were set out at paragraph 2.2 of the report.

Councillor Mark Olszewski asked where the price review left the Council in comparison to other Authorities as drivers may go to another Authority with lower fees for a licence but could still operate within the Borough. Matt Burton advised that no benchmarking with other Authorities had directly been carried out. Fees were based on officer time and any physical / purchase costs. Checking online, Matthew Burton stated that Wolverhampton had a wide range of fees depending upon the age of the vehicle running from £135 for a vehicle plus all of the testing, up to £300. Regarding Stoke City Council's fees, Newcastle was very much aligned with them.

Councillor Tony Kearon stated that this Committee needed a clear response from the Trade, through the consultation, about how they feel about the proposals. This would enable the Committee to understand how the proposed changes would impact upon the Trade.

Councillor Graham Hutton thanked Members of the Committee as, following the rejection of the proposed fee changes last year, the Chair, Vice-Chair and Portfolio Holder met to discuss the fees and this had resulted in some of the fees being decreased.

Resolved: (i) That the proposed fees be sent out for consultation.
(ii) That, following the consultation a further report be

brought to this Committee

9. **URGENT BUSINESS**

There was no urgent business.

10. **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS**

Resolved: That the Minutes of the meetings held on 28 July, 15 September and 6 October, 2021 be received.

Chair

Meeting concluded at 7.35 pm

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 15 February 2022

Report Title: Private Hire & Hackney Carriage Fees & Charges 2022/2023

Submitted by: Head of Environmental Health & Licensing Administration Team Manager

Portfolios: Finance, Town Centre & Growth

Ward(s) affected: All

Purpose of the Report

To request the Public Protection Committee to consider the proposed taxi and private hire fees following consultation, as referred to in the report.

Recommendation

That

1. the Public Protection Committee considers the proposed fees.
2. the proposed fees be approved for 2022/23

Reasons

Decisions relating to the setting of non-statutory fees and charges for taxi licensing have been delegated from Council to the Public Protection Committee.

1. **Background**

- 1.1 The approval of certain fees and charges relating to the licensing of Private Hire and Hackney Carriage licensing regimes are Council functions
- 1.2 Council at their meeting on 22nd February 2017 delegated this function to Public Protection Committee.

2. **Issues**

- 2.1 A report was presented to Public Protection Committee on 2nd November 2021 in respect of the proposed fees and charges for Private Hire and Hackney carriage driver, vehicle and operator fees and charges for 2022/23. The committee discussed the proposed fees and charges and recommended that they should be advertised and a period of consultation undertaken in accordance with the requirements of the Local Government (Miscellaneous Provisions) Act 1976 before being determined.
- 2.2 The advertisement was placed in the Sentinel newspaper on 19th November 2021 and copies placed at Castle House and Kidsgrove Town Hall. The consultation period ran from 19th November until 16th December 2021. A copy of the advert and agenda paperwork from 2nd November was emailed to trade representatives including private hire operators, vehicle hire companies, the hackney carriage trade association and a local licensing consultant.

- 2.3 Within the consultation period only one response was received and that was to confirm that they had received the email and would take the appropriate action. The response was from private hire operator Uber.
- 2.4 The Committee report dated 2nd November 2021 at paragraph 2.4 explained the reasons behind the proposed increase in certain fees and also highlighted that the cost for testing vehicles would be significantly reduced, leading to a decrease in overall fees for those who licence vehicles.
- 2.5 The Local Government (Miscellaneous Provisions) Act 1976 (sec. 70) states the following in relation to Operator and Vehicle licence fees:
- (1) Subject to the provisions of subsection (2), a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part:
 - (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
 - (b) the reasonable cost of providing hackney carriage stands; and
 - (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.
 - (2) The fees chargeable under this section shall not exceed—
 - (a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;
 - (b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and
 - (c) for the grant of an operator's licence, twenty-five pounds per annum;or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.
 - (3)
 - (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made
 - (b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.
 - (4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

- (5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.
- (6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.”

2.6 The Local Government (Miscellaneous Provisions) Act 1976 (sec. 53(2)) states the following in relation to driver licence fees:

(2) Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.

2.7 The Deregulation Act 2015 amended the Local Government (Miscellaneous Provisions) Act 1976 in relation to the duration of licences for hackney carriage and private hire drivers and private hire operators.

2.8 Section 10, subsection 2 of the Deregulation Act 2015 changed the law in such a way as to establish a standard duration of three years for hackney carriage and private hire driver licences. The section specifies that a licence may be granted for a period of less than three year but only in circumstances of an individual case, not because of a blanket policy.

2.9 Subsection 3 of the Act changed the law in such a way as to establish a standard duration of five years for a private hire vehicle operator licence. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of blanket policy.

2.10 **The European Services Directive states (Art 12.2):**

“Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges which the applicants may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures”

The Directive includes specific requirements that apply to the charging of fees. Charges must be reasonable and proportionate to the cost of the processes associated with a licensing scheme. Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.

2.14 In December 2019 the Court of Appeal in the case “R (on the application of Abdul Rehman, on behalf of the Wakefield District hackney Carriage and Private Hire Association) v The Council of the City of Wakefield and The Local Government Association (Intervening) [2019] EWCA Civ 2166” confirmed that there is no general principle that the taxi licensing fee regime should be self-financing and that the costs associated to enforcing the behaviour of licensed drivers could be recovered via the licence fee set under s53(2) LGMPA76. The judgement stated (para 46):

“In any event, we consider that the costs of enforcing the behaviour of licensed drivers can be recovered through the driver’s licence fee under section 53(2). The relevant words in that provision are “the costs of issue and administration”. The costs of “administration” must be something other than, and in addition to, the costs of “issue”. There is no difficulty in interpreting “administration” in its statutory context as extending to administration of the licence after it has been issued. It naturally includes the costs of suspension and revocation, which are events expressly mentioned in Part II of the 1976 Act. Suspension and revocation rest on non-compliance with the requirements and conditions for continuing to hold the licence. As we have said, it would therefore have been obvious to Parliament, when enacting the 1976 Act, that costs would be incurred by the district council in monitoring compliance with such requirements and conditions.”

3 Proposal

3.1 The proposed fees and charges for 2022-23 are in column d in the table below:

a	b	c	d	e
Private Hire/Hackney Carriage (subject to consultation)	Fee/Charge 2020-21 and 2021-22 (£)	Proposed Fee/Charge 2021-22 (£)	Proposed Fee/Charge 2022-23 (£)	% Change
<u>OPERATORS</u>				
PHO Application fee	£250.00	£266.00	£267.00	7%
Add/Remove Director	£38.00	£41.00	£41.00	8%
Copy/Replacement Licence	£6.00	£7.00	£7.00	17%
Basic DBS	£23.00 (set by DBS)	£23.00	£23.00	0%
<u>DRIVERS</u>				
Dual Driver Badge - 3 years	£257.00	£273.00	£273.00	6%
Change of address	£16.00	£17.00	£17.00	6%
Replacement badge	£12.00	£13.00	£13.00	8%
Replacement vehicle badge	£12.00	£13.00	£13.00	8%
Reissue/replacement badge (with amended details)	£26.00	£28.00	£29.00	12%
DBS (CRB check)	£40.00 (set by DBS)	£40.00	£40.00	0%
DBS (CRB check) online	£60.34 (set by DBS and provider)	£60.34	£60.34	0%
Safeguarding training	£38.00	£39.00	£33.00	-13%
Fail to attend Safeguarding Training	£38.00	£39.00	£33.00	-13%
Exemption certificates	£12.00	£12.00	£13.00	8%
Knowledge test	£25.00	£27.00	£25.00	0%
Fail to attend Knowledge Test	£25.00	£27.00	£25.00	0%
Replacement Safeguarding training certificate	£6.00	£7.00	£7.00	17%
Change of Name	£16.00	£17.00	£18.00	13%
Replacement vehicle badge holder	£5.00	£5.00	£5.00	0%
Disability Training	£35.00+VAT	£35.00+VAT	£35.00	0%
Disability Training (fail to attend)	£35.00+VAT	£35.00+VAT	£35.00	0%
DE Training replacement cert	£0.00 (met by provider)	£0.00 (met by provider)	£0.00	0%

Copy of Paper Licence	£6.00	£7.00	£7.00	17%
<u>VEHICLES</u>				
Transfer of vehicle	£38.00	£41.00	£41.00	8%
Change of vehicle registration	£43.00	£46.00	£47.00	9%
Failure to attend for vehicle test	£104.00	£104.00	£66.00	-37%
Retest	£42.00	£42.00	£30.00	-29%
Replacement plate carrier – front	£8.00	£9.00	£9.00	13%
Replacement plate carrier – rear	£10.00	£11.00	£11.00	10%
Replacement vehicle plate - front	£7.00	£7.00	£8.00	14%
Replacement vehicle plate - rear	£10.00	£10.00	£10.00	0%
Replacement vehicle sticker signage	£5.00	£5.00	£5.00	0%
Copy of paper part of licence	£6.00	£7.00	£7.00	17%
Change of Vehicle Colour	£43.00	£46.00	£47.00	9%
HCV test	£108.00	£109.00	£70.00	-35%
HCV test 10yrs+	£108.00	£109.00	£70.00	-35%
PHV test	£108.00	£109.00	£70.00	-35%
PHV test 10yrs+	£108.00	£109.00	£70.00	-35%
HCV application fee	£230.00	£242.00	£234.00	2%
PHV application fee	£228.00	£240.00	£231.00	1%
Basic DBS	£23.00 (set by DBS)	£23.00	£23.00	0%
Change of Name/Address	£38.00	£41.00	£41.00	8%
Spot check	£25.00	£26.00	£19.00	-24%
Replacement Internal Plate	£7.00	£8.00	£7.00	0%

3.2 The recommendations are:

3.2.1 That the Public Protection Committee considers the proposed fees.

3.2.2 That the proposed fees be approved for 2022/23

4. **Reasons for Proposed Solution**

4.1 The Council is required to set fees for private hire and hackney carriage licenses for 2022/2023.

5. **Options Considered**

5.1 The Council is required to set fees for private hire and hackney carriage licenses for 2022/2023. The fees proposed are based on cost recovery.

6. **Legal and Statutory Implications**

6.1 The Council is required to set fees for private hire and hackney carriage licenses

7. **Equality Impact Assessment**

7.1 The Local Government (Miscellaneous Provisions) Act 1976 contains the legal provisions and process relating to the setting of fees, this is detailed in section 2 of this report.

8. Financial and Resource Implications

8.1 The legislative background in relation to this report can be found in the Local Government (Miscellaneous Provisions) Act 1976, sections 53(2) and 70.

8.2 There will be financial implications for the Council if full cost recovery is not achieved.

8.3 The fees can be used to cover the cost of the following:

Administration – This could cover basic office administration to process the licence application, such as resources, photocopying, postage or the cost of handling fees through the accounts department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.

Initial visit/s – This could cover the average cost of officer time if a premises visit is required as part of the authorisation process. Councils will need to consider whether the officer time includes travel. It would also be normal to include ‘on-costs’ in this calculation. Councils will need to consider whether ‘on-costs’ include travel costs and management time.

Third party costs – Some licensing processes will require third party input from experts.

Liaison with interested parties – Engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.

Management costs – Councils may want to consider charging an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee. However, some councils will include management charges within the ‘on-costs’ attached to officer time referenced below.

Local democracy costs – Councils may want to recover any necessary expenditure in arranging committee meetings or hearings to consider applications.

On costs – including any recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing functions. Finance teams should be able to provide a standardised cost for this within each council.

Development, determination and production of licensing policies – The cost of consultation and publishing policies can be fully recovered.

Advice and guidance – This includes advice in person, production of leaflets or promotional tools, and online advice.

Setting and reviewing fees – This includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval.

Enforcement – This includes action required when investigating and enforcing against licensed drivers, vehicle proprietors and private hire operators.

9. Major Risks

9.1 The Council will be open to challenge should the calculation of the fees and charges prove to be contrary to the Act.

9.2 Judicial Review of a decision may be made on the following grounds:

- Ultra vires – no power to levy a particular fee, or fees used to raise revenue unlawfully, or
- Wednesbury rules – decision was unreasonable or irrational

10. **Sustainability and Climate Change Implications**

10.1 Not applicable

11. **Key Decision Information**

11.1 Not applicable

12. **Earlier Cabinet/Committee Resolutions**

12.1 Public Protection report 2nd November 2021

12.2 Cabinet approval on 12th January 2022

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 LGA Guidance on Local Fee Setting

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 15 February 2022

Report Title: Tax Conditionality Checks for Taxi Drivers, Operators and Scrap Metal Dealers

Submitted by: Head of Environmental Health & Licensing Administration Team Manager

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To inform Members of the upcoming introduction of Tax Conditionality Provisions that will impact upon all new and renewal application for Taxi Drivers, Private Hire operators and Scrap Metal Dealers

Recommendation

1. The Members note the content of the report

Reasons

Provisions within the Finance Act 2021 around Tax Checks on applicants and licence holders will come into force from 4th April 2022.

1. **Background**

- 1.1 In 2016 and 2017 respectively HMRC consulted widely upon the principle of conditionality and how it may work in practice. The idea behind this was to move people out of what is referred to as the 'hidden economy' and level the playing field and compliance amongst business and regulated activities.
- 1.2 The most recent estimates on gaps in tax recovery due to the hidden economy was £2.6 billion in 2018-2019. It is considered that conditionality is a proportionate and cost-effective way to move people out of the hidden economy.
- 1.3 The principle of tax conditionality was included in the Finance Bill 2021 that received Royal Assent on 10th June 2021 and the relevant provisions coming into force on 4th April 2022.
- 1.4 On 10th January 2022 HMRC produced guidance for both applicants and local authorities on how to complete a tax check and confirming tax responsibilities. Links are included in the background documents section below.

2. **Issues**

- 2.1 HMRC have created a digital system to allow check to be made in real time with a simplified process for accessing information for both applicants and regulators. The check will confirm that the applicant is registered for tax.

- 2.2 For first time applicants will not have to complete a check and the local authority will be under an obligation to signpost the applicant to the relevant HMRC guidance and systems to ensure that they are aware of their tax responsibilities. They will have to confirm to the local authority that they are aware of their responsibilities. First time applicants are defined as those who have never held that type of licence previously or have had a gap of 12 months or more since holding that type of licence with the same or any other authority.
- 2.3 Renewal applicants will need a tax check reference number, similar to that of a DVLA or Immigration check, which they get by submitting their details into the online service. They will then pass that reference onto the local authority to confirm the status of the applicant. Renewal applicants are defined as those renewing existing licences, those who recently held the same type of licence with the same or different authority, and anyone who holds the same type of licence currently but with another authority.
- 2.4 The tax check codes issued to applicants last for 120 days and can be used for multiple applications with different authorities across that time period. To obtain the check the applicant will need to have a Government Gateway user ID and the system to obtain check codes is scheduled to go live on 7th March 2022.
- 2.5 If a first time applicant fails to confirm that they are aware of their responsibilities then the local authority cannot progress their application, either to grant or refuse.
- 2.6 If a renewal applicant fails to provide a tax check, or the check results in an unsatisfactory result then the local authority cannot progress the application, either to grant or refuse.
- 2.7 The tax check does not form part of the fit and proper test, it is a condition of application that they must meet to enable a decision to be taken upon whether the grant or refuse.

3. **Proposal**

- 3.1 That Members note the contents of the report

4. **Reasons for Proposed Solution**

- 4.1 Provisions within the Finance Act 2021 around Tax Checks on applicants and licence holders will come into force from 4th April 2022 and the Council have a statutory duty to carry out tax checks on the relevant applicants.

5. **Options Considered**

- 5.1 N/A

6. **Legal and Statutory Implications**

- 6.1 These provisions come into force on 4th April 2022. They confirm a statutory duty upon applicants to register for tax and for local authorities to check that registration. Failure for applicants to do so would result in a licence application not being determined. For renewal applicants this means that they risk their current licence expiring if they do not provide the Council with the check code in advance of the expiry date.

7. **Equality Impact Assessment**

- 7.1 N/A

8. **Financial and Resource Implications**

8.1 It is thought that the resource implications will be met by existing capacity within the Licensing Team. There is a small amount of preparatory work to be undertaken in advance of 4th April 2022 to ensure application processes record the required information and the necessary checks are undertaken.

9. **Major Risks**

9.1 Failure to conduct the checks may lead to applicants and licence holders staying within the hidden economy adding to the loss of tax being recovered by HMRC

10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 N/A

13. **List of Appendices**

13.1 N/A

14. **Background Papers**

- 14.1 **Complete a tax check for a taxi, private hire or scrap metal licence -** <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>
- 14.2 **Confirm your tax responsibilities when applying for a taxi, private hire or scrap metal licence -** <https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence>
- 14.3 **Confirm an applicant's tax responsibilities for taxi, private hire or scrap metal licence applications -** <https://www.gov.uk/guidance/confirm-an-applicants-tax-responsibilities-for-taxi-private-hire-or-scrap-metal-licence-applications>
- 14.4 **Confirm a tax check for taxi, private hire or scrap metal licence applications -** <https://www.gov.uk/guidance/confirm-a-tax-check-for-taxi-private-hire-or-scrap-metal-licence-applications>

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

**Licensing and Public Protection Committee
15 February 2022**

Report Title: Consultation on Taxi Policy amendment for New Driver Criteria
Submitted by: Head of Environmental Health & Licensing Administration Team Manager
Portfolios: Finance, Town Centres and Growth
Ward(s) affected: All

Purpose of the Report

To request that members consider whether to remove or replace the BTEC qualification requirement in relation to new taxi driver applicant eligibility

Recommendation

That

1. Members note that one of the current eligibility qualification criteria for new driver applicants is no longer available in the local area;
2. A) Members determine to retain the criteria as it is currently; OR
 B) Members determine whether the criteria should be removed entirely and a commencement date; OR
 C) Members determine that if the criteria should be replaced, what it should be replaced with and a commencement date; and
3. Members determine whether consultation is required and if so the length of the consultation period.

Reasons

One the of the eligibility criteria for all new taxi driver applicants is that they have completed the BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' or equivalent as determined by the Council. The BTEC qualification used to run locally at Stoke-on-Trent College but was removed from their list of courses in 2021. The Council's current taxi policy, and the one prior, have requested that new drivers obtain this qualification, or equivalent, in order to show they have requisite knowledge of the subject area. Now the course is no longer available it is felt that the Council should consider what steps to take next so as to not create an unnecessary barrier to prospective applicants.

1. **Background**

1.1 The current taxi licensing policy, containing the below provision was first introduced on 1st November 2019 and amended in January 2021:

In addition to submitting the application form and fee an applicant must:

- Provide the BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' qualification, or equivalent as determined by the Council;

1.2 The previous taxi licensing policy that ran from 2015-2018 provided that:

Before granting a licence the Council requires that:

“The applicant holds either a BTEC Level 2 certificate in the ‘Introduction to the Role of the Professional Taxi and Private Hire Driver’ qualification, or, where that is not locally available, to have taken and passed the Driving Standards Agency (DSA) taxi test which incorporates the wheelchair manoeuvring element. These are minimum requirements. Higher levels of qualifications such as a National Vocational Qualification (NVQ) for licensed drivers will also be Accepted”

1.3 The DSA no longer administers taxi tests, or the wheelchair manoeuvring element so there is no possibility of using this as an equivalent. There are local providers that offer a driving assessment but it is unknown as to what standard they are assessed against.

1.4 There are no longer any NVQs above that of Level 2 and the BTEC Level 2 is no longer available at any local education centre or with a local training provider. Many licensing authorities appear to be moving away from a BTEC requirement and towards a ‘training course’ and/or ‘knowledge test’, however there are still accredited BTEC courses being run further afield. An example is Cheshire East Council who still request a Level 2 BTEC or NVQ in a relevant subject but they use a provider in Manchester.

2. Issues

2.1 All licensing authorities set out their own eligibility criteria for new taxi drivers and each authority will have different requirements. There is a commonality around Enhanced DBS checks, Group 2 standard medicals, safeguarding training, proof of identity and right to work in the UK. However each authority may go about obtaining the information in different ways or through different providers. This is the same for all other criteria each authority deems relevant for determining the suitability of applicants to be taxi drivers.

2.2 The Borough Council currently have a very stringent set of eligibility criteria for new applicants including the BTEC requirement referred to in section 1.1 of this report. A full breakdown can be found at Appendix C in the taxi licensing policy which is attached as **Appendix 1** to this report. It is also listed in the main body of the policy at section 3.2.4 and contains other elements deemed important such as:

- Passing approved Disability Equality training;
- Pass the Council’s knowledge test; and
- Have a satisfactory level of conversational and written English.

2.3 Disability Equality training is becoming more prevalent throughout the country, as is the English requirement as it is included in the Department for Transport’s Statutory Taxi Standards.

2.4 Nearly all licensing authorities have either their own ‘taxi driver training’ course or ‘knowledge test’ administered in-house or by a third party provider, or both. The Councils use these to give the prospective applicants the knowledge they require to become licensed taxi drivers and to test that knowledge appropriately. Local examples:

- Stoke City Council offer an in-house training course which is immediately followed by an in-house knowledge test;
- Wolverhampton City Council have a training course administered by a third party provider which culminates in a test;
- Stafford Borough Council offer an in-house knowledge test and provide revision material in advance.

2.5 The Borough Council currently have the in-house knowledge test and similarly to Stafford we publish on our website the topics contained within the test and revision materials that should

be accessed in preparation. The pass mark for the test is 75% in each section and all sections must be passed at the same time. The topics covered are:

- *the highway code;*
- *taxi legislation;*
- *the Council's vehicle conditions and driver Code of Conduct;*
- *safeguarding and child sexual exploitation awareness;*
- *Disability equality*
- *Local area knowledge*
- *Working out fares and giving change; and*
- *The understanding of and testing of written English*

Full information on the test provisions is contained at section 23 in Appendix 1.

2.6 Contained at Section 1.4 of the taxi licensing policy are provisions that relate to when the policy will be reviewed and when amendments can be made without consultation with stakeholders:

1.4 Review of the Policy

1.4.1 The policy will be formally reviewed after 5 years. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of each review relevant stakeholders will be consulted.

1.4.2 Minor changes would be made without consultation where:

- *they are to correct an administrative error*
- *they are a change needed because something is no longer possible or legal*
- *there is no foreseeable detrimental effect to licensee's interests.*

3. Proposal

3.1 That

1) Members note that one of the current eligibility qualification criteria for new driver applicants is no longer available in the local area (RECOMMENDED);

2) (A) Members determine to retain the criteria as it is currently; OR

(B) Members determine whether the criteria should be removed entirely and a commencement date; (RECOMMENDED is to remove the BTEC requirement and use the local knowledge test we currently have in place. The start date to be effective immediately); OR

(C) Members determine that if the criteria should be replaced, what it should be replaced with and a commencement date (if Members determine that the BTEC requirement be replaced then officer recommendation is replace it with 'A Training Course approved by the Council' with the course approval decision delegated to Executive Director or Head of Service as appropriate. The start date could be delegated to the same senior officers if there are no objections from stakeholders, or could return to Committee if there were); and

5) Members determine whether consultation is required and if so the length of the consultation period (RECOMMENDATION is that consultation is not required as there are no foreseeable detrimental effects to applicants. If consultation is required then the officer recommendation would be a relatively short period of 4 weeks).

4. Reasons for Proposed Solution

4.1 One of the eligibility criteria for all new taxi driver applicants is that they have completed the BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' or equivalent as determined by the Council. The BTEC qualification used to run locally at Stoke-on-Trent College but was removed from their list of courses in 2021.

The Council's current taxi policy, and the one prior, have requested that new drivers obtain this qualification, or equivalent, in order to show they have requisite knowledge of the subject area. Now the course is no longer available it is felt that the Council should consider what steps to take next so as to not create an unnecessary barrier to prospective applicants.

4.2 As can be seen at section 2.5 of this report the Council Policy already has a strong mechanism via the in-house knowledge test for ensuring that prospective new drivers have satisfactory level of knowledge around areas that are important for a professional driver to have. It is officers' opinion that the knowledge test in its current format is suitable for the Council to be satisfied of an individual's knowledge and understanding. If the BTEC requirement was to be removed then the changes could be implemented immediately which would be of a benefit to any prospective applicants.

5. **Options Considered**

5.1 The alternatives would be to keep the current provision and make applicants either travel long distances or complete the course online, or to approve a 'replacement' course. This would either mean the creation of an in-house course to be delivered by officers, using a suitable course from a third party that is currently in place or procuring a provider and a training package.

5.2 It is considered that retaining the BTEC requirement would place an unnecessary financial and time burden on potential applicants and that replacing the requirement with a training course is unnecessary given the current policy provisions around the knowledge test.

5.3 It is the officers' opinion that if the decision is to replace the BTEC with a training course that officers are best placed to create or procure the services of a suitable training course, and if the commencement date was also delegated it could be rolled out at the earliest opportunity.

5.4 It is the officers' opinion that regardless of the decision, the outcome is highly unlikely to be detrimental to any prospective applicants, due to all options being cheaper and quicker to access than the current BTEC requirement, and therefore meets the criteria at 1.4.2 in the policy to not require stakeholder consultation.

6. **Legal and Statutory Implications**

6.1 Under the Department for Transport's Statutory Taxi Standards, referred to in section 2.3 above, it is a requirement that all licensing authorities put together a comprehensive taxi licensing policy document. The purpose of this is to provide all stakeholders with the relevant information as to the considerations taken into account when looking at taxi licensing matters. There is no legal or statutory duty to include a formally accredited qualification as part of the fit and proper test for an individual to become a taxi driver. It is up to each individual licensing authority to determine those requirements.

7. **Equality Impact Assessment**

7.1 N/A

8. **Financial and Resource Implications**

8.1 Removing the BTEC requirement entirely has no implications for either. Retaining the BTEC requirement as it is has no resource implications but may have financial implications as fewer people will be in a position to apply. All fees are based on cost recovery so this would not result in a loss or revenue. Replacing the BTEC requirement with a course may have

financial and resource implications which would differ depending on whether it was created and administered in-house, delivered by a third party, or a new package and provider was procured. Creating and administering in-house would be the most resource intensive of the three.

9. **Major Risks**

9.1 N/A

10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 Licensing & Public Protection Committee meeting 26th January 2021 where the most [current version of the Taxi Licensing Policy was approved](#)

13. **List of Appendices**

13.1 Appendix 1 – Current Policy Driver Criteria

14. **Background Papers**

14.1 [Department for Transport Statutory Taxi Standards](#)

14.2 [Taxi Licensing Policy 2021-2025](#)

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APPENDIX C

CRITERIA TO BECOME A DRIVER

1. Any person who drives a hackney carriage must hold the appropriate vehicle driver's licence. Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
2. Any person who drives a private hire vehicle must hold the appropriate vehicle driver's licence. Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
3. The Council will issue a dual drivers licence, this will permit the licence holder to drive both hackney carriage and private hire vehicles, unless an applicant makes a specific request to the Council for either a hackney carriage driver licence or a private hire vehicle driver licence.

Fit and proper person

4. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they meet all criteria to be deemed a fit and proper person. Licensed drivers provide a public service.
5. In considering the fit and proper person test all applicants on initial application and renewal must:
 - Provide a current and satisfactory enhanced Disclosure and Barring Service (DBS) check which will include a check against the Adult and Child Barring Lists;
 - undergo a medical examination to the DVLA Group 2 standard completed by your own GP or one that has access to your full medical history. All licensed drivers aged 65 years and over must undertake a medical examination annually and produce the report to the Council;
 - produce a document proving their right to work in the UK in line with the Home Office requirements for taxi drivers;
 - Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions;
 - The Council may also make additional enquiries through Staffordshire Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly if a driver has been previously licensed by another authority) and any other appropriate organisation, agency or person in order to ensure the Council is in a position to make as accurate an assessment of the applicant's fitness to hold a licence as is reasonably practicable.
6. New applicants for drivers licence will need to provide:
 - their certificate proving they have successfully completed the Level 2 BTEC/NVQ (or equivalent) in the professional role of a Taxi/Private Hire Driver;
 - the certificate proving they have attended a satisfactory Safeguarding Training course within the last 3 months;
 - their certificate proving they have successfully completed the Council's in-house knowledge test;
7. With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council may require the licence holder to complete a further enhanced DBS check, the cost of which would lie with the licence holder. Where a licence holder refuses, this will be taken into consideration in determining their continuing fitness to hold a licence. Drivers with convictions may have their licences reviewed in-line with the Convictions Guidelines at Appendix J, and where they have fallen within the previous policy it may result in them being

referred to an authorised officer or Public Protection Sub-Committee to determine if they will be considered fit and proper.

8. When assessing the fitness of an applicant to hold a drivers licence, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour or conduct that may indicate that the applicant could put the safety and welfare of the public at risk.
9. It must also be recognised that the Council will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in hackney carriage or private hire work at the time or whether they occurred during the drivers' own personal time.
10. In addition, an important element associated with the fitness to hold a licence is the appearance and behaviour of a licensed driver. Consequently, the Council requires all licensed drivers to maintain a reasonable standard of appearance (see **Appendix B**) and behaviour when in contact and dealing with other road users, pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, Council officers and elected members at all times. Applicants and licensed drivers must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.

Criminal Record Disclosure

11. Hackney carriage and private hire vehicle drivers are required to undertake an enhanced Disclosure and Barring Service (DBS) Check and due to the nature of the occupation such drivers are deemed to be an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974 (by virtue of the amended Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975).
12. The effect of this, in relation to hackney carriage and private hire drivers, is to render the Rehabilitation of Offenders Act 1974 not applicable and therefore convictions are never regarded as 'spent'. As a result, all convictions (including cautions), will be taken into account when considering a person's suitability to hold a driver's licence.

Applicants are required to provide details of ALL convictions and cautions, including driving endorsements and disqualification periods relating to traffic offences.

13. Although cautions are generally considered not as serious as convictions, they require an admission of guilt before they can be issued and are therefore will be treated in the same way, are a useful indication of an applicant's character and whether they are a fit and proper person to hold or be granted a licence.
14. A criminal record does not automatically prevent or bar an applicant from holding a drivers licence. However, it will be a significant factor when determining whether a licence should be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out in **Appendix L**. However, the principal consideration will be to ensure the safety and welfare of the public.
15. Applicants who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. Guidance can be found here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

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Such a certificate must be authenticated, translated and sealed by the Embassy or High Commission. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided.

Proof of a right to work in the United Kingdom will also be required. For further details please see the Home Office Guidance issued to Local Authorities:
<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the [GOV.UK](https://www.gov.uk) website at <https://www.gov.uk/government/world>.

The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.

Non-conviction information

16. In addition to information regarding convictions/cautions, applicants are expected to provide details of:
- all warnings, driving endorsements/disqualification periods relating to traffic offences, fixed penalties, penalty charge notices and any other similar sanctions;
 - any charges or arrests that they were or are the subject of in connection with criminal offences, whether or not actually charged with the offence, and
 - details of any allegations of involvement in criminal activity or where they have been questioned in connection with any alleged criminal activity
 - or inappropriate/unacceptable behaviour or any other relevant pending matter.

For existing licence holders, this information must be notified to the Council within 72 hours, in writing.

17. Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed. However, depending on the circumstances, it is unlikely that a decision on the application will be made until the conclusion of the criminal proceedings. Where the outstanding charge or summons involves a serious offence and/or the individual's offending history and behaviour/conduct indicates a pattern of unlawful or unacceptable behaviour/character, then the application is likely to be refused.
18. Where there is evidence and/or information that an applicant has been arrested or charged but not convicted of offences but the nature of this evidence/information suggests the applicant may not be a fit and proper person, the Council will give serious consideration to refusing an application or revoking an existing licence.

DVLA and other relevant driving licences

19. A person applying for a drivers licence must be a minimum of 21 years old and have held a full DVLA/EC/EEA category B driving licence for at least 3 years at the time of application. This includes European Union (EU), European Economic Area (EEA) and Northern Irish licences. These requirements apply only to applications received on or after the date this Policy comes into force.
20. Throughout the currency of the drivers licence, the driver must possess a full driving licence in accordance with the above requirements. Where a driver has received a ban from driving under their DVLA licence they must return their taxi driver licence to the Council within 7 days.
21. Applicants are required to produce the original of their driving licence, whether it is a photo card or old style paper licence. Copies will not be accepted. A holder of a DVLA drivers licence must also provide a valid code to enable the Council to carry out an online check of their driving history.

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22. All applicants holding driving licences issued by countries other than the UK or those within the EU/EEA must produce a certificate to show a driving record from the country of issue. If the driving licence was not issued in the UK or EU/EEA then they must comply with the Government requirements on exchanging/applying for a DVLA licence.

Knowledge test

23. All new applicants are required to pass the Council's written test before the Council will grant them a driver's licence. The test will be carried out in English.

The test comprises an exam covering the following areas:

- the highway code;
- taxi legislation;
- the Council's vehicle conditions and driver Code of Conduct;
- safeguarding and child sexual exploitation awareness;
- Disability equality
- Local area knowledge
- Working out fares and giving change;
- The understanding of and testing of written English

A 75% pass mark is required for each section, all sections must be passed at the same time and failure to answer certain questions correctly will result in automatic failure.

Where an applicant fails the knowledge test there is an additional fee for every subsequent test and every missed test. Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee. In such circumstances the Council will deem that the applicant has failed the test.

Anyone failing the test will be entitled to re-sit the test twice, at a cost to themselves.

If the applicant fails the test three times then the application will be cancelled and the applicant will be unable to reapply again for a licence until a minimum period of 12 months has elapsed from the date of the last failure and be treated as a new applicant.

If any applicant has any particular needs as a result of a disability or otherwise he/she should let the Licensing team know and suitable arrangements can be made to facilitate the test.

24. Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the test and will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.
25. The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of an authorised officer of the Council or the Public Protection Sub Committee.
26. Failure to submit to or pass any knowledge test will permit the Council to refuse to grant or renew a driver's licence or to revoke or suspend the licence as required.

Safeguarding and Child Sexual Exploitation Awareness

27. The Council requires all licensed drivers to attend Safeguarding and Child Sexual Exploitation Awareness training. For new driver applications, this must be completed **before** a licence is issued for the first time.

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Applicants for renewal of an existing driver licence must have completed the awareness training **before** their first licence renewal after this policy comes into force. All drivers will be expected to renew/refresh this training every 3 years.

The licensing Authority will accept attendance at a Safeguarding and Child Sexual Exploitation Awareness delivered by Staffordshire County Council as part of a home to school transport contract and training from other Local Authorities that meet the standard required by the Council.

The Council requires all licensed drivers to abide by the Council's 'Code of Conduct' which will be issued as a supporting document to a granted new or renewal application, a copy of which can be found at **Appendix B**.

Medical requirements

28. The Council is permitted to satisfy itself that an applicant for a licence is mentally and physically fit and remains so during the currency of any licence. Consequently, all applicants for a Dual hackney carriage or private hire driver's licence are required to undertake a medical examination on initial application, at defined intervals thereafter and at any other such time as the Council require to ensure their fitness to drive.

The standards required are set out in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'. The standards are amended from time to time and can be found online at:

<https://www.gov.uk/government/publications/at-a-glance>

The standard required is the 'Group 2 Entitlement'.

29. All new applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued for the first time and then every 3 years in line with a renewal application. All licensed drivers aged 65 and over must undertake a medical examination annually and produce the report to the Council. Failure to do so may result in the licence being suspended or revoked.
30. The Council may also require drivers to undertake more regular medicals if their medical condition warrants it. The medical cannot be more than 3 months old at the time the licence is issued. It is therefore advisable to wait until the rest of the application process is complete before making arrangements for your medical.
31. The Council will not grant or renew, any driver's licence unless the medical examination requirements are complied with and the driver can demonstrate that they are medically fit to hold a drivers licence.
32. In particular, applicants must consider the medical conditions listed in the current DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'), as the Council may refuse to grant an application or revoke an existing licence where an applicant is unable to meet the nationally recommended guidelines in respect of the listed medical conditions.
33. If, once licensed, the driver's medical circumstances change during the licence period, the driver must inform the Council within 7 days. The Council may require the driver to immediately undertake a further medical examination and provide an approved medical certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licensed driver.
34. Should an authorised officer of the Council have reason to believe that a licensed hackney carriage or private hire vehicle driver has a medical condition that renders them unfit to drive, a

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further medical examination will be requested. The cost of the further medical examination will be met by the licensed driver.

35. The medical must be filled out on the Council's medical application form. The medical must be carried out either by the applicant/driver's own GP or by a medical practitioner than can gain access to that individual's full medical history. Any other medical will not be accepted.
36. With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a drivers licence.

Medical Exemptions

37. Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant/licensed driver must provide sufficient proof from their GP, or independent medical specialist, confirming that the exemption is required in order for the driver to carry out their duties. The Council reserves the right to refuse to grant a licence if sufficient medical proof is not provided and it is deemed appropriate to do so. Examples of sufficient proof include results of blood tests, skin tests and evidence of the individual's clinical history. Drivers issued with medical exemption certificates will also receive a tactile exemption card in order that visually impaired customers can confirm the validity of the exemption.

English speaking

38. Applicants must be able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver. This will be tested as part of the Knowledge Test, BTEC/NVQ qualification and interview appointment. If an applicant cannot satisfy the authorised officers of the Council that their standard of English is suitable then the application may be referred to the Public Protection Sub-Committee or authorised officers.

Code of Conduct

39. All dual drivers licence holders must comply with the Code of Conduct set out at **Appendix B**. The Code of Conduct is in addition to any matters set out within the main body of the Policy.

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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