

**BRIDGEND COUNTY BOROUGH COUNCIL**

**LICENSING COMMITTEE**

**10<sup>th</sup> MARCH 2008**

**REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**TOWN POLICE CLAUSES ACT 1847**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**LICENSING OF TAXI DRIVERS**

- 1.0 At the meeting on 16 November 2007 the Committee received the report of the Director of Legal and Democratic Services relating to the adoption of a policy framework to provide for the licensing of applicants for taxi driver licences who are not resident in the UK at the time of application.
- 1.1 The Committee resolved to defer the report so as to allow Officers to carry out further investigations.
- 1.2 The Council is not an employer but a regulatory body. Its duty is to assess whether a person is a fit and proper person to hold a licence. Most Councils adopt a vetting process which involves criminal and medical checks and some require a topographical test.
- 1.3 The Department for Transport best practice guidance advises that the stringency of tests on the first grant of a licence should be in accordance with the principle of ensuring that barriers to entry are not unnecessarily high. Any requirements are at the discretion of an individual Council but must be reasonable, relate to the criteria of fit and proper person and not discriminate against a particular group of applicants.
- 1.4 The nature of these pre-licensing tests usually relate to topographical knowledge and/or communication and/or an in-house or Driving Standards Agency Driving Test.
- 1.5 The research has highlighted that there is a considerable diversity across UK licensing authorities in pre-licensing requirements. There is considerable variation in the method and level of testing currently employed which ranges from verbal/listening and/or written testing of topographical knowledge and/or taxi law. In one case a basic skills assessment test has been outsourced, provided by a local college at an additional charge to the applicant.
- 1.6 It is important that drivers are able to communicate with passengers, that they are familiar with the area and can provide receipts. A topographical test alone would not necessarily provide evidence that an applicant is a fit and proper person to hold a licence. The aim of this Council's current Driver Awareness Course is to focus on wider taxi

related issues such as taxi law, safe driving, customer care and disability awareness.

1.7 The majority of current complaints from the public relate to customer care issues, e.g. overcharging and alleged bad driving. For this reason it is proposed that the Driving Standards Agency and Driver Awareness Course should continue to be the required forms of assessment, but that this should be supplemented in the short term with a short test on providing receipts to the customer prior to a licence being granted. It is proposed that an applicant is offered three opportunities to pass the test prior to the refusal of the application.

1.8 Members are requested to consider the additional information below and the proposals for amending the current application process.

## 2.0 **Purpose of Report**

2.1 To provide a revised policy framework to provide for applications for hackney carriage/private hire vehicle driver licences.

## 3.0 **Link to Corporate Priorities**

3.1 Taxi licensing is a regulatory function which supports a number of the Council's Corporate priority themes and Community Strategy.

## 4.0 **Additional Information**

4.1 The following extract has been supplied by the company which has approached the Council regarding the licensing of EU and EEA nationals.

4.2 *Level 3 Recruitment through its experience and expertise in both recruitment and many years of operational experience in the Taxi Industry provides a unique end to end service for the recruitment and placement of candidates from Overseas to become Taxi Drivers in the UK.*

*To date we have successfully run a number of projects with satisfied taxi customers, Taxi Operators and Licensing Authorities in Swindon, Poole, Bath (2), Northampton, Chesterfield and Weymouth and have a number of other projects in the pipeline.*

*Once the driver arrives in the UK he/she is taken through intensive training and will normally complete all the application requirements and achieve their licence with 2-4 weeks, dependent on local conditions and training.*

## *Recruitment*

*Level 3 has a professional recruitment training school in Warsaw/Budapest where all the training is undertaken.*

*The potential driver will go through an established screening programme to ensure suitability before they are booked on a course in Poland/Hungary; e.g. professional, English speaking, over 25, clean driving licence, etc. (To date this has worked for placing over 100 drivers) Once they are on the course they will be trained in UK localisation, route planning and preparation for the knowledge test, customer service and assessed in terms of driving.*

## *Training*

*Once they have completed the training in Poland/Hungary they will arrive in the UK and be further trained by the local Taxi Operator in respect of:-*

*Driving instruction to ensure that they are able to drive effectively in UK road conditions*

*Company Induction*

*Knowledge pertaining to BTEC but not to sit an exam*

*Customer Service*

*Local Knowledge in preparation for the formal Knowledge test*

## *Documentation*

- Standard application to be completed in Poland/Hungary and submitted*
- Medical*
  - The medical form is translated into Polish/Hungarian and then completed in English/Polish/ Hungarian (dependent on area within Poland/Hungary) and signed and stamped*
- CRB*
  - We obtain copies from the NCR (National Criminal Register) which are sworn by judges and are effectively the same as an enhanced UK CRB*
- Driving*
  - Evidence of any convictions in Poland/Hungary*
- Candidate information pack*
  - Standard information*
    - 1. driving licence*
    - 2. passport*
    - 3. birth certificate*
    - 4. id card*
    - 5. proofs of address*
    - 6. CV*
    - 7. full employment history*

Steve Clarke  
Consultant

### *Level 3 Recruitment Ltd*

4.3 Mr Clarke has also confirmed that training on local Bridgend routes is also planned and that candidates receive instruction in the BTEC taxi driver qualification but do not, at present, sit the examination.

## 5.0 **Proposals**

### 5.1 Vetting of criminal background

The CRB check will only provide information on persons who have lived or visited the UK. For this reason, it is considered proportionate to require additional documentation for persons not resident in the UK at the time of application. It has been established that a Certificate of Good Conduct/character/citizenship is available for certain non-UK nationals which is provided by the Ministry of Justice in the originating country. As a supplementary measure, applicants should be requested to confirm whether they have at any time visited or resided in the United Kingdom. If so, they will be required to submit to a Criminal Records Bureau Disclosure in line with all other applicants. A fee is payable to the Council for the Disclosure.

#### 5.1.1 Proposal:

Applications from persons who are not resident in the UK at the time of application must be accompanied by a Certificate of Good Conduct and an officially certified translation if this is available. Such applicants will be required to confirm whether they have at any time visited or resided in the United Kingdom, and if this is the case, a Criminal Records Bureau Disclosure will be commissioned by the Council at the applicant's expense as part of the standard application process.

### 5.2 Identity Check: Proposal

5.2.1 All applicants are required to undertake an identity check. This will continue to require attendance in person at the Civic offices to complete the check. A licence will not be issued until details of a permanent United Kingdom address and acceptable photographic proof of identity such as a passport or driving licence have been provided to the Council.

### 5.3 Driving Licence

There is a statutory requirement that any applicant must have held a driving licence for 12 months before making an application. The Driver and Vehicle Licensing Agency (DVLA), recognises licences issued in the European Community and European Economic area. Visitors and residents from these areas are authorised to drive in the UK and are not

required to take the standard driving test and no changes are proposed to the existing requirements.

#### 5.3.1 Proposal:

All applicants must satisfy the current requirements relating to driving in the United Kingdom under a EU/EEA licence.

#### 5.4 Driver Experience and Awareness

All new applicants are required to provide a pass certificate for the Driving Standards Agency taxi test and satisfy the current requirement to have held a driving licence for twelve months prior to making an application. It is proposed that the Driver Awareness Course is adopted as a pre-licensing requirement for a trial period until such time as further taxi licensing qualifications are available for consideration. Part of the application process should include the ability to provide receipts to the customers on request. An applicant will be allowed three opportunities to pass the test. Driver Awareness courses are to be run monthly or to meet demand.

##### 5.4.1 Proposal:

All applicants will be required to undertake the Driver Awareness Course prior to the grant of a licence and complete a short test on the provision of receipts. An applicant will be allowed three attempts to pass the receipt test.

#### 5.5 Medical Standards

The Council currently requires applicants to meet the DVLA Group 2 medical standards. In order to satisfy these requirements, all applicants are required to provide a medical report at this standard. The costs associated with providing a medical certificate are met by the applicant. The current requirements stipulate that the assessment must be carried out by the applicant's own General Practitioner. The current practice is for drivers to register with a General Practitioner in the area where they live and for that GP or practice to undertake the medical. No additional proposals are therefore required.

#### 5.6 Eligibility to work in the UK

##### 5.6.1 Proposal:

On application, all applicants for hackney carriage and private hire driver licences should be required to satisfy the Council that they are entitled to reside and work in the United Kingdom.

## **6.0 Legal Implications**

6.1 EEA and Swiss nationals have the right to live and work in the United Kingdom but cannot obtain employment as a taxi driver until the appropriate licence is granted by the licensing authority. These proposals are required to ensure applications can be processed irrespective of the applicant's place of residence at the time of application.

## **7.0 Financial Implications**

7.1 The proposals may involve translation costs on the initial grant of a licence and costs relating to providing monthly Driver Awareness Courses. It is anticipated that these costs can be met from existing budget but the situation will be reviewed if required.

## **8.0 Recommendations**

8.1 That the Committee adopt the following amendments to the current licensing requirements:

8.1.1 Applications from persons who are not resident in the UK at the time of application must be accompanied by a Certificate of Good Conduct and an officially certified translation if this is available. Such applicants will be required to confirm whether they have at any time visited or resided in the United Kingdom, and if this is the case, a Criminal Records Bureau Disclosure will be commissioned by the Council at the applicant's expense as part of the standard application process.

8.1.2 A licence will not be issued until details of a permanent United Kingdom address and acceptable photographic proof of identity such as a passport or driving licence have been provided to the Council and the applicant has attended the Civic Offices in person to complete the identity check.

8.1.3 All applicants must satisfy the current requirements relating to driving in the United Kingdom under a EU/EEA licence.

8.1.4 All applicants will be required to undertake the Driver Awareness Course prior to the grant of a licence and complete a short test on the provision of receipts. An applicant will be allowed three attempts to pass the receipt test.

8.1.5 On application, all applicants for hackney carriage and private hire driver licences will be required to satisfy the Council that they are entitled to reside and work in the United Kingdom.

Background documents:

South Ayrshire Council Report by Depute Chief Executive and Director of Development, Safety and Regulation available at [www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

Driver and Vehicle Licensing Agency Driver Information available at [www.dvla.gov.uk](http://www.dvla.gov.uk)

At a Glance Guide to the current medical standards of fitness to drive available at [www.dvla.gov.uk](http://www.dvla.gov.uk)

Home Office Border and Immigration Agency information available at [www.bia.homeoffice.gov.uk](http://www.bia.homeoffice.gov.uk)

Report Author: Yvonne Witchell  
Licensing and Registration Officer  
Contact telephone number 643105

Lead Officer: P A Jolley  
Director of Legal and Democratic Services

Date: 4<sup>th</sup> March 2008