

# Swindon Borough Council

## Private Hire and Hackney Carriage Licensing Sub-Committee

**Wednesday, 20 December 2006**

Committee Room 6, Civic Offices, Swindon (Anticipated meeting room)

**At 5.15 p.m.**

**Conservative  
Councillors**

Sinead Darker  
Melanie Duff  
Brian Ford  
David Sammels  
Philip Young

**Labour  
Councillors**

John Ballman  
David Glaholm

**Liberal Democrat  
Councillors**

**Independent  
Councillors**

**Committee Officer:** Shaun Banks (Telephone 01793 463606)

sbanks@swindon.gov.uk

Swindon Borough Council, Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 463000)

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## **AGENDA**

**1. Apologies for Absence**

**2. Declarations of Interest**

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

**3. Minutes (Pages 1 - 2)**

To receive the minutes of the meeting held on 26<sup>th</sup> September 2006.

**4. Public Question Time**

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

**5. Revised Conditions for Applicants for Hackney Carriage and Private Hire Drivers Licences (Pages 3 - 6)**

**Date of Despatch:** 12 December 2006

**Public Question Time** - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

**Access Arrangements** – *The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

**PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING SUB-COMMITTEE**

**TUESDAY, 26 SEPTEMBER 2006**

PRESENT:- Councillors Sinead Darker (Chair), John Ballman, David Glaholm and Colin Lovell.

Apologies for absence were received from Councillor Melanie Duff, Councillor Brian Ford, Councillor David Sammels and Councillor Philip Young

Councillor Peter Greenhalgh was also in attendance.

**18. Minutes**

Resolved – That the minutes of the meeting held on 5<sup>th</sup> September 2006, be confirmed and signed as a correct record.

**19. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

**20. Private Hire Vehicle Door Signs**

The Group Director, Environment and Leisure submitted a report concerning the implementation of a policy requiring all private hire vehicles to display signs indicating that they are licensed.

Resolved – (1) That all private hire vehicles be required, from 1<sup>st</sup> November, 2006, to display a sign of each side of the vehicle, as approved by the Licensing Authority, showing that they are properly licensed.

(2) That the Chair, in consultation with members of the Sub-Committee be authorised to approve the final wording and size of the signs referred to in (1) above.

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### Revised Conditions for Applicants for Hackney Carriage and Private Hire Drivers Licences

**Private Hire and Hackney Carriage Licensing Sub-Committee** Date: \_\_\_\_\_

**Author:** Group Director, Environment and Leisure

**Wards Affected:** All

#### **Purpose**

- To recommend revised conditions to be met by new applicants for Hackney Carriage and Private Hire Drivers' Licences.

#### **Recommendation**

The Sub-Committee is asked to : -

- Agree the revised conditions to apply from 1 January 2007 as set out in this report.

## **1. Reasons**

- 1.1 At present the Council require all new applicants for a hackney carriage or private hire driver's licence to be at least 24 years of age. This condition was introduced some five years ago in an attempt to ensure that licensed drivers have a reasonable amount of experience of driving in all conditions to enable them to offer a safe and comfortable journey to the travelling public.
- 1.2 Recently introduced Age Discrimination legislation makes this condition illegal and revised conditions for new applicants are proposed to ensure continued safeguard for the travelling public.

## **2. Detail**

- 2.1 The requirements of Section 51(1) of the Local Government (Miscellaneous Conditions) Act 1976, as amended by the Driving Licence (Community Driving Licence) Regulations 1996, state that a district council shall not grant a licence to drive a private hire vehicle to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of application so authorised. The Act (as amended) states that a person is authorised to drive a motor car if:
- 2.1.1 He holds a licence granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) authorising him to drive a motor car, or
- 2.1.2 He is authorised by virtue of Section 99(A)(1) of that Act to drive a motor car in Great Britain.

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Further information on the subject of this report can be obtained from Rod Collett on 01793 466212 or e-mail [rcollett@swindon.gov.uk](mailto:rcollett@swindon.gov.uk).

## **Revised Conditions for Applicants for Hackney Carriage and Private Hire Drivers Licences**

**Private Hire and Hackney Carriage Licensing Sub-Committee** Date: \_\_\_\_\_

- 2.2 Section 59(1) of the Local Government (Miscellaneous Conditions) Act 1976 makes the same requirements for hackney carriage drivers.
- 2.3 Section 51 (2) of the 1976 Act states that District Councils may attach to the grant of a licence such conditions as they may consider necessary.
- 2.4 In recent times there has been an influx of drivers from newly-elected Members of the European Economic Community and, although they have held full driving licences in their home country for over 12 months, it is clear from the number of comments and complaints received that their unfamiliarity with English road systems and signs, and unfamiliarity with driving on the left hand side of the road, may be causing them initial difficulty. Officers therefore feel that revised conditions are necessary in order to offer as safe and comfortable journey as possible for the travelling public.
- 2.5 Officers are also receiving complaints about those drivers for whom English is not their first language and who allegedly have difficulty in understanding customers' requests.
- 2.6 To address these concerns it is, therefore, proposed that the following conditions apply to all new applicants for Hackney Carriage or Private Hire drivers' licences as from 1 January 2007.
  - 2.6.1 A Hackney Carriage or Private Hire drivers licence will not be issued to any new applicant who has not held a full United Kingdom driving licence granted under Part III of the Road Traffic Act 1988 for a minimum of 36 months, or held a licence from another EEC state for a minimum of 36 months. Driving licences must show the applicant's current address.
  - 2.6.2 Applicants who have been resident in the United Kingdom for less than five years from the date of application are required to provide a Certificate of Good Conduct, or equivalent, from any country in which they have been resident within the previous five years. The Certificate of Good Conduct must be in English and provided at the applicant's own expense. This is in addition to the enhanced Criminal Records Bureau check.
  - 2.6.3 Prior to taking the Local Knowledge Test, each new applicant for a Hackney Carriage or Private Hire drivers licence will be required to attend an interview at which there will be an appraisal of his/her spoken English, English comprehension, a test of reading, basic written English and basic mathematics. Drivers not reaching a satisfactory level will be refused a licence.

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## **Revised Conditions for Applicants for Hackney Carriage and Private Hire Drivers Licences**

**Private Hire and Hackney Carriage Licensing Sub-Committee** Date: \_\_\_\_\_

2.6.4 A driving licence must be taken up within six months of a candidate being informed that he has successfully passed the Local Knowledge Test.

### **Alternative Options**

- Retain the requirement that new applicants are at least 24 years of age. This may result in a legal challenge in the future.
- Retain the requirement that applicants meet the statutory minimum to hold a full driving licence for 12 months.

### **Risk Management**

#### *Financial and Procurement Implications*

There are no direct financial implications arising from this report. There are no procurement issues arising from this report.

#### *Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)*

A Healthy and Caring Place; An Economically Prosperous Place; An Environmentally Friendly Place; A Safe Place.

### **Consultees**

The Director of Finance (s.151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

### **Background Papers and Appendices**

- None

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