

Throughout 2011 the Taxi and Private Hire Licensing Section undertook a review of all policies and Conditions which apply to the Hackney Carriage and Private Hire trade.

The initial review of the following policies has now been completed and is open for further consultation.

### **1. The Application Process for new applicants to both the Hackney Carriage and Private Hire trade.**

This review covered the following areas which are pre-requisites to the granting of a Hackney Carriage and Private Hire Driver Licence;

- **Driving Standards Agency (DSA) test**

The DSA test is structured by the DSA particularly for Taxi and Private Hire drivers.

No comments and/ or observations were received as part of the review.

**Proposed Recommendations:** Subject to any further feedback being raised, the Section will probably recommend that there be no change to the requirement to undertake a DSA test.

- **Group II Medical**

Feedback was received indicating that the Group II Medical was an unnecessary cost in times of austerity and that a 'doctor's note' to provide proof of fitness should be accepted.

The Sections response to this is that the Group II Medical policy is driven by public safety and best practice. Whilst the Council understands and sympathises with the trade in the current economic climate, the position remains that public safety may come at a price. Although it may be of small comfort to drivers, these costs can be offset in HMRC submissions. There is also a potential benefit to drivers in having to undertake a thorough medical examination.

There was reference in the discussions at the time of introducing the policy that it was most likely to adversely affect Asian drivers because of strong medical evidence of links to type 2 diabetes. This point was considered to support the intentions of the policy.

A 'doctors note' is not strong evidence of health to the extent that a Group II Medical is. A further point raised in discussions prior to the formal approval by the then Licensing and Regulatory Panel was that many drivers worked long hours, or had other occupations, and the added hours were considered as a further reason to adapt the policy beyond the acceptance of best practice guidance.

The most recent [best practice guidance](#), December 2011, does not change the principles that were considered by the Council at that time.

The following is an excerpt from the 'At a glance Guide to the current Medical Standards of Fitness to Drive' guide issued by the Drivers Medical Group, DVLA, Swansea in December 2011;

#### **Taxi Licensing\***

*The House of Commons Transport Select Committee on Taxis and Private Hire Vehicles recommended in February 1995 that taxi licence applicants should pass a medical examination before such a licence could be granted.*

*Responsibility for determining the standards, including medical requirements, to be applied to taxi drivers, over and above the driver licensing requirements, rests with the Transport for London in the Metropolitan area and the Local Authority in all other areas. Current best practice advice is contained in a booklet 'Fitness to Drive': A Guide for Health Professionals published on behalf of the Department by the Royal Society of Medicine Press Limited (RSM) in 2006. This recommended that the Group 2 medical standards applied by DVLA in relation to bus and lorry drivers, should also be applied by local authorities to taxi drivers.*

*There is a statutory background to an individuals 'fitness to drive' within various Acts of Parliament but the Council is dependant on an individual knowing of an adverse medical condition or the reporting of it to the Licensing Authority (Leeds City Council).*

*\* Caveat: The advice of the Panels on the interpretation of EC and UK legislation, and its appropriate application, is made within the context of driver licensing and the DVLA process. It is for others to decide whether or how those recommendations should be interpreted for their own areas of interest, in the knowledge of specific circumstances.*

The Council also has a statutory responsibility to ensure that a licensed driver, or applicant, remains a 'fit and proper' person which includes their medical fitness.

**Proposed Recommendations:** Subject to any further feedback being raised, the Section will probably recommend that there be no change to the requirement to undertake a Group II Medical.

- **English Comprehension Testing**

Feedback was received which was in agreement with the requirement for English Comprehension testing. A comment from a member of the public was received that it is occasionally difficult to communicate with licensed drivers where English is not their first language.

English Comprehension testing was introduced in 2007 for all new applicants to the trade by the then Licensing and Regulatory Panel as it is important that drivers' literacy and numeracy levels are adequate to meet or exceed the requirements of the role they play in transport services. For example, it is essential that drivers can communicate easily with a wide range of people, often in difficult or challenging situations, make emergency phone calls, respond to information or instructions given by radio, read street signage, give information about their vehicles, complete accident report forms, register change of vehicle ownership, use simple maps and street plans. Some spoken communication with passengers is likely to take place while the driver is concentrating on the roads, with little face-to-face interaction.

New applicants must pass the English comprehension test before they attend the knowledge tests associated with local Conditions upon a licence and geography. The test identifies applicants who do not have the appropriate literacy and numeracy skills, and enables them to undertake training and improve their skills before continuing with their application for a drivers licence.

**Proposed Recommendations:** Subject to any further feedback being raised, the Section will probably recommend that there be no change to the requirement to undertake English Comprehension testing.

- **CRB Vetting**

No comments and/ or observations were received as part of the review.

The role of a licensed driver brings them into contact with vulnerable groups such as the infirm, elderly, mentally ill and young people under the age of 18. To protect these vulnerable client groups the Taxi and Private Hire Licensing Section checks for the existence and content of any criminal record.

A Standard disclosure contains details of any spent and unspent convictions, as well as cautions, reprimands and warnings, recorded by the police centrally. Additionally, enhanced disclosures may contain non-convicted information from local Police records which a Chief Police Officer thinks may be relevant in connection with the matter in question. Licence applications are currently subject to an Enhanced Disclosure.

**Proposed Recommendations:** Subject to any further feedback being raised, the Section will probably recommend that the requirement for an Enhanced Disclosure at the point of application will

be retained, with any changes to the administration of that process being directed by the CRB e.g. a greater requirement on the validity of identification documents.

(Further information: In line with Best Practice guidelines, it is proposed to introduce 3 yearly vetting but that is subject to a report being presented to the Licensing Committee for consideration. This will take place later in 2012.)

- **Local Knowledge Testing**

No comments and/ or observations were received as part of the review.

Private Hire - a comprehensive pre-entry testing system was introduced in 2009; this was complemented by the NVQ in Road Passenger Transport, the requirement of which is due before the Licensing Committee in June 2012 for further consideration. The outcome of this may bring about further development of the training and testing element; potentially with additional focus on disability training, customer care and other key elements catered for in the NVQ/ BTEC.

Hackney Carriage – the Local Knowledge test is restricted to routes within Leeds. Whilst there may be changes with the introduction of new technology within the testing, in essence the test will remain the same. However, apart from MIDAS disability testing there is no other formal testing regime for Hackney Carriage drivers.

**Proposed Recommendations:** At present the Section is recommending that there be no changes to the current Private Hire Local Knowledge testing regime other than those that may be directed by the Licensing Committee.

Moving forward, Officers intend to propose a more comprehensive training and testing regime to more broadly reflect the knowledge required of both legislation and customer service. Any changes will be consulted upon fully within their own right.

## **2. Medical Exemptions Policy**

Feedback was received requesting that the Taxi and Private Hire Licensing Section remains reasonable and understanding to drivers medical conditions.

The Equality Act 2010 means that employers and service providers must make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

Leeds City Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Taxis and Private Hire vehicles are a vital link in the transport chain. It is important that people who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.

In some circumstances a driver of a designated Taxi or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either short or longer term. The Act allows licensing authorities to exempt drivers from the duties to assist passengers if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

The existing policy takes this into account.

**Proposed Recommendations:** Subject to any further feedback being raised, the Section will probably recommend that there be no changes to the Medical Exemptions process, other than those administrative changes which may be required to ensure the referral to the preferred Occupational Health provider is as straightforward as possible for licensed drivers.

## **3. Stretched Limousine Private Hire Driver, Vehicle and Operator Conditions**

No comments and/ or observations were received as part of the review.

All licences issued by the Council in connection with the driving and operation of Private Hire Stretched Limousine vehicles are in accordance with the provisions of the 1976 Act. Drivers, Operators and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act affecting Private Hire licences.

**Proposed Recommendations:** Subject to any further feedback being raised, the Section will probably recommend that there be no change to the Stretched Limousine Conditions.

**Date of consultation closure: 13 July 2012**