

TITLE	Criteria Policy for Licensed Drivers
FOR CONSIDERATION BY	Licensing and Appeals Committee 13 November 2018
WARD	Non-specific
DIRECTOR	Sean Murphy - Public Protection Manager

OUTCOME / BENEFITS TO THE COMMUNITY

It is good practice to keep policies under review and where necessary update them so they better reflect the present need within the local area and national agenda.

The amendments proposed aims to provide greater flexibility for drivers and to ensure the Council's policy reflects advice from central government.

RECOMMENDATION

- (i) That the Committee agrees the proposed amendments to the criteria policy for licensing of drivers as outlined in the report, subject to and any further amendments the Committee may wish to make.
- (ii) That the Committee does not agree to the creation of a new driver licence type for drivers only driving vehicles with dispensation certificates.

SUMMARY OF REPORT

This report details proposed changes to the policy for drivers licensed by the Council.

Background

Removal of Section 1.1.1

It is proposed to remove section 1.1.1 of the Council's Hackney Carriage and Private Hire Licensing Policy. The wording of this section is as follows:

1.1.1 Wokingham Borough Council will accept applications from those who are licensed in a similar capacity with another local authority. However, no driver licence will be issued until the licence held with the other local authority has been surrendered.

It is established within the legislation and case law that in order to drive a licensed vehicle, one must hold a driver's licence from the same authority that issued the vehicle licence. However, it is contrary to advice from the Competition and Markets Authority for an authority to prevent a driver from holding a driver's licence with more than one authority.

Exemption from knowledge test

A request has been received from an operator licensed by the Council to exempt their prospective drivers from the geographic portion of the knowledge test. The reason being that the nature of the service they provide makes the knowledge test an unnecessary burden on the trade. The service provided by the operator in question is a chauffeur service, rather than a local private hire service, therefore the operator reasons that testing the 'local knowledge' of such drivers is superfluous.

As the Council cannot restrict which operator a licensed private hire driver works for, the only way to create an exemption from a proportion of the knowledge test for 'chauffeur' drivers would be to create a new sub-category of licence. For example a 'chauffeur private hire driver' licence where the holder was only authorised to drive private hire vehicles with a dispensation.

Officers are against the creation of such a licence type, due to the increased burden this would generate on the service. For example, a new licence type would necessitate the creation of new licence templates, implementation of new licence fees, and increased enforcement to ensure the licences are being used correctly.

Analysis of Issues

If the authority does not have a robust policy in place then there is an increased risk of successful challenges to decisions made by the Council.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

Other financial information relevant to the Recommendation/Decision

If an additional driver type is to be created, there would be costs to the authority, which would need to be established.

Cross-Council Implications

There are no implications arising from the recommendation in this report.

List of Background Papers

TXD059 Hackney Carriage and Private Hire Licensing Policy

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Date 3 October 2018	Version No. 1.1

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