

Report Title:	<b>Changes to Driving Licence Checks for Private Hire and Hackney Carriage Drivers</b>
Contains Confidential or Exempt Information?	No – Part 1
Member reporting:	Councillor Cannon, Lead Member for Public Protection
Meeting and Date:	Licensing Panel 8 October 2019
Responsible Officer(s):	David Scott, Head of Communities, Enforcement and Partnerships
Wards affected:	All

### **REPORT SUMMARY**

When applying for a RBWM private hire vehicle or hackney carriage driver's licence, it is a requirement of the RBWM Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions that the applicant provides their driving licence and evidence that the driving licence has been checked and verified by a stated company.

This company has served notice that it will no longer provide this service from 19 October 2019

An alternative process is therefore required and that is set out in this report. The changes will require amendments to the RBWM Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions respectively

## **1. DETAILS OF RECOMMENDATIONS**

**RECOMMENDATION:** That the Licensing Panel notes the report and:

- i) Agrees to change to the Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions respectively to reflect the new driving licence checking procedure.**

## **2. REASONS FOR RECOMMENDATIONS AND OPTIONS CONSIDERED**

- 2.1 The requirement to see and verify an applicant's full UK driving licence before they can be issued with a RBWM private hire vehicle (PHV) or hackney carriage (HC) driver's licence is a fundamental and long standing requirement.
- 2.2 This check ensures that the applicant has had a full UK, NI or European driving licence for at least two years, as is required by the RBWM Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions ("the Policies"). It also checks the status of the licence, that is, whether it bears any endorsements or convictions which would have a bearing on whether or not to issue the applicant with a RBWM PHV or HC driver's licence.

- 2.3 Up until now, applicants for a RBWM PHV or HC driver's licence have paid £7.50 to a company which carries out these licence checks, the results of which are presented to RBWM licensing officers
- 2.4 The company that has provided this service, Intelligent Data Systems Ltd (IDS), has served notice that it will no longer provide this service from 19 October 2019. We therefore need to provide an alternative means of driving licence checking and verification and amend the Policies accordingly.
- 2.5 IDS have suggested another commercial supplier for this service which would be at a similar cost to the applicants. However officers believe that there is another alternative which would reduce the cost to the applicant to zero, and would not take up any more officer / administrator time.
- 2.6 This alternative would require the applicant to access their driving licence data via the [www.gov.uk](http://www.gov.uk) website and show the information provided to a RBWM officer at their application appointment.
- 2.7 If the applicant does not have access to the internet they can ask a RBWM officer to access the website and obtain the required information at their application appointment.
- 2.8 Applicants will also be required to authorise access by RBWM licensing officers to their driving licence status for the duration of their hackney carriage, private hire or combined licence.
- 2.9 The amendments to Policies and application forms that would introduce this change are set out in Appendix A.
- 2.10 The Licensing Panel is now invited to agree these amendments.

### **3. KEY IMPLICATIONS**

- 3.1 The current system for checking driving licences of applicants for a PHV or HC driver's licence will cease to be available from 19 October 2019. A new system is therefore required
- 3.2 The new system recommended would reduce the costs for the applicant and have a neutral effect as far as officers are concerned.

### **4. FINANCIAL DETAILS / VALUE FOR MONEY**

- 4.1 The recommended change would reduce costs to applicants for a RBWM PHV or HC driver's licence
- 4.2 There are no financial implications for the Licensing team or RBWM.

### **5. LEGAL IMPLICATIONS**

- 5.1 Conditions can be attached to vehicle licences by virtue of sections 47 & 48 Local Government (Miscellaneous Provisions) Act 1976.

### **6. RISK MANAGEMENT**

- 6.1 Any new condition attached to the Policies is in theory subject to challenge or judicial review. However, given that the changes proposed in this report will

reduce the cost of the application process, the possibility of any challenge to the proposed changes is remote

## **7. POTENTIAL IMPACTS**

- 7.1 No EQIA is anticipated at this stage.
- 7.2 There are no impacts of the recommendations in relation to climate change or sustainability.
- 7.3 There are no new Data Protection or GDPR implications arising from the revisions proposed in this report.

## **8. CONSULTATION**

- 8.1 Legal advice provide in 2014 recommended that any proposed revisions to the Policies should be consulted upon before adoption as drivers have a reasonable expectation of being asked for their views.
- 8.2 That has been done by e-mailing PHV operators and HC representatives to ask for their views on the changes proposed in this report.

## **9. TIMETABLE FOR IMPLEMENTATION**

- 9.1 If Members are minded to amend the Policy and Conditions as set out in this report, the changes would come into force immediately

## **10. APPENDICES**

Appendix A – Amendments to Policies and Application Forms

## **11. BACKGROUND DOCUMENTS**

None.

## **12. CONSULTATION (MANDATORY)**

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Commented &amp; returned</b>
Cllr Cannon	Lead Member for Public Protection	10 Sept 2019	16/09/2019
Cllr Haseler	Chair of the Licensing Panel	10 Sept 2019	11/09/2019
Duncan Sharkey	Managing Director	4 Sept 2019	No comments
Andy Jeffs	Executive Director Communities Directorate	4 Sept 2019	13/09/2019
David Scott	Head of Communities, Enforcement and Partnerships	14 Aug 2019	Minor edits made 3 Sept 2019

## **REPORT HISTORY**

<b>Decision type:</b> Non-key decision	<b>Urgency item?</b> No
Report Author: Greg Nelson, Trading Standards & Licensing Lead 01628 683561	

## **Appendix A**

### **Amendments to Policies and Application Forms**

#### **1) Amendment to Booklet “Application for Licence to Drive a Hackney Carriage or Private Hire Vehicle”**

In “Application for a Licence to Drive a Hackney Carriage and/or Private Hire Vehicle Stage 1 – First Appointment”

Delete;

**“Data Protection Mandate for Intelligent Data Systems (Charge of £7.50) “**

Replace with;

**“UK Driving Licence Verification Process** – All applicants will be required to provide verification of the current status of their UK driving licence. This is done by accessing your driving licence data via the [www.gov.uk](http://www.gov.uk) website (search for “driving licence information”) and showing the information provided to a RBWM officer at your appointment.

Applicants will also be required to authorise access by RBWM licensing officers to their driving licence status for the duration of the hackney carriage, private hire or combined badge.”

#### **2) Amendment to PRIVATE HIRE DRIVERS & LICENSING REQUIREMENTS**

In Paragraph 2. APPLICATION REQUIREMENTS;

Delete paragraph (c)

Replace with;

“(c) All applicants will be required to provide verification of the current status of their UK driving licence. This is done by accessing your driving licence data via the [www.gov.uk](http://www.gov.uk) website (search for “driving licence information”) and showing the information provided to a RBWM officer at your appointment.

Applicants will also be required to authorise access by RBWM licensing officers to their driving licence status for the duration of the hackney carriage, private hire or combined badge”

### **3) Amendment to Hackney Carriage Drivers & Licensing Requirements**

In Paragraph 2. Applications Requirement;  
Delete the third and fourth paragraphs

Replace with;

“All applicants will be required to provide verification of the current status of their UK driving licence. This is done by accessing your driving licence data via the [www.gov.uk](http://www.gov.uk) website (search for “driving licence information”) and showing the information provided to a RBWM officer at your appointment.

Applicants will also be required to authorise access by RBWM licensing officers to their driving licence status for the duration of the hackney carriage, private hire or combined badge”

### **4) Amendment to Application Form APPLICATION FOR GRANT OR RENEWAL OF HACKNEY CARRIAGE, PRIVATE HIRE OR COMBINED BADGE**

- 1) In table “DOCUMENTS REQUIRED FOR GRANT OF HACKNEY CARRIAGE OR PRIVATE DRIVER LICENCE”

Delete;

“4. IDS Mandate (DP20)”

Replace with;

“4. Verification of current status of UK driving licence using information from [www.gov.uk](http://www.gov.uk) “

- 2) In table “DOCUMENTS REQUIRED FOR RENEWAL OF HACKNEY CARRIAGE OR PRIVATE DRIVER LICENCE”

Delete;

“4. IDS Mandate (DP20)”

Replace with;

“4. Verification of current status of UK driving licence using information from [www.gov.uk](http://www.gov.uk) “

- 3) In “DECLARATION OF APPLICANT”

Add a fourth paragraph;

“I confirm I give the Royal Borough of Windsor and Maidenhead the authority to access up-to-date information on my UK driving licence status via the [www.gov.uk](http://www.gov.uk) website for the duration of my RBWM licence, using my UK driving licence number, National insurance number and postcode.”