

**Agenda Item No:** 8 **Report No:** 138/12  
**Report Title:** Application for Exemption of Driving Standards Assessment and the Grant of Restricted Private Hire Licenses  
**Report To:** Licensing Committee **Date:** 28 August 2012  
**Cabinet Member:** Cllr R Robertson  
**Ward(s) Affected:** All  
**Report By:** Director of Planning & Environmental Services  
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**Purpose of Report:**

To consider a request from Southern Taxis (Brighton Ltd) T/A City Cabs and South Coast Premier Taxis to be granted Restricted Private Hire Driver Licences and exemption from the requirement for all new applicants for a Private Hire Driver Licence from the Driving Standards Agency Taxi Test (DSA) and Assessment as a condition of grant of a licence.

**Officers' Recommendation:**

The Committee is recommended to grant approval for Restricted Private Hire Driver Licence and exemption for the DSA Taxi Test and Assessment.

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**1 Reasons for Recommendations**

To respond to the application from South Coast Premier Taxis for their request for Restricted Private Hire Driver Licence and exemption from the DSA Taxis Test and Assessment.

**2 Information**

**2.1** At its meeting in June 2007, the Cabinet formally adopted a policy (Appendix 1) that all new Hackney Carriage and Private Hire drivers be required to pass the DSA Taxi Test and Assessment prior to licensing.

**2.2** The reasoning behind the policy was public safety.

**2.3** No suitable driving test was administered by the Council and it was recommended by Officers that this new driving test, specifically designed by the DSA for Hackney Carriage and Private Hire drivers, be agreed.

**2.4** A consultation process was conducted with the taxi trade who overwhelmingly agreed to the proposal. (92%)

### **3 Background**

- 3.1** Minibus Travel Services are a long established Private Hire company licensed by Lewes District Council and were very concerned at the proposal for implementation of the DSA Test.
- 3.2** The Company supply home to school transport for special needs children under contract to East Sussex County Council, West Sussex County Council and Brighton & Hove Council.
- 3.3** Vehicles and Drivers only work 190 days per years during school term time; approx 3 hours a day.
- 3.4** Minibus Travel Services do not undertake any other Private Hire business apart from these school contracts.
- 3.5** Due to the nature of the work: the number of days worked per year and set daily routes, drivers at Minibus Travel Services are granted a restricted Private Hire Driver Licence which allows them to work solely for Minibus Travel Services.
- 3.6** As all the drivers are employed on set routes there is no requirement for them to pass a knowledge test.
- 3.7** Minibus Travel Services were very concerned that as a result of the new DSA Test policy it would seriously affect their ability to run their company.
- 3.8** Their concerns were that due to the time constraints between school terms, especially the summer break, it was almost impossible to attract new drivers, obtain driving lessons and then wait for a suitable date to be able to sit the DSA Test.
- 3.9** As a result of these concerns the management of Minibus Travel Services met Council Officers on 4 October 2007 to discuss these problems.
- 3.10** Minibus Travel Services proposed that to minimise the waiting time for new applicants it was exempted from the DSA Test and Assessment, but instead they would put in place a system with a suitably trained driving instructor to conduct the DSA Test on a private basis.
- 3.11** Those proposals were submitted to the Licensing Sub-Committee on 13 November 2007 when they agreed to the exemption. (Appendix 2 – Resolution)

## **4 Application**

- 4.1** In 2011 Southern Taxis (Brighton) Ltd trading as City Cabs took over South Coast Taxis Premier Cabs, Longridge Avenue, Saltdean.
- 4.2** South Coast Premier Taxis have applied to Brighton & Hove City Council for new contracts to supply home to school transport for special needs children.
- 4.3** Under those contracts drivers would only be required during school terms, 190 days per year, for approx 3 hours per day, the same as Minibus Travel Services.
- 4.4** There is a very limited time span from winning new contracts to schools returning after the summer break on Wednesday 5 September 2012 to attract new drivers and to complete all the required licensing checks prior to licensing.
- 4.5** South Coast Premier Taxis are very concerned that due to the time constraints they will not be in a position to fulfil all Lewes District Council current licensing conditions.
- 4.6** They are therefore requesting that they be granted the same exemptions as Minibus Travel Services:

1 Grant of Restricted Private Hire Driver Licence

2 Exemption from the DSA Test and Assessment.

## **5 Conditions**

If granted South Coast Premier Taxis propose the following

- 5.1** That they will appoint their own suitably qualified driving instructor to conduct the DSA Test and Assessment.
- 5.2** Drivers granted a Restricted Private Hire Driver Licence will only be employed on home to school contract work and do no other Private Hire work of any description.

## **6 Issues**

- 6.1** Lewes District Council originally introduced the DSA requirement on the grounds of consistency and public safety. It is not a mandatory requirement for Councils to introduce the DSA Taxi Test and Assessment, but it is highlighted as good practice which has been adopted by many Authorities across the country.

**6.2** South Coast Premier Taxis are asking that they be dealt with on an equal basis as Minibus Travel Services and that they also be granted the necessary exemption for the DSA Test and Assessment and allowed Restricted Private Hire Driver Licences.

**6.3** In deciding whether to accept the company's request the Council should consider whether:

**6.3.1** The company's concerns are justified.

**6.3.2** Their application to be treated on an equal basis as Minibus Travel Services is justified.

**6.3.3** Their claims for similar standards is reasonable.

**6.3.4** Granting an exemption is fair and consistent for the rest of the trade.

**6.3.5** That the interests and safety of passengers using South Coast Premier Taxis is protected and maintained.

## **7 Financial Appraisal**

There are no financial implications.

## **8 Environmental Implications**

I have completed the Environmental Implications Questionnaire and there are no significant effects as a result of these recommendations.

## **9 Risk Management Implications**

I have completed the risk management checklist and I have identified the following:

**9.1** The Council may be perceived as not treating all Private Hire Drivers equally if an exemption is granted without an alternative to the DSA Test being applied.

**9.2** The safety of the travelling public may be put at risk if an exemption is granted without an alternative to the DSA Test being applied.

**9.3** A company licensed by Lewes District Council may be restricted in its ability to carry out contracts if the Council does not grant an exemption.

## **10 Equality Implications**

There are no Equality Implications to this Report.

## **11 Background Papers**

There are No Background Papers to this Report.

## **12 Appendices**

- Appendix 1** Resolution of Cabinet of the 6 June 2007 – Introduction of the Driving Standards Agency Taxi Test and Assessment for all new Hackney Carriage and Private Hire Drivers.
- Appendix 2** Resolution of Licensing Sub-Committee of November 2007 - Exemption from Driving Standards Agency Taxi Test and Assessment.
- Appendix 3** E-mail from Southern Taxis requesting exemption.