

General Licensing Committee Meeting	
Meeting Date	15 th February 2022
Report Title	Taxi Driver Training as an enforcement option for a Licensing Sub-Committee
Cabinet Member	Cllr Richard Palmer, Cabinet Member for Communities
SMT Lead	Charlotte Hudson, Head of Housing and Community Services
Head of Service	
Lead Officer	Johanna Thomas, Licensing Officer
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. Members are asked to consider whether to introduce remedial driving courses for Swale licensed taxi and private hire drivers as an enforcement option for a Licensing Sub-Committee, where the reason for the hearing is related to their driving and/or conduct. 2. If Members are minded that remedial driving courses should be introduced, that they instruct licensing officers as to the preferred training provider/s so that licensing officers can make the necessary arrangements to utilise them.

1 Purpose of Report and Executive Summary

- 1.1 This report requests Members to consider whether they wish to introduce remedial driving courses for licensed taxi and private hire drivers who appear before a Licensing Sub-Committee, where the reason for the hearing is related to their driving and/or conduct which is normally after the imposition of sufficient Swale BC 'penalty points' and which requires a hearing for Members to adjudicate on appropriate enforcement action.
- 1.2 If Members decide that this is an appropriate enforcement tool, any driver required to undertake such a course would have their Swale BC licensed taxi driver suspended until such time as they had successfully completed such a course and provided evidence of the same to licensing officers.
- 1.3 Members are also asked to consider what training providers they would wish the licensing team to use if they feel that remedial driving courses are appropriate.

2. Background

- 2.1 Contained within the current Swale BC Hackney Carriage and Private Hire Licensing Policy is the ability to impose 'penalty points' on a Swale taxi drivers licence for a wide-ranging criterion of misdemeanours. Drivers can accrue up to 11 penalty points in any 36 rolling month period but, if they accrue 12 penalty points or more, they are required to attend a hearing of the Licensing Sub-Committee so that Members can adjudicate on appropriate enforcement action to be imposed.
- 2.2 Also, within the proposed Swale BC Hackney Carriage and Private Hire Licensing Policy which is due for adoption later in 2022 Appendix J paragraph 4.3 (attached as **Appendix I**) when a licence holder is brought before the Licensing Sub-Committee, the Committee may decide the appropriate action is for the licence holder to take an additional driving standards test. However, no options for courses, content details or cost implication to the licence holder have been made available to the Committee thus far.
- 2.3 This approach is in line with the Department for Transport Statutory Taxi & Private Hire Vehicle Standards July 2020 Section 9 "Enforcing the Licensing Regime" page 33 to 34 (attached as **Appendix II**). Paragraph 9.10 suggests suspension may be appropriate in conjunction with additional training for minor issues where on the balance of probability the driver is not considered to present a risk to public safety.
- 2.4 Research into the courses available locally can be found as **Appendix III**.

3 Proposal

- 3.1 Where the Licensing Sub Committee deem appropriate action to be suspension of the licence until the licence holder undertakes additional training, the licence holder will need to take a remedial driving course as approved by the Licensing Sub-Committee and the licensing team will need to receive confirmation that the course has successfully been completed before their licence can be reinstated. The fee and any expenses incurred in attending the course will be paid by the licence holder.

4 Alternative Options

- 4.1 Members could choose to impose a variety of driver standard test options from those provided by either or both Green Penny and Blue Lamp or any of the other training providers detailed in Appendix III.
- 4.2 Members could choose to require licence holders to sit and pass the Swale Street Knowledge Test before their licence is reinstated.

- 4.3 Members could choose a combination of the suggested actions based on the appropriateness to the case and/or the amount of Swale penalty points the licence holder has received.
- 4.4 Members could decide that the introduction of remedial driving courses as an enforcement option for a Licensing Sub-Committee is not necessary.

5 Implications

Issue	Implications
Corporate Plan	The service is an important regulatory function undertaken to ensure the safety of the travelling public of the Borough and supports the achievement of corporate priorities. There are links to Objective 3.4 “Renewing local democracy and making the council fit for the future”.
Financial, Resource and Property	Course fees and any expenses incurred in attending the course to be met by the driver. Drivers may also suffer loss of earnings while their licence is suspended. There are no other financial or resource implications other than if following a decision of the Licensing Sub-Committee an appeal is made to Magistrates’ Court where there may be costs implications
Legal and Statutory and Procurement	Provisions contained within the Local Government (Miscellaneous Provisions) Act 1976 and subsequent amending legislation require a licensing authority to ensure the persons issued licences to drive hackney carriage and private hire vehicles are ‘fit and proper’ with suitable skills and abilities to be able to provide a passenger service to the community. This requirement is also further reinforced within the DfT Statutory Taxi & Private Hire Vehicle Standards July 2020.
Crime and Disorder	Public safety is paramount in the licensing regimes that govern these vehicles, their drivers, and operators. The licensing and compliance role of the Council is important in improving the safety, security and welfare of the Borough’s residents, visitors and business community. The rationale behind a licensing regime covering this important part of the public transport is the provision of a service to the public that is accessible and safe, and seen to be so.
Environment and Climate/Ecological Emergency	No implications
Health and Wellbeing	No implications
Safeguarding of Children, Young	The DfT Statutory Taxi & Private Hire Vehicle Standards July 2020 has the safety of the travelling public and particularly the safeguarding of children, young people and vulnerable adults as a main strand of its

People and Vulnerable Adults	requirements. It is important to demonstrate that Swale BC licensed taxi and private hire drivers fulfil this expectation.
Risk Management and Health and Safety	The Council could be subject to negative publicity if members of the travelling public feel unsafe when using licensed taxi and private hire vehicles within the Borough because of the conduct or driving ability of the licensed driver.
Equality and Diversity	The proposed change to the taxi licensing regime has a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.
Privacy and Data Protection	Normal data protection and privacy rules apply

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: The proposed Swale BC Hackney Carriage and Private Hire Licensing Policy for adoption in 2022 Appendix J
- Appendix II: Department for Transport Statutory Taxi & Private Hire Vehicle Standards July 2020 Section 9 Enforcing the Licensing Regime
- Appendix III: Driver Courses Research

8 Background Papers

- Local Government (Miscellaneous Provisions) Act 1976
- Swale BC Hackney Carriage and Private Hire Licensing Policy 2018-2021