

BIRMINGHAM CITY COUNCIL

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE

20 JUNE 2018
ALL WARDS

PROPOSAL FOR COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

1. Summary

- 1.1 The question of issuing dual (combined hackney carriage and private hire driver's) licences has been raised a number of times at recent trade liaison meetings. Some licensing authorities do this for all driver applications, with the aim of simplifying the licensing function by processing and issuing a single licence. However, it is difficult to adopt this practice in areas where access to the hackney trade requires passing a demanding knowledge test, as here in Birmingham.
- 1.2 There does not seem to be an appetite in the trade to reduce the difficulty of the hackney carriage knowledge test and requiring all private hire applicants to take the hackney test is not reasonable, so if adopted in Birmingham, it could only reasonably apply to new and existing hackney carriage drivers.
- 1.3 There would be some advantages for hackney carriage drivers in adopting a dual licence and there could also be savings in Sub Committee time.

2. Recommendations

- 2.1 Your Committee should consider the following proposals:
 1. Instruct officers to devise a timeline for introduction of dual licences and look into the amendments to policies and licence conditions which would be necessary to accommodate the changes.
 2. Or: Reject the proposal as impractical.
 3. Or: Agree the alternative suggestion of waiving private hire knowledge testing for existing hackney carriage drivers.

Contact Officer: Chris Arundel, Principal Licensing Officer
Telephone: 0121 464 8994
E-mail: chris.arundel@birmingham.gov.uk

3. Background

- 3.1 Birmingham City Council does not currently offer a dual hackney carriage and private hire driver's badge, some local authorities do so, Sandwell being a local example, but it is more commonly offered by those authorities where testing is simpler and a distinction between the working knowledge of hackney and private hire drivers is considered less important.
- 3.2 For those authorities, the payback for having a combined badge is the simplicity of only having to administer one type of licence for drivers. For Birmingham, this would not apply. Introduction of a dual licence in Birmingham would require administration of three licence types during the transitional period and ultimately leave us administering two licence types. For Birmingham to benefit from a dual licence, it would be necessary to remove, or simplify the hackney carriage knowledge test and make all licences dual licences.
- 3.3 Birmingham has a purpose built and distinctive hackney carriage fleet and the challenging nature of the hackney knowledge test is understandably considered a rite of passage by the trade. Unsurprisingly there does not appear to be an appetite amongst hackney carriage drivers for removing or simplifying the knowledge test at the present time. For this reason, if the proposal is adopted only hackney carriage drivers could be eligible to convert to a dual licence.
- 3.4 Members regularly sitting on Licensing Sub Committees may have noticed an increase in applications from hackney carriage drivers wishing to obtain a private hire driver's licence and seeking exemption from the test requirements associated with a new application.
- 3.5 The frequency of such requests has increased noticeably, with many applicants citing a wish to work for Uber as their reason for making an application and others referring to the imminent requirement to replace older more polluting hackney carriage vehicles in order to comply with the new emission standards effective from 1 January 2020.
- 3.6 Although issued under different legislation the actual mechanics of issuing a licence for a hackney carriage or private hire driver are very similar, with only the requirements of the knowledge tests to distinguish between application types. In all other respects the requirements and fitness standards are the same. The conditions and legal restrictions are different and this is reflected in the very different knowledge tests currently employed for each licence.

4. Practicalities

- 4.1 There are a number of problems to overcome; not least the volume of drivers to be accommodated is in excess of one thousand three hundred. Many of those drivers will be mid-term into a three year licence and to change their licence conditions requires the issue of a new licence.

- 4.2 The simplest and most practical way to manage the issue of combined badges would be to do so on renewal, however with many drivers favouring a three year badge, it is likely many drivers would be required to wait for two years or more to obtain a combined badge. Accordingly agreeing a mechanism to accommodate those drivers switching to a dual licence would probably be a necessity.
- 4.3 Unfortunately as a licence cannot have new conditions attached during its lifetime, a driver wishing to obtain a combined “dual” licence before the expiry of his current hackney carriage driver’s licence would need to surrender the current licence and take out a new one and fees applicable to the issue of a new licence would need to be charged to cover operational costs. Medicals and DBS checks due would also need to be carried out as part of the new application, but other tests normally associated with a new application could be waived.
- 4.4 The current SOPRA Licensing System is no longer being given developmental support, so any changes would have to be accommodated within the existing system without modification. For this reason adopting a policy of converting all existing hackney licences would be preferred, as there is no likelihood that a third licence type could be introduced and managed on the existing platform.
- 4.5 However, drivers currently hold licences with an expiry date and they are under no obligation to return, surrender, exchange, or otherwise dispose of those licences in the meantime. It is inevitable some drivers would not wish to take out the dual licence and would hang on to their hackney badges for as long as possible. This raises the spectre of a conversion process which could take up to three years to accomplish, with a system designed to accommodate two badge types needing to accommodate three. This could only be accomplished by resort to notes and manual record keeping, which would not be ideal.
- 4.6 Should the dual licence proposal be adopted, it would be preferable in the medium term to source a new style dual badge for issue to dual licensed drivers, in the short term drivers could simply be issued with two badges, one for hackney carriage and one for private hire, but both showing the same licence number.

5. Possible Advantages

- 5.1 For hackney carriage drivers:
- i. A cost reduction, two licences for the price of one. No requirement to sit additional tests, or to seek exemptions.
 - ii. An opportunity for drivers facing the cost of replacing a hackney carriage with an expensive, cleaner, greener, vehicle to move to private hire, where replacement vehicles are considerably cheaper.

- iii. Simplification for drivers wanting both licences, with no need to renew two separate licences or to keep track of different expiry dates.

5.2 For officers and members:

- i. A small reduction in demand for appointments.
- ii. No need to accommodate hackney drivers seeking exemptions at sub Committee meetings.
- iii. Experienced hackney carriage drivers seeking a move to private hire are much less likely to move to other licensing authorities as an alternative to passing the Birmingham private hire knowledge test.

6. Possible Disadvantages

6.1 For hackney carriage drivers:

- i. Cost and inconvenience of surrendering an existing licence to obtain a dual licence if required before current expiry date.

6.2 For officers and members:

- i. An increase in demand in the short term for appointments to change licences to dual status.
- ii. Uncertainty over a drivers understanding of law and licence conditions as applicable to private hire drivers.
- iii. A small reduction in income where drivers no longer pay for two licences. This would be very small, as only approximately 60 drivers out of 1300 hackney carriage drivers currently hold a private hire licence as well.
- iv. Difficulties associated with accommodating changes and three licence types on the current licensing computer system.
- v. A short term problem with issuing two badges (potential for one to be loaned out) and necessity to procure new dual badges.

7. A Practical Alternative

7.1 Although it is clearly not what has been requested, a possible alternative and one which would be extremely simple to accommodate, would be to agree to allow all existing hackney carriage drivers to take out a private hire driver's licence without requiring them to take the associated knowledge test.

7.2 this could be offered on renewal, or following the surrender of the existing hackney licence (a partial refund could be given if appropriate), where a driver did not wish to hold both licences, or in addition to the existing licence where a driver wanted the option of driving both types of vehicle.

7.3 It is probably worth at least considering this option, as the number of drivers currently holding both types of licence is less than 1% of licensed drivers,

which suggests historically, there has not been a huge demand to hold both licence types.

8. Implications for Resources

- 8.1 For dual licences, the number of licences involved would be no more than 1300, a proportion of which would be accommodated during normal renewal appointments in any case. Additional demand for appointments outside renewals would impact on officer time, but should not have any significant financial impact as grant fees would be payable for those new licences. Non-renewal transactions would probably have to be managed strictly by appointment rather than on demand, to reduce impact on normal service delivery.
- 8.2 Accommodating three licence types over a period of up to three years could be problematic and would probably have to involve some form of manual record keeping outside the scope of the existing computer system.
- 8.3 The resource implications associated with the alternative of waiving private hire knowledge test requirements could be similar in terms of demand for appointments, but there would be no necessity to accommodate additional licence types, or to maintain any sort of manual record.

9. Implications for Policy Priorities

- 9.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by promoting improvements in the standards of services provided by licence holders and is compatible with our mission statement: Locally accountable and responsive fair regulation for all – achieving a safe healthy, clean, green and fair trading city for residents, business and visitors.

10. Public Sector Equality Duty

- 10.1 To all intents and purposes this is an administrative issue, the decision to pursue or not to pursue dual licences will not impact the wider public and drivers will still meet the medical and criminal record standards required now. No wider public sector equality issues have been identified in relation to this proposal.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil