

BIRMINGHAM CITY COUNCIL

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

24 OCTOBER 2018
ALL WARDS

**IMPLEMENTING COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE
DRIVER'S LICENCES**

1. Summary

- 1.1 At its meeting in June 2018, The Licensing and Public Protection Committee (L&PPC) resolved to require officers devise a practical means to provide hackney carriage drivers with dual hackney carriage and private hire driver's licences via a single record.
- 1.2 This report outlines proposals to introduce a combined badge incorporating both hackney carriage and private hire licences and advises how it can be accomplished with the introduction of the new licensing computer system.

2. Recommendation

- 2.1 That your Committee approves the replacement of hackney carriage licences on the new licensing computer system with dual hackney carriage and private hire licences. Private hire only licences, should remain as they are.
- 2.2 That your Committee agrees drivers wishing to take out a private hire driver's licence now, via the current Sopra licensing system, should be allowed to do so on renewal at no additional cost.
- 2.3 That drivers who are not due to renew, may still obtain dual licences by surrendering their current licence and paying the fee for the grant of a new licence, which will then include both hackney carriage and private hire licences.
- 2.3 That no private hire knowledge testing should be required where a hackney carriage driver has previously passed a Birmingham hackney carriage driver's knowledge test.

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3. Background

- 3.1 At the meeting of L&PPC held in June 2018, members resolved to require officers to devise a method by which Birmingham City Council licensed hackney carriage drivers could be enabled to acquire a dual licence (hackney carriage and private hire driver's licences held simultaneously) without requiring them to go through the separate private hire driver application process.
- 3.2 The licensing service currently uses the Sopra licensing system which is to be replaced in the medium term. There is no possibility of making changes to the Sopra system to accommodate this requirement as no development can be undertaken on a redundant system. As a consequence any scheme to provide dual licences would have to be accommodated within the unmodified system,
- 3.2 The new system, which is expected to be introduced by 1 April 2019, could be set up so it would offer a choice of dual private hire and hackney carriage licences or private hire licence only. This would have the effect of converting all hackney carriage drivers to dual licence status as they renew via the new system. As application requirements are identical with respect to medical, police check and disability/safeguarding training this could be accomplished by issuing a new licence certificate covering both licence types with both sets of conditions attached as standard.
- 3.3 Possession of dual licences would not change the requirement to comply with the appropriate conditions and legislation applicable when driving a hackney carriage or a private hire vehicle. For example a driver caught plying for hire in his private hire vehicle would not be immune from prosecution, simply because he also held a hackney carriage driver's licence.

4. Sopra Licensing System

- 4.1 The Sopra system is now redundant, it was developed for earlier versions of the Microsoft Windows operating system and intended to run on databases which are no longer supported. For this reason no modifications to the system can be authorised and no budget is available to pay for changes necessary to accommodate dual licences.
- 4.2 There does seem to be an expectation in some parts of the trade, that hackney carriage drivers will simply be given a free private hire licence on demand. As it is impossible to make changes to Sopra and current licences cannot be altered to attach new conditions mid-term, this is not a viable option, unless members are content for drivers to operate for up to three years without their being subject to conditions of licence.
- 4.3 It would be possible to issue a new and separate private hire driver's licence using the Sopra system and have IT intervene to amend the expiry date to

match that of the pre-existing hackney carriage driver's licence, but whilst this could be done at no cost to the driver, it could not be done at no cost to the service.

- 4.4 The cost to issue 1300 free licences in officer time alone is estimated to be in excess of £200,000, without the additional costs associated with amending end dates to match existing licences.
- 4.5 Aside from the logistical difficulty of accommodating so many additional transactions, it should be noted that private hire drivers outnumber hackney carriage drivers by a factor in excess of three to one; consequently funds held in reserve have been contributed in a similar ratio. It is important the Licensing Service is not perceived to be using private hire funding to provide free licences for hackney carriage drivers.
- 4.5 Officers believe a more realistic option would be to issue a new private hire badge and associated conditions of licence alongside the hackney carriage equivalents on renewal. This is a far simpler and cheaper proposition. It would require overwriting of the new paper licence to include the private hire licence and printing of a second badge. Although this would require a little extra time for each transaction, it is unlikely to take more than a couple of extra minutes and with transactions spread out as licences naturally renew, impact would be minimised.
- 4.6 The estimated number of hackney carriage drivers due to renew over the next three years is listed below. Start date is 1 October 2018 and the end date is 30 September 2021.

2018/19	487
2019/20	405
2020/21	379

- 4.7 With no new record or means of amending the existing licence template, it would be necessary to record the issue of dual licences as notes and as an alert message on the hackney carriage driver record. However, this would be a temporary measure until driver records transferred to the new licensing system. Whilst not ideal, this would be a workable solution and has the advantage of being significantly less costly than creating new, "free" licences on demand.
- 4.8 The disadvantage for drivers is the necessity of waiting until they renew, but this option does guarantee every hackney carriage driver a free private hire driver's licence on renewal and does so at a cost which can be borne by the Licensing Service within existing budgets.
- 4.9 Drivers wishing to obtain a private hire driver's licence before renewal could do so, but it would require surrender of the existing licence, subject to any refund due as per existing arrangements and submission of a new application to be paid for in the normal fashion. It should be noted in this scenario, new

medical tests and DBS enquiries may also be required at the applicant's expense. On granting the new licence, modifications as described above would be made and dual hackney carriage and private hire licences and badges would be issued, with the normal conditions of licence for each being attached.

5. New Licensing System

- 5.1 Although the new system specification is designed to manage hackney carriage and private hire licences, the essentially similar requirements of the two licence types make it a fairly straightforward matter to re-designate the hackney badge as a hackney and private hire badge and to redesign the paper licence certificate to indicate the issue of two licences under two different pieces of legislation.
- 5.2 If this is done before the system comes into use, it will have the effect of changing every hackney carriage driver's licence record to a combined hackney carriage and private hire driver's licence on renewal. This will be indicated on the paper licence certificate and by the issue of conditions covering both licence types.
- 5.3 Whilst existing stocks of hackney carriage driver's badges are used up in the short term, officers can issue two badges, one for private hire and one for hackney carriage. A new badge indicating the right to drive both types of vehicle can be ordered in place of hackney badges once stocks are run down.
- 5.4 If this proposal finds favour with members, it is suggested the requirement to take the Knowledge Test for Private Hire Drivers should be waived for all hackney carriage drivers converting to dual licences or taking out a private hire driver's licence.

6.0 Consultation

- 6.1 Consultation on this proposal has been undertaken via the regular Trade Liaison Meetings and is overwhelmingly supported by trade representatives. No wider public consultation has taken place at this juncture.

7 Implications for Resources

- 7.1 If the recommended model is adopted and a majority of drivers are content to obtain their free licence on renewal, any additional costs will be negligible. For those licensees unable to wait for renewal, who surrender their licence in exchange for new dual licences, the standard grant fee for a single licence will be payable, which will help to defray costs associated with these additional transactions,

- 7.2 Once the new system is introduced all hackney carriage drivers will be given a dual licence on renewal as standard, at no additional cost to themselves or to the Licensing Service. The changes to the new licensing system amount to amendments to the document templates and the information and guidance published online. If this is implemented whilst the system is still in development, then costs should be minimal and it is hoped they will be absorbed within existing budgets.

8. Implications for Policy Priorities

- 8.1 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.

9 Public Sector Equality Duty

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

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers

Committee Report - Proposal for Combined Hackney Carriage and Private Hire Driver's Licence - June 2018

