

MEETING:	REGULATORY COMMITTEE
DATE:	3 NOVEMBER 2009
TITLE OF REPORT:	REVIEW OF THE 3 YEARLY TAXI DRIVER BADGE RENEWALS AND DECISION REGARDING OUTSTANDING CRB FORMS, MEDICAL FORMS AND TAXI DRIVER FEES OWING TO THE COUNCIL
PORTFOLIO AREA:	REPORT BY HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To consider the appropriate course of action to take in relation to the continuance of the 3 year dual badge renewals, the collection of outstanding paperwork and the collection of fees in relation to the annual self declaration.

Key Decision

This is not a key decision.

Introduction and Background

1. The current 3 year rolling programme for dual badge renewals commenced in April 2007 following a review at that time. Previously the renewals had been required as annual applications, with a 3 yearly requirement for an enhanced CRB and 5 yearly requirement for a medical.
2. In April 2007 it was agreed that a 3 year badge had to include an annual self declaration regarding the status of the driver's medical and CRB. The fee for a 3 year badge was calculated to exclude the annual fee of £45, as money had to be recovered annually in accordance with the way the Council's budgets are managed. Therefore every year following April 2007, the appropriate taxi drivers have been invoiced for £45. This also helped to spread the costs for taxi drivers.
3. However, despite sending two reminder letters (See Appendices 1 and 2), the Council has still been unable to collect 149 self declarations which equates to a loss in revenue of £6,705. To date there are also 74 expired medicals and 50 overdue CRBs, as a result of the requested information not being received. This corresponds to a non return rate of about 25%.

Further information on the subject of this report is available from
Claire Berrow on (01432) 263324

- 4 Once this matter has been resolved, it is the Licensing Authority's intention to embark upon a total review of all fees and charges, as has been requested by the Herefordshire Hackney Carriage and Private Hire Association.

Recommendation(s)

THAT Committee agree that:

- (a) **The Dual Driver Badge returns to being a 12 monthly renewal; and**
- (b) **Those drivers with outstanding payments, Criminal Record Bureau Checks and medicals are suspended until the appropriate and satisfactory documentation is received.**

Key Point Summary

- A rolling 3 yearly programme for driver licences was implemented in April 2007.
- This has not been effective, due to non payments of an annual fee and the non return of essential documentation, such as CRBs and medical forms.
- Unpaid fees amount to £6,705 and there are also 74 expired medicals and 50 overdue CRBs
- The non return of these forms have serious public safety implications and the unpaid fees have significant income implications.

Alternative Options

1 Keep the rolling 3 year renewal programme

Advantages: Keeps things the same way. The 3 year programme was proposed to reduce the administration costs for the Licensing Department and spread the cost to the driver. Fees would have to be recovered via the Council's Benefit & Exchequer Service and documentation requested again.

Disadvantages: A significant percentage of the trade clearly do not dutifully provide the Council with the necessary annual documentation and fees, even after reminders. The past two years have unfortunately proven this to be the case. When the fees were recalculated in April 2007, no element was put in place for the recovery of costs from repeat letters, as there was no expectation that documentation and fees would not be forthcoming. The only way forward to recover the fees would be via the Council's Benefit & Exchequer Service. This will create additional costs to the Taxi Licensing budget in administration fees, as the team will have to pass the workload onto the Revenues Officer to collect outstanding sums. This would not be cost neutral to the trade, as expenditure would increase.

The risk to the public is high when drivers are not renewing CRBs and their medical forms.

2. Do not suspend the drivers who have not provided the necessary documentation

Advantages: Keeps drivers on the road and keeps the status quo.

Disadvantages: The Council cannot be sure that those drivers who have not returned the CRB and medical forms are 'fit and proper'. They may have undeclared relevant offences on their CRBs and their medical could show that they are no longer suitable to drive. A suspension will ensure prompt payment and prompt delivery of the necessary documentation.

Reasons for Recommendations

The licensing authority believes it has considered the alternative options for the issue of dual driver licence, and having tried the 3 year badge since April 2007 we believe there has been a significant trial period to be able to allow us to revert to the annual badge. Recent reviews of both medicals and CRB forms have raised questions of public safety in relation to why these drivers have not submitted these essential check documents.

There is a real risk to public safety, if we are unaware of changes in medical conditions or incidents/convictions/cautions, which would be highlighted by a CRB form. We are also unable to apply an effective incentive for drivers to pay the monies owed for their annual declarations.

Key Considerations

Whether or not to accept all or some of the amendments to the way in which we administer dual driver badges. Also how to proceed with the effective collection of the required declarations and monies owed.

Community Impact

It is felt that any decision will have only a minor impact on the community as a whole, as it relates specifically to the taxi trade.

Financial Implications

Non collection of monies will have a negative impact on the Council's income and will potentially set a precedent for future collections of taxi fees.

Legal Implications

Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 s 51 (Private Hire Drivers) Town Police Clauses Act 1847 s 46 (Hackney Carriage Drivers), local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators. The local authority has the ability to set its own fees and charges under section 53(2) of the same legislation.

Any person aggrieved by any conditions which have been imposed by the Council has a right of appeal to the Magistrates Court.

Appendices

Appendix 1: First Reminder Letter

Appendix 2: Second Reminder Letter

Background Papers

Background papers are not available to members of the public in respect of this matter.