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| MEETING: | REGULATORY COMMITTEE |
| DATE: | 6 JULY 2010 |
| TITLE OF REPORT: | REVIEW OF 3 YEAR DRIVER BADGE AND DECISION REGARDING OUTSTANDING CRB FORMS, MEDICAL FORMS AND MONEY OWING TO THE COUNCIL |
| PORTFOLIO AREA: | ASSISTANT DIRECTOR - ENVIRONMENTAL HEALTH & TRADING STANDARDS PUBLIC HEALTH DIRECTORATE |

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To consider appropriate action with regard to the continuance of a 3 year dual driver's badge and the collection of outstanding paperwork and money in relation to the annual self declaration.

Key Decision

This is not a key decision.

Introduction and Background

- 1 The 3 year dual badge began in April 2007, following a review of the licensing policy and fees. Previously the renewal had been an annual application, with a 3 year CRB and a 5 year Medical requirement. The requirements regarding the timing of checks remains unchanged.
- 2 It was agreed that a 3 year badge had to include an annual self declaration regarding the status of the drivers medical and CRB. The fee for a three year badge was calculated to exclude the annual fee of £45, as money has to be recovered annually in line with the way the Council's budgets are managed.
- 3 A decision was taken at the Regulatory Committee meeting of 3rd November 2009 to revert back to an annual dual driver badge, the intention being for this to coincide with a full cost accounting fee review of taxi licence fees whereby this annual fee could be calculated.
- 4 This full cost accounting fee review did not go ahead for corporate reasons and instead the service was requested to increase fees by only 2%.

Further information on the subject of this report is available from
Claire Berrow – Licensing Officer 01432 383542

- 5 Therefore, for the time being, it is proposed to keep the 3 year badge until a full cost accounting fee review can take place and be agreed.
- 6 Despite sending two reminders to the trade for self-declarations, we have been unable to collect 74 self declarations which equates to a £3,330 loss in public income. Some drivers have outstanding medicals, some CRBs and others the application and fee.

Key Considerations

- 7 Whether or not to accept all or some of the amendments to the way in which we administer dual driver badges.
- 8 Also how to proceed with the effective collection of the required declarations and monies owed both from current and future non-payments.

Recommendation(s)

THAT:

- (a) **The Dual Driver Badge continues to be a 3 year renewal until the licence fees can be fully cost accounting reviewed to include an annual fee; and**
- (b) **Those drivers with outstanding payments, self-declaration forms, Criminal Record Bureau checks and medicals are given an automatic suspension notice following two reminders. The dates on the notices to be agreed by committee.**

Alternative Options

Keep the 3 year renewal

Advantages: The 3 year badge is cheaper to administer if the trade comply with their annual declarations and payments etc. For this reason the Herefordshire Taxi Association openly supports the 3 year badge and has criticised the potential return to an annual badge. Retention of the 3 year badge would enable a full review of licence fees to be in place before any future changes are made.

Disadvantages: the Taxi Licensing Unit has to continually deal with the additional administrative burden of a 3 year badge with annual self-declaration, as a very significant percentage of the trade do not comply with their annual obligations in relation to payment and self declarations etc. The risk to the public is high when drivers are not fulfilling their annual CRB and Medical obligations. Loss of income and inevitable suspension of drivers would be likely to persist.

Reasons for Recommendations

9. Whilst the licensing authority still intends to implement the return to an annual badge it cannot do so until the fees are subjected to a full cost accounting review to take account of all relevant costs associated with the running of the service.

Community Impact

- 10 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

- 11 Council income would be increased resulting in less subsidy of the service.

Legal Implications

- 12 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.

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

Key Points Summary

- 13 Thirty-two non returned self declarations.
- 14 Proposal to keep 3 year badge until full review of fees take place.

Appendices

Appendix 1 – recommendation from Regulatory Committee held on 3 November 2009.

Background Papers

None.

APPENDIX 1

Recommendation from Regulatory Committee held 3rd Nov 2009

Item 53:

RESOLVED THAT :

- (a) dual hackney carriage/private hire driver's licences revert back to being issued for a 12 month period; and
- (b) those drivers with outstanding payments, Criminal Record Bureau Checks or medicals be given until 30th November to provide the necessary information, otherwise their licences will be suspended.