

Report to Environment and Licensing Committee

Subject: Introduction of a Knowledge Test as part of the Private Hire and Hackney Carriage Drivers Licensing process

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Purpose of the Report

To seek approval from Members, to introduce a knowledge test for Private Hire and Hackney Carriage Drivers as part of the application and renewal process for Private Hire and Hackney Carriage Driver's licences ("driver's licences").

Background

The Local Government (Miscellaneous Provisions) Act 1976 ("the Act") enables Local Authorities to administer licences for Hackney carriage and Private Hire drivers. The Act provides that a Local Authority shall not grant a licence unless they are satisfied that the applicant is a 'fit and proper' person to hold such a licence. There is no definition of the term 'fit and proper' and the Council can apply any tests and checks it deems appropriate to establish this.

For some time both officers and Members have become aware of an increase in the number of applications for driver's licenses. A proportion of these have been from outside the area and occasionally from different regions. It is unclear why there has been an increase in applicants for driver's licences to Gedling; however, officers speculate it is due to perhaps a more rigorous and expensive application process at other Authorities. The compound effect has been an excessive demand for licences in Gedling. Officers are aware that there are now a disproportionate number of drivers operating in Gedling Borough with limited geographical knowledge of the area. It is also evident from the number of applicants and current licence holders appearing before this Committee that not all licence holders have a clear grasp of the licensing conditions that need to be adhered to when a driver's licence is granted.

It is important that taxi drivers in the Borough provide a safe and professional level of service to the public and as part of that, drivers licensed by Gedling Borough should have a sound knowledge of the Borough, their licence

requirements and highway safety. These factors all go to demonstrate that a person is a fit and proper person to hold a driver's licence. At present, in Gedling Borough, there is no way of establishing whether taxi drivers have this requisite knowledge. A number of other Licensing Authorities have introduced a Knowledge or Topography test in order to resolve this. The issuing of driver's licences was recently a subject of Scrutiny by the Scrutiny Committee who formed a working group to look at taxi licensing in the Borough and the implications of future changes to Taxi Licensing Law coming out of the Law Commission's review.

Members of the Scrutiny Group had expressed some concern over levels of customer care and communication skills amongst drivers, and were also keen to ensure that the Licensing Service contributes to the Environmental Sustainability agenda; a key priority for Gedling Borough Council. It was felt by the Scrutiny Working Group that the introduction of a knowledge test to taxi drivers in the Borough would be a good way to ensure standards in the trade remain high and ensure fit and proper drivers operated in the Borough in line with the statutory test.

Following the meeting of the Scrutiny Group, recommendations were put forward from the Scrutiny Committee to Cabinet. One of the recommendations was that a Knowledge/Topography test should be introduced as part of the Hackney Carriage/Private Hire Drivers licensing process. This recommendation was accepted by the Portfolio Holder for Public Protection and Communications. The Introduction of such a test requires approval from this Committee.

Proposal

It is proposed that a knowledge test be introduced to ensure that all drivers who are currently licensed with Gedling Borough Council and all those who apply to be licensed with Gedling Borough Council have a sound knowledge of the Borough and its surrounding areas as well as a good understanding of the Council's licensing conditions and taxi legislation. The proposed test will also include some aspects of the Highway Code and some basic arithmetic skills. It is felt this will be beneficial to the trade and the public and will ensure a safe, professional standard of service is provided by drivers licensed by this Authority.

If the test is introduced, it will take place at the Civic Centre in Arnold and will consist of a number of multiple choice questions presented to candidates on a computer. An equality impact Assessment has been carried out by officers in anticipation of the introduction of the test and where candidates have special needs the test can be taken in paper version.. In addition, if for any reason the electronic test is unavailable due to lack of access to the IT suite, candidates will be given the opportunity to sit a paper version of the test.

The proposal is that all drivers who are currently licensed with Gedling Borough Council will have to pass the knowledge test upon renewal. The test can be

taken unlimited times and once passed need not be taken again. New applications for licences will not be granted until the applicant has passed the proposed knowledge test.

The proposed knowledge test will consist of 40 questions taken over a 40 minute period and will be multiple choice, presenting the candidate with the right answer plus three incorrect answers, the proposed pass rate for the test is 75%.

If approved, it is envisaged that new applicants will be able to book and sit the knowledge test from 1st May 2014. In terms of drivers who are renewing their licences the Licensing Section send out standard renewal letters three months prior to the expiration of the driver's licence. If the knowledge test is approved, the next renewal reminder letters will be sent to those whose licences expire on or after 1st July 2014. These drivers will be advised that they are required to pass the knowledge test before their licences can be renewed.

At present, the Licensing section have a number of new and renewal applications pending. If the knowledge test is introduced, all applicants currently awaiting a decision on their driver's licence or renewal of their licence will not be required to sit and pass the test until their first or next renewal.

The fee for sitting the test, if approved would be £35. Candidates will be advised that if they book a test and then cannot attend they must notify the Council no later than 48 hours before the booked test. If the Council is not so notified, the candidate will lose the test fee.

The Council has a duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between predicted groups (such as disabled people or ethnic minority groups) when considering proposed new or changing policies, services or functions. An Equalities Impact Assessment has been prepared in relation to the Gedling Borough Council Knowledge Test and is attached at Appendix 1.

Consultation

In order to ensure the views of the trade were considered the Licensing section carried out a consultation exercise with the taxi trade in relation to the introduction of the Knowledge Test.

Consultation letters were sent out to 1235 members of the trade. The letters were sent out in Nottinghamshire, Derbyshire, Sheffield and Birmingham. The letters were sent out on 4th February 2014 and the deadline for consultation responses was the 21st February 2014. The consultation response letter consisted of two boxes one to be ticked if the consultee was in support of the introduction of the knowledge test and one to be ticked if the consultee did not support the introduction of the knowledge test. Consultees were invited to tick one of the boxes and provide comments.

The Council received a total of 436 responses that is a 35% return from those who were consulted.

In 391 of the responses, the consultees had ticked the box to indicate they did not support the introduction of a knowledge test and in 41 responses the box supporting the introduction of the knowledge test had been ticked, four responses was inconclusive. That equates to 90% of consultees who did not support the introduction of the knowledge test. However, when examining the written justifications for the lack of support for the test, of those who objected :

- 51% qualified this by saying they would support the introduction of the knowledge test for new applicants only.
- A further 22% believed it was unfair to introduce the test to those who currently held a licence that is those required to take the test on renewal.
- 10% felt that those licensed drivers who carried out specialist work for Special transport companies driving only specific routes should not be required to demonstrate the same knowledge as those drivers driving normal taxi routes.
- 3% of those who didn't support the test stated that they used Satellite navigation systems and therefore felt the test was not necessary.
- 6% of those not in support of the test felt that the test was a waste of money and an unnecessary extra fee/expense.
- 14 % of those who did not support the test were concerned about the hardship suffered if the test were failed.
- Finally, 14% of those not in support of the test declared they did not work in the Gedling Borough Council area and so the test was not relevant to them.

The Licensing section were encouraged that although the majority were not in support of the test, of those negative responses the majority were not necessarily against the imposition of the test for new applicants.

Of those in favour of the introduction of the test, that is 9% of the responses, the following comments were received:

- Good idea – sound knowledge=sound driving
- This is the best proposal that Gedling Borough Council could introduce, this will bring back a top class standard that customers deserve
- I feel this is long overdue. I am personally fed up of people complaining to me about taxi drivers not knowing where they are going and charging what's on the meter even having gone the wrong route.

The Licensing section has studied the consultation results closely. It is felt that despite representations to the contrary, if the knowledge test is introduced, it should be introduced to all current licence holders wherever and however they work. The driver's licence issued by the Council is a dual licence and can be

utilised by the driver in whichever capacity he/she chooses. Those working for specialist transport companies now are not restricted from driving taxis on normal routes by this licence and could choose to drive normal taxi routes at any time.

The issues outlined in this report that gave rise to consideration of the introduction of the knowledge test are issues which exist in the Borough now and relate to existing licence holders as well as future applicants. In order to ensure the reputation and professionalism of the trade is maintained and that those driving for the trade now and in future have a good knowledge and understanding of the trade and the area, it is felt that the knowledge test should be introduced to all current and future licensed taxi drivers.

Whilst the Licensing section have carefully considered all these responses, taking into account public safety and the service standards in the trade it is felt that the introduction of the knowledge test would be of great benefit to those hiring taxis and would go towards demonstrating that drivers both currently licensed and those applying for driver's licenses are fit and proper people to do so.

It is proposed that if the knowledge test is introduced, the Licensing Section report back to Committee in 12 months as to its progress.

Financial Implications

The net budget impact of the proposal to introduce a Knowledge test is an estimated cost of £57,400 in 2014/15, as detailed in the Gedling Plan approved by Council on 3 March 2014. This is an estimate based on information available currently but will be closely reviewed throughout 2014/15 in order to forecast for future years and to monitor the impact of the introduction of the test over the next financial year.

The estimated financial implications arising from of the introduction of the knowledge test are detailed in the table below:

Description	Amount
	£
Reduction in Licence and Inspection Fees (Reduced Volumes)	109,400
10% Fee Increase	(13,000)
Income from Knowledge Test (2014/15)	(11,200)
Reduction in staffing budget.	(21,400)
Reduction in Staffing Overtime	(6,400)
Net Budget Impact 2014/15	57,400

Recommendation

That Members approve the following:

- That Members approve the introduction of the Gedling Borough Council Knowledge Test.
- That all those submitting an application for a Private Hire/Hackney Carriage Driver's licence on or after 1st May 2014 be required to pass the Gedling Borough Council Knowledge Test as part of the application process.
- That all those who currently hold a Gedling Borough Council Private Hire/Hackney Carriage driver's licence which is due for renewal on or after 1st July 2014 be required to pass the Gedling Borough Council Knowledge Test once, as part of the renewal application process.
- That the pass rate for the Gedling Borough Council Knowledge Test be set at 75%.
- That Officers report back to The Environment and Licensing Committee 12 months after the introduction of the Gedling Borough Council Knowledge Test to update Members as to its progress.

Attachments

Equality impact assessment