

PROPOSED IMPLEMENTATION OF THE ELECTRONIC KNOWLEDGE TEST FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER APPLICANTS.

Council - 22 November 2016

Report of Chief Officer, Environmental and Operational Services

Status: For Decision

Also Considered by: Licensing Committee - 20 September 2016

Key Decision: No

Executive Summary: This report seeks Committee to approve the implementation of a computer based knowledge test, this report also seeks that committee approve the requirement for all prospective applicants for Hackney Carriage and Private Hire driver licences to be subject to the knowledge test prior to application.

This authority has a duty of care to ensure that driver licence holders are fit and proper persons to hold a licence. The implementation of an electronic knowledge test for both hackney carriage and private hire driver licence holders would tighten up the requirements for such licence holders and ensure they had knowledge of not just routes, but other aspects of policy, law and the highway code.

If agreed by members, the proposal will be put to full Council on 22 November 2016.

This report supports the Key Aim of Safe and Caring Communities and Dynamic and Sustainable Economy

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Recommendation to Licensing Committee: That Council be recommended to approve the implementation of the electronic knowledge test and the requirement for all prospective Hackney Carriage and Private Hire driver applicants to be subject to the test prior to application.

Recommendation to Council: That, subject to the comments of the Licensing Committee, Council approve implementation of the electronic knowledge test and the requirement for all prospective Hackney Carriage and Private Hire driver applicants to be subject to the test prior to application.

Reason for recommendation:

To enable the Authority to improve the fitness standards required for licenced drivers, to reduce the costs associated with undertaking this assessment and streamline the application and knowledge test process across the Licensing Partnership.

Introduction and Background

- 1 Sevenoaks District Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the District of Sevenoaks.
- 2 As the Licensing Authority, Sevenoaks District Council has a duty to ensure that driver applicants are fit and proper persons to hold a licence. Fit and proper is subject to interpretation and must ensure, as reasonably possible, that public safety is being achieved.
- 3 The Council's current knowledge test was implemented in 2008. The assessment currently involves the Licensing Officer undertaking a practical examination with the driver. The Licensing Officer acts as a passenger and the driver is given a series of ten routes. The driver must take the Officer to each requested destination via the shortest possible route.
- 4 The current process subsequently requires a large amount of officer resource to prepare for the test and administer the test.
- 5 Currently within Sevenoaks, only Hackney Carriage driver applicants are required to undertake a knowledge test. Private Hire drivers undertake similar work and hold the same responsibilities of a licensed driver. Private Hire drivers are not required to meet this standard prior to being licensed.
- 6 It is best practice to ensure Private Hire Drivers meet the same standards as Hackney Carriage Drivers. In implementing the requirement for Private Hire drivers to also sit the knowledge test, we will have consistency with our partner authorities. The Committee is therefore requested to consider the requirement to be extended to Private Hire Drivers.
- 7 In making this decision Members should consider that it is important that all licensed drivers can demonstrate their ability to understand the requirements and duties of the licence holder. It is the duty of the council to work to ensure public safety. Implementing a more robust knowledge test will assist this objective. The test will give increased confidence to members of the public about the standards we set for the drivers we licence.
- 8 In order to streamline the process and minimise expenditure a review of the current knowledge test was required. The updated knowledge test proposed will be delivered via an online software package (Class Marker). This system is currently in operation at a number of authorities and is working effectively. It is proposed to implement this system across Sevenoaks,

Maidstone and Tunbridge Wells. The proposal will enable us to incorporate additional test elements that are not currently tested.

- 9 Officers believe it necessary to include additional categories following recent case reviews. For example, a driver should demonstrate their ability to understand their duties in relation to safeguarding. Specifically, child sexual exploitation and trafficking.
- 10 Child Sexual exploitation in light of the Rotherham report and other such authorities is an emerging area in licensing and it is pivotal that drivers understand their moral and legal responsibility to children or vulnerable persons whom they may come into contact with.
- 11 Other new categories for the test are a driver applicant's arithmetic ability to ensure they can demonstrate the necessary skills involved in working with paying customers as well as Highway Code, signs and road marking questions.
- 12 The test will comprise around 60 multiple choice questions covering the following aspects:
 - Safeguarding (5 compulsory questions)
 - Numeracy (3 compulsory questions)
 - Highway Code (5 compulsory questions)
 - Signs and road markings (5 compulsory questions)
 - Routes (15 compulsory questions)
 - Places (7 compulsory questions)
 - Streets (5 compulsory questions)
 - Local policy requirements and the law (15 compulsory questions)
- 13 The pass mark will be 80% and they will have 90 minutes in which to complete the test. There may be some variation regarding these criteria following pilot testing with existing licensed drivers.
- 14 The practical driving element included in our current method of test will still be incorporated in assessing fitness to drive. However on 2nd September 2016 all Chief Executives of Local Authorities received the letter attached as Appendix A regarding the withdrawal of the provision of Taxi Assessments from 31 December 2016. Therefore the Licensing Partnership will seek to find an alternative test that replicates the one previously provided by the Driving Standards Agency (DSA).
- 15 The Licensing Partnership Manager presented a demonstration of the product to Licensing Committee on 13 July 2016.

- 16 The computer system will generate questions on a random basis and no two sets of questions shall be the same. Visual media may also be used in a question. This design ensures that the test will be more comprehensive and objective. This will give applicants a fairer test by reducing the risk of cheating or retaking a similar test to a previous one.
- 17 The system is designed to enable further flexibility to amend/update the test with routes or when there are changes in legislation.
- 18 It is proposed that the applicant will be able to undertake the test in any of the partnership locations even if they may not be operating in that area. For example a Sevenoaks driver will have the ability to sit the next available test which may be in Tunbridge Wells or Maidstone.
- 19 Prior to the introduction a pilot scheme will be implemented with existing licensed drivers to confirm that the system is fully operational in practice and that applicants are able to utilise the system.
- 20 For those applicants who are not computer literate, alternative arrangements will be made to enable them to undertake the test.
- 21 The process for implementing the electronic knowledge test and new requirement for both Hackney Carriage and Private Hire drivers to take the test prior to application requires approval by Committee and full Council. The new proposals may then be introduced immediately following the pilot phase.
- 22 There is no requirement to consult as the current Sevenoaks Hackney Carriage and Private Hire Policy refers to both types of driver licence holder and the requirement for setting minimum requirements. Paragraph one of the Policy states the following:

“The licensing of hackney carriage and private hire drivers, vehicles and operators aims to secure the following objectives:

- That all licensed drivers/proprietors and operators are “fit and proper” persons to ensure the highest levels of public safety and good practice...

The Council will ensure that these aims are met by setting minimum requirements for the licensing of drivers, vehicles and operators. These requirements include:

Up to three yearly licensing of drivers including medical checks, criminal record clearance, an appropriate level of driving ability and a sound knowledge of the area.”

Key Implications

Financial

- 23 It is proposed that the fees for the online test will be around £40.00. The current cost of the knowledge test is £73.96 which is incorporated into the new Hackney Carriage driver fee. The proposed fees are however provisional and will be revised once all of the costs for the system have been established. This will allow the Authority to ascertain the actual running costs of the test and calculate this on a cost recovery basis moving forward.
- 24 Currently the authority receives a number of applications that are never completed and time is spent chasing applicants for missing elements to their application. It is proposed with the introduction of this new system that an applicant will be required to take the test first and pass before proceeding with an application. We will therefore amend the charge made for a new Hackney Carriage driver's licence to remove the cost of the knowledge test.
- 25 All ongoing costs associated with the system will be recovered within the licence fees.
- 26 The current knowledge test consumes approximately one to two hours of the Licensing Officers time per test. This includes the Officers journey to and from the testing point which could be in different areas across the district. The Officer is only able currently to test one applicant at a time. Implementing the new test will ensure approximately five to six applicants are tested at any one time and the responsibility of Officers time will be shared across the partnership on a rota basis. Furthermore, it will no longer be necessary for a licensing officer to adjudicate the test or mark the test ultimately significantly reducing service costs long term.

Legal Implications and Risk Assessment Statement

- 27 Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged.

Equalities Assessment

- 28 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper fall in line with the legislation and do not pose a risk to issues surrounding equality.
- 29 Alternative arrangements for those who are not computer literate or have a disability that would impair their ability to take the test in this prescribed

format will be made. This will ensure that the same opportunities are available to all applicants.

Conclusions

- 30 The new knowledge test if adopted will improve the standards required for our licensed drivers and will introduce consistency amongst the partnership authorities ensuring that the process is more comprehensive and streamlined.
- 31 There will be a reduced burden on staff costs and potentially less applications withdrawn.
- 32 In implementing the test, the Authority will be upholding our duty to ensure as best as possible the fitness of licensed drivers. There will be increased confidence from the public and trade given the increased perceptions of the effectiveness of the licensing regime, public safety and transparency.

Appendices

Appendix A - Letter from DVSA dated 2 September 2016

Background Papers:

Town Police Clauses Act 1847
<http://www.legislation.gov.uk/ukpga/Vict/10-11/89>

Local Government Miscellaneous Provisions Act 1976
<http://www.legislation.gov.uk/ukpga/1976/57>

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