

Allerdale Borough Council

Licensing Committee – 4 July 2018

Result of Knowledge Test Consultation

The Reason for the Decision	To consider the views received from the consultation with the hackney carriage and private hire trade regarding the implementation of a knowledge test for all existing drivers and future applicants and decide whether a knowledge test should be introduced.
Summary of options considered	<ol style="list-style-type: none">1. To implement a knowledge test for new applicants to pass prior to a licence being issued and for existing drivers to pass within 12 months of implementation with no restrictions on the number of attempts; and either:<ol style="list-style-type: none">a) commence the procurement of an electronic knowledge test by an external company and, following procurement delegate the awarding of the contract to the Head of Governance in conjunction with the Chair of Licensing Committee orb) implement an in house knowledge test; or2. Take no further action regarding the introduction of a knowledge test.
Recommendation	<ol style="list-style-type: none">1. To implement a knowledge test for new applicants to pass prior to a licence being issued and for existing drivers to pass within 12 months of implementation with no restrictions on the number of attempts; and2. commence the procurement of an electronic knowledge test by an external company and, following procurement delegate the awarding of the contract to the Head of Governance in conjunction with the Chair of Licensing Committee ;
Financial / Resource Implications	<ol style="list-style-type: none">a) Implementing a knowledge test as part of the application process will increase financial burdens for applicants and current licence holders with initial set up costs for

Allerdale Borough Council;

- b) Introducing an in house knowledge test will have increased resource implications on staff in Governance to prepare, facilitate and administer the test.

Legal / Governance Implications	To ensure that sufficient criteria is in place to uphold the public safety duty of the Licensing Authority when assessing and determining that applicants for licences are fit and proper to hold a licence and that existing drivers remain so.
Community Safety Implications	To continue to assess the fitness, capability, safety and knowledge of applicants and licence holders.
Health and Safety and Risk Management Implications	Not to have provision for assessments in place may have consequences if the applicant is not a fit and proper person to hold a hackney carriage or private hire drivers' licence.
Equality Duty considered / Impact Assessment completed	No
Wards Affected	All
The contribution this decision would make to the Council's priorities	Enhancing our towns – enhancing our taxi licensing requirements would encourage a high quality of taxi service and result in thriving and vibrant towns; Creating a sustainable business –providing improved services to people and communities .
Is this a Key Decision	No
Portfolio Holder	Councillor Joan Ellis
Lead Officer	Gillian Collinson Senior Licensing and Compliance Officer 0303 123 1702 gillian.collinson@allerdale.gov.uk

Report Implications

Community Safety	Y	Employment (external to the Council)	Y
Financial	Y	Employment (internal)	N
Legal	Y	Partnership	N
Social Inclusion	N	Asset Management	N
Equality Duty	N	Health and Safety	N

Background papers: Appendix 1 – Summary of Knowledge Test Consultation

1.0 Introduction

- 1.1 The Licensing Committee has been informed of concerns regarding the suitability of applicants for taxi licences within the borough. As a result the Committee has reviewed the criteria to assess whether applicants are fit and proper persons to hold a licence. Part of that criteria is the reinstatement of a driving assessment which following the completion of the procurement process should start later this month.
- 1.2 This authority has experienced an increase in the number of applications for hackney carriage and private hire licences being submitted. Included in that increase are applications which have been submitted by persons whose fitness to hold a taxi drivers licence is questionable due to a lack of local knowledge, poor communication skills and concerns over their suitability.
- 1.3 To address these concerns the Licensing Committee considered the implementation of a knowledge test but first wished to seek views from the taxi trade and other relevant bodies. This report is to inform Members of a summary of the results of that consultation for consideration.

2.0 Background

- 2.1 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.
- 2.2 Section 57 of the Act grants local authorities the power to require applicants to submit information, stating:

“A district council may require any applicant for a licence under the Act of 1847 or under this Part of this Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”

- 2.3 It is important that taxi and private hire drivers provide a safe and professional level of service to the public. As part of that, drivers licensed by the Council should be able to exhibit satisfactory driving ability, a sound knowledge of highway safety, the local area, routes and landmarks, numeracy, their licence requirements/policies and other important issues.
- 2.4 In addition, the licensing authority is required to ensure that levels of customer care, disability awareness and communication skills amongst drivers are satisfactory.

3.0 Knowledge Test

- 3.1 As legislation and cases evolve, it is becoming imperative that licence holders can demonstrate a knowledge and understanding of criteria including safeguarding, the highway code, knowledge of the local area and landmarks within the borough of Allerdale and its surrounding area, basic numeracy, disability discrimination, equality, diversity, other legislation and an understanding of their own responsibilities and licence conditions, byelaws and taxi legislation.
- 3.2 At present in Allerdale there is no way of establishing whether taxi drivers have this requisite knowledge. A number of other licensing authorities have introduced a knowledge test in order to resolve this.
- 3.3 It is not yet certain how the test would be administered. Officers have conducted research which reveals that a number of products and suppliers are available on the market. Additionally, officers have considered whether a test could be developed in-house by preparing a bank of multiple choice questions from which a selection is made. Some market engagement has taken place and there are some very interesting and effective external electronic knowledge systems which can be designed to include all the criteria included in paragraph 3.1. Using an external system has its benefits in that it would take away the significant resource required in Governance to arrange the appointments, take payment, prepare the paper question set, invigilate, mark the papers, prepare the follow up correspondence and retest arrangements if necessary. In addition questions would have to be reviewed regularly and questions papers revised. It would be an additional ongoing resource requirement. There are systems on the market which would alleviate most of the additional governance resource required and financially would require initial set up costs and assistance with questions. Systems have been viewed which generate random questions from a pool. They are designed to prevent fraud and do not require the installation of the system on Council IT systems. If members chose this option, a system would be selected using the Council's procurement process.
- 3.4 The consultation exercise took place between 16 May 2018 and 4 June 2018. All currently licensed drivers, vehicle proprietors and private hire operators were consulted and it was also published on the Council's website. The document gave a tick box option so the respondent could indicate which

category of persons they fell into. All respondents were members of the trade. A total number of 97 responses were received with 14 agreeing to the introduction of the test and 83 disagreeing. The responses have been examined and grouped into response types rather than individually listed, as many responses were similar, with any relevant comments extracted and attached at Appendix 1 which may assist with discussion.

- 3.5 The proposal would be to require all new applicants to pass the knowledge test prior to being granted a licence and for all existing drivers to undertake the knowledge test within 12 months of its implementation.

4.0 Conclusion

- 4.1 The purpose behind the consultation was to gather views about making the application procedure more robust in assessing whether a person is fit and proper to hold a licence. There were several responses which positively encouraged the implementation and could cite the benefits behind implementing such a scheme. The negative responses were very similar in nature. Whilst cost must be proportionate it should not be an overriding consideration when applying the fit and proper test. Many responses related to the use of modern technology which is a valid factor but the test would be designed to cover much more than routes and location. It is to cover the matters in paragraph 3.1. If introduced the criteria must apply to all candidates regardless of the nature or amount of work a driver does.

- 4.2 Following market research it has become apparent that the amount of resource by Governance staff would be significant to administer and continually update such an assessment which is not available. The systems available on the market make the implementation and continuation of such an assessment efficient and professional.

5.0 Recommendations

- 5.1 To implement a knowledge test for new applicants to pass prior to a licence being issued and for existing drivers to pass within 12 months of implementation with no restrictions on the number of attempts; and either:
- a) commence the procurement of an electronic knowledge test by an external company and, following procurement delegate the awarding of the contract to the Head of Governance in conjunction with the Chair of Licensing Committee or
 - b) implement an in house knowledge test; or
- 5.2 Take no further action regarding the introduction of a knowledge test.

Gillian Collinson
Senior Licensing & Compliance Officer