

Hackney Carriage And Private Hire Licensing Policy (Environmental Services, Robert Smith)

Synopsis of report:

This report provides information on the policy regarding the private hire drivers knowledge test.

Recommendation(s):

The Committee resolves to amend or retain the policy on the private hire driver's knowledge test.

1. Context of report

1.1 Sections 51 and 59 of the LGMPA 1976 part II state that the licensing authority cannot grant a licence to drive a hackney carriage and/or private hire vehicle unless satisfied that the applicant is a 'fit and proper person' to hold such a driver's licence.

1.2 As the term 'fit and proper person' is not defined in law, the licensing authority will, where appropriate, seek to ensure that applicants and existing licence holders are both safe and suitable on demonstration that they are, and continue to be -

fit (mentally and physically) and in such condition as to be capable of driving and performing the duties of a licensed hackney carriage and/or private hire driver;

of suitable background, character and integrity (including being suitably professional, responsible, reliable, sober, honest, trustworthy, civil, decent, courteous and respectable in both manner and appearance);

of suitable knowledge, experience and skills to drive and/or perform the duties of a licensed hackney carriage and/or private hire driver;

entitled and, where appropriate, authorised to live, work and/or drive and perform the duties of a licensed hackney carriage and/or private hire driver in the UK; and

suitably insured to drive and perform the duties of a licensed hackney carriage and/or private hire driver in the UK.

1.3 To ensure that a private hire driver applicant meets the specific 'fit and proper' person test above:- 'suitable knowledge, experience and skills to drive and/or perform the duties of a licensed hackney carriage and/or private hire driver'; Runnymede in common with the majority of licensing authorities requires would-be hackney carriage drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence.

- 1.4 Runnymede's current Hackney Carriage and Private Hire Licensing Policy defines our approach to knowledge test. Our policy on knowledge tests is attached at Appendix 'A'.
- 1.5 Hackney carriage drivers need a good working knowledge of the area for which they are licensed, because hackney carriages can be hired immediately, directly with the driver, at ranks or on the street.
- 1.6 However, private hire vehicles (PHV) are not legally available for immediate hiring in the same way as hackney carriages. To hire a PHV the would-be passenger has to go through a private hire operator (PHO), so the driver will have an opportunity to check the details of a route before starting a journey.
- 1.7 All new driver applicants are required to pass the Runnymede hackney carriage or private hire knowledge test and all operators are required to pass a test on the conditions and requirements of operators.
- 1.8 Runnymede's current knowledge test was brought into operation in January 2014. The test comprises three parts,
- part 1- Conditions and regulations including a numeracy test, all drivers must complete this.
- part 2 -Topographical knowledge test, all drivers must complete this.
- part 3 - Route test, hackney carriage drivers only.
- 1.9 To maintain relevance, the knowledge test's content is reviewed at regular intervals to take into account new legislation or conditions, as well as new developments within the borough. This also ensures it is at the right level to demonstrate applicants have sufficient local knowledge and that it has not become a barrier preventing new driver applications.

2. **Report**

- 2.1 The question of topographical knowledge tests for PHV drivers has arisen because of two recent developments. Firstly, The Department of Transport has begun consulting on revised Best Practice Guidance for Taxi and Private Hire Licensing (this is the subject of a separate report on this agenda), but the specific issue of knowledge tests is for discussion and detailed below. Secondly due to a request from a PHO.
- 2.2 The Department for Transport's consultation on revised Best Practice Guidance for Taxi and Private Hire Licensing is open until 20 June 2022. Within the new guidance, section 6.24 states the following: -

'Private hire vehicles are not legally available for immediate hiring. To hire a private hire vehicle the prospective passenger must go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey and plan or enter it in a navigation system. Licensing authorities may set private hire vehicle drivers a topographical test, but are not required to do so.'

- 2.3 To assist, officers' views are that our PHV drivers topographical test has been in place for many years and during that time it has been amended, by having fewer questions and being made progressively simpler.
- 2.4 All those who apply to do the knowledge test receive a study guide (Appendix 'B'), to assist them in preparing for the topographical test. This part comprises 60 questions which asks the applicant for the street name and town of locations in the Borough, the pass mark is 45/60. The guide also lists the names of the places we expect them to know the location of, so they are effectively given the answers to the questions. All they have to do prior to the test is check a map and remember the name of the street and town which they are in. This is not a difficult test.
- 2.5 In demonstrating they know where these key locations are, we can be confident that the would-be PHV driver has attained a sufficient level of knowledge to assist them in planning a route or diverting from a chosen route due to unforeseen circumstances.
- 2.6 In contrast the would-be hackney carriage driver goes on to complete a route test which is a much tougher examination of their local knowledge involving naming all the roads and the route they would take from point A to point B.
- 2.7 Officers believe the test is an appropriate and proportionate requirement for drivers and test results demonstrate a high pass rate. Members should be aware that the results from the part of the knowledge test on conditions and regulations demonstrate applicants have most difficulty with this part.
- 2.8 Moving on to the second reason for discussion which relates to a request from a PHO. An important source of business for many drivers is contract work with Surrey County Council taking children to school. Hackney carriage drivers would have their own individual contract with the County and PHV drivers would work for the PHO who holds the contract with the County.
- 2.9 For some PHO's in Runnymede the majority of their work is school runs, others may also have school run contracts but this is not the majority of their work.
- 2.10 Shortages of PHV drivers is a nationwide problem and numbers are falling. Runnymede has suffered a particularly large fall in driver numbers over the last few years and although the operators have work, they are short of drivers.
- 2.11 One operator in particular has asked that we consider allowing new PHV driver applicants who will be only carrying out school runs to be exempt from the topographical knowledge test.
- 2.12 The PHO states the drivers they are seeking to recruit are mainly retired people or those with other occupations who only want to do some part time work. However, when they realise, they have to pass a topographical knowledge test this puts them off and they don't apply.
- 2.13 The PHO's argument is that they are only going to do school runs, many of these are outside of Runnymede and some even outside the County so there is no need for them to have a local topographical knowledge test.

2.14 Officers have checked with other Boroughs in Surrey and none of them offer this exemption. One was able to evidence the fact that they did have it some time ago but the policy was abused and that regular private hire work was being undertaken. This resulted in a regulatory burden for officers, when attempting to enforce said policy so they decided to stop issuing school run only licences as it was too resource intensive and open to abuse.

2.15 Other Surrey authorities who replied were decidedly unenthusiastic about the idea, responding with the following:-

'the authority still has a duty to ensure 'fit and proper' licence holders and the recent National Standards have advocates increased training and responsibility, not a dilution of requirements, even for drivers who 'only' do school runs, as there are obvious and considerable responsibilities in this area creates a considerable amount of potential for extra enforcement'.

'Our view is that there is the same effort in determining a school run licence and the standard should not be any less just because the journey involves a child on a regular route'.

'how can we stop them working the odd private hire job'

'I'd be against the idea of doing reduced "school runs only" badges simply because we're effectively creating a sub-category of licence that the legislation doesn't cater for or cover. It would require a different set of checks and a different licence, different policy and different signage (otherwise, what's to stop a less scrupulous driver getting the reduced 'school runs' badge and then working Friday nights?) What makes transporting a child a situation where the Authority doesn't have to be as vigilant? The driver still needs a DBS and to be healthy and safe, insured, etc.'

'The idea of school-run-only badges is a minefield that we wouldn't have any interest in even considering, let alone we simply don't have the staff to invest in the implementation of such a scheme'.

2.16 Officers in Runnymede would agree with the above comments. In particular any exemption would be vulnerable to exploitation by a less scrupulous driver who may decide to involve themselves in regular private hire work would leave the Council in a position whereby we would not have the staff to enforce this; that is indeed if we were even aware of it occurring.

2.17 Officers would also be concerned that if an applicant does not want to do the knowledge test it may be an indication of the character of the individual in that if they do not want to put a small amount of effort into passing this test (which we effectively give them the answers to) it leads to the question what else they would not be willing to put effort into in order to comply with the conditions and requirements regulating the industry.

3. Policy framework implications

3.1 Any change in policy would have to be approved by this Committee following consultation.

4. **Legal implications**

- 4.1 Local Government (Miscellaneous Provisions) Act 1976 section 51(2), states:-
Licensing of drivers of private hire vehicles. A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

5. **Equality implications**

- 5.1 Officers do not consider that protected characteristics are affected by this part of the policy. A screening assessment was carried out when the main policy on taxi and private hire licensing was created and reviewed.

6. **Conclusions**

- 6.1 This exemption for a very limited number of people should be discussed and resolved by this Committee.

(To Resolve)

Background papers

[Local Government \(Miscellaneous Provisions\) Act 1976 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[Taxi and private hire vehicle licensing: best practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Hackney Carriage and Private Hire Licensing Policy 2020 to 2025 \(runnymede.gov.uk\)](https://www.runnymede.gov.uk)