

<b>General Licensing Committee Meeting</b>		<b>Agenda Item: 6</b>
<b>Meeting Date</b>	7 July 2016	
<b>Report Title</b>	Update on the Hackney Carriage Licensing Function	
<b>Cabinet Member</b>	Cllr Alan Horton Cabinet Member for Safer Families and Communities	
<b>SMT Lead</b>	Dave Thomas, Head of Commissioning and Customer Contact	
<b>Head of Service</b>	Dave Thomas, Head of Commissioning and Customer Contact	
<b>Lead Officer</b>	Martyn Cassell, Leisure and Technical Services Manager Angela Seaward, Senior Licensing Officer	
<b>Key Decision</b>	No	
<b>Classification</b>	<b>Open</b>	
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. Note the summary of the transition of Hackney Carriage function from Leisure and Technical Services to Corporate Licensing team</li> <li>2. Agree the changes made Knowledge Test format</li> <li>3. Agree work is undertaken to review the Hackney Carriage and Private Hire Licensing Policy and options for combining with Swale Local Conditions and a new date is set for a General Licensing Committee meeting in October 2016.</li> </ol>	

## **1 Purpose of Report and Executive Summary**

- 1.1 The report updates members of the committee on changes in the officer responsibility of the Hackney Carriage and Private Hire function.
- 1.2 Recent updates to the Swale Knowledge Test are explained.
- 1.3 A proposal is made for a full review of the existing Hackney Carriage and Private Hire Licensing Policy (last taken in 2014) and options for combining the policy with the Swale Local Conditions document to streamline relevant policies and procedures.

## **2 Background**

## **Hackney Carriage and Private Hire Function**

- 2.1 Swale Borough Council has a statutory duty under the Local Government (Miscellaneous Provisions) Act 1976, as amended, to provide a licensing function in respect of Hackney Carriage and Private Hire vehicles.
- 2.2 The aim of the function is all about providing a safe environment for those using the vehicles and also for ensuring that the drivers are knowledgeable and understand their responsibilities to the travelling public e.g. particularly around safeguarding for vulnerable children and adults.
- 2.3 The function has historically sat in the technical services team. In September 2015 this function was combined with the Leisure Services team and the Hackney Carriage Inspector role and admin resource transferred accordingly. Discussions were held with managers to transfer the function to the Licensing department to bring obvious benefits of combining all licensing functions under one responsibility and to enable multi-function officers that could enforce across the range of functions.
- 2.4 In March 2016 the Hackney Carriage Inspector left post and the day to day monitoring, inspections and enforcement transferred to an existing Licensing Officer. Administration of the service remains with Leisure and Technical Services whilst a new software system is installed that will be used for all other licensing requirements.
- 2.5 It should be noted, following the final hand over, responsibility will sit with Angela Seaward, Senior Licensing Officer under Director of Corporate Services Mark Radford.

## **Knowledge Test Amendments**

- 2.6 The Knowledge Test is an integral part of the licensing process. It consists three parts including questions about topographical knowledge of the local road network, the Highway Code and Swale's policy and local conditions. A consistent, high standard of driver competence makes our Hackney carriages safer and provides a better quality service for passengers.
- 2.7 General Licensing Committee agreed for a review of the Knowledge Test to be undertaken at the meeting 21<sup>st</sup> January 2016.
- 2.8 At the same time, feedback had been received from a number of Operators that they were struggling to recruit drivers and complained the test was unduly hard, out of date, difficult to complete in the time given and made no concessions for those with learning difficulties.
- 2.9 The April 2016 test had a zero pass rate out of eleven drivers that sat the test. Most failed to complete enough answers to pass in the time given. Whilst this is

first time we have had this situation and over 400 drivers have previously passed the test, we committed to look at the test.

2.10 Research was undertaken with other local authorities and feedback requested from operators. This showed that we were potentially requiring too many detailed journey answers and there were other ways of testing the same knowledge such as multiple choice. The information sent to drivers in advance of the test was also improved so that they could better prepare themselves for sitting the test.

2.11 The new format was sent to operators for feedback and the new papers were trialled at the May and June tests. The format changes are summarised below and an example syllabus is included in Appendix I.

- Part 1 – will consist of 9 questions asking for the shortest journey between two points in your chosen area.
- Part 2 – will ask 6 questions asking for the shortest journey between two points across the rest of the Borough of Swale.
- Part 3 – will ask 5 questions on which street key landmarks are situated.
- Part 4 – will consist of 20 questions about the law, Highway Code and the Swale Hackney Carriage Licensing Policy and Local Conditions.

This reduced the number of full answers needed from 24 to 15 and offered more multiple choice or short answers.

2.12 Driver feedback was that they could complete the revised format in the time given. Pass rates were at 54% in May and 70% in June. Furthermore concessions were made for a driver with learning difficulties confirming Swale's commitment to equalities.

2.13 It is proposed the new format will be used from this point onward and that reviews will be undertaken to the papers every three years.

### **Review of Hackney Carriage and Private Hire Licensing Policy**

2.14 The Policy was last reviewed in 2014 and states it will be reviewed every 3 years.

2.15 A separate Hackney Carriage and Private Hire Local Conditions document exists which repeats a number of policy sections and includes the Penalty Points Scheme details.

2.16 Other Licensing function policies are being reviewed by the Licensing team in September October this year. It makes sense to review the policy for Hackney Carriage and Private Hire at the same time, to bring greater consistency, consolidate the number of documents.

- 2.17 The review would also allow improvements in communications and engagement with operators and drivers and allow us to respond to recent operational issues.
- 2.18 The next General Licensing Committee is not scheduled until 19 January 2017. It would mean any new policy would not be considered by GLC until then and would then need to go on to the full licensing committee which would further delay its implementation. Therefore it is felt a supplementary date of GLC is required in 2016.

### **3 Proposals**

- 3.1 Note the summary of the transition of Hackney Carriage function from Leisure and Technical Services to Corporate Licensing team
- 3.2 Agree the changes made Knowledge Test format
- 3.3 Agree work is undertaken to review the Hackney Carriage and Private Hire Licensing Policy and options for combining with Swale Local Conditions and a new date is set for a General Licensing Committee meeting in October 2016.

### **4 Alternative Options**

- 4.1 The transfer of the function is an officer decision and for information only.
- 4.2 The Knowledge Test could remain under the old format. It is felt that Swale would continue to get complaints from operators and the potential of lack of drivers would mean that a reduced taxi service would be available for residents.
- 4.3 Not reviewing the policy and /or not combining the policy and local conditions are both options. Not reviewing would leave the Council open to scrutiny and make enforcement of conditions difficult.

### **5 Consultation Undertaken or Proposed**

- 5.1 The Knowledge changes have been sent to a number of key operators. All new driver applications now get the revised guidance which better explains the process.
- 5.2 A key part of the policy review will be engaging the views of drivers, operators and members of the public. This will be undertaken as per the standard Swale Borough Council process following approval of the draft policy by committee.

### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	A Council to Be Proud of Setting the right governance structures to ensure the best quality service possible.
Financial, Resource and Property	The proposals do not have any financial or resource implications.
Legal and Statutory	The refresh of the Policy allows the Council to meet its statutory obligations as part of the Local Government (Miscellaneous Provisions) Act 1976.
Crime and Disorder	Having robust conditions in place means that the service is managed correctly and improves security of the residents. Provision of the service also supports the safety of the night time economy.
Sustainability	Hackney carriages play an important role in the provision of public transport in the Borough and provide a positive impact to sustainable transport for the Borough. By improving the process for licensing new drivers the Council will be supporting the local economy and Operators in the Borough.
Health and Wellbeing	n/a
Risk Management and Health and Safety	By reviewing the Policy Conditions and retaining the Knowledge Test, the Council is still fulfilling its obligation to ensure only appropriate people are offered licenses to operate and Drive in the Borough.
Equality and Diversity	The review of the Knowledge Test has improved the offer to those with learning difficulties.

## **7 Appendices**

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Revised Knowledge Test Syllabus and Guidance.

## **8 Background Papers**

n/a