



## AGENDA

### GENERAL LICENSING COMMITTEE MEETING

Date: Thursday, 7 July 2016

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Cameron Beart, Tina Booth, Roger Clark, Mark Ellen, Paul Fleming, June Garrad, Lesley Ingham (Chairman), Prescott (Vice-Chairman), Ben Stokes and Anita Walker

Quorum = 3

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Pages

#### 1. Emergency Evacuation Procedure

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

#### 2. Apologies for Absence and Confirmation of Substitutes

### 3. Minutes

To approve the Minutes of the Meeting held on 21 January 2016 (Minute Nos. 440 - 444) as a correct record. Subject to the following amendment to Minute No. 444 (Proposed amendments to the Hackney Carriage and private hire control systems) resolution (5) be amended to read: (5) That an optional English Test for new drivers as and when required be introduced (with the removal of reference to paragraph 2.5 in the report).

### 4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

### 5. Public Session

The Council operates a scheme of public speaking at meetings of the General Licensing Committee. Requests to speak at the meeting must be registered with Democratic Services by 4.30pm on Friday 1 July 2016 and must be related to an item on the agenda. Each speaker has a maximum of three minutes to speak.

**Part B report for the General Licensing Committee to decide**

6. Update on the Hackney Carriage Licencing Function

1 - 12

**Issued on Monday, 27 June 2016**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of this Committee please visit [www.swale.gov.uk](http://www.swale.gov.uk)

Director of Corporate Services, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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<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

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# **SWALE BOROUGH COUNCIL**

## **HACKNEY CARRIAGE KNOWLEDGE TEST SYLLABUS**

**Covering the areas of Sheppey, Sittingbourne,  
Faversham and rural areas**



## **Guidance**

### **Why do we have a Test?**

By including a Knowledge Test as a compulsory part of the application procedure the Council wish to assist drivers that are licensed to comply with the law and to increase the professionalism of the trade.

The law, amongst other matters, requires that no licensed driver shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which their vehicle is hired.

The test is intended to assess how well you know the Swale area and could therefore pick up and deliver your passengers via the shortest routes and therefore with the minimum of delay.

### **What is included in the test?**

The test consists of 40 questions in four parts;

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 Licencing Policy and Local Conditions.

The questions are a mixture of multiple choice or written answers.

The test will last for 1 hour and 30 minutes.

### **Rules of the Test**

- As with any test you are not allowed to consult with anyone else.
- No use of mobile phones is permitted. You will be asked to turn them off and place them in front of you on the table.
- You must bring some form of identification with you when you attend the test, for example your driving licence or passport. Failure to do so may mean you will be unable to sit the test.
- You are permitted to use an A-Z map of the area but no other documents can be brought in, including notes made by yourself.
- The pass mark is 80% meaning you need to get a minimum of 32 questions correct.
- Your answers are marked against a predetermined set of answers. These are based on national information in the questions relating to laws/highway code, information written in the Swale Policy or local conditions, or for the journey questions it is the shortest possible

distance using legal routes. The shortest distance has been calculated using routes that have been driven and compared against google maps (not selecting their offered routes but measuring all possible routes to find the shortest).

### **What happens next?**

- The test papers will be marked within 5 working days from the date of the test. Candidates will be informed using the contact details supplied at the initial application stage. This will give the number of questions they scored correctly and their percentage. If you wish to have feedback, you should call the Licencing officer who will talk through each section.
- Appeals must be made in writing to [taxis@swale.gov.uk](mailto:taxis@swale.gov.uk) within 15 working days of the date you sat the test. You may be asked to attend Swale House to go through the paper but won't be allowed to take a copy of the test with you.
- You will be given three attempts to pass the Test. If you do not succeed, you will be asked to refrain from taking the test for 6 months from the date of your last attempt.

### **How can you prepare for the test?**

- There are some example questions below.
- Try driving around your preferred area for a few weeks prior to applying for the Knowledge Test.
- Shadow another more experienced driver.
- Learn the major routes.
- Get an understanding of key landmarks – pubs, businesses, schools, tourist attractions.
- Understand the legislation that relates to driving in general and specifically for taxi drivers.
- Know the Highway code
- Study our local Swale conditions and Hackney Carriage Licencing Policy.
- If you have any learning difficulties please contact us in advance of the test. We are able to make reasonable allowances.

# Example Questions

**PART 1 – questions asking for the shortest journey between two points in your chosen area (examples of all areas below).**

Faversham

1. Faversham Railway station to Faversham Golf Club?
2. Faversham Railway station to Deerton Street?
3. Tesco Faversham to Wheatsheaf Close, Boughton?
4. Stone Street to Ospringe Primary School

Sittingbourne

1. Sittingbourne Railway station to Kent Science Park?
2. Palmerston Walk to Gayhurst Drive?
3. Sittingbourne Railway station to Gore Court Cricket Club?
4. Laxton Way to Sittingbourne railway station?

Sheppey

1. Station rank to Southview Gardens?
2. Tesco to Augustine Road?
3. Dockyard House to Kings Road?
4. Sheerness Station to Nutts Avenue?

**PART 2 – questions asking for the shortest journey between two points across the rest of the Borough of Swale**

1. Cottage Hospital, Faversham to Sheppey Hospital?
2. St Helen's Road, Sheerness to Fulston Manor School, Sittingbourne?
3. Sittingbourne Greyhound stadium to Preston Street, Faversham
4. Love Lane Faversham to Hempstead House, Sittingbourne

**PART 3 - questions on which Street key landmarks are situated?**

<b>Landmark Name</b>	<b>Street</b>
Mount Ephraim Gardens	
Barton's Point Coastal Park	
Shepherd Neame Visitor Centre	

**PART 4 - questions about the law, Highway Code and the Swale Hackney Carriage Licencing Policy and Local Conditions**

1. If you are 19 years old, can you apply for a Hackney Carriage Licence?  
(please circle answer)

YES

NO

2. Can you wear blue jeans and trainers whilst driving a taxi? (please circle answer)

YES

NO

3. What is the maximum number of points you can have on your DVLA driving licence before you are not granted a licence?

\_\_\_\_\_

4. What will happen if you are observed using a mobile phone whilst driving your taxi?

\_\_\_\_\_

5. What does the sign below mean? (please circle correct answer)



a) No traffic lights    b) Traffic lights not working

c) Crossing Closed    d) Traffic signals not in use

6. Name 2 differences between a Hackney Carriage and a Private Hire vehicle?

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