

General Licensing Committee Meeting	
Meeting Date	21 st January 2021
Report Title	Restricted Private Hire Drivers Badge
Cabinet Member	Cllr Richard Palmer, Cabinet Member for Communities
SMT Lead	Nick Vickers, Chief Financial Officer
Head of Service	Della Fackrell, Resilience & Licensing Manager
Lead Officer	Christina Hills, Licensing Officer
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. Members to consider introducing a new category of Private Hire Drivers' licence being a restricted licence for school run contracts only, without the need to undertake the elements of the current Street Knowledge Test relating to routes and locations 2. Members to consider removing the requirement of testing knowledge of routes and locations for all applicants sitting the current Street Knowledge Test to obtain a Private Hire Drivers' licence

1 Purpose of Report and Executive Summary

- 1.1 This report requests Members to consider whether they wish to instruct officers to introduce a new category of Private Hire Drivers' licence being a restricted licence for school run contracts only. Applicants for this licence would not need to undertake the part of the current Street Knowledge test relating to questions on routes and locations in the borough.
- 1.2 Members are also asked to consider whether they would wish to remove this element of the Street Knowledge test for applicants applying to become a Private Hire Driver for normal private hire work

2 Background

- 2.1 The overarching aim of the taxi and private hire licensing regime is to protect the public by ensuring that all drivers, vehicles and operators are licensed and regulated by local authorities in accordance with statutory provisions, primarily set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and, where they exist, local policy requirements.

- 2.2. The licensing framework is intended to ensure that the travelling public can be confident that all licensed drivers are 'fit and proper' persons to hold such a licence.
- 2.3 Policy requirements that are unduly stringent could restrict the availability of taxi and private hire services, and consequently be detrimental to public safety. It is therefore important to try and ensure that policy requirements are justified by the risks they aim to address and balanced against potential negative outcomes. A successful balance will help the taxi and private hire trade develop successfully whilst providing safety and assurance to the public.
- 2.4 Currently, as part of the assessment into whether an applicant is 'fit and proper' there is a requirement that they undertake a Street Knowledge Test (SKT) and pass to a standard as set out in Appendix G of the current Swale BC Hackney Carriage and Licensing Policy which is shown as **Appendix I**.
- 2.5 Members will note that applicants are tested on the following elements:
- Routes – The shortest journey between 2 points within a specific area i.e. Faversham, Sittingbourne or Isle of Sheppey
 - Routes – The shortest journey between 2 points throughout the whole of the borough of Swale
 - Name of street where a key landmark is situated
 - Hackney Carriage and Private Hire Law and the Highway Code including road signs
 - Swale Council Taxi Policy
 - Safeguarding of children and vulnerable adults
 - Basic numeracy

There are 2 pass marks. A higher one for the grant of a dual hackney carriage/private hire licence and a lower one for private hire only.

- 2.6 Hackney Carriage drivers are licensed for immediate hire and reward and can ply for hire from a taxi rank or be hailed in the street whilst Private Hire drivers can only carry passengers on a journey that has been pre-booked through a taxi office.
- 2.7 In Swale there are 350 licensed hackney carriage/private hire drivers and 1 private hire driver.
- 2.8 The licensing team received an email in July 2020 from a Swale licensed Private Hire Operator from Sittingbourne Cabs requesting that consideration be given to the relaxation of some of the requirements of the SKT in relation to the elements relating to knowledge of routes and landmarks within the borough in regards to the licensing of Private Hire Drivers. This email is shown as **Appendix II**.

2.9 The reason for the request is because the operator has contracts with KCC School Transport to provide 'school runs' of vulnerable children to and from their place of education. The operator is finding it difficult to provide sufficient drivers in order to fulfil his current contracts or to grow his business by applying for more contracts, which he states, is due to the SKT being too stringent so that not all applicants who sit the test actually pass it.

2.10 The table below shows the number of Street Knowledge Tests undertaken in 2018 and 2019 and the number that achieved a pass mark. Whilst there have been some SKT's undertaken in 2020 they have been severely curtailed due to the current Covid-19 situation.

2018	Sat	Passed	2019	Sat	Passed
January	2	1	January	4	1
February	5	2	Feb	0	0
March	1	1	Mar	2	0
April	2	2	April	3	1
May	2	0	May	6	1
June	3	2	June	6	2
July	2	2	July	7	1
August	6	0	August	8	3
September	3	0	September	8	2
October	7	2	October	5	0
November	6	3	November	6	4
December	4	0	December	6	1

2.11 It is the operator's contention that as these contracts involve only one route to and from a school; a licensed driver would not need to have in-depth knowledge of the roads of the borough or indeed any landmarks.

2.12 He therefore requests that consideration is given to there being a new type of Restricted Private Hire Drivers' licence to be issued to applicants who pass all elements of the SKT but with the exception that questions of routes and landmarks are not included.

2.13 The operator also requests that consideration is given to whether an applicant for an ordinary Private Hire Drivers licence also needs to complete this part of the SKT.

2.14 The operator states in his email that he is aware that other authorities licence Private Hire drivers without the need for a Street Knowledge test to be undertaken and that some allow up to 2 years before then requiring the driver to undertake a Street Knowledge test.

2.15 Attached as **Appendix III** is the current position regarding SKT's in Kent which shows that only the shared service of Gravesham & Medway councils issue

Restricted Private Hire Licences for school run contracts and, in the case of Medway for executive hire work as well. Those drivers licensed in such a manner must also licence a vehicle that is to be used solely for restricted private hire work of the manner described and could not use an ordinary licensed private hire vehicle. A Google search has revealed very few other authorities within the country that permit a Private Hire driver to be licensed without a Street Knowledge test and their caveats are also detailed in the Appendix.

3 Proposals

- 3.1 Having taken all matters into consideration as described above, the licensing team can see the merit in having in a Restricted Private Hire Drivers' licence, for school run contracts only, particularly at the current time when the pandemic has had an adverse affect on the taxi trade and therefore requests that Members consider approving this new category of licence.
- 3.2 Licensing officers would however request that licences of this type be granted on a yearly basis and on production of evidence of a KCC school run contract. This would be to try to minimise the risk of an Operator using the holder of a Restricted Private Hire Drivers' licence to undertake normal private hire work which would negate their insurance. Licensing officers would need to examine Operators booking records on a regular basis to ensure there was no abuse of the system.
- 3.2 Licensing officers do however have reservations about relaxing the requirement for applicants for a normal private hire drivers' licence to undertake a SKT without questions on routes and locations. Whilst it is recognised that as these journeys are pre-booked and therefore the route can be planned or entered into a Sat-Nav there will be times when, due to for example traffic problems, an alternative route would need to be used and the passenger could be disadvantaged if a driver did not know of an alternative route.

4 Alternative Options

- 4.1 Members could decide that the current knowledge test is necessary for licensing new applicants for a Swale drivers licence to ensure that an applicant is 'fit and proper'.

5 Consultation Proposed

- 5.1 None at the present time. It is intended that this provision will be included within the revision of the entire Swale Hackney Carriage and Private Hire policy that will take place and be consulted upon later in 2021.
- 5.2 If Members are minded to approved the introduction of a Restricted Private Hire Drivers' Licence in the interim it can be on a trial basis until the new policy becomes effective.

6 Implications

Issue	Implications
Corporate Plan	The service is an important regulatory function undertaken to ensure the safety of the travelling public of the Borough and supports the achievement of corporate priorities, including “A council to be proud of”.
Financial, Resource and Property	The introduction of a new category of Private Hire Driver licence will not place any new financial resource implications on the Council
Legal and Statutory	Provisions contained within the Local Government (Miscellaneous Provisions) Act 1976 and subsequent amending legislation require a licensing authority to ensure the persons issued licences to drive hackney carriage and private hire vehicles are ‘fit and proper’ with suitable skills and abilities to be able to provide a passenger service to the community
Crime and Disorder	There are obvious links to community safety in ensuring an adequate supply of properly licensed taxis as a safe mode of transport for the public, particularly when other public transport is unavailable.
Environmental Sustainability	None identified
Health and Wellbeing	None identified
Risk Management and Health and Safety	There is the risk that Private Hire Operators could use a driver licensed for restricted school run work only to undertake a normal private hire journey thus negating their insurance. This can be mitigated by stringent enforcement by the licensing team
Equality and Diversity	The proposed change to the taxi licensing regime does not have the potential to cause negative impact or discriminate against different groups in the community
Privacy and Data Protection	Normal data protection and privacy rules will apply

7 Appendices

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

- Appendix I: Appendix G of the current Swale BC Hackney Carriage and Licensing Policy relating to Street Knowledge Tests
- Appendix II: Email dated 28 July 2020 from Sittingbourne Cabs

- Appendix III: Benchmarking of Street Knowledge Test requirements with other authorities

8 Background Papers

None