Agenda Item 7

Civic Government (Scotland) Act 1982 New Private Hire Car Driver Licences

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Falkirk Council

Subject: **Civic Government (Scotland) Act 1982**
New Private Hire Car Driver Licences
Meeting: **Executive**
Date: **13 October 2020**
Author: **Director of Corporate and Housing Services**

1. Purpose of Report

1.1 The purpose of this report is to seek approval for a temporary change of policy in relation to the requirement for new Private Hire Car Driver applicants to pass the Knowledge Test prior to grant and the temporary waiving of an application fee for a temporary Private Hire Car Driver licence where a new full application has been simultaneously submitted.

2. Recommendations

2.1 The Policy Development Panel recommends that the Executive agrees:-

(1) a temporary change in policy to allow new Private Hire Car Driver applicants not to have to pass the Knowledge Test prior to grant to be applied immediately and for a period of 6 months, but that they must pass the knowledge test within 12 months of the licence being granted, and

(2) the temporary waiving of the application fee for a temporary private hire car driver licence where a full application has been simultaneously submitted.

3. Background

3.1 The policy development panel (PDP) was established in 2018 by the Executive to review taxi related policies and reported back with recommendations on medicals on 18 June 2019. The panel is continuing to meet remotely to continue its consideration of taxi matters.

3.2 A meeting of the panel held on 24 September 2020 discussed a request from a local taxi business asking that consideration to be given to streamlining the application process for private hire car drivers.

3.3 The reasons that underpinned the request were:-

- the Coronavirus pandemic has resulted in drivers leaving the trade which has adversely affected the ability of the taxi company to fulfil school contracts;

- the company considered that having to pass the Knowledge Test is seen as a barrier to entry for new applicants who are put off by this and the length of time it takes to process an application, and

- the company contends that there should not be a requirement for private hire car driver applicants to sit a Knowledge Test as in-vehicle Satellite Navigation technology is used to calculate the (pre-booked) journey in advance.

4. Panel considerations

Knowledge Test

4.1 The current policy position requires all new taxi/private hire car applicants to sit and pass a Knowledge Test to demonstrate that they have knowledge of the area where they will be operating. The test also includes sections on the Highway Code and the Council's licence conditions.

4.2 As part of the panel's consideration, they heard from the Licensing Co-ordinator who advised that there was anecdotal evidence that drivers had left the taxi trade although this could not be substantiated/verified at the moment as there had not been a corresponding drop in the number of licences being renewed.

4.3 The Licensing Co-ordinator advised that he had sought the views of Transport Planning regarding school contracts. They confirmed that there were issues with non-availability of taxis at peak times. Covid-19 has placed some restrictions on the capacity of school taxis and Scottish Government guidelines state that pupils should only sit in the rear seats. This has also been extended to staff travelling with pupils and any Pupil Transport Assistant can only sit in the back of the taxi. This has reduced the capacity in taxis by at least one possibly two depending on the size of the vehicle resulting in a number of additional taxis being required for school contracts.

4.4 Transport Planning have advised that there are approximately 30 taxis that are unable to operate at school peak times and some are required to double run and drop pupils off after 0900 and pick them up before the end of the school day. This has an impact on the individual pupils concerned. For many this may only be a short delay, but some children are losing about an hour of schooling per day. This tends to disproportionally affect children with Additional Support Needs.

4.5 Transport Planning have advised that they have withdrawn transport support for home to school/college Consortia learning. This is where pupils travel to other schools or college on certain days of the week to undertake subjects that are unavailable at their own schools. They are continuing to provide this inter school taxi transport during the day outwith the peaks but have advised schools and parents to make their own arrangements where pupils are required to be picked up from home in the morning or directly after school in the afternoon. This will affect c25-30 taxis over the week (as they don't all run each day). The demand on Transport Planning for adult Social Work is currently reduced as the majority of Day Centres and Social Care groups remain closed. This probably affects another c10/12 taxis.

4.6 Transport Planning have indicated that there is a shortfall in taxis of approximately 55 per day. They have spoken to the main taxi companies who have indicated that they were experiencing driver shortages and cited delays in taxi licensing application timescales as a factor in recruiting new drivers. The panel noted that these factors had compounded the need for new drivers to be licensed.

4.7 The panel noted that although private hire car drivers are aware in advance of their intended journey as the hire is pre-booked, such technology is not infallible and can offer multiple routes.
The panel were not persuaded that a permanent change of removing the need for a Knowledge Test for a private hire car driver was in the public interest without further investigation of Sat Nav technology.

Proposed Solution

4.8 The panel agreed that to encourage new private hire car driver applications and accelerate the transition from applicant to licensed driver that the requirement to sit and pass the Knowledge test before the licence is granted be temporarily set aside. Each driver would require to sit the Knowledge Test within 12 months of the licence being granted. This would be a condition of their licence.

Application Fee

4.9 All new taxi/private hire car driver licence applications are subject to a statutory consultation period which precludes the grant of any licence within 28 days of the licence being submitted. Such a wait would not address the immediate shortfall in private hire car drivers to fulfil school transport contracts. This is not the case for a temporary licence which may be granted once a consultation response from Police Scotland has

been received. The licence can be granted for six weeks, however, if a full application is submitted within this period then the licence continues to have effect.

4.10 The panel noted the statutory timescale limitations and agreed to recommend the following solution to enable a fast track approach which is intended to encourage new applicants:-

Applicants wishing to be a private car hire driver must submit both a temporary and full application **at the same time**. Both applications will be processed at the same time and if there is no objection from the Chief Constable, the temporary licence will be granted and issued. The full licence will then be issued after the statutory period. An additional condition will be added to the full licence to the effect that the licence holder must pass the Knowledge Test prior to the renewal of the licence.

4.11 A temporary licence fee is set at £143, and a full taxi/ private hire car driver application is £206. It is proposed that the fee level for the temporary licence is waived as long as the full application is submitted simultaneously to encourage uptake of the fast track process.

5. Considerations

5.1 Local taxi businesses have expressed growing concern at the inability for prospective drivers to become licensed quickly. Temporarily changing the application process for private hire car drivers and enabling a licence to be granted with any renewal of the licence dependent on passing the Knowledge Test will introduce a fast track system that will enable drivers to be licensed far quicker.

5.2 The introduction of a temporary reduced application fee linked to a temporary application will ensure that Private Hire Car driver licence applications can be processed and granted within days. This would enable drivers to apply and potentially have a licence granted to enable school contracts to be fulfilled.

6 Implications

Financial and Resources

6.1 A waived fee for a temporary licence plus fee for a new one is equal to the full fee so there is no loss of income.

Legal

6.2 None.

Risk

6.3 Failure to process applications may lead to a legal challenge to the Licensing Authority.

Equalities

6.4 None.

Sustainability / Environmental Impact

6.5 None

7. Conclusion

7.1 The Coronavirus pandemic has curtailed aspects of the taxi licensing service. The proposed temporary measures outlined will assist new private hire car driver licences to be processed and granted expeditiously.

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Director of Corporate and Housing Service

Date: 7 October 2020

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Appendices:-

Appendix 1 – Note of meeting of Policy Development Panel – 24 September 2020

List of Background Papers

No background papers were relied upon in the preparation of this report.

Policy Development Panel – Review of Civic Licensing (Taxi Trade)

Note of Meeting held remotely on Thursday 24 September 2020 at 10.00 a.m.

Councillors: Gordon Hughes
Laura Murtagh (Convener)

Officers: Alison Barr, Consumer Protection Manager
Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer

1. Apologies

Apologies were intimated on behalf of Councillors Binnie, Bissett and Patrick.

2. Opening Remarks

The convener referred to the actions which the panel had previously agreed to progress, which included issues relating to new technology, the potential use of satellite navigation systems, the current make-up of the fleet in terms of vehicle specification; and the impact that the current pandemic had impacted on the progress of these.

3. Note of Meeting held on 12 March 2020

Decision

Note of meeting of 12 March 2020 was agreed as a correct record.

4. Briefing Note by Licensing Co-ordinator

The panel considered a briefing note by the Licensing Co-ordinator which referred to a letter received from a local taxi business expressing a number of concerns which related specifically to the taxi trade, both in terms of the response to the impact of the current Covid-19 pandemic and the long term policy development work.

The Licensing Co-ordinator provided details on the challenges and the subsequent measures undertaken to allow civic licensing applications to continue to be progressed during the pandemic, which included:

- due to the taxi testing station closing, and as a temporary solution, the service made contact with all members of the trade to ensure that all vehicles had valid MOT certificates;

- a self-declaration checklist had since been created and is issued for vehicles that taxi test date has expired. The checklist replicates the checks undertaken at the taxi testing station;
- after the self-declaration has been completed and returned, a sticker is provided for the vehicle's back plate to cover the expired test date which states "Covid-19 Related";
- the Emergency Executive had, on 20 August 2020, agreed to replace the current system of medical examination certificates to self-declarations for applicants and existing drivers, for a period of six months;
- the Licensing Section staff had been working from home during lockdown although there had latterly been a partial return to the office for some staff to carry out functions that cannot be done from home, for example issuing of licences, facilitating knowledge tests etc.;
- guidance in relation to the changes in legislation and the disruption to services had been on the Council website since the end of March but had been regularly updated as the Council had progressed through the different stages of the Scottish Government's road map;
- Knowledge Tests were unable to take place during Phases 1 & 2 due to the pandemic restrictions/guidance;
- Phase 3 allowed for a risk assessment to be undertaken to allow applicants to undertake Knowledge Tests;
- in line with the risk assessment, the Licensing Section can now offer one applicant the opportunity to sit the Knowledge Test in the morning and one in the afternoon, 5 days per week.

The panel thereafter discussed the immediate issues raised in the letter.

The Consumer Protection Manager advised that during the interim arrangements for taxi medicals, where self-declaration forms submitted by applicants and current drivers indicated the existence of a medical condition, then there would be a requirement for this to be assessed by a medical professional and that this service had a cost to the Council.

Reference was made to the current policy in that all new applicants for both taxi drivers and private hire car drivers require to pass the Knowledge Test. The Knowledge Test had recently been amended to reduce the route questions from 20 to 10, which focused mainly on tourist attractions in the area. Questions on the mandatory licensing conditions and the Highway Code are also included in the multiple-choice knowledge test.

The panel recognised that due to Government restrictions, no knowledge tests had been available at the start of the lockdown to enable new drivers to obtain a licence, but were reassured with the procedures now in place to process new applications. The process had been streamlined to reduce the number of times applicants are required to attend the licensing section office. It was noted there was scope to increase the number to 2 applicants undertaking the knowledge test at the same time. Seven applicants had recently passed the knowledge test and at present, 8 new applications were in the system awaiting payment.

The Licensing Co-ordinator gave a break down in the reduction of taxi and private hire drivers licences and taxi and private hire car licences since the Civic Licensing Committee held 11 March 2020, the last meeting prior to lockdown. The numbers pulled from the licensing system are not as high as the estimates from the taxi trade who have indicated that, due to vacancies they are finding it difficult to facilitate school contracts.

He advised that he had sought information from the Council's Transport Planning Section who confirmed that there was an issue with taxis covering contracts. Scottish Government guidelines had impacted on how taxis journeys are undertaken and contracts have to be reconfigured to ensure the guidelines are adhered to whilst factoring in a reduction of around 55 taxis per day. It was highlighted that the reduction in taxis available could be associated to older drivers not wishing to undertake school contracts and that also once a licence is granted, drivers' have no obligation to undertake specific work/contracts or work within a specific time period.

The panel are of the opinion that given the investigations by officers, there was sufficient indications to look at measures aimed at assisting the application process in order to ensure the Council's obligation to have a viable trade during the current pandemic is maintained.

Discussion took place on various options to have temporary arrangements in place to streamline the application process, in order that applications could be granted quicker but also ensuring that all appropriate statutory checks are carried out.

Decision

The panel agreed that a report be referred to the Executive containing the following recommendations, on a temporary basis to be reviewed in a time frame concurrent to those introduced in August relating to temporary medical arrangements; and that the Executive agrees the following:-

1. **that all applications for new Private Hire Car Drivers licences will be required to submit a temporary and full licence application at the time of lodging;**

2. **the fee for the temporary licence will be waived; and**

3. **to suspend the need for new applicants of Private Hire Car Drivers Licences to complete the Knowledge Test prior to the licence being granted, however, a condition wold be added to the licence stating that the licence holder would be required to successfully pass a knowledge test within one year of the grant of the licence i.e. prior to them renewing their licence.**