

Hackney Carriage & private Hire – Knowledge Test

Final Decision-Maker	LICENSING COMMITTEE
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Sharon Bamborough, Head of the Licensing Partnership
Classification	Public
Wards affected	All

Executive Summary

There have been some concerns raised by the trade about the Hackney Carriage / Private Hire Knowledge Test required to be passed by potential new drivers in Maidstone, and officers have undertaken an investigation. There has also been a proposal made by an operator about an alternative scheme for new private hire drivers.

The first part of the report deals with the concerns raised about the Knowledge Test and the findings of officers, and is for information of Members.

The second part of the report contains the proposal by one of the operators to introduce an alternative badge scheme for new private hire drivers which would not require the Knowledge Test and Equo Test to be passed. This will require a decision by members.

Purpose of Report

Section 1. Noting
Section 2. Decision

This report makes the following recommendations to this Committee:

1. To note the findings in respect of the Knowledge Test
2. In respect of the proposal to introduce an alternative badge scheme for private hire new drivers, officers recommend refusal to implement the proposed alternative badge scheme for new drivers

Timetable

Meeting	Date
Licensing Committee	16-09-2021

Hackney Carriage and Private Hire Knowledge Test

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Risk Management	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Financial	<ul style="list-style-type: none"> As a result of the analysis of past tests it is possible there will be some refunds needed but this is not expected to exceed £1K 	John Littlemore, Head of Housing and Community Services
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Legal	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Robin Harris, Mid Kent Legal Services
Privacy and Data Protection	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Equalities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership

Public Health	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Crime and Disorder	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Procurement	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Biodiversity and Climate Change	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership

2. INTRODUCTION AND BACKGROUND

2.1 A history of the introduction of the knowledge test and analysis of pass rates was considered by the committee at their meeting of 15th April 2021. An extract from that report is attached as **Appendix 1** for easy reference. At that meeting a decision by members was made as follows:

1. The pass rate for the highway code section of the knowledge test, for private hire applicants only, be increased to 90% with the number of questions in that section be increased to 10; and
2. The Routes and Street element of the rest for private hire applicants only be removed for a period of 6 months.

Section One

- 2.2 Recently, the Licensing Service was contacted by the proprietors of Express Cabs & Couriers Ltd (who are a licensed operator within the borough of Maidstone) advising that in recent tests in July they were sure that two potential drivers had correctly answered a question but it had been marked incorrect, which then lead them on to further analysis of other questions in the test and a challenge regarding how some of them were worded.
- 2.3 Investigation was carried out on tests which had been failed and it did reveal some issues. The findings are set out below along with the planned resolutions.
- 2.4 Some tables showing the analysis is attached as **Appendix 2**. For data protection reasons, in the last table, candidates' names have been replaced by a letter, but officers will have the full table with names at the meeting

should there be any queries about particular candidates. The analysis goes back to Sept 2020 when tests re-started following lockdown, that's also when the trade started to complain that drivers were leaving the trade, but more analysis still needs to be done on other failed tests going back to July 2019 which will take time.

Findings

- 2.5 The analysis shows that out of the 44 tests only one was affected adversely and requires a refund and that is in the process of being arranged.
- 2.6 The test question which had the incorrect answer in the system has been corrected and further questions where it was alleged wording was misleading or information in how to answer wasn't available to study have been pulled from the test for now until they can be reviewed (and re-worded if necessary) by the service.
- 2.7 In response to the particular concerns raised by Mr Iandolo, officers have checked each test and based on the queries raised have stated what questions came up in their test and whether applicants passed or failed them. The questions on attire, Byelaw 13 and wearing of seatbelts don't appear to be a problem for candidates and haven't caused an issue, tests that included the question " how many attempts are allowed at the test" haven't caused us to fail any other candidates because they didn't pass that section. The last column in the last table at Appendix 2 addresses these points and assists in showing that really only one question has been a problem.
- 2.8 This is for Member's information.

Section Two:

- 2.9 The proprietors of Express Cabs & Couriers Ltd have put forward a proposal for a 12 month temporary badge for new drivers which would not require them to pass the knowledge test (or new Equo test) before being able to undertake private hire driving work. Please see **Appendix 3**.
- 2.10 Officers would advise that since the knowledge test was introduced in 2017 standards have been raised significantly and Members have approved this approach. The new **statutory** standards for taxi services introduced by the Department for Transport in July 2020 go even further. Maidstone was in such a good place with their own standards when this was introduced last year that there was minimal work to be done to comply with the required implementation – MBC has introduced additional Equo training which specifically deals with safeguarding awareness and we have embraced the additional driver checks required.
- 2.11 Officers would suggest that the hackney carriage/private hire testing is done to such a standard as to give excellent reassurance to the public. Many years ago it may have been perceived to be an easy industry to get into (many might even suggest it was unskilled) but now this is a profession to be proud to be part of and the public have become accustomed to the professional service they enjoy.

- 2.12 Whilst every sympathy is felt for the operators who may struggle to attract drivers, officers do not feel they can recommend the proposed scheme which would put drivers on the road in Private Hire vehicles without all of the required training and testing, because this would go against the national statutory standards. In addition it would undermine the confidence the public has in knowing our drivers have all passed the necessary tests and potentially lead to complaints.
- 2.13 The licensed operator has been invited to the meeting should Members wish to hear from the representatives of the company.
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3. AVAILABLE OPTIONS

- 3.1 In respect of the proposal to introduce an alternative badge scheme for private hire new drivers, to make a decision to:

Either:

Refuse to implement the proposed alternative badge scheme for new drivers

Or

Agree to implement the proposed alternative scheme.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Members are requested to refuse the proposal in Section 2 to have a temporary badge scheme whereby drivers could operate without having sat and passed the knowledge test and Equo training, for the following reasons:
- (i) as this would be contrary to the new National Statutory Standards and would go against previous Member decisions to elevate the training standards and requirements.
 - (ii) The current statistics, despite the concerns raised about the test, show an upward trend in the number of drivers passing
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5. RISK

- 5.1 Failure to introduce the proposed scheme to assist the trade could result in a shortfall of Maidstone licensed drivers. This could see an increase in out of town drivers being in Maidstone illegally cashing in on the employment gap and ultimately causing enforcement issues for the Licensing Department.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 N/A

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 Should Members approve the proposed scheme by the trade some time will be required to communicate hat to the trade and cancel existing booked tests.

8. REPORT APPENDICES

- Appendix 1: Extract from committee minutes of 15.04.2021 outlining the knowledge test and the decision made
 - Appendix 2: Tables of analysis on knowledge tests going back to August 2020
 - Appendix 3: proposal from trade re temporary badge for drivers without knowledge test
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9. BACKGROUND PAPERS

None