

The Highland Licensing Committee

Meeting – 1 November 2016

Agenda Item	7
Report No	HLC/084/16

Private hire car driver knowledge testing

Report by the Principal Solicitor – Regulatory Services

Summary

This Report invites the Committee to consider (a) whether to introduce knowledge testing for private hire car drivers in the Highland area and, if so, the knowledge testing requirements which should apply, or (b) whether to go out to public consultation before reaching any decision on these questions.

1. Background

1.1 On 5 October 2016 licensing authorities received notice from Scottish Government that The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No. 5 and Saving Provisions) Order 2016 (“the Order”) had been laid before the Scottish Parliament on 3 October 2016 and was due to come into force on 1 November 2016.

1.2 One of the provisions included in the Order will bring into effect, again from 1 November 2016, section 64 of the Air Weapons and Licensing (Scotland) Act 2015. This section of the 2015 Act amends section 13 of the Civic Government (Scotland) Act 1982. The amendment will allow licensing authorities to require an applicant for a private hire car (“PHC”) driver’s licence:

“to take a test of his knowledge of the area to which the licence is to relate, of the layout of the roads in that area and such other matters relating to the operation of a taxi as the authority considers desirable.”

The authority may then refuse to grant a licence to a person who does not satisfy them that he has adequate knowledge of any of these matters.

1.3 Section 13 of the 1982 Act has until now allowed licensing authorities to require only taxi driver licence applicants to pass such a knowledge test. The Highland Council has long imposed this knowledge testing requirement on applicants for a taxi driver’s licence.

1.4 Taxi and PHC driver licences allow the licensed driver to ply for hire throughout the Highland area. The current taxi driver’s knowledge test accordingly involves a two-part test comprising both a Highland-wide knowledge test and a local knowledge test for the applicant’s local area. The pass mark is set at 85% on both parts of the test. Applicants are permitted a maximum of three attempts to pass each part of the test.

2.0 Issues to be decided

2.1 The Committee is accordingly invited to consider whether to introduce similar knowledge testing for PHC drivers in Highland. If the Committee is so minded, the following matters will also require to be decided.

1. Should knowledge testing be required only in the case of applicants for a new PHC driver's licence? In other words, should existing holders of a PHC driver's licence be exempt from the requirement to pass a knowledge test when they come to renew their licence?
2. Should the knowledge test for PHC drivers be identical to the two-part knowledge test used for taxi drivers and should the pass mark and allowance for number of attempts be the same?
3. From what date should the requirement for PHC driver knowledge testing come into effect?

3.0 Consultation requirements

3.1 There is no statutory requirement for the Council to consult specific groups or sectors, or the public generally, on any proposal to exercise the new power to require applicants for a PHC driver's licence to pass a knowledge test. However, it is open to the Committee to decide to undertake such consultation should members so wish.

3.2 If members are minded to go out to public consultation on whether to introduce PHC driver knowledge testing before reaching any decision on this matter, it is recommended that questions 1 – 3 listed at paragraph 2.1 above be included in the consultation.

3.2 Members should note that the taxi sub group of the Highland Licensing Committee have already discussed the forthcoming legal entitlement to introduce PHC driver knowledge testing at recent meetings with the taxi trade, albeit the date on which the legislation allowing such testing would enter into force was unknown at the time of the meetings held up to the date of writing this report. Those meetings took place in Wick on 14 September 2016 (4 trade members attended) and in Fort William on 20 October 2016 (9 trade members attended). The response of the trade members present was generally neutral.

3.3 One taxi operator/driver at the Wick meeting did query the requirement for Wick drivers to pass the Highland-wide test, since they generally operated only in their own local area. It was explained that as long as a taxi driver's licence issued in Highland entitled the driver to ply for hire throughout the whole Highland area, this was the "area to which the licence relates" and testing knowledge of the whole Highland area was therefore in accordance with section 13 of the 1982 Act. If the area to which taxi drivers' licences relate were ever altered through introduction of zoning, the requirement for a Highland-wide knowledge test could be revisited at that time.

3.4 As at the date of writing this report, further sub group meetings with the trade are due to take place in Inverness on 20 October 2016 and in Dingwall on 25 October 2016. A verbal update on any feedback from trade members attending those meetings will be provided to the Committee at the 1 November meeting.

4.0 Recommendation

4.1 That the Committee decide:

- (a) whether they wish to introduce knowledge testing of applicants for a PHC driver's licence and, if so, to decide the questions listed at paragraph 2.1 above, or
- (b) whether to put the question of whether to introduce knowledge testing of applicants for a PHC driver's licence out to public consultation and, if so, whether to include the questions listed at para 2.1 above in this report and/or any other questions members consider should be asked.

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