

Agenda item	<b>6</b>
Report no	<b>HLC/31/25</b>

## **THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 25 February 2025

**Report title:** Private hire car driver knowledge testing

**Report by:** Principal Solicitor – Regulatory Services

### **1. Purpose/Executive summary**

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

### **2. Recommendation**

- 2.1** The Committee are invited to decide

(i) 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 4, or

(ii) 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 paragraph 4 of this report and/or any other questions members consider should be asked.

### **3. Background**

**3.1** On 1 November 2016, provisions of the Air Weapons and Licensing (Scotland) Act 2015 came into force. One of these provisions amended section 13 of the Civic Government (Scotland) Act 1982. The amendment allowed licensing authorities to require an applicant for a 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.”*

**3.2** The authority could then refuse to grant a licence to a person who does not satisfy them that they have adequate knowledge of any of these matters.

**3.3** Prior to this date, section 13 of the 1982 Act only allowed licensing authorities to require 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.

**3.4** The current taxi driver's knowledge test 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 for the knowledge test is 75% for the Highland section and 85% for the local section. Applicants are permitted a maximum of three attempts to pass both parts of the test.

**3.5** On 1 November 2016, a report was brought before the Highland Licensing Committee asking the Members at that time whether they wished to introduce knowledge testing of applicants for a PHC driver's licence.

**3.6** The Committee at that time agreed to defer the decision on this until further provisions of the 2015 Act relating to taxis came into force and guidance on these provisions had been received from the Scottish Government, particularly in relation to the removal of the 24 hour contract exemption provision.

**3.7** The 1982 Act currently contains an exemption that licensing requirements do not apply to any vehicle while it is being used for carrying passengers for its exclusive hire for a period of not less than 24 hours. This is often referred to as the contract exemption. This exemption, therefore, allows drivers and vehicles being used exclusively for contract work in this manner to fall out with the licensing regime.

**3.8** In response to concerns that had been raised by stakeholders that the existence of the contract exemption was leading to abuse by people undertaking private hire type activities, but claiming that these came within the contract exemption, the 2015 Act made provisions for the removal of the current exemption for a vehicle while it is being used for carrying passengers for its exclusive hire for a period of not less than 24 hours. When brought into force, this will bring vehicles being used in such a manner into the licensing regime for taxis and private hire cars. This would also include tour group style operators.

**3.9** It was understood that this exemption would be removed imminently. However, this has not occurred to date.

**3.10** Comments have also been received from the trade that more drivers are choosing to relocate to The Highland Council area and work as PHC drivers who may not have a certain level of knowledge of the area before operating.

**3.11** It is, therefore, deemed prudent for Members to re-consider the questions posed in the report to the Highland Licensing Committee on 1 November 2016.

#### **4. Issues to be decided**

**4.1** The Committee is accordingly invited to consider whether to introduce similar knowledge testing for PHC drivers in The Highland Council area.

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?

#### **5. Consultation**

**5.1** There is no statutory requirement for the Council to consult specific groups or sectors, or the public generally, on any proposal to exercise the 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.

**5.2** 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 to 3 listed at paragraph 4 above be included in the consultation.

**5.3** Previously held taxi sub group meetings with the trade had discussed the legal entitlement to introduce PHC driver knowledge testing but this was a number of years ago. It is recommended that further discussions are held with the trade on this matter should Members decide to introduce PHC driver knowledge testing.

**5.4** If members are minded to go out to public consultation a further report could be brought back to the Committee outlining the public responses for consideration and outlining any next steps.

Date: 13 January 2025

Author: Claire McArthur

Background Papers:

Civic Government (Scotland) Act 1982

Air Weapons and Licensing (Scotland) Act 2015