

TITLE	:	Introduction of Knowledge Test
TO/ON	:	16 March 2006
BY	:	Derek Hamill- Licensing Enforcement Officer
LEAD MEMBER	:	Judith Driver– Street Scene and Liveability
STATUS	:	For Publication.

1. PURPOSE OF THE REPORT

- 1.1 To inform members of the requests from the Licensed Hackney Carriage & Private Hire Trade within Rossendale, to remove the DSA (drivers standards agency) driving test as a current condition and replace it with a knowledge test administered by the Council.

2. RECOMMENDATIONS

- 2.1 That the Licensing Committee note the report
- 2.2 That the Committee consider the representations of the Licensed Hackney Carriage Trade and the Licensed Private Hire Trade.
- 2.3 That the Committee resolve to retain the current DSA test.

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

- 3.1 A Local Authority has a responsibility to licence Hackney carriage and Private hire drivers.
- 3.2 The Council is required to ensure that applicants are fit and proper persons. This requirement is derived from Section 37 Local Government/Miscellaneous Provisions Act 1976 and the Town Police Clauses Act 1847.

- 3.3 In 2001 the Committee resolved that the ability of the applicant to be licensed to drive the public safely should be an element of them being considered a fit and proper person.
- 3.4 Therefore, all new drivers from that time were required to have their driving skills tested. Existing licence holders were exempt and were granted 'grandfather rights' whilst they continued to be licensed.
- 3.5 These tests are conducted by the Driver Standards Agency (D.S.A), an executive arm of the Department for Transport, who employ trained driving examiners.
- 3.6 They are of course independent from the Council and, as such, we have an unbiased assessment of the applicant's driving skills, thus fulfilling this element of the fit and proper test.
- 3.7 The Licensing Unit and the Agency take the view that professional Hackney Carriage and Private Hire drivers have a special responsibility in the safe transportation of fare paying passengers. There is therefore no doubt that public safety is better served by drivers who can drive well and safely, than drivers who know the shortest routes.
- 3.8 Every journey should be a safe one, taxi and private hire drivers make millions of safe and efficient journeys in Britain each year and the safe completion of each journey totally depends on the skill of the driver.
- 3.9 The D.S.A. test has been adopted by over 50 local authorities, and the DSA and Department of Transport recommend to the Government that the test become compulsory in the near future in the new legislation.
- 3.10 The legal authority upon which we can require this test was subject to a case in the High court in November 2004; *Darlington Borough Council v Kaye*, before Mr. Justice Wilkie.
- 3.11 The Judge ruled in favour of Darlington Borough Council, and, in doing so stated:
"In my judgement, the District Council in deciding whether it is satisfied that an applicant is a fit and proper person, is entitled to have regard to the applicants standard of driving. It is not to be artificially limited to considering evidence about that standard which happens to have arisen because of criminal convictions. Nor is it precluded from having any regard to an applicant's standard of driving merely because he or she has a driver's licence for 12 months."
- 3.12 The Licensing Committee and officers, have at their heart the interests of public safety and protection. A driver who has passed a normal DVLA test, in some cases many years ago, is being licensed by the authority to carry the public for reward and we have a liability in not exercising due diligence in those we licence.
- 3.13 The Rossendale and Haslingden Taxi Associations have asked that consideration be given to remove the DSA drivers test and substitute it with a local knowledge test.

They consider the DSA test to be an unnecessary evil and one which prevents them from employing prospective drivers. In their opinion it is not only time consuming but expensive, it is further believed that the DSA are not flexible in accommodating the needs of the driver and the trade as a whole.

3.14 The Licensed trade request the introduction of the knowledge test as a better option to the DSA test. The trade feel that they should be afforded the opportunity to demonstrate their knowledge of the Borough by detailing the shortest route to the prescribed destination. The introduction of the knowledge test would provide a much quicker, reliable ,cost effective professional service.

3.15 The Licensed trade say that the cost of a knowledge test, if both cost and test were to be introduced, would benefit the Council financially. The trade believe that drivers should be able to advise and assist visitors to the Borough as an effort to promote the Rossendale Valley.

4. CORPORATE IMPROVEMENT PRIORITIES

4.1 FINANCE AND RISK MANAGEMENT

4.1 Not applicable

4.2 MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS

4.2 Not applicable

4.3 HUMAN RESOURCES

4.3 Not applicable

4.4 ANY OTHER RELEVANT CORPORATE PRIORITIES

4.4 Quality services for local people and confident communities.

5. RISK

There is a theoretical risk of civil action against the Council if they are found not to have exercised due diligence in licensing drivers.

6. LEGAL IMPLICATIONS ARISING FROM THE REPORT

6.1 As outlined in the main body of the report.

7. EQUALITIES ISSUES ARISING FROM THE REPORT

7.1 There are no equalities issues.

8. WARDS AFFECTED

8.1 All Wards could be affected

9. CONSULTATIONS

9.1 Nil

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