

**Manchester City Council
Report for Resolution**

Report to: Licensing and Appeals Committee – 15 December 2014

Subject: Update on the introduction of the online hackney carriage and private hire knowledge tests. Request for consideration of interim measures in relation to Hackney Carriage and Private Hire knowledge tests

Report of: Head of Planning, Building Control and Licensing

Summary

The report informs members of the new format for the hackney carriage and private hire driver knowledge tests and highlights concerns that have been raised in relation to a gap in the knowledge of hackney carriage and private hire drivers relating to 'Customer care, disability awareness and 'safeguarding of children/young persons and vulnerable adults'.

Committee will recall the decision to review driver training as part of the remit of the working party and it is proposed that, as an interim measure, an additional section, covering the above-mentioned issues, could be included in within the current hackney carriage/ private hire knowledge tests.

Recommendations

That the Committee consider the content of the report and as an interim measure, pending a future review of driver training agree in relation to the current hackney carriage / private hire knowledge tests :

- The inclusion of a Section 3 (on both knowledge tests) to include 10 questions, which will be randomly selected from a bank of questions, relating to customer care, disability awareness and 'safeguarding of children/young persons and vulnerable adults'.
 - The pass mark will be 8 out of 10 questions
 - It will be mandatory to pass this section of the knowledge test
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Wards Affected:

All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Licensed private hire and hackney carriage drivers are often the first point of contact for business and leisure visitors. It is therefore important that they provide excellent customer service so that visitors get a good first impression of the city.
Reaching full potential in education and employment	Training, particularly that which leads to recognised qualifications, may improve the job prospects for hackney carriage and private hire drivers and those wishing to enter the trade.
Individual and collective self esteem – mutual respect	Drivers who undertake NVQ's and other training may gain improved confidence in their interaction with their passengers. Investing in driver training is likely to encourage the promotion of driving a hackney carriage or private hire vehicle as a career of choice leading to improved self esteem.
Neighbourhoods of Choice	<p>The taxi trade provides public transport to residents, visitors and businesses across all our neighbourhoods.</p> <p>In transporting persons with mobility/disability issues it is important that drivers are fully conversant with the use of any facilities within their vehicles ie ramps and the carriage of assistance dogs. It is equally as important that drivers are aware of issues relating to the safeguarding of children and vulnerable adults.</p>

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

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Background documents

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above

Licensing and Appeals Committee report of 10 November 2014 – Working party report

Local Government (Miscellaneous Provisions) Act 1976

Darlington Borough Council V Kaye [2004] EWHC 2836(Admin), [2005] RTR 171, [2004] All ER (D) 89(Dec)

1.0 Introduction

- 1.1 The Council's hackney carriage and private hire knowledge test was originally a paper copy questionnaire that required substantial resource to administer in terms of adjudication and marking of papers. The knowledge tests took place at Belle Vue Leisure Centre.
- 1.2 In order to streamline and update the process the knowledge tests now take place on line (this commenced on 1st December 2014) and the service has been fully relocated to the Town Hall (Room 409).
- 1.2.1 Pilot tests on a selected number of hackney carriage and private hire applicants has received initial positive feedback eg. individuals feel that the software (Diamond) is easy to use.
- 1.2.2 The use of the Diamond on-line test facility has delivered an efficiency saving both in time needed to oversee and mark papers, allowing officers to carry out other duties relating to the processing of new applications, as well as a financial saving relating to the re-location of the service to the Town Hall.
- 1.2.3 The knowledge test is a key and fundamental requirement for drivers in terms of promoting a high standard of service and should be seen as a mechanism for assisting both the hackney carriage and private hire trade in delivering their business.

2.0 On-Line Knowledge Test

- 2.1 The on-line knowledge tests are provided through a software package called 'Diamond'. Questions are randomly selected by the software from a bank of some 500 questions. Therefore no two drivers will have the same questions and individual drivers taking the test are unlikely to have any of the questions repeated in subsequent tests.
- 2.2 The knowledge tests and categories are provided as follows;

Private Hire- Paper 1

A-Z	pass mark 8 out of 10 questions
Locations - Pubs and Clubs	pass mark 8 out of 10 questions
Conditions	pass mark 8 out of 10 questions

Private Hire paper 2

Routes	pass mark 8 out of 10 questions
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Hackney Carriage- Paper 1

A-Z	pass mark 8 out of 10 questions
Locations - Pubs and Clubs	pass mark 8 out of 10 questions
Byelaws	pass mark 8 out of 10 questions

Hackney Carriage- Paper 2

Routes	pass mark 8 out of 10 questions
Districts	pass mark 4 out of 5 questions
Compellable area	pass mark 8 out of 10 questions
Motorways	pass mark 4 out of 5 questions.

3.0 Driver knowledge of current issues

- 3.1 Concerns have previously been raised to a potential knowledge gap in relation to drivers being fully aware of how to deal with certain issues such as disability awareness and customer care.
- 3.2 There is also a question about the lack of content within the current knowledge tests in relation to the safeguarding of children, young persons and vulnerable adults.
- 3.4. Whilst this should not be read as drivers not being aware of such matters, it is considered the issues highlighted in 3.1 and 3.2 above should form a greater part of the current knowledge tests. This would ensure all drivers are more mindful of the issues, provides the opportunity to test their knowledge and assists in promoting a safer and inclusive city.
- 3.5 Currently any questions relating to disability awareness and customer care are included within 'private hire conditions and hackney carriage byelaws. There are, however, no questions in relation to safeguarding of children, young persons and vulnerable adults.

4.0 Interim Measures

- 4.1 On the 10th November 2014 a report to the Licensing and Appeals Committee advised of the concerns received in relation to knowledge of private hire and hackney carriage driver's, around, driver route knowledge, customer care and disability awareness. The report recommended that these matters, which are also included in the Law Commission recommendations could be reviewed in the first instance by the Sub-Committee working party. The Committee subsequently agreed with this recommendation.
- 4.1.1 The review of driver training will therefore be considered by the sub-Committee working party as part of a wider review of the law Commission recommendations to ascertain if current Manchester City Council Policies, Guidance and conditions are consistent with the Law Commission recommendations. The intention is that the working party will also be proactive in preparing a plan for the introduction of any new legislation.
- 4.2 Officers have proposed that there is an opportunity, pending the review of driver training by the working party, to broaden the knowledge of new hackney carriage and private hire drivers in relation to the issues raised in 3.1 and 3.2

by introducing, as an interim measure, an additional set of 10 related questions within the current knowledge tests.

4.2.1 The process would involve removing some questions from the current bank and along with additional questions create a new one which relate only to disability awareness, customer care and the safeguarding of children, young persons and vulnerable adults.

4.2.2 Examples of some questions (taken from the existing bank of 500 questions) are:

Q. What type of animal cannot be refused from being carried in a hackney carriage vehicle?

Answers a. Assistance dogs, b. Small dogs, c. Caged dogs

Q The passenger asks you to help load their shopping into the boot of your hackney carriage vehicle, what do you do?

Answers a. Agree to help the passenger but charge extra fare b. Agree to help the passenger it's all part of the service, c Refuse as this is not your responsibility.

4.3 It is proposed that the additional bank of questions would form paper 3 on both the hackney carriage and private hire knowledge tests and would be categorised under the heading of Customer Care. This paper would include 10 questions of which the pass mark would be 8; it will be mandatory to pass this section of the exam.

4.4 This interim measure will only affect individuals making an application for a new hackney carriage or private hire driver licence. The question of the broadening of knowledge in relation to current drivers will be considered by the Licensing and Appeal working party at a future date.

5.0 Legal implications

5.1 Driver requirements may be required prior to the grant of a licence (new or renewal) and could form part of determining whether or not an applicant is a fit and proper person to be granted a licence.

5.1.1 There is a stated case, which gives a view on the information a Council may request prior to the grant of a licence as part of determining whether a person is fit and proper. This matter was dealt with in the case: Darlington Borough Council V Kaye [2004] EWHC 2836(Admin), [2005] RTR 171, [2004] All ER (D) 89(Dec).

6.0 Contributing to the Community

(a) Performance of the economy of the region and sub region

Licensed private hire and hackney carriage drivers are often the first point of contact for business and leisure visitors. It is therefore important that they provide excellent customer service so that visitors get a good first impression of the city.

(b) Reaching full potential in education and employment

Training, particularly that which leads to recognised qualifications improves the job prospects for hackney carriage and private hire drivers and those wishing to enter the trade.

(c) Individual and collective self esteem – mutual respect

Drivers who undertake NVQ's and other training gain improved confidence in their interaction with their passengers. Investing in driver training is likely to encourage the promotion of driving a hackney carriage or private hire vehicle as a career of choice leading to improved self esteem.

(d) Neighbourhoods of Choice

The taxi trade provides public transport to residents, visitors and businesses across all our neighbourhoods.

In transporting persons with mobility/disability issues it is important that drivers are fully conversant with the use of any facilities within their vehicles ie ramps and the carriage of assistance dogs. It is equally as important that drivers are aware of issues relating to the safeguarding of children and vulnerable adults.

7. Key Policies and Considerations

(a) Equal Opportunities

The content of this report does not have any effect on equal opportunities.

(b) Risk Management

The content of this report does not pose a risk to the Council.

(c) Legal Considerations

There are no further legal considerations other than those already addressed within the report

8. Conclusion

8.1 The report provides information in relation to the introduction of the new on-line hackney carriage and private hire knowledge test and confirms the decision by Members on 10 November 2014 to include driver training within the remit of the Sub-Committee working party.

8.3 The report also brings to the attention of the Committee some concerns in relating to the gap in the knowledge shown by some drivers regarding

customer care, disability awareness and the safeguarding of children, young persons and vulnerable adults.

- 8.4 The report recommends that, pending the review by the working party, to broaden the knowledge of new hackney carriage and private hire drivers in relation to customer care, disability awareness together with the inclusion of safeguarding of children, young persons and vulnerable adults that the Committee consider, as an interim measure, an additional set of 10 related questions within the current knowledge tests.
- 8.5 The proposed interim measures only affect individuals making an application for a new hackney carriage or private hire driver licence. The question of the broadening of knowledge in relation to current drivers will be considered by the Licensing and Appeal working party at a future date