

LICENSING SUB-COMMITTEE

3 FEBRUARY 2023

KNOWLEDGE TEST – EXEMPTION FROM ROUTES & PLACES OF INTEREST

Report from: Bhupinder Gill – Assistant Director (Legal and Governance)
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Summary

The purpose of this report is to advise Members of the request from a Licensed Operator for drivers wishing to work for them to sit the Private Hire Knowledge Test for 'restricted' drivers instead of the full Private Hire Knowledge Test.

1. Budget and policy framework

- 1.1 The Licensing Sub-Committee has responsibility to determine fit and proper standards for hackney carriage, private hire and other licensing issues not covered by the Licensing Act 2003 nor the Gambling Act 2005.
- 1.2 The Medway Hackney Carriage and Private Hire Licensing Policy was approved by Full Council and came into force on 1 May 2021.

2. Background

- 2.1. The eligibility criteria and application requirements for applicants for Private Hire and Hackney Carriage Driver Licences are set out at 3.2 of the policy. 3.2.2.5 states an applicant must pass a specified Knowledge Test.
- 2.2. There are two types of Knowledge Test. The policy does not specify these nor which test an applicant must pass; this is determined by the type of licence an applicant is applying for:
 - Hackney Carriage & Private Hire – the grant of a licence is dependent on the applicant's pass marks.
 - Private Hire Restricted (for Home to School Transport Contract Work only).
- 2.3. Hackney Carriage and Private Hire Driver Licence applicants are tested on Highway Code, Law & Policy, cash handling, places of interest and routes.

- 2.4. Restricted Private Hire Driver Licence applicants are tested on Highway Code and Law & Policy only, due to their journeys being pre-fixed with recurrent specified routes for a long-term fixed contractual period.
- 2.5. Driving Miss Daisy is a franchise organisation that specialises in taking people out and about in their communities around the UK where extra time/support and companionship is needed. Their clients range from younger children with Autism for example, to older persons with Alzheimer's, Dementia, Parkinson's. They also support people with learning difficulties and a number of mobility issues, including visual impairment, people living with mental health issues and those who may have simply had to give up their driving licence.
- 2.6. The information provided by Driving Miss Daisy in Appendix A, confirms however that fundamentally, and irrespective of the additional services they provide, they receive requests from customers for journeys which are pre-booked in advance, provide a quote for the journeys, and then charge and collect money for them.
- 2.7. In 2019, we received a request from Driving Miss Daisy seeking an exception to Medway Council's vehicle specifications contained within the Taxi Policy in relation to the colour, which is red for Private Hire. The Policy at that time, which was consulted on and agreed by committee and subsequently approved by Full Council stated:
- "Vehicles not falling within the above criteria but with special characteristics will be considered on their individual merits by the Licensing Manager and if necessary, the Licensing and Safety Committee."
- 2.8. In accordance with the Local Government (Miscellaneous Provisions) Act 1976, a district council may attach to the grant of a driver and or vehicle licence such conditions as they may consider reasonably necessary and, following conversation with our legal team, an exception was given and the organisation informed that should a licence be granted it would be with the following condition added: "Hire and reward Companionship service for clients with support and companionship/escort needs only. Needs assessment based private hire service provision"
- 2.9. The current Taxi Policy was reviewed, consulted on (existing licensed drivers were included in the consultation) and was agreed by Committee and approved by Full Council and subsequently implemented on 1 May 2021. This policy states:
- A restricted private hire driver's licence may also be issued for the purpose of carrying out school contract runs, or other limited and specified work, only in a Medway licensed restricted private hire vehicle. Restricted private hire licences are, in effect, private hire licences that are subject to additional conditions restricting the type of work that they can carry out. Those applying for a restricted private hire licence will therefore, unless otherwise specified, be subject to the same

requirements and provisions that apply to other private hire applicants and licence holders.

- 2.10 The Medway licensed operator, Driving Miss Daisy, have requested drivers working for them be exempted from being tested on routes and places of interest in Medway thereby only requiring them to sit the Restricted Private Hire Knowledge Test. The grounds for this request is that they are a bespoke company that carries out a companionship service with a wheelchair vehicle and they are not a taxi service.
- 2.11 Attached at Appendix A is a submission from Driving Miss Daisy, detailing their business and operating model.

3. Advice and analysis

- 3.1 Driving Miss Daisy is having difficulty in getting appropriately licensed drivers to work for the Company.
- 3.2 However, this is also applicable to other licensed operators. The drivers for Driving Miss Daisy are providing the same standard of 'hire and reward' service as any private hire driver and therefore not deemed to be exceptional and we must apply fairness and equality to all applicants and existing licensed drivers.
- 3.3 All Medway licensed drivers have had safeguarding and disability awareness training in accordance with regulatory standards and the Hackney Carriage and Private Hire Policy.

4. Risk management

- 4.1 It is considered that allowing Driving Miss Daisy drivers to only sit and pass the Restricted Private Hire Driver Knowledge Test would undermine the justification and requirement for all other Private Hire Drivers to sit and pass the 'full' Knowledge Test, resulting in widespread challenge from the private hire trades and a consequent reduction in local standards.

5. Financial implications

- 5.1 There are no direct financial implications for Medway Council concerning this matter; however any subsequent challenges received by other Private Hire applicants/drivers could result in costs being incurred.

6. Legal implications

- 6.1 A local authority is responsible for licensing drivers and vehicles providing a hire and reward service from pick-up and drop-off points only.

6.2 Hackney carriage and private hire legislation relates to licensing drivers and vehicles to transport passengers only; the companionship element is not in itself licensable activity.

7. Recommendations

7.1 Members note the content of the report and resolve to:

7.1.1 Approve the request from Driving Miss Daisy; or

7.1.2 Refuse the request from Driving Miss Daisy.

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Appendices

Appendix A – Submission from Driving Miss Daisy

Background papers

None