

Public Document Pack

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A meeting of the **General Licensing Committee** will be held in Committee Room 2, East Pallant House on **Wednesday 22 March 2017 at 9.30 am**

MEMBERS: Mr J Ridd (Chairman), Mr H Potter (Vice-Chairman), Mr G Barrett, Mr P Budge, Mr J Connor, Mr J W Elliott, Mr N Galloway, Mrs D Knightley, Mr L Macey, Mr G McAra, Mrs C Purnell, Mr N Thomas, Mr D Wakeham and Mrs S Westacott

AGENDA

1 **Chairman's Announcements**

Any apologies for absence that have been received will be noted at this point.

2 **Minutes** (Pages 1 - 5)

To approve as a correct record the minutes of the General Licensing Committee meeting held on 19 October 2016.

3 **Urgent Items**

The Chairman will announce any urgent items which due to special circumstances are to be dealt with under agenda item 8b.

4 **Declarations of Interests**

Members and officers are reminded to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they may have in respect of matters on the agenda for this meeting.

5 **Public Question Time**

Questions submitted by members of the public in writing by noon on the previous working day (for a period of up to 15 minutes).

6 **Change in policy re: taxi/private hire driving assessment and wheelchair assessment to reflect current practice** (Pages 6 - 11)

The committee is requested to approve proposed conditions and changes to the existing policy in relation to the taxi/private hire driving assessment and the wheelchair assessment.

7 **Update regarding policy review - Implementation of Private Hire Knowledge Test** (Pages 12 - 20)

The committee is requested to approve the implementation of a knowledge test for new applicants applying for a Private Hire Driver Licence.

8 **Consideration of any late items as follows:**

- (a) Items added to the agenda papers and made available for public inspection;
- (b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.

Exclusion of the Press and Public

There are no restricted items for consideration by the General Licensing Committee at this meeting.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports.](#)
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided.

Public Document Pack Agenda Item 2



Minutes of the meeting of the **General Licensing Committee** held in Committee Room 2, East Pallant House on Wednesday 19 October 2016 at 9.30 am

Members Present: Mr J Ridd (Chairman), Mr H Potter (Vice-Chairman), Mr G Barrett, Mr R Barrow, Mr J Connor, Mr J W Elliott, Mr P Jarvis, Mr L Macey, Mr G McAra, Mr N Thomas and Mr D Wakeham

Members not present: Mr P Budge, Mrs D Knightley, Mrs P Plant and Mrs S Westacott

Officers present all items: Mr A Barson (Licensing Technician), Ms G Di Lauro (Litigation and Licensing Lawyer), Mr L Foord (Licensing Manager), Miss L Higenbottam (Democratic Services) and Mr S Oates (Economic Development Manager)

23 **Chairman's Announcements**

The Chairman welcomed Giusj Di Lauro, Litigation and Licensing Lawyer to the Committee.

Apologies had been received from Mr Budge and Mrs Plant.

24 **Minutes**

RESOLVED

That the minutes of the meetings held on 23 March 2016 and 17 May 2016 be approved and signed by the Chairman as a correct record.

25 **Urgent Items**

The Chairman advised that there were no urgent items to be considered at this meeting.

26 **Declarations of Interests**

There were no declarations of interest.

27 **Public Question Time**

There were no public questions.

28 Chichester Vision Presentation

The Chairman introduced Mr Oates who gave a presentation on the Chichester Vision project.

The Chichester Vision project is the collaborative work of a number of partners who are pulling together ideas to address ways to ensure Chichester reaches its potential as a visitor destination, shopping destination, business centre and cultural heritage city. There are six main areas of consideration:

- Economy
- Culture
- Heritage
- Environment
- Technology
- Planning

Participation workshops have taken place with residents, business owners and students to gather opinion on the following areas:

- Business
- Ease of access
- Visiting the city
- Shopping
- Chichester as a place to live

A physical audit has been carried out to assess the visitor experience, how the city is built and the cultural and heritage assets on offer.

Mr Oates outlined some of the projects main considerations:

- Ensuring all demographics are served and consider the City is 'their's
- Integrating and keeping students from the university and the college
- Visitor economy and night-time economy
- Large brands being unable to secure suitable property in the city centre and having to locate on the outskirts of the city
- Development opportunities
- The potentially large number of new homes in the district which will require additional facilities
- Chichester as a retail destination and shopping 'experience' including issues such as the integration of the cultural attractions, areas to meet and the potential for outdoor café options in the city centre
- Traffic, public realm, pedestrian access and street furniture
- The impact of buskers and peddlers
- The recent introduction of regular markets
- Business Improvement District (BID), Chichester Festival Theatre (CFT), Pallant House Gallery (PHG), The Novium Museum, Chichester Cathedral and Goodwood running large events which attract visitors from out of the area who are not integrated into the city centre

The following ideas are being discussed:

- Calming the City Centre traffic and giving more priority to pedestrians
- Shared space and outside events to encourage additional visitors
- Improved signage
- Attracting new hotels and amenities to the city
- Night time economy including later shopping hours, provision of a concert hall, nightclub, a comedy or live music venue, outdoor performance space, later dining opportunities and associated licensing hours
- Development opportunities at Northgate and Eastgate
- Changes to the Northgate gyratory to better link CFT and Oaklands Park with the rest of the city
- New business sectors
- Encouraging high end financial firms to relocate
- Building a centre for wider professional services (if mega speed broadband can be offered)

Opportunities to create business, leisure, outdoor, retail areas and accommodation at the Southern Gateway are also being considered, covering the following sites:

- The bus station
- The bus depot
- Basin Road car park
- The law court
- The Canal
- The Police sports field
- Surplus land at Chichester High School for Boys
- The Royal Mail depot

The committee made the following comments which were answered by officers:

- Retaining students in the city is a big issue as the degrees on offer at the university do not suit the jobs on offer in the city. The university should consider offering itself as a satellite location to other local universities. *In many cases students do not stay in the location they study. There are a large number of music students in the city who would benefit from a performance venue which in turn would enhance the evening economy.*
- The railway barrier discourages visitors due to prolonged waiting times. *If the right facilities are on offer and it is worth visiting people will still travel to the Canal Basin (potentially many on foot).*
- Roads and pavements need improving. *WSSC are in the process of creating a transport plan to inform the Southern Gateway Masterplan.*
- A flyover located by the railway to join Basin Road could solve many travel problems. *WSSC have considered this suggestion but early indications suggest it would not be feasible due to cost and physical site limitations.*
- Have Public Space Protection Orders been launched to prevent peddlers staying in one fixed place? *Official signage has been in place for*

approximately three weeks in St Martins/East Street, the Cross and Crane Street/North Street and written warnings have been issued.

- Has enhancing Priory Park been considered? *Not specifically although open spaces are being considered for their evening and tourist potential.*
- Parks should provide some space for those who visit for tranquillity. *Various open space functions will be considered.*
- Is there legislation to prevent odour pollution in the city? *Odour pollution is part of the statutory nuisance legislation and all complaints are investigated.*
- A good cycling network would encourage commuters and tourists to visit the city. *This is being considered.*

Mr Barrow explained that he is in the process of reviewing some Byelaws and agreed to let Mr Oates comment on the drafts.

Mr Oates explained that the consultation draft vision will be considered this week by the Steering Group (chaired by Mr Dignum). Once approved the draft vision will be taken to Cabinet and then put out for public consultation in early 2017.

Mr Foord agreed to speak with the Planning department to encourage a similar presentation to the Planning Committee.

29 **Proposal to undertake a review of the Council's current Taxi and Private Hire Licensing Policy and Conditions**

Mr Barson introduced the report explaining that officers seek the Committee's approval to review the Council's current Taxi and Private Hire licensing policy and conditions through the formation of a working group. Existing policy was adopted in 2010 and 2012 and has helped create the framework for consistent decision making. Due to legislative changes a number of areas will benefit from the review:

- Possible driver training on the prevention of child exploitation
- A knowledge test at the point of first application for private hire drivers
- Frequency of driver medicals
- Vintage leasing for private hire vehicles

Following the working groups redraft all key stakeholders will be consulted prior to the Committee adopting the policy.

RESOLVED

1. That officers commence a review of the Council's current taxi and private hire policy and conditions
2. That a member/officer working group be established to help inform proposed changes

Mr Ridd requested three volunteers to join the working group. Mr Connor, Mr Elliott, Mr Macey and Mr Potter volunteered. It was agreed that Mr Barson would contact the absent members of the Committee prior to Mr Ridd finalising the Working Group.

30 **Consideration of any late items as follows:**

The Chairman advised that there were no late items to be considered at this meeting.

The meeting ended at 10.42 am

CHAIRMAN

Date:

Agenda Item 6

Chichester District Council

General Licensing Committee 22 March 2017

Update regarding changes to the provision of Taxi/Private Hire Driving Assessments

1. Contact(s)

Alex Barson, Licensing Technician. Tel: 01243 534744
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Laurence Foord, Licensing Manager Tel: 01243 534742
Email: lfoord@chichester.gov.uk

Giusj Di Lauro, Legal Services. Tel: 01243 531279
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2. Executive Summary

To seek the approval of Members to amend the current policy in relation to how the taxi/private hire driving assessment and wheelchair assessment is delivered.

3. Recommendations

- 3.1 That Members approve proposed conditions and changes to the existing policy in relation to the taxi/private hire driving assessment and the wheelchair assessment.**

4. Main Report

- 4.1 As part of the application process for a taxi or private hire driver licence, the Council's policy requires the applicant to sit and pass a driving assessment. The assessment has historically been provided by the Driver & Vehicle Standards Agency (DVSA, formerly VOSA & DSA). The assessment was designed to test those applying for a taxi or private hire driver licence to establish whether they could drive in a safe and considerate manner and were therefore competent to carry members of the public.
- 4.2 To pass the DVSA taxi/private hire driving assessment, the candidate was permitted to accumulate up to 9 driving faults. If the candidate accumulated 10 or more driving faults or any serious or dangerous fault, they would fail the test.
- 4.3 In September 2016, without consultation, the DVSA wrote to all Councils advising that they were withdrawing their assessment service as of the 1st January 2017.
- 4.4 In light of this decision, officers of the Licensing Team acted swiftly to identify suitable alternative organisations within the region with capacity to provide an almost identical driving assessment to the one originally offered by the DVSA.

- 4.5 Two organisations were identified; 'The Blue Lamp Trust', based in Hampshire and '1st Castle School of Motoring', based in Bognor and Chichester.
- 4.6 The Blue Lamp Trust was established in 1998 by ex-emergency service personnel from the Hampshire area. The Trust has been a major supplier of taxi assessments to neighbouring Local Authorities in Hampshire since 2011 including Havant BC, East Hampshire DC and Portsmouth City Council.
- 4.7 The assessment offered by the Trust mirrors that provided by the DVSA. The Trust's website provides further information regarding what the assessment consists of
https://www.bluelamptrust.org.uk/Driver_Training/taxi_driver_assessment.php.
- 4.8 The Trust's assessors are DVSA fleet approved and therefore qualified to assess existing DVLA licence holders. The Trust has recently extended its service to conduct the assessments from Chichester.
- 4.9 1st Castle School of Motoring is a driving school that has operated in the local area for many years. The School already undertakes the driving assessments for Arun DC. Officers of the Licensing Team have met with one of the School's principle assessors to devise a test that replicates the requirements of the DVSA test. This same individual undertakes the assessments.
- 4.10 Both organisations have been conducting the taxi/private hire driving assessment for this Council since November 2016. The Licensing Team's experience of working with both organisations has been extremely positive. Both organisations are highly competent and professional in how they deliver the assessment. The fees charged by both organisations are considered to be competitive and do not exceed the charge originally levied on applicants by the DVSA.
- 4.11 This Council's Licensing Technician has observed two driving assessments conducted by 1st School of Motoring on the 17th February 2017. The content of the assessments reflected accurately what would have been in the DVSA's version of the taxi/private hire driving assessment. It included two manoeuvres which would typify a driver setting down passengers, a 3 point turn, 10 minutes of independent driving and a series of questions at the end of the practical element which covered the Highway Code, road signs and 'cabology'.
- 4.12 The DVSA has also ceased to provide the wheelchair assessment. The wheelchair assessment consisted of the following elements:
- safely load and unload the wheelchair into a vehicle
 - use the wheelchair brakes to secure and release it
 - fasten the seat belts or safety harness
 - secure any wheel belts or clamps fitted to a vehicle
- 4.13 This is an existing policy requirement for any applicant or existing driver that drives a wheelchair access vehicle on a regular basis. There are two Hackney Carriage drivers who are awaiting to undertake this training.
- 4.14 Officers of the Licensing Team have made contact with a provider of wheelchair training to WSCC staff. The course involves a days worth of practical training and concludes with an assessment. The cost would be borne by the driver.

4.15 An officer of this Council's Licensing Team is scheduled to attend the course on the 17th March 2017. Further feedback can be provided to Members at the Committee Meeting.

5. Conclusion

5.1 In light of the above, it is felt appropriate to amend the current policy to reflect the change in practice that has occurred. A copy of the proposed wording along with a copy of the original wording is at **Appendix 1**.

5.2 If Members are minded to approve the changed wording then the following sections of the policy will be amended accordingly:

- Section 14 of the general policy
- Section 1 of the PH Driver policy
- Section 1 of the HC Driver policy

5.3 A condition will also need to be added to the Private Hire Driver's Licence requiring a driver to re-sit the driving assessment if they reach 7-9 points on their DVLA driving licence within a 3 year period or there is evidence through complaints that a driver's driving has fallen below the standards expected. This is not a legal requirement but considered appropriate by this Council for public safety purposes. It is possible to add this condition to a Hackney Carriage Driver's Licence, but this would require altering the HC Byelaws. The proposed condition is at **Appendix 2**.

5.4 A condition will also need to be added to the Private Hire Driver's Licence requiring a driver to sit a wheelchair assessment if they intend to drive or are driving a Wheelchair Access Vehicle. Similar to 5.3 above the completion of an assessment is not a legal requirement but considered appropriate by this Council for the protection of the public. Again, it is possible to add this condition to a Hackney Carriage Driver's Licence but this would require altering the HC Byelaws. The proposed condition is at **Appendix 2**.

6. Appendices

Appendix 1 Proposed wording for changes to Policy

Appendix 2 Proposed wording for conditions to be attached to the PH Driver Licence in relation to the driving assessment and wheelchair assessment.

APPENDIX 1 – PROPOSED POLICY WORDING

DRIVING PROFICIENCY TEST – PROPOSED POLICY WORDING

To assess that an applicant is competent to drive in a satisfactory manner, all new applicants will be required to undergo a driving proficiency test with a DVSA Accredited Fleet Assessor or a provider approved by this Council. Licences to drive a hackney carriage or private hire vehicle shall not be granted unless the applicant has successfully passed this test.

The driving proficiency test will be based upon the original DVSA taxi driving assessment. The test must consist of the following elements:

- *Driving Licence check*
- *Eyesight check (Requirement to read a number plate at 20m (68ft))*
- *A minimum of 45 minutes drive on a variety of road types*
- *Several stops as if alighting passengers*
- *2 reversing manoeuvres (Bay parking, turn in the road, reverse left or right, parallel parking)*
- *Emergency stop (Not compulsory)*
- *Independent driving (5 to 10 minutes following road signs and markings to a certain location)*
- *2 questions on highway code, 2 questions on road signs, 2 cabology questions (Show me/tell me questions optional)*
- *Maximum of 9 driving faults allowed (no serious or dangerous faults)*
- *10 to 15 minutes debrief and result*

In all cases, the driving proficiency test must not have been conducted earlier than one calendar year prior to the submission of a valid application to the Authority. i.e. If an application is submitted to the Authority on the 1st July 2016, the test must not have been conducted before the 1st July 2015.

Where it becomes evident that a licensed driver's driving ability has fallen below the standard considered to be safe or where a driver has acquired between 7 to 9 penalty points on their DVLA driving licence within a 3 year period, a licensed driver may be required to re-sit the driving proficiency test. If such a test is failed, consideration will be given to suspend a driver's licence until they successfully pass. This decision will only be taken in accordance with the council's current scheme of delegation under the Constitution, where there is a potential risk to the public.

In all cases, an applicant or driver will meet the cost of the driving proficiency test.

WHEELCHAIR ASSESSMENT – PROPOSED POLICY WORDING

Where an applicant or driver is required to carry persons in wheelchairs as part of their daily work, the applicant shall undergo an additional test for Wheelchair Accessible Vehicles with a provider approved by Chichester District Council.

The wheelchair assessment will be based upon the following criteria:

- Safely load and unload the wheelchair in your vehicle
- Use the wheelchair brakes to secure and release it
- Fasten the seat belts or safety harness
- Secure any wheel belts or clamps fitted to your vehicle

*The applicant is required to pass the wheelchair assessment within **3 months** of a Hackney Carriage Driver Licence being issued or within **3 months** of a Private Hire Driver notifying the Council that they will be driving a Wheelchair Access Vehicle. If the assessment is not completed within the required timescale then consideration will be given to suspending the licence until such time as the wheelchair assessment has been passed.*

If complaints are received in relation to a driver's ability to safely load, secure or unload a wheelchair user, then a licensed driver may be required to sit the wheelchair assessment. If such a test is failed, consideration will be given to suspend a driver's licence until they successfully pass. This decision will only be taken in accordance with the council's current scheme of delegation under the Constitution, where there is a potential risk to the public.

In all cases, an applicant will meet the cost of the wheelchair assessment.

EXISTING POLICY WORDING

All new applicants shall be required to undergo a driving test with the Driving Standards Agency, as distinct from the driving test with the DVLA. Licences to drive a hackney carriage or private hire vehicle shall not be granted unless the applicant has successfully passed this test. Where an applicant will be required to carry persons in wheelchairs as part of their daily work, the applicant shall undergo an additional test for Wheelchair Accessible Vehicles.

Existing drivers will not be required to undergo this DSA test. Where it becomes evident that a licensed drivers' driving ability has fallen below the standard considered to be safe or where a driver has acquired between 7 to 9 penalty points on their DVLA driving licence, a licensed driver should undergo the DSA test. If such a test is failed, consideration will be given to suspend a driver's licence until they successfully pass. This decision will only be taken by the Assistant Director (Environmental Health) under existing delegated powers where there is a potential risk to the public.

An applicant would meet the cost of the Hackney Carriage/Private Hire DSA test.

APPENDIX 2 – PROPOSED WORDING FOR CONDITIONS

Proposed Condition in relation to Driving Proficiency Test – PH Drivers Only

Where it becomes evident that a licensed driver's driving ability has fallen below the standard considered to be safe or where a driver has acquired between 7 to 9 penalty points on their DVLA driving licence within a 3 year period, a licensed driver will be required to re-sit the driving proficiency test. If such a test is failed, consideration will be given to suspend a driver's licence until they successfully pass. This decision will only be taken in accordance with the council's current scheme of delegation under the Constitution, where there is a potential risk to the public.

In all cases, the driver will meet the cost of the driving proficiency test.

Proposed Condition in relation to Wheelchair Assessment – PH Drivers Only

*The driver is required to pass the wheelchair assessment within **3 months** of a Private Hire Driver notifying the Council that they will be driving a Wheelchair Access Vehicle. If the assessment is not completed within the required timescale then consideration will be given to suspending the licence until such time as the wheelchair assessment has been passed.*

If complaints are received in relation to a driver's ability to safely load, secure or unload a wheelchair user, then a licensed driver may be required to sit the wheelchair assessment. If such a test is failed, consideration will be given to suspend a driver's licence until they successfully pass. This decision will only be taken in accordance with the council's current scheme of delegation under the Constitution, where there is a potential risk to the public.

In all cases, the driver will meet the cost of the wheelchair assessment.

Agenda Item 7

Chichester District Council

General Licensing Committee

22 March 2017

Update regarding review of the Council's current Taxi and Private Hire Licensing Policy and Conditions

1. Contact(s)

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Laurence Foord, Licensing Manager Tel: 01243 534742
Email: lfoord@chichester.gov.uk

Giusj Di Lauro, Legal Services. Tel: 01243 531279
Email: gdilauro@chichester.gov.uk

2. Executive Summary

- A) This report provides an update in relation to the activities of the working group tasked with reviewing the Council's current Taxi & Private Hire licensing policy and conditions.
- B) In addition, seek approval for the implementation of a knowledge test for Private Hire Drivers upon first application.

3. Recommendations

3.1 That Members consider and approve the implementation of a knowledge test for new applicants applying for a Private Hire Driver Licence.

4. Main Report

4.1 As Members will recall approval was granted for the Licensing Team to embark upon a review of its taxi and private hire licensing policy.

4.2 A Working Group has been established, consisting of Members from the Licensing (General Purposes) Sub-Committee, as well as, representatives from the Licensing Team and Legal Services.

4.3 The purpose of the working group has been to enable officers to obtain a view as to how the General Licensing Committee would like to see the existing policy and conditions develop.

4.4 The working group subsequently met on three separate occasions between November 2016 and January 2017.

4.5 Minutes from the two main meetings are provided at **Appendix 1** and **Appendix 2**. This provides a summary of the matters discussed and the general views expressed by the working group.

- 4.6 The licensing team, in conjunction with legal services, is currently in the process of producing an initial draft of a revised policy and conditions, based around the initial discussions of the working group. Once completed the revised policy will be placed before the Licensing (General Purposes) Committee for further comment, prior to initiating a consultation with the trade and other key stake holders.

Knowledge Test

- 4.7 At the current time, Chichester District Council (The 'Council') does not require new applicants for a Private Hire Driver Licence to sit a knowledge test, albeit the mechanism exists within the current written policy. It is now the intention to fully implement this for new Private Hire Driver Licence applicants.
- 4.8 Under our current procedures the applicant is granted a Private Hire Driver Licence, so long as a satisfactory Criminal Record Certificate, medical report and driving assessment are submitted and the applicant satisfies the 'fit and proper' person test, without the need to undergo a knowledge test.
- 4.9 Neighbouring Local Authorities, such as Arun DC, Havant BC, East Hants DC all require applicants for Private Hire Driver Licences to pass a knowledge test. Consequently, a trend is emerging whereby an increasing number of applications are being submitted to Chichester District Council by persons wanting to avoid having to pass a knowledge test with the Local Authority where they ordinarily reside.
- 4.10 Officers initial thoughts are that the test will be designed to assess an applicant's understanding of the following:
- Taxi/PH law,
 - The Council's own policy and requirements,
 - The Highway Code and road signs,
 - Basic literacy and numeracy, and
 - Local knowledge of the District.

This is based upon the sections that form part of this Council's own hackney carriage knowledge test, as well as looking at the areas that other Councils test on.

- 4.11 Officers have already met with an organisation called Diamond who supply a number of Local Authorities, such as Winchester, Southampton and Arun with a computerised version of a knowledge test. The questions are set by the Council, although Diamond do have standard questions that relate to the highway code, road signs, legislation, which can be used as an initial template for the knowledge test. The Licensing Team can provide some basic tailored local geographical questions that can be incorporated into the system.
- 4.12 The benefits of the system are as follows:
- Complete flexibility in terms of how many sections form the knowledge test and the theme of each section.
 - The Council has complete discretion over what the pass mark is. The system enables a pass mark to be set for each individual section if required.
 - The questions are selected at random from a bank of questions.

- The questions are multiple choice and the system will randomise the order of answers each time.
- Photos and pictures can be uploaded to base questions on.
- The candidate is required to input a driving licence number or case reference number to verify their identity before taking the test.
- The system records the answers given by the candidate during the test. This can be easily accessed by the licensing team in case there is a query or challenge.
- The system allows for statistical analysis of the questions in terms of how many times it has been answered correctly. This assists officers with assessing the degree of difficulty for a question and whether any adjustments are required.

- 4.13 It is important that the nature and difficulty of the knowledge test is carefully considered to ensure that it does not become a barrier to entry for suitable applicants.
- 4.14 Further consideration will need to be given to the fee charged for the knowledge test. This is likely to be based on the fee currently charged for the hackney carriage knowledge test, which is £41.
- 4.15 Officers will send an email this week to all licensed drivers, operators and key stakeholders advising them of the proposed implementation of the private hire knowledge test and invite them to make comment if they so wish. A summary of responses will be provided at the meeting. We will also advise in the correspondence that this is a public meeting so any person is permitted to attend to observe proceedings. In addition there is the ability to submit a public question and ask this directly to Members and Officers, if they so wish.

5. Conclusion

- 5.1 It is felt that the introduction of a private hire knowledge test is now appropriate in order to help raise awareness and improve standards in relation to those persons entering the private hire profession for the first time.
- 5.2 It is acknowledged that such a test will need to be constantly tested and reviewed throughout development and implementation in order to ensure that the test does not deter suitable candidates from applying.
- 5.3 If Members are minded to approve the recommendation then Officers will investigate further the merits of the computerised knowledge test, with a view towards implementation, once development and testing has been completed. An update will be provided at the next meeting.

6. Background Papers

- 6.1 Department for Transport – Taxi and Private Hire Vehicle Licensing - Best Practice Guidance (March 2010)
<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>
- 6.2 Button on Taxis: Licensing Law and Practice (Third Edition)

- 6.3 Rotherham Licensing Policy (July 2015) – Considered best practice by the Local Government Association
<https://www.rotherham.gov.uk/taxi>
- 6.4 Chichester District Council – Existing Taxi and Private Hire Policy and Conditions
<http://www.chichester.gov.uk/article/25500/Taxi-and-private-hire-licensing---legislation-conditions-and-policy>

7. Appendices

Appendix 1 – Taxi Working Group – Driver minutes (17.11.16)

Appendix 2 – Taxi Working Group – Vehicle minutes (08.12.16)

APPENDIX 1 - TAXI POLICY REVIEW – WORKING GROUP

Session 1 - Driver Policy

Date / Time of meeting: 17th Nov 2016 @ 14:00

Venue: EH CDC Offices

In Attendance:

- Cllr John Connor
- Cllr Len Macey
- Cllr Henry Potter
- Giusj Di Lauro (Legal Team)
- Alex Barson (Licensing Team)

Apologies:

- Cllr John Elliott
- Laurence Foord (Licensing Manager)

Overview:

AB gave brief overview of legislative framework that governs HC and PH licensing regimes. Advised on current policy. Work done by Ian Smith to introduce first written policy in 2011/2012. Needs reviewing, as had experience with the policy, so have an understanding of areas that need improving. Also best practice has evolved, legislative changes etc which requires the policy to be updated.

PH Knowledge Test – Members in support, but the content of this needs to be carefully considered, so that it helps ensure candidates have a basic understanding of legislation/policy/highway code – maybe landmarks).

Further Action - AB to look at computerised knowledge test system developed by Diamond. May also need to look at English language test.

CSE Training – Members in support. This can be offered for free through Pam Bushby. It may be that a condition will need to be placed on the PH Driver's Licence requiring this training to be completed within a defined period of time.

Further Action – Difficulty with altering HC Byelaws therefore may be worth exploring issuing dual licences to new HC Drivers as standard. Discussion

E-Cigs – Members in support in prohibiting the use of e-cigs in licensed vehicles.

Dress code – Members in agreement to prohibit in appropriate footwear, such as flip flops – term used in other policies is 'closed heel shoe'. Some discussion around sandals.

Areas where Members raised queries/concerns:

Frequency of Medical Examinations - Discussion around bringing the frequency of medicals in line with that recommended by the DVLA for vocational drivers. Currently we require a medical every 4 years regardless of age and once a year after 60. DVLA – every 5 years from the age of 45 and every year from the age of 65. All local Councils follow the DVLA recommended frequency. Cllr Connor raised a concern regarding increasing the age for annual medicals from 60 to 65, primarily regarding vision. Discussion around splitting the medical and eye test, but difficult to manage.

Further Action - A possible compromise could be every 5 years from 45 and then every year from 60?

Minimum Age - Discussion around minimum age and length of time that a UK/EEA Driving Licence held before eligible to hold a PH/HC Licence. Law requires any applicant to have held a full licence for at least 12 months at time of application. Discussion around the minimum age being 18 or 21? Cllr Conner advised that insurance at that age would be prohibitive, so ultimately self-regulating in relation to youngsters. Cllr Potter suggested that consideration be given to 3 years as the minimum amount of time that a full UK/EEA driving licence is held. AB advised that some Authorities do specify 3 years, but did point out that it is no guarantee that person is a good driver. Might not have even utilised licence in that time. Key test will be driving assessment.

Further Action - Further discussion required with legal.

Penalty Point System – Discussed pro's and con's of this. Jim Button advocates that driver should have the ability to contest any points issued at Committee. Is this necessary? Only go to Committee if driver reaches the point threshold. Appeals could go to Lic Man or Head of Service rather than Licensing Committee. Interesting to note that East Hants have dispensed with the appeals process until they reach the points limit. They have also made it 12 points over 3 years rather than 12 points over 1 year.

Further Action - Resource implications. Needs further discussion with legal.

Meeting finished at approx. 15.40

APPENDIX 2 - TAXI POLICY REVIEW – WORKING GROUP

Session 2 - Vehicle Policy

Date / Time of meeting: 8th Dec 2016 @ 14:00

Venue: Members Meeting Room, CDC Offices

In Attendance:

- Cllr John Connor
- Cllr Len Macey
- Cllr Henry Potter
- Giusj Di Lauro (Legal Team)
- Laurence Foord (Licensing Manager)
- Alex Barson (Licensing Team)

Apologies:

- Cllr John Elliott

Overview:

AB gave quick recap of last meeting:

- Frequency of medicals - Advised of following the DVLA guidance for medicals, but to still require an annual medical after 60 rather than 65.
- Need to look at minimum age issue with legal.
- General discussion around PH Knowledge Test.

Age of Vehicles

AB advised of Council's current policy. Numbers of vehicles over 15 years old – none for Private Hire, approx. ¼ of the fleet for Hackney's ranging from 15 – 20 years. The condition of the older vehicles vary. Some in ok condition, some have poor bodywork. Discussed implications for private hire and hackney trade. Discussed the issues with having a blanket policy when it comes to renewals.

Member's view

Members in support of an age limit being introduced. The 5 and 15 years seem suitable timescales based on comparisons with other Council's policies and also the percentage of the fleet that is over 15 years old. Consensus that this should apply to both Private Hire and Hackney Carriage. Important to provide a suitable period of time for proprietors to comply with this requirement, phase in over 2 years possibly. Members keen for there to be an exemption in place for vehicles over 15 years old when they are in pristine condition and full service history available.

Classic/Niche vehicles

Members keen for there to be recognition of these type of vehicles in the policy. Wording can be looked at from other documents. Each application would need to be considered on a case by case basis.

CCTV

Agreed that CCTV is an extremely useful tool to help with protecting drivers and passengers and assisting with complaints and allegations. Current policy advises drivers to consider installing CCTV in vehicle but not a mandatory requirement. Difficulties around specification of devices and data protection implications. If make mandatory then need to specify what types of equipment are acceptable, monitor and test. Also systems would need to be encrypted to comply with DPA. Access to CCTV suppliers limited in the area. Brighton and Portsmouth appear to be the nearest.

Member's view

For CCTV to remain as an advisory in the policy. To reconsider at the next policy review. As part of the consultation with the trade see whether there is any particular response one way or the other.

Tilt/Displacing of seats

Features in policy, but unclear of intention. Are tilt/displacement seats permitted? Opposing stances on this issue. Some Authorities do not have a stipulation regarding access from rear seats and some Authorities do.

Member's view

General view was that it is important from a public safety perspective for Members of the public to be able to have a clear means of escape in an emergency. Noted that vehicles are manufactured to carry certain number of passengers, but designed for families and children normally in the back who are able to get out with greater ease in an emergency. For a private hire vehicle carrying around fee paying customers this configuration of seating without a clear route out is unsuitable.

Discussion around the sliding doors coming back far enough to allow direct access in and out from the rear seats. Depends on width of gap and there may be a benefit in stipulating a minimum distance.

Further Action – Liaise with Legal to get interpretation of sentence in policy. Feed back to group.

Exemption plates

Discussions around what is exempt work – chauffeur/executive. Difficulties created due to drivers undertaking both mainstream and exempt type work. Number of exempt plates issued and being used as a substitute for the main plate when conducting exempt work, but still have door signs on. Either have the exempt sticker if undertaking exempt work and then when conducting mainstream display plate and door signs.

Member's view

Felt this may be an operational matter.

Further Action – To discuss with legal regarding definition of exempt work. Also need to look at process for administering.

Advertising on PH Vehicles

Current policy restrictive in terms of advertising on PH Vehicles.

Member's View

To relax requirements to enable vehicles to display operators business on side of vehicle – Suggested this should be the 2 rear doors and some stipulation regarding size. Not keen on advertising elsewhere on the vehicle. Discussion around allowing other businesses not associated with the PH Operator to advertise on vehicle, although this would be subject to Council approval. General consensus to start with a gentle relaxation and permit only the operators to advertise on the vehicle.

Further Action - AB to draft suitable wording.

Write Offs – Cat C and Cat D Vehicles

Nothing in policy at the moment. Discussion around Cat C/D. Vehicles written off as have been in accident and uneconomical to repair. Occasionally driver buys vehicle back off insurance company, repairs, passes MOT and Fitness and is licensed by us. MOT/Fitness is checking that the vehicle is mechanically sound and how it presents to the public. Will not pick up on any structural defects necessarily. Difficulties around determining the level of damage sustained. Some Authorities although not many have a blanket ban on Cat C/Cat D vehicles. Some request HPI checks.

Member's View

Need further clarification on Cat C/D and HPI checks. Concerned that vehicle may be structurally unsafe but potentially could still be licensed.

Wheelchair Users

General discussion around the challenges taxi drivers are facing in terms of carrying wheelchair users. Many different types of wheelchair now available. Electrical wheelchairs in particular can be heavy and difficult to manoeuvre in confined spaces. Advice given to drivers regarding dynamic risk assessment and shouldn't be transporting if unsafe to do so. Main way of tackling this is through training. Discussion around DSA withdrawing Wheelchair Assessment but looking to use trainer from WSCC for this, which appears superior to the 20 minute assessment the DSA use to do.

Meeting finished at approx. 15.50