

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

20 JUNE 2018
ALL WARDS

**PROPOSED AMENDMENTS TO THE KNOWLEDGE TEST
FOR PRIVATE HIRE DRIVERS**

1. Summary

- 1.1 At its meeting held on 14 September 2016, the Licensing and Public Protection Committee approved changes to the Knowledge Test for Private Hire Drivers which removed the geographical element and confirmed the version of the test in use today.
- 1.2 At the time members expressed concern the changes should not compromise the standard of spoken English required in passing the test, or the requirement to demonstrate a good knowledge of applicable law and licence conditions. It was also very clear members did not wish to compromise on standards or to engage in a “race to the bottom” to compete with other licensing authorities.
- 1.3 This report is an update on the status of the test, the issues which have arisen and suggests changes which could be adopted in order to accommodate a greater volume of tests and address the waiting list which has built up as a result of undertaking testing on a one to one basis.

2. Recommendations

- 2.1 That your Committee should approve the recommended changes to the format of the Knowledge Test for Private Hire Drivers.
 - i. Remove the A to Z test.
 - ii. Introduce multiple candidate testing.
 - iii. Change all questions to a multiple choice format.
 - iv. Allow changes to be introduced immediately.

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3. Background

- 3.1 The current incarnation of the knowledge test for private hire drivers is conducted verbally, on a one to one basis to ensure English is spoken and understood to an acceptable degree.
- 3.2 Understanding the questions and describing routes and two point locations is considered sufficiently challenging to dispense with a separate verbal communication test. An example of the questions employed in the current version of the test is attached at appendix 1.
- 3.3 Following the introduction of the Deregulation Act in 2015 many operators took advantage of the opportunity to recruit newly licensed drivers from other neighbouring areas and applications for Birmingham private hire licences virtually ended. The city was seeing increasing numbers of drivers from other areas over whom the Enforcement team had very limited powers.
- 3.4 In June 2016, a decision was made in principal to change the content of the Birmingham knowledge test in order to encourage more applicants and hopefully to reduce the number of outside drivers working in Birmingham courtesy of the Deregulation Act. The topographical test was removed and the multiple choice legal and conditions of licence questions changed to open questioning.
- 3.5 The new test was introduced in October 2016, and immediately interest in being licensed in Birmingham increased. Now demand is such there is a six month waiting list for the test with the testers working at full capacity. Unfortunately along with the increase in demand, there has been a marked decrease in success, with the 60% pass rate changed to a 60% failure rate.
- 3.6 It was found that the A to Z exercise was the main barrier to passing the test. It had been considered a valuable listening and speaking exercise. However, it is clear to the testers, many candidates who do have English as their first language are finding the test too challenging. It appears many applicants are too reliant on Satellite Navigation to cope with a map based exercise.
- 3.7 Some candidates who managed to struggle through the A to Z exercise having completed the Trading Standards training course still failed the test overall as they were unable to understand the questions being asked of them in the second part of the test.
- 3.8 It has become apparent that applicants are being drawn to another nearby authority which allows licensed operators to undertake background checks and to arrange medicals and which has abandoned any form of knowledge or aptitude test and does not even require a driving test. This combined with the long waiting list for a Birmingham test is now resulting in a regular non-attendance rate in excess of 20%.
- 3.9 Once again, Birmingham finds itself in a position where attempting to uphold standards as set by the Committee is failing in its purpose. Far from

preventing unsuitable people from working as private hire drivers in the city, the current testing regime encourages them to seek licences from another authority and allows them to work here with virtually no scrutiny or oversight and with no reference to your Committee or the standards set in this city.

- 3.10 There is still a steady flow of applications from drivers who hold licences issued by other authorities. When asked by testers why they are seeking a Birmingham licence when they already work in Birmingham, they are reporting some operators charge higher rents to drivers licenced in other areas in exchange for allowing them the benefit of working in the city without taking or waiting a long time for a knowledge test.

4. Reasons for Change

- 4.1 Increasing the volume of tests undertaken would address the problem of the waiting list and encourage those drivers who want a Birmingham licence to continue with their application and not abandon it in favour of a fast track licence elsewhere. This would increase the number of drivers licensed in Birmingham ensuring more drivers were under the authority of your Committee.
- 4.2 Encouraging drivers who live and work in the city to obtain a licence in the City is good for the public in that higher standards in respect of suitability testing can be maintained and it is clear a lot of drivers and would be drivers want to be licensed by this authority.
- 4.3 It is equally clear if nothing is done, driver applications will increasingly go elsewhere and Birmingham drivers could become a minority in their own city. Attempting to maintain the current test in the prevailing circumstances is not a viable alternative.

5. Revising the Test

- 5.1 The first recommendation is to remove the A to Z exercise as this has become more of an aptitude test than a language test, the trading standards training course has shown that people with language difficulties can be coached to pass this element but still fail the question element, which requires a very basic understanding of licence conditions and private hire legislation applicable to the role.
- 5.2 The second recommendation is to move from one to one testing to multiple candidate testing. It is possible to conduct a test at the licensing office using the current facilities for up to ten candidates at a time. It may even be possible to increase this number if another facility is used but this would only be done gradually to ensure the effectiveness of the test was not compromised.

- 5.3 Potentially all the candidates due to take a test in a week could be processed in a single day. Officers estimate if three tests were conducted each day using the new format and 8 to 10 candidates were accommodated in each test, then the outstanding backlog of candidates could be cleared in as little as six weeks.
- 5.4 Once the backlog has cleared it is anticipated that new candidates could be processed in two or three sessions per week, effectively reducing waiting times and making more efficient use of available resources.
- 5.5 The third proposal and one which is necessary to conduct multiple candidate tests, is to conduct testing using a multiple choice format. Most of the current bank of questions lend themselves to multiple choice format and those few which do not can be rephrased or replaced as necessary.
- 5.6 Sample tests have been produced and tested. The answers are in a standard multiple choice format with four optional answers. Four answer papers have been devised for each test, in such a way that candidates sitting next to each other have different answer papers, and whilst the questions are of course the same, as is the correct answer, the order and position of the correct answer changes. This will then limit the possibility of passing by cheating. If a candidate copies his neighbour who has answered the question correctly, the cheat must get the wrong answer. This format also minimises the possibility of coaching in the test. If one person indicates the correct answer by some discreet signal, three out of four who copy him must fail the test.
- 5.7 The questions will be asked in plain English, verbally by the tester. The question will be repeated again after 30 seconds. Anyone who does not understand the question due to language difficulties has less than a 25% chance of passing purely through lucky guesses.
- 5.8 The inevitable result of conducting testing in this fashion is a reduced capacity to identify candidates with poor spoken English skills. It is unfortunate but potentially less harmful in the long term than sticking to a one to one testing regime which ensures a majority of potential candidates seek a licence with another authority.

6 Introducing The Test

- 6.1 Removal of the A-Z element should remove the biggest area of difficulty, without removing the requirement to study and understand information relating to applicable Licensing Law and Conditions of Licence.
- 6.2 An explanatory document containing the legal elements is already available for download as a PDF file from the Birmingham City Council web site along with the conditions of licence. This will remain applicable to the amended test and need not be revised, beyond amendment to the outline of how testing is conducted.

6.3 Copies of the current explanatory document and the licence conditions are attached as appendices 2 and 3. All the information required to pass the revised test is included in those documents.

6.4 Officers are confident the revised test can be put in place immediately, if members agree to the proposed amendments.

7. Implications for Resources

7.1 Replacement of the existing knowledge test with a less challenging regime is likely to result in an increase in the number of new applications and additional demand for appointments. This in turn could see increased pressure on the licensing service which has moved to smaller premises and reduced staff numbers since the introduction of the original test in 2010.

7.2 Moving from a one to one test basis to a multiple test delivery system will lead to greater efficiency and will reduce costs. The tests are currently charged at a rate which is less than the cost of delivery. Greater efficiency will mean this differential will be lower.

8. Implications for Policy Priorities

8.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed private hire drivers are safe and suitable to serve both citizens and visitors to the city.

9. Public Sector Equality Duty

9.1 Applicants for a private hire driver's licence will continue to be required to attend disability awareness training at the Disability Resource Centre. Therefore, the proposed changes to the Knowledge Test will still ensure that drivers are equipped to deal appropriately with passengers with disabilities and will be trained to recognise safeguarding issues. The proposals in the report require candidates to demonstrate an understanding of their licence conditions and licensing legislation. The ability or inability of an applicant to demonstrate this knowledge does not relate to or depend on any protected characteristics under the Equalities Act 2010. For these reasons officers do not consider it necessary to conduct an Equalities Impact Needs Assessment to accompany this report.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

APPENDIX 1

1. A to Z Test	Pages 98 & 99 Smethwick
Find Reservoir Road, Oldbury	5A 98 Five others in index
Find Cambridge Road, Smethwick	2E 99 Two others in index. This one marked – Not continuous
Give directions from Reservoir Road, Oldbury 5A 98 to Cambridge Road, Smethwick 2E 99	Reservoir Road to island. First exit at island, Londonderry Road to next island. Second exit into Queens Road. Right into Holly Lane. Right at St Pauls Road. Left into Fenton Street. Over island into Telford Way. Right, third exit into Dartmouth Road. Left into Halfords Lane and right into Cambridge Road
Follow directions from Hadley Stadium 6E 99	Start Hadley Stadium. Turn left. (Waterloo Road) Take first right onto a main road. (Bearwood Road) Travel onto next named road through one-way section. (High Street) At the end of this road turn right. (Tollhouse Way) At the next B class road turn left. (Soho Street) Turn right at the end of this short road. (Rabone Lane) Take the second left. (Cornwall Road) Go over the crossroads. (Mornington Road) At the end of this road turn right. Middlemore Road) What is the name of the Railway Station along this road? The Hawthorns 1F 99
Name the school in 2A 98	George Betts Primary School
Name premises in 4D 98	Harry Mitchell Leisure Centre

2. Customer service questions

1. When may you take a route other than the shortest?
2. How should you calculate the fare?
3. If a receipt is requested, what information should be included?
4. If a journey is 4.7 miles, using the fare table provided, tell me how much the fare will be? How much change would you give me from £10?
5. When may you use a radio or play music in your private hire car?
6. What should you ensure is of a good standard in order to make sure your passengers have a pleasant journey?

3. Licence condition questions

1. How many private hire cars can rank outside any given premises?
2. What must you do if you are convicted or cautioned for an offence?
3. How soon must you report an illness, which prevents you from driving or requires you to notify the DVLA, to the Licensing Office?
4. If you lose your private hire driver's badge what must you do?
5. If you find property which has been left in the vehicle, what should you do?
6. What action can be taken against you, if you are found to be in breach of your Private Hire Driver's licence conditions?
7. When can you remove the licence plates/door signs from your licensed private hire vehicle?

4. Legal questions

1. Who is responsible for a child of 13 wearing the seatbelt in a Private Hire Vehicle when they are accompanied by their parent?
2. When are you allowed to smoke in a Private Hire Vehicle?
3. When can a private hire vehicle be driven in a bus lane?
4. Your operator has a free-phone by the door of a nightclub. You are waiting for your next job, when a customer from the premises asks you if you can take them home. What do you do?
5. You are the owner and licensed proprietor of a private hire car, it is insured for Social, Domestic and Business use, including private hire. Who else can drive your car?
6. You have just dropped a fare outside a social club when somebody comes out and asks you to take them to the city centre. What do you do?
7. When arriving to collect a fare from outside a pub, you cannot see him. How do you make contact with him?

5. Plying questions

1. What details should you receive from your operator, before you pick up a passenger?
2. If you pick up a passenger whose details have not been passed to you by your operator, what will happen to your insurance?
3. If you are caught plying for hire and invalidating your insurance what is likely to happen to you?
4. If you are convicted for plying for hire and invalidating your insurance, what is likely to happen to your private hire driver's licence?

PRIVATE HIRE DRIVERS CONDITIONS OF LICENCE

INTRODUCTION

The Private Hire Driver's Licence is granted to you subject to you complying with the following conditions of licence. Failure to comply with any of the conditions could lead to a prosecution and/or your licence being suspended, revoked or not renewed by a Licensing Sub Committee.

CONDITIONS

FEEES

1. The licence is granted on condition that all fees due to the Licensing Office in respect of its grant are payable, in full, prior to the commencement of the licence.

DETAILS TO BE REPORTED

2. If you are cautioned or convicted for any offence or you receive an endorsement for a motoring offence, including an endorseable fixed penalty, you must report the details, in writing, to the Licensing Office within **7 days**. In the case of a motoring endorsement you do not need to wait for your licence to be returned from the DVLA.
- 3) If you apply for or hold any hackney carriage or private hire operator, vehicle or driver licence(s) with any other council you must inform the Licensing Office, in writing and within **7 days**, of any application being refused or licence(s) being suspended or revoked and provide the following information:
 - i. The name of the council.
 - ii. The licence number(s) of the licence(s) suspended or revoked.
 - iii. The date of the decision.
 - iv. A copy of the decision notice issued by the other council giving the grounds for the action taken.
4. If the private hire vehicle you use is damaged in an accident or otherwise you must report the details of any damage to the vehicle, in writing, to the Licensing Office within **3 days** of the damage occurring.
5. If you change your address at any time you must inform the Licensing Office, in writing, within **7 days**.
6. If you have any illness or medical condition that prevents you from driving or requires you to notify the DVLA, you must notify the Licensing Office, in writing, within **3 days**.
7. If you decide to work for an operator different from that supplied at the time of your licence application, then before commencing work with the new operator, you must notify the Licensing Office, in writing, with details of your previous operator, new operator, new call sign and start date.

8. If your private hire driver's badge is lost or stolen, you must inform the Police and obtain a Police report number, which must be reported to the Licensing Office within **3 days**.

DRIVERS BADGE

9. Your private hire driver's badge, which is issued to you with the licence, must be worn at all times in such a position and manner so as to be plainly and distinctly visible to passengers.
10. Your private hire driver's badge remains the property of the Council and should your licence expire, be suspended, revoked or not renewed, you must return your private hire driver's badge within **7 days**.
11. You must not willfully obstruct or refuse any person from viewing your private hire badge or taking the number of your badge.

VEHICLE IDENTITY PLATES & SIGNAGE (See Appendix A)

12. The only plates and signs to be displayed on or in a private hire vehicle are those referred to in the Conditions for Private Hire Vehicles (See Appendix A), namely:
 - a) The private hire front and rear identity plates, the "Advance Bookings Only" sign and the Private Hire semi-permanent rear door signs, which are issued by the Licensing Office.
 - b) The Operator identification door signs, call signs and Fare Table issued by your operating company.
 - c) The "No Smoking" signs.

With the exception to the Conditions for Private Hire Vehicles relating to "ADVERTISEMENTS", no other plates or signs other than those referred to above may be exhibited or displayed on or in the vehicle without the written approval of the Licensing Office.

13. The private hire vehicle you use must display the identity plates and signage in accordance with the Conditions for Private Hire Vehicles (See Appendix A) and in the locations specified. These plates and signs may only be displayed on private hire vehicles licensed by Birmingham City Council. You must not cause or permit the plates or signs to be placed on any other vehicle.
14. The vehicles private hire identity plates specify the maximum number of passengers allowed to be carried at any one time. You must not allow more than the stated number of passengers to be carried at any one time.
15. Your private hire vehicle must display the Fare Table issued by the private hire operator in a prominent position inside the vehicle so as to be clearly visible to any passenger.
16. All fares charged must be calculated using your operators Fare Table.

DOCUMENTATION TO BE MAINTAINED FOR VEHICLES USED

17. You must ensure that prior to driving any private hire vehicle you are in possession of the following:
 - a) A current Mot Certificate for the vehicle (issued by a testing centre approved by the Licensing Office).
 - b) A current insurance certificate, policy of insurance or cover note covering your use of the vehicle for the purpose of private hire.
18. If there are exceptional reasons which prevent you from maintaining or ensuring "continuous" insurance cover for the private hire vehicle you use, FOR WHATEVER REASON, throughout the duration of the time you are in possession of it, you must attend and notify the Licensing Office, in writing, within 3 days following the insurance cover expiring or lapsing. At the same time you must return the vehicle identification plates as the vehicle will be liable to suspension until insurance cover is produced.
19. You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection by an authorised officer at any time.

DOCUMENTATION FOR YOUR OPERATOR

20. Before commencing work for an operator, you must provide them with either the originals or copies of your private hire driver's licence or badge, your private hire vehicles licence or plate, a current MOT and insurance certificate/cover note.

MAINTENANCE OF VEHICLES

21. The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.
22. The interior of the vehicle shall be kept clean and tidy at all times when the vehicle is in use or available for hire. The exterior of the vehicle to be clean at all such times, having due regard to the weather conditions on the day.

BOOKINGS

23. You must not **PLY FOR HIRE** or accept any booking, which is not made via your operator.
24. You must not tout or solicit any person to hire or be carried for hire in any private hire vehicle or cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.

25. You must not respond to any booking from your operator unless you are given:
- a) The passenger's name.
 - b) The time and point of pick up.
 - c) The destination.
 - d) The fare (if applicable).
26. Mobile phones must not be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, or accepting bookings.
27. You must not, via any means, pass details of any booking or passenger you have agreed to carry to your operator.
28. You must not accept a return booking directly from a passenger.
29. You must not park in such a position or location to be in the vicinity of premises such as bars, restaurants, takeaways, public houses, clubs, hotels, casino's, gaming and amusement arcades, which could give the appearance of being available for hire unless you have been allocated a booking by your operator.

CONDUCT OF DRIVER

30. You must:-
- a) Have a good standard of personal hygiene, be clean and respectable in your appearance and behave in a civil and orderly manner at all times whilst your vehicle is in use or available for hire.
 - b) Not congregate with more than 2 other private hire drivers/vehicles in residential areas and cause a nuisance by your parking, noise or activities whilst waiting to be allocated a booking.
 - c) Not park or wait in your vehicle on a Hackney Carriage Stand – "Taxi Rank".
 - d) Ensure that when booked, you are in attendance with the vehicle at the appointed time and place unless delayed or prevented by some sufficient cause.
 - e) Not use the horn to signal the vehicle's presence to any passenger(s) awaiting the vehicle.
 - f) Convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in moving luggage to and from the entrance of any premises where you collect or set down your passenger(s).
 - g) Take all reasonable steps to assist with and ensure the safety of your passenger(s) when entering, being conveyed in and alighting from your vehicle.
 - h) Unless otherwise directed by your passenger(s), proceed to the destination by the shortest possible route.
 - i) Not smoke **at any time** within your private hire vehicle or permit any other person to do so.
 - j) Not eat or drink in your vehicle whilst carrying a passenger.
 - k) Not without the express consent of your passenger(s) play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

- l) Not cause or permit the noise emitted by any radio or previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- m) Not demand a fare in excess of any previously agreed for that hiring. If no fare has been previously agreed then you must not demand a fare in excess of that prescribed by your operators fare table displayed in the vehicle. If the vehicle is fitted with a meter and no fare has been previously agreed then you must not demand a fare in excess of that shown on the meter.
- n) If requested to do so by your passenger(s), provide a written receipt for any fare paid, on stationery bearing the name of your operator, which includes your call sign, details of the journey and the fare paid.

LOST PROPERTY

- 31. You must immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may have been accidentally left therein.
- 32. Any property accidentally left in a private hire vehicle must be handed in to a West Midlands Police Station as soon as possible, and in any event, within 3 days of the property being found and a receipt for such property obtained. A copy of the receipt must be provided to the Licensing Office within 7 days of its issue.

METERS

- 33. Should a meter be fitted to the private hire vehicle you use it must be tested, sealed and certified by an authorised officer before it can be used for calculating fares for passengers.
- 34. You must not tamper with or permit any other person to tamper with the meter, its fittings, connections or seal without the written approval of the Licensing Office.

ASSISTANCE DOGS & WHEELCHAIR USERS

- 35. You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by a guide dog or assistance dog. If you have a medical exemption from carrying dogs, then this must be obtained in writing from the Licensing Office and be maintained in the vehicle at all times for production to passengers or inspection by an authorised officer.
- 36. You must not make any additional charge for the carriage of a guide or assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability.

GUIDANCE NOTES

If you have any difficulty in understanding the implications of any of the above conditions, please let the Licensing Office know immediately so that arrangements can be made to assist you in that respect.

If you are aggrieved by any of the conditions attached to this licence you may make an application for exemption from them and attend a hearing before the Licensing Sub Committee, alternatively you can appeal to a Magistrates Court within 21 days of the service of this licence on you.

ADVISORY

The Equality Act 2010 brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site (www.equalityhumanrights.com) gives examples of best practice.

Smoke Free Legislation

Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles. Appropriate 'No Smoking' signage must be displayed in the vehicle. Furthermore, any enclosed premise that is used as a workplace or is used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to www.smokefreengland.co.uk