

REPORT ON THE IMPACT OF THE DEREGULATION ACT ON AVDC

1 Purpose

- 1.1 To draw attention to Members of Licensing Committee the impact of the Deregulation Act 2015 on AVDC.

2 Recommendations/for decision

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| <ol style="list-style-type: none">2.1 To note the impact of the Deregulation Act 2015 on the Council's licensing services;2.2 To endorse the requirement in respect to applicants who reside outside of AVDC to obtain a satisfactory check from their home authority;2.3 To introduce an English language test for all applicants for a private hire and hackney carriage driver licence;2.4 To consider the introduction of a local knowledge test for all applicants for a private hire and hackney carriage driver licence, who reside outside of AVDC. |
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3 Supporting information

- 3.1 In October 2015 the Deregulation Act introduced an amendment to the Local Government (Miscellaneous Provisions) Act 1976 which effectively changed the rules in relation to sub-contracting work outside of the controlled district i.e. AVDC. Previously operators could only sub-contract bookings within the controlled district. However the Deregulation Act now allows operators to sub-contract bookings to licensed operators outside of the controlled district.
- 3.2 This change in the law has had a significant impact on the licensing services of AVDC and resulted in a large increase in driver applications from people who do not reside within the Vale. It appears that some operators are taking advantage of this change in legislation to circumnavigate the obtaining of licences in neighbouring authorities. Some of these applicants have been refused licences by their 'home authority' on the basis of failing a local knowledge or English language test. As these pre-requisites are absent in AVDC some individuals have obtained licences with AVDC and allegedly now operate in their home authority, much to the frustration of their respective licensing authority.
- 3.3 The change in legislation is to permit private hire businesses to grow beyond the boundaries of their respective licensing authorities. However the law requires the sub-contracted booking to be accepted in the district that the sub-contractor is licensed within. This is not always easily verifiable with the use of smart phones, Apps and virtual offices.
- 3.4 Take the example of perhaps the fastest growing private hire provider in the UK, Uber. Customers choose a vehicle via an App on their mobile phone and where they want to be picked up from. Upon requesting the booking Uber accepts it and Uber servers in the USA locate the nearest available vehicle of the type requested by the customer. The servers then send the accepted booking to the Smartphone of the driver, who has 15 seconds to accept the booking. If he does not accept it the servers sends the booking to the Smartphone of the driver of the next nearest vehicle to the customer. When the driver takes on the booking, he is sent all the relevant details including the

location. He can contact the customer via the Driver App but not via the customer's mobile number. The customer is also sent by the Customer App details of the driver, car and estimated time of arrival.

- 3.5 With the use of new technology the strict legal position has become ambiguous and no doubt will be subject to various interpretations until such time as the courts decide. In the meantime some operators have embraced the change in legislation in a constructive and professional way to meet an increased demand for on-line and Mobile App delivered bookings and payments. They have invested in new technology which effectively better manages their drivers and provides more detailed records for licensing authorities. This change in legislation may in the fullness of time expand a new breed of private hire businesses and bring the private hire and taxi industry into the 21st century.
- 3.6 For the moment, however it does pose difficulties for both AVDC and her neighbouring authorities. The principle concern of this Council is 'are these applicants fit and proper persons?'. All applicants are subjected to the same processes irrespective of where they live and assessed in accordance with the Council's policy on criminal conduct and unacceptable behaviour. In addition, any applicant residing outside of the Vale is subject to a further check with their home authority to determine whether they have held a licence and if they have been subject to any regulatory sanction.
- 3.7 However some of our neighbouring authorities have expressed concerns at the time and resource implications of processing requests from AVDC. Consequently applications from outside of AVDC are taking a considerable length of time to process. Nevertheless these local authority checks are considered reasonable and proportionate given that they have from time to time revealed unsuitable applicants. Members are asked to endorse the necessity of these checks.
- 3.8 The abundance of applications from other authorities has highlighted the importance of a National database of taxi drivers . To date, however little progress has been made. Discussion with other local authorities has revealed opportunities to at least develop a local database. Some of the Bedfordshire authorities already have a regional database extending into neighbouring counties which could be extended further into Thames valley. Officers are investigating and Members will be kept informed of developments.
- 3.9 It is also suggested that AVDC introduce an English language test, something that Members have already shown considerable support for. Attached as Appendix 1 is a draft example. Member are also asked whether a local knowledge test should be introduced for applicants that do not reside within the Vale. It is hoped that examples of other authority knowledge tests will be made available at Licensing Committee.
- 3.10 In the meantime officers are working in establishing joint warranting arrangements with neighbouring authorities to ensure enforcement outside of the Vale, together with enforcement protocols.

4 Options considered

- 4.1 Alternatively the onus could be placed on neighbouring authorities to take action.

5 Reasons for Recommendation

- 5.1 To ensure all applicants who do not reside within AVDC are fit and proper and have a local knowledge of the area and that all drivers have a basic command of the English language.

6 Resource implications

- 6.1 Resource implications are unknown at this time. However the increase in applications has resulted in considerably more income than budgeted.

Contact Officer Peter Seal x 5083
Background Documents De-Regulation Act 2015



Taxi Licensing **English Language Assessment**

Instructions for English Language Assessments for new applicants for Hackney Carriage and Private Hire Drivers' Licences

This English Language Assessment is a test for all new applicants for Hackney Carriage and Private Hire Drivers' Licences. Applicants will be required to demonstrate a basic level of proficiency in oral and written English and the ability to accurately give change in sterling. This is being implemented to ensure that drivers are capable of :

- a) Conversing with their passengers to the extent of understanding required destinations or other normal requests.
- b) Providing a customer with the correct change from a note of higher value than the given fare.
- c) Providing a legibly written receipt upon request.

The assessment will be conducted verbally by an officer of the Council and should take no longer than 15 minutes.

Before the assessment commences, the officer concerned will confirm the identity of the applicant.

The assessment should be conducted in a manner that is relatively informal in order to put the applicant at ease. The result of the assessment should be a strict pass or fail. This will be communicated to the applicant after the test and then confirmed in writing. The assessment is to assess the ability of the applicant to complete the tasks set. Minor spelling mistakes and mispronunciations are acceptable. Applicants should be expected to answer all questions correctly but the achievement of a PASS mark is possible in cases other than this where, in the judgement of the interviewing officer, the applicant has the basic standard of English being assessed. Plain paper should also be made available to the applicant to use for rough calculations etc.

The decision of the person undertaking the assessment is final. Those who have not attained a PASS mark in the English Language Assessment will not normally be granted a Private Hire or Hackney Carriage Driver's Licence. Unsuccessful applicants then have a right of appeal to the Magistrates' Court against the grant of a Licence.

If the applicant received a FAIL mark they should be given details of courses which are available locally to improve their English.

A bank of questions should be built up and rotated on a regular basis, examples below.

1. Can you read and write English? YES / NO
(If the answer is 'NO' then the test must be terminated)

2. Please tell me:
(The officer taking the test should write the answers in, below, to the following)
 - a) Your Full name & address: _____

 - b) Your Doctor's name & address: _____

3. Now please write in English the following (Applicant to complete):
 - a) What is the school your children attend (if applicable):

(If the applicant does not have children at a school, then the following should be asked)

 - b) Write the name of a school locally:

 - c) Where does your family go for grocery shopping?:

4. Please calculate the correct change to be provided to a customer against the money offered: (The fare should be given in denominations of **10p's** e.g. **£4.30** and the officer taking the test should write the answer in, below, to the following)
 - a) 'The fare for a journey is, for example, **£4.80**. The customer pays with a **£10** note. How much change should you give him?

Answer: _____

 - b) ' The fare for a journey is, for example, **£3.80**. The customer pays with **two £2 coins**. What change should he be given?

Answer: _____

5. I would like you to write out a receipt, this should be signed by you and have your company's, contact details on and the officer taking the test should write the answer in, below, to the following:
e.g. Received from J. Smith £3.50. fare from Midland Rd, Bedford to Wentworth Drive, Bedford signed XYZ Taxis

Please write your answer in the space below.

(The officer taking the test should attach, in the space below, what example was used)

6. The Officer should then give the applicant 5 road names from the list below and the applicant be asked to identify them in the list. The Officer should indicate which addresses were asked for.

State which numbers were asked for: _____

Street Names

1. Abbey Road	16. Fair Mile	31. Jackson Road	46. O'Grady Way
2. Alexander Road	17. Foskett Way	32. Keats Close	47. Orchard Way
3. Ardenham Lane	18. Friarscroft Way	33. Kerr Place	48. Parson's Fee
4. Battersby Mews	19. Garside Way	34. Kilner Road	49. Pearson Close
5. Belgrave Road	20. Goosen Green	35. Larch Close	50. Pebble Lane
6. Bicester Road	21. Granville Street	36. Lansdowne Road	51. Queen's Park
7. Cam Mead	22. Hampden Gardens	37. Leach Road	52. Quarrendon Avenue
8. Cambridge Street	23. Hanover Close	38. Melford Green	53. Rabans Close
9. Cedar Close	24. Hereford Way	39. Middle Road	54. Reading Close
10. Ditchingham Close	25. Ingram Avenue	40. Miles End	55. Simmons Court
11. Dormer Close	26. Iris Close	41. Nappin Close	56. Temple Street
12. Dunsham Lane	27. Ivinghoe View	42. Nene Close	57. Upper Abbots Hill
13. Edison Road	28. Jakeman Way	43. Narbeth Drive	58. Vincent Road
14. Eleanor Gardens	29. Jenner Road	44. Oak Green	59. Walton Green
15. Essex Place	30. Jasmine Close	45. Orwell Drive	60. Young Close

7. Please tell me what you understand by the following 5 licence conditions:
(The Officer should indicate which licence conditions were asked)

Condition Number	Understood	Comments
_____	Yes / No	_____
_____	Yes / No	_____
_____	Yes / No	_____
_____	Yes / No	_____
_____	Yes / No	_____