

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the LICENSING AND REGULATION COMMITTEE held on 3 DECEMBER 2009

PRESENT:	Councillor	G P Peters	- Chairman
	"	Mrs I A Darby	- Vice-Chairman
	Councillor	Miss P A Appleby	
	"	Mrs V Head	
	"	L A Hodgkinson	
	"	P M Jones	
	"	D Meacock	
	"	S A Patel	
	"	J S Ryman	
	"	D C Schofield	
	"	G E Sussum	

APOLOGIES FOR ABSENCE were received from Councillors Mrs E L Bamford, Mrs J A Burton and D J Lacey.

10. MINUTES

The Minutes of the meetings held on 22 October 2009 were agreed by the Committee and signed by the Chairman as a correct record.

11. DECLARATION OF INTERESTS

There were no declarations of interest.

12. AMENDMENT TO CURRENT TAXI LICENSING PROCEDURES

The report before the Committee, detailed proposals in several areas that had been identified during a review of the licensing system, conducted as part of the Council's aim to deliver efficient and effective customer services. Members' considered the recommendations individually in the order they were listed in the report.

Knowledge Test

The Committee stressed the need for tests to be invigilated and Councillor Meacock opined that the use of multiple choice questions in knowledge tests advantaged the participant because the correct answer was displayed on the screen. Councillor Sussum added that multiple choice questions theoretically made it possible for applicants to pass the test through a random selection of the available options, rather than demonstrating sufficient knowledge on the area being tested.

A sample of the current paper knowledge test was circulated to Members and the Committee were given a demonstration of the sample electronic knowledge test. The Licensing Officer reassured Members that the proposed knowledge test required the participant to enter a series of security information including their National Insurance number. This enabled the test software to prevent participants from re-sitting the test within a specified period of time. It was noted that some authorities also restricted the number of test attempts drivers' could make. Drivers would also be required to provide photographic identification that would be checked prior to them sitting the test. It was proposed that Customer Services would operate and invigilate the tests on an appointment only basis. The proposed location of the test computer was near the Duty Planning Officer where distractions would be limited.

In response to a number of questions from the Committee the Licensing Officer detailed the following key features of the electronic knowledge test:

- The software ensured that participants would be required to answer different questions during retests;
- All the participant's answers to questions would be logged enabling officers to audit the answers to all tests carried out;
- Participants were able to review their answers before completing the test;
- Individual questions could be added or altered by officers;
- Drivers could be required to answer certain questions correctly in order to pass the test;
- Questions could be grouped into different sections;
- Sections of questions could be weighted according to their importance;
- The software also enabled officers to record participant's answers and monitor where participants were frequently getting questions wrong.

The Committee then considered the proposal to introduce a charge of £25 for the re-sitting of knowledge tests, following the completion of the first test. A list detailing the fees charged by Local Authorities for the first and subsequent tests was circulated to Members at the meeting for comparison purposes.

The Committee were advised that if they were minded to introduce a charge in excess of £25, the Council would be required to advertise this in the local media for a specified period. The same procedure would need to be followed if it was agreed that a fee would also be introduced for the initial test, although the recommendation in the report did not propose this. It was anticipated that the proposed charge for re-tests would be introduced during January 2010. However, any increase above £25 would delay the roll out due to the requirement to advertise in the local media.

The Committee indicated their support for the introduction of the £25 charge and also stressed the need to review this figure regularly in the future. It was also felt that integration with other Councils should be looked into. The Licensing Officer, in response stated that each Local Authority had individual licensing policies and this meant it was not possible, at present, to integrate the system with other Councils. Whilst there was some degree of similarity between test questions from one Council to another, questions regarding licensing policy were not interchangeable between authorities and this meant

drivers applying to one authority would need to sit a test with questions specific to licensing policy at the Council they had applied to.

Councillor Mrs V Head was concerned that some drivers may not be computer literate and would therefore find it difficult to complete the test, despite possessing the necessary knowledge to pass the test.

The Licensing Officer reassured Members that during the research of the various test systems available, the proposed software was looked at from the perspective of an individual unfamiliar with a computer. The test software was demonstrated as easy to use and it was thought even those individuals without previous computer experience would be able to complete the test using the preferred software. The test would only be carried out by new drivers who would have been required to sit similar computer based tests to obtain their full UK driving licence. The Legal Services Manager advised that the Council would not be open to criticism regarding potential discrimination because Customer Services would also be available to provide assistance to drivers who were not computer literate.

The Licensing Officer reported in response to a question from the Committee, that taxi drivers were asked to comment on the proposal during their licence renewal and the feedback received had overwhelmingly supported the proposal. The proposal had also been displayed on the Council website; and, taxi operators and new drivers were informed directly.

Councillor Jones felt that a limited amount of officer time would be saved as a result of the introduction of the proposal and stressed that the test should also include an assessment to ensure the drivers' standard of spoken English was acceptable. The Licensing Officer reported that taxi drivers had not supported any proposal to introduce an assessment regarding drivers' proficiency in spoken English as this was not considered proportionate. The introduction of the language assessment would also require officers to possess the relevant qualifications in order to be able to assess language proficiency and this would require officers to undergo additional training.

The Committee were advised that the current paper knowledge test pass levels were: 10/10 for section one – licensing policy; 20/30 for section two – hackney carriage based questions; 30/35 for section three – route based questions. It was confirmed that the Council had provisionally secured a favourable service level agreement with the software provider which allowed officers to amend questions and make changes to the time limit once the test software had been introduced. The automation of the test would also allow drivers to know the results immediately upon completion of the test and this was identified as a significant improvement to the current written test in place. The current written test was available in four different papers, each with a different set of questions. This currently made it possible for drivers who re-sat tests on a number of occasions to receive the same set of questions. However, the proposed software picked questions from a question pool, thereby preventing drivers from being asked the same question more than once.

The Committee noted that the recommendation contained in the report, which related to the provision of training courses for drivers, had been amended. The Committee were now asked to agree in principle to the provision of training sessions based on full cost recovery for drivers seeking to take a knowledge test. Councillor Peters added that the proposed provision for training for drivers would be an additional service as the Council did not currently provide training for drivers.

Councillor Meacock supported the provision of training provided this was based on full cost recovery from the drivers. He also felt that officer time involved in the organisation of the training should be factored into the charge.

RESOLVED –

- 1. That the procedure for knowledge tests be updated and improved through the use of an electronic testing system.**
- 2. That a charge of £25 be introduced for the re-sitting of knowledge tests after the completion of an initial test.**
- 3. That in principle, training sessions be provided for drivers to support them to pass their knowledge tests at the first occasion, with any charges made based on a full cost recovery basis.**

Note: Councillor D Meacock entered the meeting at 6.34pm.

Hackney Carriage and Private Vehicle Testing Stations

The Committee were advised that the proposed service level agreement envisaged an agreement with three partner garages, rather than the seven currently in place. It was anticipated that this would result in an improvement to the quality of tests and increase uniformity between the test stations. The test stations would check other items in addition to those carried out during the current compliance test and the Council would look to formalise this arrangement with the test stations. The current arrangement in place also required officers to carry out a separate visual check on the vehicle, which led to increased costs for the Council. The proposal looked to remove this process, by allowing the garages to carry out this check simultaneously with the compliance testing. It was also proposed that the current procedure be automated in a number of areas to allow drivers and operators to apply for the vehicle test on the internet and enable test stations to print test certificates on the day the test had been undertaken.

Members felt that the proposals were timely, but stressed that it was important for the partner garages to be accessible to drivers and that a complaints procedure be available to drivers. The Licensing Officer reported that partner garages would offer a drop in service where drivers could wait at the garage whilst the test was carried out, or they could drop off the vehicle and collect it at a later time. The Licensing Officer was confident that drivers' needs would be met through the proposed arrangements. It was noted that the vast majority

of drivers chose to have their vehicles tested at garages in Chesham. The partner garages would be assessed and selected through several criteria including; charges, availability, flexibility and vehicle ramp access.

The current system did not provide drivers with an official complaint procedure. However, the contract with the partner garages would include a clause to require garages to implement a formal complaint procedure. In addition to this, agreements with the garages would be for a fixed duration and the renewal would be subject to performance.

RESOLVED –

That the nomination of Hackney Carriage and Private Hire Vehicle Testing Stations be conducted through the tender process.

Rolling Year Renewal of Hackney Carriage and Private Hire Licences

The current system of licence renewals placed a heavy strain on Customer Services, Administration staff and the Finance section during the period between August and September each year through the preparation of licensing renewal packs. This also meant the taxi drivers were required to remain available during the renewal period. Taxi operators were required under the current system to pay for all vehicle licences at the same time, which placed financial pressure upon taxi operators. The proposal to introduce the rolling year renewal would reduce pressure on the Council; remove the need to employ temporary staff during this period and would work well with the introduction of internet renewals.

During the renewal period in October 2009, drivers and operators were surveyed on the proposal to introduce the rolling year renewal for taxi licences. The responses received were supportive of the proposal. The introduction of the proposal would involve a phased approach where vehicle licences would be migrated to rolling renewal first, with drivers licences renewed second and operator licences in the final stage.

The Committee suggested that operators be given the opportunity to renew a number of licences in a single application. The Licensing Officer reported that once the proposal had been implemented the capacity released would be used to review the introduction of the online application facility. This included a facility to allow applicants to specify the renewal date. However, there was a legal requirement to restrict the maximum duration of the licence to one year. The proposal aimed primarily to release capacity, provide financial savings and introduce procedures that would support the taxi trade.

RESOLVED –

That the issuing of all Hackney Carriage and Private Hire licences be migrated in a staged manner to a rolling year procedure.

13. **GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES**

The Gambling Act 2005 required local authorities to prepare and publish a Statement of Principles for determining applications, and to review that policy every three years. As such, a review of the Statement of Principles had been undertaken in light of relatively small changes to the legislation and Government guidance.

Members recalled that the draft Statement of Principles was initially considered by the Committee at the last meeting held on 22 October 2009. Since this meeting the Cabinet, Community and Environment Overview Committee, and external bodies had been consulted. During the consultation Members had stressed that there needed to be a flexible approach to considering whether a person was an interested party. Members also felt that the definition of an interested party should include the impact on those who may not be in the immediate locality of the application.

The consultation period had now ended and the Committee were asked to consider the amended Statement of Principles.

RESOLVED -

That the amended Statement of Principles be noted.

AND RECOMMENDED -

That the amended Statement of Principles be approved by Full Council.

The meeting closed at 7.48pm