

PERTH AND KINROSS COUNCIL

Licensing Committee

18 February 2021

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

Amendment to Taxi and Private Hire Drivers' Knowledge Test Licensing Condition

Report by Head of Legal & Governance Services (Report No. 21/19)

PURPOSE OF REPORT

The purpose of this report is to seek approval for a further amendment of the licensing condition which requires applicants for Private Hire Car Drivers' and Taxi Car Drivers' licences to pass a knowledge test. This is required due to the ongoing barriers to carrying out the knowledge test during the coronavirus pandemic.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Council, as Licensing Authority, regulates civic licensing under the Civic Government (Scotland) Act 1982.
- 1.2 On 26 October 2017 the Committee approved the introduction of a knowledge test by amending the Standard Conditions for Taxi and Private Hire Drivers to include a requirement that the knowledge test be passed prior to grant of licence (report 17/349 refers).
- 1.3 Since March 2020, it has not been possible to deliver the knowledge test which requires personal attendance at the Council office. This is because of coronavirus and the public health restrictions in place. On 11 June 2020 (report 20/101 refers) Committee approved an amendment to the knowledge test condition by allowing a licence to be issued without completion of the knowledge test. Instead, completion of the test is required within 9 months of grant of the licence. This enabled new licences to be issued during the coronavirus pandemic.
- 1.4 Due to ongoing coronavirus restrictions, all knowledge tests continue to be suspended for safety reasons. Alternative options for carrying out the test have been explored; however none were suitable, either because of the demand it would place on resources, or because it was not possible to ensure the integrity of the test being done online.

2. PROPOSALS

- 2.1 Coronavirus restrictions remain in force and are likely to be in force for some time to come. Rather than seek a further extension to the time limit within which a knowledge test must be passed, a more flexible solution is required, which will allow for the test to be resumed when safe to do so. It is unlikely to be safe until coronavirus restrictions are significantly relaxed. It is unclear when this may be the case, and therefore this more flexible solution is needed.
- 2.2 It is proposed that the Head of Legal and Governance Services be authorised to determine when it is appropriate to resume the test for both new applicants and existing licensees who have been granted their licence during the restrictions but have not yet sat the test. The condition relating to the knowledge test would require to be amended temporarily to permit this.
- 2.3 It is proposed that condition one of the Standard Conditions for Taxi and Private Hire Drivers Licence dated November 2017 be amended with the text in italics substituted so that it reads:
- “The holder of a taxi or private hire driver’s licence will be required to undertake a test on matters relating to the operation of a taxi or private hire vehicle as the Council considers desirable, *at a time required by the Council either before or after grant of the licence*”.
- 2.4 It is also proposed that the Head of Legal and Governance Services reports back to Committee once plans are in place for the test to resume.

3 CONCLUSION AND RECOMMENDATION(S)

- 3.1 It is recommended that the committee agrees that:
- (i) Condition one of the Standard Conditions for Taxi and Private Hire Drivers Licence dated November 2017 be amended so that it reads:

“The holder of a taxi or private hire driver’s licence will be required to undertake a test on matters relating to the operation of a taxi or private hire vehicle as the Council considers desirable, *at a time required by the Council either before or after grant of the licence*”; and
 - (ii) the Head of Legal and Governance Services be asked to report back to Committee once plans are in place for the test to resume.

Author(s)

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Approved

Name	Designation	Date
Sarah Rodger	Legal Manager	25 January 2021

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	None
Corporate Plan	None
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	Yes
Risk	None
Consultation	
Internal	None
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan/Single Outcome Agreement
Not applicable.

Corporate Plan
Not applicable.

2. Resource Implications

Financial

2.1 None

Workforce

2.2 None

2.3 Asset Management (land, property, IT)

Not applicable

3. Assessments

3.1 Equality Impact Assessment

The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **not relevant** for the purposes of EqIA

3.2 Strategic Environmental Assessment

Not applicable

3.3 Sustainability

Not applicable

3.4 Legal and Governance

The proposals comply with the provisions of the Civic Government (Scotland) Act 1982.

3.5 Risk

Not applicable

4. Consultation

4.1 Internal

None

4.2 External

None

5. Communication

Communications Plan

5.1 Not applicable

6. BACKGROUND PAPERS

Not applicable

7. APPENDICES

None