

Licensing and Regulatory Committee



Forest Heath
District Council

Title of Report:	Training for Private Hire and Hackney Carriage Licence Holders
Report No:	LIC/FH/16/004
Report to and date/s:	Licensing Committee - 10 November 2014 Report No LIC14/374 Licensing and Regulatory Committee – 23 May 2016
Portfolio holder:	Councillor James Waters Portfolio Holder for Planning and Growth Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk
Lead officer:	Sheila Gowans Licensing Officer Tel: 01638 719369 Email: sheila.gowans@westsuffolk.gov.uk
Purpose of report:	To seek Member endorsement in professionalising and increasing the knowledge of the drivers we licence using an effective training tool which also offers a recognised qualification
Recommendation:	It is recommended that Members: <ol style="list-style-type: none">1. Note the contents of the report and support the change in requirements for new drivers to complete the BTEC Level 2 Certificate, subject to consultation; and2. Support the change in requirements for all current drivers to complete the BTEC Level 2 Certificate (within a timeframe to be set) subject to consultation.

Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>		<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:		<ul style="list-style-type: none"> To be carried out 	
Alternative option(s):		<ul style="list-style-type: none"> None applicable 	
Implications:			
<i>Are there any financial implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> Within budget 	
<i>Are there any staffing implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> Planned work with current resources 	
<i>Are there any ICT implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See body of report 	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> No impact identified 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Implementing any policy or code which fails to meet current legislative or good practice requirements could leave this Licensing Authority open to a challenge.	High	Ensuring relevant licence holders are informed of the changes.	Medium
Ward(s) affected:		All	

<p>Background papers: <i>(all background papers are to be published on the website and a link included)</i></p>	<p>Local Government Association: Taxi and PHV Licensing – Councillors’ Handbook http://www.local.gov.uk/documents/10180/6869714/L15-87+Councillor+Handbook+-+Taxi+and+PHV+Licensing_06.pdf/c73bec4b-cd31-4bcd-be2c-f5fe3e87b4f4</p> <p>Town Police Clauses Act 1847 http://www.legislation.gov.uk/ukpga/Vict/10-11/89</p> <p>Local Government (Miscellaneous Provisions) Act 1976 http://www.legislation.gov.uk/ukpga/1976/57</p> <p>Example BTEC Syllabus http://qualifications.pearson.com/content/dam/pdf/btec-specialist/BA029037-BTEC-L2-Intro-to-the-Role-of-the-Professional-Taxi-and-Private-Hire-Driver-Issue2.pdf</p>
<p>Documents attached:</p>	<p>Appendix 1 – Proposal from West Suffolk College (exempt document)</p>

1.0 Key issues and reasons for recommendation(s)

- 1.1 Taxis (Hackney Carriages) and Private Hire Vehicles (PHVs) are vital to our communities, providing essential transport links for many. The Local Government Association Taxi and PHV Licensing – Councillors’ Handbook, states that elected members, are responsible for ensuring the public travel safely and receive a good level of service, and that the council systems attract good, reputable drivers.
- 1.2 There have been recent examples nationally, that Members will be aware of concerning licensed drivers, vehicles and operators being involved in the sexual exploitation of children. Taxis and PHVs are regularly used to transport children during the school run. Elderly and disabled users also rely heavily on the door-to-door service taxis and PHVs provide, as it is often the only way for many residents to access local services. Clearly, drivers must therefore command the highest level of confidence before they can be entrusted with this responsibility. It is essential that this responsibility is taken seriously to determine whether someone is a ‘fit and proper’ person to hold a licence.
- 1.3 Sections 51, 57 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act) collectively bar a Council from granting either a Hackney Carriage or Private Hire Driver’s Licence to an applicant unless the Council is sure that the applicant is a “fit and proper person” to hold such a licence. Furthermore, existing drivers must act in a way as to satisfy the council that they continue to be ‘fit and proper’ to hold a licence.

- 1.4 Under these provisions the Council's "fit and proper person" test currently includes the following:
- Criminal records check via the Disclosure and Barring Service (DBS);
 - Driving history check via the Driver and Vehicle Licensing Authority (DVLA);
 - Medical Check via the applicant's own General Practitioner;
 - Successful completion of the a Driving Standards Agency (DSA) assessment for hackney carriage/private hire drivers; or the Institute of Advanced Motorists (IAM) Advanced Driver test; or Royal Society of Prevention of Accidents (RoSPA) Advanced Driver test.
- 1.5 Recently officers have investigated more complaints relating to the conduct of drivers, both existing and recently licensed. Whilst these have been isolated cases it has highlighted a need to improve the knowledge, training and skills of the licensed drivers and new applicants and the current prerequisites are considered insufficient.
- 1.6 Many Local Authorities now require drivers, both new and existing to obtain a qualification or pass their own in house tests. If our standards for drivers are seen to be lower than other councils, we are in danger of being seen as an easy council and attracting the drivers that fail to obtain a licence elsewhere. This would be detrimental to the area and the councils reputation.
- 1.7 In order to improve standards, professionalism and customer care and thereby reduce and prevent complaints from members of the public. We want to professionalise and increase the knowledge of the drivers we licence using an effective training tool which also offers a recognised qualification. After research into various methods of testing/training including in-house delivered options we propose an externally recognised qualification delivered by the West Suffolk College.
- 1.8 The Department of Transport endorses the introduction of qualifications in its 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010) which states, 'there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades'. Many Local Authorities now require all drivers to obtain a qualification.
- 1.9 We propose that all drivers obtain a BTEC Level 2 qualification – Introduction to the Role of the Professional Taxi and Private Hire Driver.
- 1.10 The BTEC course is designed to develop, support and enhance the knowledge of prospective or existing drivers and will help begin or develop careers in transporting passengers. For West Suffolk it will also ensure that drivers are better qualified than neighbouring areas; may support local drivers securing more contracts and returning customers; and help support the local economy through greater visitor and customer satisfaction which in turn may support return visits to West Suffolk.
- 1.11 The course covers a range of topics which include:
- Unit 1: Health and safety in the taxi and private hire work environment
 - Unit 2: Road safety when driving passengers in a taxi or private hire

vehicle

- Unit 3: Professional customer service in the taxi and private hire industry
- Unit 4: Taxi and private hire vehicle maintenance and safety
- Inspections
- Unit 5: The regulatory framework of the taxi and private hire industry
- Unit 6: Taxi and private hire services for passengers who require assistance
- Unit 7: Routes and fares in the taxi and private hire vehicle industries
- Unit 8: Transporting of parcels, luggage and other items in the taxi and private hire industries
- Unit 9: Transporting of children and young persons by taxi or private hire vehicle

2.0 **Safeguarding and Disability Awareness**

- 2.1 Since April 2015, the Business Regulation and Licensing Manager for the West Suffolk Councils, has acted as the licensing lead for Suffolk on the Exploited Children Strategic Group which brings together a number of related work streams. The purpose of the group is to support the Suffolk Local Safeguarding Children's Board (LSCB), in fulfilling its statutory duty to monitor and evaluate the effectiveness of what is done by the Local Authority and Board partners, individually and collectively, to safeguard and promote the welfare of children and advise them on ways to improve. It also ensures there is a multi-agency response to the identification and safeguarding of vulnerable children and young people and the risks they may encounter.
- 2.2 A key strategic priority of the group and the LSCB is to raise awareness of what child exploitation is and what risk factors may indicate that a child or young person is being abused or at risk of abuse in a number of areas including the hackney carriage and private hire trade.
- 2.3 To support this awareness, information materials have been developed, however face to face training is key to ensuring that all drivers fully appreciate the signs and symptoms and what actions they can take to alert the appropriate agencies.
- 2.4 Working with the West Suffolk College, we would be able to ensure that safeguarding training is also incorporated into the BTEC delivery.
- 2.5 Additionally, the BTEC will offer suitable disability awareness training for all drivers, not just those who drive adapted vehicles.

3.0 **Implementation of the BTEC**

- 3.1 Officers propose that all new applicants be required to complete the course prior to application for a licence from the council. This would be in addition to the requirements listed in paragraph 1.4 above.
- 3.2 Officers also propose that all existing drivers would be given at least a year to obtain the BTEC level 2 qualification. After that date all driver renewal applications would require the qualification prior to licence renewal. West Suffolk has approximately 600 licensed drivers, of which approximately 200 are licensed by Forest Heath District Council.

- 3.3 Applicants and existing drivers would be responsible for arranging to attend a course directly. Following consultation with the West Suffolk College a proposal has been produced which can be found at Appendix 1.
- 3.4 Applicants will be expected to fund the course directly, however in certain circumstances some central government funding may be available.
- 3.5 Members are being requested to support a consultation process with a view to introducing a mandatory qualification and as a sensible enhancement to ensure that the Council only licence professional drivers who are 'fit and proper' in all aspects.