

# Licensing and Regulatory Committee



Forest Heath  
District Council

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| <b>Title of Report:</b>     | <b>Training for Hackney Carriage and Private Hire Vehicle Drivers</b>  |  |
| <b>Report No:</b>           | <b>LIC/FH/16/006</b>   |  |
| <b>Report to and dates:</b> | <b>Meeting 1</b>   | Licensing & Regulatory Committee 10 October 2016 |
|                             | <b>Meeting 2</b>   | Cabinet 13 December 2016                         |
|                             | <b>Meeting 3</b>   | Council 21 December 2016                         |
| <b>Portfolio holder:</b>    | Councillor Lance Stanbury<br>Cabinet Member for Planning & Growth<br><b>Tel:</b> 07970 947704<br><b>Email:</b> <a href="mailto:lance.stanbury@forest-heath.gov.uk">lance.stanbury@forest-heath.gov.uk</a>  |  |
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| <b>Purpose of report:</b>   | The purpose of this report is to present the results of the consultation on whether a Business & Technology Education Council (BTEC) Level 2 qualification should be implemented for all new and existing Hackney Carriage and Private Hire Vehicle Drivers.   |  |
| <b>Recommendation:</b>      | <p>Since this proposal represents a change in policy regarding the licensing of Hackney Carriage and Private Hire Vehicle Drivers:</p> <p><b>It is recommended that , subject to the approval of Cabinet and Council, the results of the recent consultation with Hackney Carriage, Private Hire Vehicle Drivers and taxi customers, on the proposal to adopt a BTEC Level 2 Certificate 'Introduction to the role of the professional taxi and private hire driver' for all new and existing drivers be noted and:</b></p> <p><b>(i) The change in requirements for all new drivers to complete the BTEC Level 2 Certificate be approved ; and</b></p> <p><b>(ii) The change in requirements for all current drivers to complete the BTEC Level 2 Certificate (within a timeframe to be set) be approved.</b></p> |  |

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| <b>Key Decision:</b>  | <i>Is this a Key Decision and, if so, under which definition?</i><br>No, it is not a Key Decision - <input checked="" type="checkbox"/>   |  |  |
| <b>Consultation:</b>  | <ul style="list-style-type: none"> <li>Completed</li> </ul>   |  |  |
| <b>Alternative option(s):</b>   | <p>i) Do nothing. It would be possible not to implement the requirements for training, however, this would mean that taxi and private hire drivers were not trained to a consistent standard in health and safety, road safety, customer service, vehicle maintenance and safety, regulatory framework, disability awareness and assistance, fares, carrying of luggage and transporting of children and vulnerable people.</p> <p>ii) Only require taxi and private hire drivers to undergo safeguarding training. However, this would mean that drivers were not trained in the other topics referred to above.</p> |  |  |
| <b>Implications:</b>  |   |  |  |
| <i>Are there any <b>financial</b> implications?<br/>If yes, please give details</i>       | Yes <input type="checkbox"/>  | No <input checked="" type="checkbox"/>   | <ul style="list-style-type: none"> <li>Within budget</li> </ul>                          |
| <i>Are there any <b>staffing</b> implications?<br/>If yes, please give details</i>        | Yes <input type="checkbox"/>  | No <input checked="" type="checkbox"/>   | <ul style="list-style-type: none"> <li>Planned work with current resources</li> </ul>    |
| <i>Are there any <b>ICT</b> implications?</i>   | Yes <input type="checkbox"/>  | No <input checked="" type="checkbox"/>   |  |
| <i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i> | Yes <input checked="" type="checkbox"/>   | No <input type="checkbox"/>  | <ul style="list-style-type: none"> <li>See body of report</li> </ul>                     |
| <i>Are there any <b>equality</b> implications?<br/>If yes, please give details</i>        | Yes <input checked="" type="checkbox"/>   | No <input type="checkbox"/>  | <ul style="list-style-type: none"> <li>See body of report. See body of report</li> </ul> |
| <b>Risk/opportunity assessment:</b>   |   | <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i> |  |
| <b>Risk area</b>  | <b>Inherent level of risk</b> (before controls)   | <b>Controls</b>  | <b>Residual risk</b> (after controls)  |
|   | Low/Medium/ High*   |  | Low/Medium/ High*  |

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| By implementing the requirements, there is a risk that drivers will suffer hardship through loss of earnings and the course fee. | Medium | The council has reduced the cost of the training through liaison with West Suffolk College. By allowing drivers two years to undertake the training, the cash flow implications have been spread over a longer period. Training can be delivered at a range of locations across West Suffolk to reduce travel time for drivers. | Low |
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| By not implementing the requirements, there is a risk that current increase in driver-behaviour related complaints being experienced by the Council will be maintained and possibly increase putting additional unbudgeted demand on the Licensing Enforcement service. | High | Implementing the BTEC will set a consistent standard as a preventative measure aimed at reducing complaints related to driver behaviour and poorer performance.  | Medium |
| <b>Ward(s) affected:</b>  |      | All  |        |
| <b>Background papers:</b><br><i>(all background papers are to be published on the website and a link included)</i>  |      | See attached   |        |
| <b>Documents attached:</b>  |      | Appendix 1 – Driver testing required by other local authorities identified during our research<br><br>Appendix 2 – Content of the BTEC<br><br>Appendix 3 – Summary findings of external consultation<br><br>Appendix 4 – Safeguarding and disability awareness |        |

## **1. Key issues and reasons for recommendation**

- 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 Forest Heath District Council's 'fit and proper person' test currently includes the following:

- Criminal records check with the Disclosure and Barring Service (DBS);
  - Driving history check with the Driver and Vehicle Licensing Authority (DVLA);
  - Medical Check with the applicant's own General Practitioner; and
- 1.5
- Successful completion of one of the following tests:
    - the driving assessment for Hackney Carriage/Private Hire drivers (Roadsafe);or
    - the Institute of Advanced Motorists (IAM) Advanced Driver test; or
    - Royal Society of Prevention of Accidents (RoSPA) Advanced Driver test
    - Driving Test with the DVSA.

1.6

Although there are many extremely competent and professional drivers in West Suffolk, the statistical and anecdotal evidence gathered by Officers, reflected in the consultation referred to below, highlight the need to improve the knowledge and professionalism of both new entrants and existing drivers.

This is resulting in Officers having to investigate more complaints relating to the conduct of drivers, both existing and recently licensed.

1.7

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 already require drivers, both new and existing, to obtain a formally recognised qualification or pass local authority own in-house tests and it is understood that this trend will continue inevitably so that local authorities ensure that drivers are 'fit and proper' (Appendix 1 refers).

1.8

If the requirements for driver registration in the Borough were set lower than neighbouring Councils, we could run the risk of attracting drivers with lower standards of behaviour and customer care than elsewhere. This would be detrimental to the local economy, potentially put passengers at risk of harm and could adversely impact the Council's reputation with its residents and visiting tourists.

1.9

Following extensive research into various methods of testing and training, including in-house delivered options, Officers concluded that the best option is to include an externally recognised qualification in our requirements for driver registration. Therefore, in May 2016 this Committee considered a

1.10

proposal that all drivers must obtain an appropriately scoped BTEC Level 2 qualification (Report LIC/SE/16/003 refers). The content of the proposed qualification is set out in Appendix 2.

1.11

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. It is our ambition that this will ensure that drivers are better qualified than neighbouring areas, will help local drivers to secure more contracts and return customers and will support the local economy through greater visitor and customer satisfaction which in turn will lead to greater numbers of return visits to West Suffolk.

1.12 This Committee approved a recommendation to adopt the BTEC qualification as a requirement of new and ongoing driver registration in the District, subject to undertaking external consultation. A similar decision was taken by St Edmundsbury Borough Council.

## **2. Consultation findings & analysis**

2.1 External consultation was undertaken over July and August 2016. Both the taxi trade (Hackney Carriage and Private Hire Vehicle) and the general public, as users of the service offered across West Suffolk, were consulted through online questionnaires with paper versions available on request. E-mails, letters to taxis operators and key stakeholders, and social media were used to communicate the consultation along with press release through the local press media. The consultation invited comments generally on the proposal along with more specific questions focussing on the possible course content using ratings of importance and giving respondents opportunities to provide comments.

2.2 Twenty-six out of a potential 600 registered drivers across West Suffolk completed the survey, while 78 members of the public completed the user survey. A summary of the responses is given in Appendix 3.

2.3 Key findings are shown below from the taxi driver survey:

**In principle, do you think that taxi and private hire drivers should complete additional training in the form of a BTEC Level 2 prior to becoming a driver?**



**In principle, do you think that existing taxi and private hire drivers should complete additional training in the form of a BTEC Level 2?**



2.4 Key findings are shown below from the taxi user survey:

**In principle, do you think that taxi and private hire drivers should complete additional training in the form of a BTEC Level 2 prior to becoming a driver?**



**In principle, do you think that existing taxi and private hire drivers should complete additional training in the form of a BTEC Level 2?**



- 2.5 A range of comments were received in response to both surveys. Both the Yes/No survey results and associated comments generally reflected the type of respondent (i.e. existing taxi driver or user) in as much as the responding taxi drivers generally disagreed with the proposal to introduce the BTEC especially for existing drivers, while customers were overwhelmingly supportive of the proposal for all drivers.
- 2.6 Having reviewed the results of the consultation in the light of research of how other local authorities are addressing driver standards as well as trends in complaints about poorer behaviour, Officers are convinced that the BTEC offers the best means of setting a performance standard for existing and new drivers. It is further considered that this will result in improved standards of customer care and levels of safeguarding for vulnerable people, a key priority with both customers and agencies across Suffolk (Appendix 4 refers). It is also considered that introducing the BTEC should help to reduce complaints from members of the public.
- 2.7 It is clear from the driver survey that the trade is concerned about unnecessary regulatory burden and how this would affect their livelihoods. Officers wish to maintain a level playing field of regulation, hence it is our view that in the long term all registered drivers should meet the same requirements with some grand parenting period for existing drivers. In a competitive market, bringing up the professional standards of registered drivers has to be seen as one way of gaining competitive edge over those wishing to enter the market.
- 2.8 Should the Committee approve the recommendations, Officers will prepare and implement a communications plan aimed at explaining the reasons for the changes in requirements to key audiences including the existing drivers and the general public.

### **3. Implementing the BTEC**

- 3.1 It is proposed that all **new** applicants will be required to complete the BTEC level 2 qualification prior to applying for a licence in West Suffolk. This would be in addition to the requirements listed in paragraph 1.4 above. Some of the requirements can be removed from this list if the BTEC qualification is implemented.
- 3.2 It is proposed that all **existing** drivers will be given two years to obtain the BTEC qualification from the date of the requirement being introduced which we suggest for planning purposes to be January 2017. After that two year period all applications to renew a Hackney Carriage or PHV driver licence would require the qualification to have been completed prior to the renewal being granted. Licences are renewed every three years at which time each drivers registration is reviewed against the requirements listed in paragraph 1.4 and in addition this would include a driver holding the BTE qualification.
- 3.3 Following research of the training market, a suitable local provider has been identified. The course content set out in Appendix 2 would be delivered within 18 hours of contact time, with flexibility of delivery to minimise the potential impact on driver earnings. The provider has indicated that the course could be delivered at different times and be offered at various locations across West Suffolk to help reduce attendee travel time and cost.

- 3.4 Our research of other local authorities requiring the BTEC has revealed that, typically, the course costs £295-£500 per student. Following negotiations with the Councils' preferred provider, a discounted cost of £250 is proposed. If the scheme is approved by members, the course cost will be paid by the drivers directly to the college with neither Council receiving any financial benefit.
- 3.5 During the discussion by the Committee in May 2016, concerns were raised about placing this additional financial burden on existing drivers. The question was raised about whether the Councils could provide funding the courses or whether any opportunities for cost reduction could be identified. Providing the course free of charge to drivers has been considered. However, the combined cost to the Councils in West Suffolk would be in the region of £150,000 to £180,000 with no current budget provision.
- 3.6 An English test will be included as part of the BTEC to establish the participant's ability to complete the qualification. Any participants who struggle with English can apply for a free English course before or during their BTEC.
- 3.7 Most Councils currently require at least the Driver/Vehicle Standards Agency (DVSA/DSA) practical driving test. However, the DVSA has recently announced its intention to withdraw this service at the end of 2016. Other training providers are available at a higher cost, around £90 per participant, than the DVSA. Officers have been able to negotiate with the proposed training provider to include this test alongside the BTEC qualification for a fee of £40, which is less than half the current cost.

#### **4. Other options considered**

- 4.1 As shown in Appendix 1, a significant proportion of local authorities requiring some sort of driver performance tests have chosen to use the BTEC qualification as their standard. Furthermore, recent discussions with neighbouring local authorities has revealed their intention to adopt similar standards or the BTEC qualification.
- 4.2 **Do nothing**  
For the reasons given previously, this would mean that taxi and private hire drivers were not trained to a consistent standard in health and safety, road safety, customer service, vehicle maintenance and safety, regulatory framework, disability awareness and assistance, fares, carrying of luggage and transporting of children and vulnerable people. It would also result in the Councils in West Suffolk being out of step with the increasing number of licensing bodies across England and Wales who have either adopted or considering the adoption of similar standards.
- 4.3 **Requiring a lower standard**  
A condensed version of the BTEC could be offered at a lower cost to existing drivers while requiring new entrants to take the BTEC. However, Officers remain convinced that the BTEC offers the most appropriately scoped, nationally recognised qualification to address both our concerns and the concerns of the general public as expressed in the survey.