

# Cabinet



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Recommendations of the Licensing and Regulatory Committee 11 October 2016: Training Requirement for Hackney Carriage and Private Hire Vehicle Drivers</b>	
<b>Report No:</b>	<b>CAB/SE/16/063</b>	
<b>Report to and date:</b>	<b>Cabinet</b>	8 December 2016
	<b>Council</b>	20 December 2016
<b>Portfolio holder:</b>	Alaric Pugh Portfolio Holder for Planning and Growth <b>Tel:</b> 07930 460899 <b>Email:</b> <a href="mailto:alaric.pugh@stedsbc.gov.uk">alaric.pugh@stedsbc.gov.uk</a>	
<b>Chairman of the Committee:</b>	Frank Warby Licensing and Regulatory Committee <b>Tel:</b> 01284 704138 <b>Email:</b> <a href="mailto:frank.warby@stedsbc.gov.uk">frank.warby@stedsbc.gov.uk</a>	
<b>Lead Officer:</b>	Peter Gudde Service Manager Environmental Health <b>Tel:</b> 01284 757042 <b>Email:</b> <a href="mailto:peter.gudde@westsuffolk.gov.uk">peter.gudde@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	<p>On 11 October 2016 the Licensing and Regulatory Committee considered the following substantive items of business:</p> <p>(1) St Edmundsbury 2016 Air Quality Status Annual Report and proposal to declare an Air Quality Management Area in Great Barton; and</p> <p>(2) Training for Hackney Carriage and Private Hire Vehicle Drivers.</p> <p>Recommendations emanated from consideration of Item (2) above (Report No: LIC/SE/16/005 refers). This report presented the results of public consultation on whether a requirement for Hackney</p>	

	<p>Carriage/Private Hire Vehicle Drivers to obtain a Business and Technology Education Council (BTEC) Level 2 Qualification should be implemented. As the proposal would be a change of policy final approval of it would be by full Council on the recommendations of Cabinet.</p>
<b>Recommendations:</b>	<p><b>It is <u>RECOMMENDED</u> that, subject to the approval of full Council:</b></p> <ul style="list-style-type: none"> <li><b>(1) the results of the recent consultation with Hackney Carriage/Private Hire Vehicle Drivers and customers on the proposal to adopt a BTEC Level 2 Certificate 'Introduction to the role of Professional Taxi and Private Hire Driver', as detailed in Report No: LIC/SE/16/005, be noted;</b></li> <li><b>(2) the change in requirements for all new drivers to complete the BTEC Level 2 Certificate be adopted; and, additionally</b></li> <li><b>(3)</b> <ul style="list-style-type: none"> <li><b>(a) unless specific circumstances apply as outlined in (3)(b) below, if an existing licensed driver is found to have contravened the Disciplinary Code for Hackney Carriage/Private Hire Vehicles Drivers then he/she be required to obtain the BTEC Level 2 qualification;</b></li> <li><b>(b) (3)(a) be not applied in cases of serious breaches of the Disciplinary Code which result in a decision of the Council revoking the licence of a driver.</b></li> </ul> </li> </ul> <p>Officers further <b><u>RECOMMEND</u> that, subject to the approval of full Council:</b></p> <ul style="list-style-type: none"> <li><b>(4)</b> <ul style="list-style-type: none"> <li><b>(a) instead of the above-mentioned requirements for achieving the BTEC 2 Certificate, existing drivers be required to attend half-day training covering specific issues of concern including safeguarding vulnerable people, assisting customers with disabilities and customer care provided at no cost to attendees; and</b></li> <li><b>(b) the Disciplinary Code for Hackney Carriage/Private Hire Vehicles be amended to reflect that should existing drivers fail to comply with (4)(a) above, this would</b></li> </ul> </li> </ul>

<b>constitute a contravention of this Code, and as a consequence, he/she will be required to obtain the full BTEC Level 2 Certificate referred to in (2) above.</b>			
<b>Key Decision:</b>  (Check the appropriate box and delete all those that <u>do not</u> apply.)	<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"/> As it is a full Council decision		
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• See Report No: LIC/SE/16/005</li> </ul>		
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>• See paragraph 1.2.2 below</li> </ul>		
<b>Implications:</b>			
Are there any <b>financial</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>• See Report No: LIC/SE/16/005</li> </ul>		
Are there any <b>staffing</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>• See Report No: LIC/SE/16/005</li> </ul>		
Are there any <b>ICT</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>• See Report No: LIC/SE/16/005</li> </ul>		
Are there any <b>legal and/or policy</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>• See Report No: LIC/SE/16/005</li> </ul>		
Are there any <b>equality</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>• See Report No: LIC/SE/16/005</li> </ul>		
<b>Risk/opportunity assessment:</b>  (potential hazards or opportunities affecting corporate, service or project objectives)			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
See Report No: LIC/SE/16/005			
<b>Wards affected:</b>		All Wards	
<b>Background papers:</b>		Report No: <a href="#">LIC/SE/16/005</a>	
<b>Documents attached:</b>		None	

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

### **1.1 Key Issues**

- 1.1.1 The Local Government (Miscellaneous Provisions) Act 1976 places a duty upon the Council as the Licensing Authority to ensure that an applicant for a driver's licence was a 'fit and proper person' to hold such a licence and that existing drivers acted in a way as to satisfy the Council that they continued to be 'fit and proper' to hold a licence. Listed in paragraph 1.4 of Report No: LIC/SE/16/005 were the existing requirements of the Council's 'fit and proper' test. Whilst there were many extremely competent and professional drivers in West Suffolk there was statistical and anecdotal evidence to support the need for improved standards and knowledge. The Department of Transport in a publication '*Taxi and Private Hire Vehicle Licensing: Best Practice Guidance*' March 2010 had endorsed the introduction of qualifications in licensing authority regimes. Appendix 1 of the report listed other local authorities nationally that had introduced a requirement for formally recognised qualifications or in house tests as a prerequisite to the grant of a licence. When considering this matter at its meeting on 17 May 2016 the Committee had accepted that the appropriate form for the qualification would be based on BTEC Level 2. The proposed syllabus for this qualification was contained as Appendix 2.
- 1.1.2 External consultation with the taxi trade and the general public, as users, had been carried out on the proposal over July and August 2016. 26 out of a potential 600 registered drivers across West Suffolk and 78 members of the public completed respective surveys. A summary of the responses was included as Appendix 3. Generally, from the responses received it was apparent that drivers disagreed with the proposal that the BTEC qualification should apply to existing drivers because of concerns about their livelihoods whereas the indications from customers were overwhelmingly supportive of such a requirement.

### **1.2 Consideration of the proposal**

- 1.2.1 During the Public Participation session earlier in the Committee's meeting, two representatives of a taxi firm operating in the Borough had expressed their objections and raised various points in relation to the proposal. All points were responded to by officers under the main item of consideration of this matter.
- 1.2.2 The Committee was advised that the fee for the course, which would be provided by the West Suffolk College, was £250 after discount and payable to the college. The time involved in attending the course would be 18 hours and this could be tailored so as to be at different times and locations to accommodate the needs of attendees. An alternative condensed training package could be offered over a half day at a discounted price of £35. This would deal with the salient points of each of the modules and those attending who met the required standard of knowledge would receive a certificate. To offset the situation that the Driver/Vehicle Standards Agency had decided to withdraw its practical driving test, an alternative had been negotiated with the West Suffolk College whereby a driving test would be available alongside the BTEC course at a separate fee of £40. This compared to around £90 charged by other commercial providers.

- 1.2.3 In discussing the proposal Members were of the view that it was acceptable to require new applicants for licences to obtain the qualification but it would be onerous to place the expectation on existing drivers, particularly if they had held their licence for a long period of years without incident or complaint. However, it was acknowledged that in situations where an existing licence holder had breached the Disciplinary Code an appropriate sanction, depending on the circumstances, might be for him/her to be required to obtain the qualification.
- 1.2.4 Subsequent research by your officers has confirmed that the half day course referred to in 1.2.2 above would cover safeguarding of vulnerable people, customer care and assisting customers with disabilities. Given the specific responses that your officers have received from local safeguarding bodies, such training is becoming essential to meet their needs. This course could be offered at no cost to participants thus addressing the principal concern of existing taxis drivers and Members of the Committee, that being cost. The further recommendations provided in (4)(a) and (b) of page 2 of this report are therefore provided by officers for additional consideration to those proposed by the Committee.