

COMMITTEE: LICENSING & REGULATORY REF NO: LR/18/01

DATE: 13 JUNE 2018

**SUBJECT: REVIEW OF APPLICATION CRITERIA FOR
HACKNEY CARRIAGE/PRIVATE HIRE
DRIVERS LICENCES**

PORTFOLIO HOLDER: COUNCILLOR A ROSS

HEAD OF SERVICE: IAN BLOFIELD

Short description of report content and the decision requested:

This reports details the current application process for new applicants for hackney carriage or private hire drivers licences and proposes introducing a training course with East Suffolk College as part of the application criteria.

Ward(s) affected:

All

List of Appendices included in this report:

a) Appendix 1 – Overview of the proposed course

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This report was prepared after consultation with:

Internal consultees

Legal Services

Head of Service

External consultees

Hackney Carriage trade representatives in Ipswich

Private Hire Operators licensed in Ipswich

The following policies form a context to this report:

(all relevant policies must also be referred to in the body of the report)

Building a Better Ipswich 2017

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(papers relied on to write the report but which are not published and do not contain exempt information)

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| <p>1. Report to Licensing and Regulatory Committee 02/03/17 report reference LR/16/17</p> |
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OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

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| <p>1.</p> |
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1. Introduction

- 1.1 When considering applications for hackney carriage and private hire vehicle driver's licences, the Council must be satisfied that the applicant is a fit and proper person to be granted a licence. No definition is offered of this term, and the Council's discretion is wide-ranging.
- 1.2 On 2 March 2017 the Committee determined that all new and current holders of hackney carriage or private hire driver's licences would need to attend a training course on child sexual exploitation, disability and dementia awareness. Any driver who failed to attend the course would have their licence suspended until such time as they have completed the course. The company who provided this training was Skills UK Ltd.
- 1.3 Officers had been in discussion with East Suffolk College with a view to it introducing a training course for applicants for taxi and private hire drivers' licence and it was originally proposed to include this as part of the introduction of a Taxi Licensing Policy later in 2018. However, the Council has now been informed by Skills UK Ltd that it has ceased trading and an alternative training option is required immediately.

2. Background

- 2.1 The current application process for a new applicant for a hackney carriage or private hire driver's licence is:
 - i) An Enhanced DBS check;
 - ii) Immigration status check;
 - iii) English Test;
 - iv) Knowledge Test;
 - v) CSE, dementia and disability awareness training;
 - vi) Driving Assessment;
 - vii) Medical examination.
- 2.2 The knowledge tests are on the conditions of licence, essentially the law which needs to be followed, and on the local geography and it is very rare that an applicant passes these first time. On average the number of tests taken before a pass is 4.
- 2.3 Officers had noted that West Suffolk Council (St Edmundsbury and Forest Heath District Councils) had, in conjunction with West Suffolk College, introduced a training course for all new applicants for taxi and private hire driver's licences and approached East Suffolk College with a view to it introducing a similar course for Ipswich.
- 2.4 The college was very receptive to this concept and is willing to introduce a training course, named 'Introduction to the Role of the Professional Taxi and Private Hire Driver' and a copy of the course

detail is attached as Appendix A to this report. This course is identical to the BTEC course of the same name, however, to keep the cost of the course as low as possible, the course will not be BTEC accredited. Applicants will instead receive a certificate endorsed by the Council and the College.

- 2.5 It is a 2 day course, covering the following elements and involves an assessment at the end of the course;
- Health and Safety in the taxi and private hire work environment
 - Road safety when driving passengers in a taxi or private hire vehicle
 - Professional customer service in the taxi and private hire industry
 - Taxi and private hire vehicle maintenance and safety inspections
 - The regulatory framework of the taxi and private hire industry
 - Taxi and private hire services for passengers who require assistance
 - Routes and fares in the taxi and private hire vehicle industries
 - Transporting of parcels, luggage and other items in the taxi and private hire industries
 - Transporting of children and young persons by taxi or private hire vehicles
- 2.6 The cost of the course will be £160 and courses will be run every 6 to 8 weeks. Under the current system the cost of an English test is £35, a knowledge test is £42 for the first test and £25 per re-take, the cost of the CSE course was £100. Therefore, the majority of applicants will pay less by doing this course.
- 2.7 The remaining elements of the application process, e.g. DBS and immigration status check, driving assessment and medical will continue as at present.
- 2.8 It is further suggested that any applicant who passes this course be granted a combined hackney carriage/private hire vehicle driver's licence as the same training course would be required for each type of licence.
- 2.9 Mid-Suffolk and Babergh, Suffolk Coastal and Waveney District Council licensing officers have also been contacted about this course and a wider proposal to have a Suffolk wide standard for taxi and private hire drivers. They are unable to consider this at present due to other priorities, however, it may be possible in the future.
- 2.10 As stated above, a number of drivers had their licences suspended because they had not attended the CSE, dementia and disability awareness training and these have been advised that their licence will be returned once they have attended the course. It is suggested that in the absence of the Skills UK Ltd course, these drivers be required to pass the course through the college before their licences are returned to them.

3. Relevant Policies

- 3.1 Building a Better Ipswich 2017 underlying principle of a strong Ipswich economy of encouraging local companies to supply goods and services to the Council.
- 3.2 And Building a Better Ipswich 2017 underlying principle of working with businesses to ensure safe licensing practices.

4. Options Considered / Under Consideration

- 4.1 Option 1 – Remove the requirement for new applicants to attend CSE, disability and dementia awareness training;

Comment: New drivers entering the taxi and private hire trade would not have the same understanding of CSE, dementia and disability and their role in assisting the vulnerable in society. Drivers who have attended the course may be aggrieved if the requirement was now withdrawn.

Option 2 – Identify an alternative training provider for CSE, dementia and disability awareness.

Comment: The course ran by Skills UK Limited was tailor made to the Council's requirements and no similar courses have been identified so far. It may be possible to have separate courses for these elements, however, the cost would increase because of this.

Option 3 – Introduce the requirement for new applicants to pass the course on the Introduction to the role of the Professional taxi and private hire driver and remove the requirement for English and knowledge tests, and CSE, dementia and disability awareness, as these are incorporated in the course.

Comment: This is the preferred option as it combines the 3 key training elements for applicants to the trade in a cost effective manner.

5. Consultations

- 5.1 The Hackney Carriage trade representatives and all licensed private hire operators were consulted on this proposal.

5.2 3 responses were received and the comments were as follows:

- 1) This sounds like a good idea to me. Anything that standardises and raises standards in the trade is a good thing – Secretary of Ipswich Station Taxi Tenants Association;
- 2) If it helps the customer’s safety and well-being, it must be a good thing. My experience with customers I have transported over the last 23 years is that they do not have the trust in taxi and private hire drivers that they once had. Any training must help with the relationship with customers – Britannia Cabs;
- 3) I think this is going to be the way forward, as long as the course is done by the college and delivered properly – 405 Cab Co.

6. Risk Management

Risk Description	Consequence of risk	Risk Controls	Probability of risk occurring taking account of controls (scale 1-6) 1 – almost impossible 6 – very high	Impact of risk, if it occurred taking account of actions (scale 1 – negligible; 4 – catastrophic)	Actions to mitigate risk
The Council’s requirements for a person to be fit and proper do not meet the required standard	New drivers could potentially break the law or miss a safeguarding risk	Ensure that all drivers are fit and proper people to hold a licence	E	3	Regular review of requirements for new and existing applicants to obtain a licence

7. Environmental Impact Assessment

7.1 There are no environmental impacts associated with this policy review.

8. Equalities and Diversity Implications

8.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do

not.

- 8.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 8.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 8.4 An Equality Impact Screening was undertaken to assess if this report could result in less favorable treatment of some groups, and how this could be mitigated. No negative impact on the equalities groups was foreseen however introduction of this training could create a positive impact on some groups of people who use Hackney Carriage and Private Hire Vehicles.

9. Financial Considerations

- 9.1 There will be a loss in income on the taxi and private hire budget of approximately £6,000, due to the knowledge test fee no longer being chargeable, but this loss of income can be accommodated within existing budgets.

10. Legal Considerations

- 10.1 Hackney Carriage and Private Hire Licensing is a function of the District Council. The statutory powers are contained within the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- 10.2 The Council is required to issue a hackney carriage or private hire vehicle driver's licence provided it is satisfied that the applicant is fit and proper to hold such a licence.
- 10.3 Each Local Authority can determine the criteria by which it can 'measure' if an applicant is fit and proper to hold a licence.

11. Performance Monitoring

- 11.1 If approved, the Guide for applicants for Hackney Carriage and Private Hire Vehicle Driver's Licences will be amended and the revised requirements implemented for any new applicants applying for a licence.

12. Conclusions

- 12.1 The proposed introduction of a training course with East Suffolk College will financially benefit new applicants for licences and contribute towards a Suffolk wide standard for taxi and private hire drivers.
- 12.2 The Committee is asked to consider whether to introduce this training course as a requirement for obtaining a hackney carriage/private hire drivers licence and for those drivers whose licences were suspended for not attending the CSE, dementia and disability awareness training course.

13. Recommendations

- 13.1 That the Committee introduces a training course in the Introduction to the Role of the Professional Taxi and Private Hire Driver in conjunction with East Suffolk College;**
- 13.2 That any new applicant for a hackney carriage/private hire driver's licence be required to produce a pass certificate for the above course, or the same course held at West Suffolk College, before being granted a combined Hackney Carriage and Private Hire Driver's licence, with immediate effect;**
- 13.3 That the requirement for a new applicant to pass an English test, knowledge tests and attend a CSE, dementia and disability awareness course be discontinued with immediate effect;**
- 13.4 That any driver whose licence was suspended or not renewed due to not attending the CSE, dementia and disability awareness training be required to produce a pass certificate for the above course, or the same course held at West Suffolk College, before their licence is returned to them**