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**Report of the: Assistant Chief Executive (Corporate Governance)**

**To the: Licensing and Regulatory Panel**

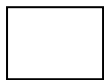
**Date: 2<sup>nd</sup> September 2008**

**Subject: INTRODUCTION OF A PROFESSIONAL KNOWLEDGE TEST FOR PRIVATE HIRE DRIVERS**

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**Electoral Wards Affected:**

All



Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**EXECUTIVE SUMMARY**

This report sets out the training issues which it is considered will improve the professional standards of Private Hire driver's.

The key issues are improved training and the introduction of a knowledge test.

The test will cover the basic areas relevant to driving law (e. g. seat belts), Construction and Use Regulations (tyre tread depths), relevant trade legislation, disability awareness and the Conditions placed upon a licence.

The report considers different options for existing licence holders and new applicants and the administrative processes proposed by Officers.

## **1.0 Purpose Of This Report**

- 1.1 To introduce to Members proposals for the training and testing of Private Hire driver applicants and existing licence holders

## **2.0 Background Information**

- 2.1 The existing knowledge program for applicants applying for a licence consists of a seminar outlining the legislation and licensing Conditions. There is no testing of applicants.
- 2.2 There is evidence of non compliance across a range of issues by existing licence holders which is deliberate but may also be indicative of a general lack of knowledge or willingness to learn.
- 2.3 Members have previously indicated that it would be desirable to introduce a testing regime for Private Hire drivers.
- 2.4 Difficulties have been encountered in acquiring appropriate software to enable the introduction of such a testing facility. The manual testing of driver's was considered inappropriate and time consuming. Appropriate software has now been purchased and the testing program developed by Officers at Taxi and Private Hire Licensing.
- 2.5 Officers who deliver the training seminars would inform Members that there are strong indications of 'an attendance only' mentality amongst a significant proportion of applicants.
- 2.6 It is also the case that a significant percentage of driver's are from outside the district of Leeds and there have been complaints about Private Hire driver's who do not know their way around the city or the land marks of the city to a satisfactory standard.
- 2.7 Existing licence holders are subject to a Condition on their licence in respect of training to expected standards of service. The only available training is the 'attendance seminar' and there is no policy for referral to ensure adequate retraining of driver's.

## **3.0 Main Issues**

- 3.1 The proposed training program (Appendix A) has been trialled over the preceding six weeks on Private Hire driver applicants and the results are illustrated at Appendix B. It should be noted that these results were without the requirement for an applicant to study in their own time prior to undertaking the test and consisted of a narrower range of questions.

- 3.2 The results in the trials were as follows: -

Had the pass mark been set at 90%, 79 (48%) of the 164 taking the test would have passed.

With a lower pass mark of 80%, 109 (66%) would have passed.

Setting the pass mark at 70%, 128 (78%) would have passed.

The full breakdown appears at Appendix B.

- 3.3 It is considered appropriate that the pass mark is set at 90%. In addition to the safety, compliance and standards of service issues, many of the areas of legislation and Conditions are 'strict liability' matters and drivers must be aware of their liability.
- 3.4 It would be beneficial to have a training structure for existing driver's also, which is proportionate and recognises the standard of compliance by the majority of licensed driver's. Such a structure would also enable a positive program of training to be undertaken by those driver's who fall short of the expected standards of compliance, service delivery or knowledge of the district of Leeds on some occasions.
- 3.5 That the necessity for training and testing is proportionate, relevant and achievable to a broad spectrum who are committed to providing a safe and quality service to the traveling public.
- 3.6 The training and materials adequately matches the level of testing and that the pass mark is appropriate to meet the expected levels of safety and service. Members will receive a full overview of the testing program at the Licensing and Regulatory Panel meeting.
- 3.7 That the resource and administration proposals adequately meet the requirements of training delivery and the needs of the trade (Appendix C.)
- 3.8 Disability awareness training needs to be accommodated to comply with Disability Discrimination legislation. It is proposed to deal with this issue by bulk purchasing training DVD's which will be appropriately charged to new applicants at the initial application and to existing licence holders at the point of renewal.
- 3.9 In the event of non compliance to the legislation or Conditions linked to disability issues it is recommended that referrals are made to Council's preferred training provider, the cost of which would be met by the licence holder.

#### **4.0 Implications For Council Policy And Governance**

- 4.1 None.

#### **5.0 Legal, Consultation and Resource Implications**

- 5.1 By virtue of Section 51 (2) of the Local Government (Miscellaneous Provisions) Act, 1976, a Local Authority can impose Conditions upon the grant of a licence and such a training and testing regime as this would be considered such a Condition.
- 5.2 Additionally, once a licence has been granted. An existing licence may be suspended for a variety of reasons, one of which is Section 61 (1) (c), 'any other reasonable cause'. If it was considered there was a requirement to undertake training and a driver was refusing or failed to pass the appropriate training test this Section would enable the Council to take suspension, revocation or refusal to renew action.
- 5.3 In October 2007 the Council's Licensing and Regulatory Panel approved Conditions upon a Private Hire driver's licence and Condition 7 describes a requirement to undertake necessary training if required. In effect, existing drivers have signed up to this Condition upon their licence and this would enable action to be taken against a driver required to undertake such appropriate training.

- 5.4 The training and how it is delivered and tested has been welcomed by Private Hire Operators and Hackney Carriage Associations during the consultation and development process. They regard it as an important step forward in driving up standards within the industry.
- 5.5 There would be a need for wider information to ensure, as far as possible, that all information has been supplied to drivers. This could be achieved by letter to every driver, information in renewal notices, use of Taxi and Private Hire website, media release, flyers to Operator bases and displays on the Sections digital information screens.
- 5.6 A position of 'Training Officer' will be created to deal with this area of work, along with other areas of essential training for the trades. The cost of this position will be passed on to applicants by way of a fee increase which will fall predominately upon new applicants, but also to a lesser degree on those existing Private Hire licence holders at the point of renewal.
- 5.7 'Audit Risk' have overviewed the process and will need to sign off integrity proposals for the administration of the process.
- 5.8 Members are advised that it would be prudent to deal with the Hackney Carriage and Private Hire issues in the same way.
- 5.9 The Council's Equality Team and Thomas Danby College have participated in the trial and they support the training and testing format. They have also supported the concept of the actual program of development for the trades.
- 5.10 The framing of the questions and answers is now being checked by the 'Plain English Group'.

## **6.0 Conclusions**

- 6.1 That matters have been appropriately administered within the terms of the Constitution and that the recommendations are proportionate to public safety and the requirements of the Council in administering its statutory licensing function.

## **7.0 Recommendations**

- 7.1 Members approve the training and testing proposals set out in this report.
- 7.2 Members approve the introduction of this testing regime on new applicants where those applications are received after the date of this formal approval.
- 7.3 Members approve the proposal to require the retraining and testing of existing licence holders in the event of a substantiated public complaint, non compliance to Conditions or a conviction or caution specific to the Local Government (Miscellaneous Provisions) Act, 1976. The Town Police Clauses Act, 1847, or Disability Discrimination Act, which may be reported by a member of the public, a licensed Operator or Officer of the Council. That this requirement would apply to all existing and outstanding complaints and prosecutions.

- 7.4 Members approve the recommendation that disability training be dealt with in the first instance by the supply (at the applicants expense) of the recognised 'GoSkills Disability Awareness' DVD.
- 7.5 Members approve that in the event of a substantiated complaint on a disability issue that drivers be referred to the Council's preferred training organisation for formal training at the licence holders own expense.
- 7.6 Members approve that the policy, procedure and Conditions, along with subsequent amendments to this policy, procedures and Conditions, are carried out under 'Delegated Powers'.
- 7.7 Members note the proposals to offset the cost of this program of work by an appropriate increase in fees on Private Hire driver applications and the retraining of existing licence holders.

## **TRAINING PROGRAM OUTLINE**

The Taxi and Private Hire Section, training and testing scheme in Private Hire geographical skills has been designed to meet the needs of the Council for those Private Hire drivers wishing to work within the Leeds District. The Council requires applicants to show to the authority's satisfaction that they possess a level of:

- (a) knowledge of the law and conditions attached to the grant of a licence.
- (b) knowledge of Leeds District.
- (b) general geographical skills

In consultation with the Private Hire and Hackney Carriage trades in Leeds, this specification has been developed and is considered to represent the appropriate standard of legal and geographical knowledge that a Private Hire driver in Leeds needs to demonstrate in order to obtain a licence.

### **MODULE 1**

#### **Training seminar and testing of knowledge of legislation and Conditions**

This module is designed to assess the fundamental skill of being able to understand the rules and regulation that a candidate is required to show when undertaking the role of a private hire driver. It is considered appropriate that candidates can demonstrate they have understood the legislation and conditions attached to the role of a Private Hire driver.

This can be achieved by requiring candidates to demonstrate under a test environment, their knowledge of the conditions and legislation. It is proposed that the assessment system would be multi choice with the candidate required to achieve a set pass mark of 90%.

### **MODULES 2 & 3**

#### **Geographical test – districts of Leeds and City Centre locations**

These modules require the candidate to identify from test maps key locations situated within the Leeds District.

Both modules require the candidate to identify the location of key districts, tourist and business locations, places of interest and answer a question related to the selected location. It is considered appropriate that candidates can demonstrate the ability to use maps of different scales depending on the type of location. It is proposed that the assessment system would be multi choice with the candidate required to achieve a set pass mark of 90% in each module.

### **MODULE 4**

#### **A to Z questions**

This module requires the candidate to identify various places of interest and landmarks within the Leeds district with the use of an A to Z booklet. It is considered appropriate that the candidates can demonstrate the ability of being able to understand how to use a map, index and grid referencing system.

The assessments for all four modules is conducted by the use of a multi choice testing program, with four possible responses, the candidate having to identify the correct answer.

The delivery of each module is structured in such a way that the instructor/assessor has enabled the applicant to:

- learn effectively
- demonstrate an understanding
- prove the understanding.





**ADMINISTRATION AT POINT OF APPLICATION**

An explanatory note setting out the training and testing process will form part of the application information so that they can make an informed decision prior to formal application and payment of the application fee.

Following formal application they will be supplied with the relevant Conditions, legislation, test maps, A to Z and disability training DVD to study.

They will not be permitted to undertake training and testing for at least one month after formal application and until after they have been successful in the English Comprehension testing by Thomas Danby.

Existing licence holder referrals who are the subject of a suspension process will remain suspended until a successful pass mark is achieved.

Existing licence holder referrals who are not suspended will have a three month time scale to attend and pass and if not achieved consideration will be given to the suspension, revocation or none renewal of the licence.

The test will have a pass mark of 90% on each test area (not collectively marked.)

There will be an automatic fail if the question(s) regarding 'plying for hire' is (are) incorrectly answered.

Priority for attendance at training and testing will be: -

1. New applicants
2. Existing licence holder referrals
3. None pass achieving above 80% in each test area
4. None pass achieving less than 80% in each area

The first re-test following retraining will be cost free. The second and subsequent training and retests will be charged at a rate of £50 (subject to an annual review.)

An application fee remains valid for one year only after the initial application, but will still require an additional CRB check, at their own expense, for any three month period since the last CRB prior to the issuing of the licence.