

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 26 June 2012

Subject: Review of the requirement for all existing licensed Taxi & Private Hire drivers and applicants to undertake NVQ/VRQ assessment

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. In September 2008 the Licensing and Regulatory Panel placed a condition on all existing Hackney Carriage and Private Hire driver licences and new applicants for such licences that they must attain a NVQ/VRQ qualification for road transport passenger skills in the Taxi and Private Hire industry within specified time frames.
2. The training was funded by the Government, but in early 2010 the majority of funding was withdrawn due to the worsening economic situation. Alternative funding solutions were sought but without success.
3. A Licensing Committee Working Group was formed to consider the merits of continuing with training and, if that was the case, the options for how that might be achieved.
4. The Working Group considers there to be value in continuing a form of training and testing and that it should be delivered by Officers by redesigning the existing training program, at cost to new applicants to the trade from this point on, or on existing licence holders in certain circumstances.

Recommendations

- 5.1 That subject to consultation –

- 5.1.1 The existing NVQ/VRQ requirement on all existing drivers or new applicants in the first year of their licence be withdrawn with immediate effect.
- 5.1.2 Officers re-design the training course to mirror those elements of the nationally recognised vocational qualification considered essential by the working group as far as realistically possible. (**Appendix A**).
- 5.1.3 The cost of the training and testing program is met by those applying for a Hackney Carriage or Private Hire driver licence and those referred for training who are existing licence holders.
- 5.1.4 The requirement to undertake the redesigned training program would apply to those applicants whose application was received after the Licensing Committee decision to adopt the new training program.
- 5.1.5 Existing drivers who had not achieved the NVQ/VRQ would only need to meet the new training requirement in the event of a substantiated complaint or conditions breach.
- 5.1.6 Existing drivers who had already attained the NVQ/VRQ would be exempt from the requirement to undertake the new course.
- 5.1.7 A Leeds City Council certificate of attainment be granted to successful applicants on completion of the course.
- 5.1.8 A further report will be submitted to the committee meeting on 16 October 2012 setting out the results of the public consultation and providing full details on resourcing and costs back to the Licensing Committee for determination.

1 Purpose of this report

- 1.1 To explain the background to the previous training requirement and the issue causing the suspension of that training requirement whilst alternative options were considered.
- 1.2 To enable Members to discuss the recommendations of the Working Group and training benefits weighed against the cost implications.
- 1.3 For Members to consider the recommendations of the Working Group, who the proposed training would apply to and how those existing licensed drivers who have not taken the opportunity of the free training qualification might be effected.
- 1.4 To propose a full consultation process for a three month period prior to making a final decision.

2 Background information

- 2.1 Following a report to the Licensing & Regulatory Panel in September 2008 all drivers were required to undertake NVQ/VRQ assessment within the first year of their Hackney Carriage or Private Hire driver licence as a prerequisite to the renewal of that licence. Existing licensed drivers were given a final date of December 2011 to achieve those same qualifications.
- 2.2 At the time of approval the Council had been allocated adequate training funding to enable the full training of the then licensed trade and new future applicants and this was held by the overseeing body. During 2010 the economic downturn had deepened and the Treasury withdrew the reserved funding. Although some limited funding was available the qualifying conditions were tighter and training providers more difficult to find. The Licensing Committee took a decision to suspend the enforcement of the policy but urged drivers to still take the opportunity to obtain what free training was available. A Licensing Committee Working Group was established.
- 2.3 Members asked Officers to look at alternative options which included:-
- Undertaking a procurement market testing exercise to uncover best value for money – this demonstrated significant personal cost to drivers which was considered to be too high;
 - Training provision within the scope of Leeds City Council's Human Resources – Leeds City Council now largely outsources its training requirement and the opportunities for NVQs only exists for Council employees within the terms of its contract with its preferred training supplier; and
 - In-house training at Taxi & Private Hire Licensing – This is the remaining option and the recommendation of the Working Group.

3 Main issues

- 3.1 The first two options at 2.3 were considered to be self excluding by the Working Group, but further consideration of in-house training solution was requested by the Working Group.
- 3.2 Training and testing of applicants is currently undertaken within the Taxi & Private Hire Licensing Section in the form of a one day course which is a full time post for a Service Development Officer but it is not as expansive as much of the NVQ/VRQ currently recognised nationally.
- 3.3 The Working Group considered and accepted in principle the key elements of cost, resourcing and the training format to form the basis of a program of training which incorporates elements of the existing training and testing program. Although there is little realistic opportunity of achieving an accredited national training standard from the in-house model, the main principles of the national standard could be adopted to accommodate a reasonable standard of training delivery and some testing within much tighter time scales than the national model. The Working Group accepted that additional resourcing would be required if the existing training and testing program was to be expanded in this way. The elements of the programme considered by the

Working Group to be essential from the recognised national qualification are set out at Appendix A.

- 3.4 The implementation of an extended training plan would be dependent on the provisional approval of the Licensing Committee followed by full three month public consultation, an Equality and Diversity Screening Assessment, associated costs and referral back to the Licensing Committee for determination.
- 3.5 Subsequent to any final approval there would need to be a recruitment exercise undertaken for any additional resources required in line with the Council's staffing approval policy with the development of a training program following on.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Historically, recognition of the benefits of training were understood by the trades when the original policy was approved, with some reservations from them about the testing element. This Working Group heard from some members of the trade and Leeds City Council Equality Team before making these recommendations to the Licensing Committee. The consultation to follow this report will draw in a wider expression of views which will give both the trade and public an opportunity to comment for the Licensing Committee to consider.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality and Diversity Screening Assessment will be undertaken before the consultation process and updated on conclusion of the consultation. A full Impact Assessment will be conducted if required.

4.3 Council Policies and City Priorities

- 4.3.1 A primary function of the Licensing Committee is to meet its statutory obligations in respect of public safety. That in turn contributes to safer communities and the well being of the city by providing a safer and more professional licensed driver. The proposal may directly or indirectly contribute to the policies and priorities.

4.4 Resources and Value for Money

- 4.4.1 The Taxi & Private Hire Licensing Section is self financing and must off-set any costs to the trades (in this case, new applicants, or those affected by recommendation 6.1.5). In that sense the 'value of money' test is in the light of the Section managing its own finances but also ensuring proportionality in setting costs.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Licensing Committee is exercising its powers under the scheme of delegation in respect of the Local Government (Miscellaneous Provisions) Act 1976 by considering what proportionate pre-conditions it might place on the Hackney Carriage and Private Hire drivers prior to grant or renewal of a licence.

- 4.5.2 A key element is consultation and due regard to the Equality and Diversity Screening Assessment which would be undertaken and reported on prior to any final decisions being taken.
- 4.5.3 The whole of the process of considering and determining the issues will be undertaken with legal advice being directly available to the Licensing Committee.

4.6 Risk Management

4.6.1 The key risks are:-

- The existing condition is not being enforced and as such may be considered unnecessary, inappropriate or disproportionate. The council should not impose disproportionate conditions which may be subject to challenge.
- There may be frustrations, complaints or legal challenge to a re-designed training program on the basis of some groups appearing to be excluded due to English comprehension skills (It is anticipated these issues will be identified during Equality and Diversity Screening).

5 Conclusions

- 5.1 The Working Group recognised the need to move away from the existing policy and recommends the withdrawal of the previous condition with the retention of a training and testing element to be re-designed as at Appendix A, delivered by the Council, believing that it makes a valuable contribution to the City and its communities.
- 5.2 If that view is accepted by the Licensing Committee the main issues remaining are the outcomes of the proposed consultation, costs; the training program design, consideration of any identified risks and delivery and to determine to whom it would apply in future, if approved.

6 Recommendations

6.1 That subject to consultation –

- 6.1.1 The existing NVQ/VRQ requirement on all existing drivers or new applicants in the first year of their licence be withdrawn with immediate effect.
- 6.1.2 Officers re-design the training course to mirror those elements of the nationally recognised vocational qualification considered essential by the working group as far as realistically possible. (**Appendix A**).
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7 Background documents

'Train to Gain' information document 'The NVQ system – who does what'

Licensing and Regulatory Panel report - Introduction of a requirement for occupation accreditation (BTEC & NVQ) for Taxi & Private Hire and Hackney Carriage Driver's - 2.9.2008

Licensing and Regulatory Panel report - NVQ & BTEC testing – further information report – 18.11.2008

Licensing Committee report - NVQ & VRQ Qualifications – further information and review of timescales – 16.11.2010

Licensing Committee minutes of 15.3.2011

NVQ/VRQ Working Group minutes of 1.4.2011

NVQ/VRQ Working Group minutes of 13.5. 2011

NVQ/VRQ Working Group minutes of 10.4.2012

Appendix A

Private Hire Driver Applicant Training and Testing Assessment Areas

Health and Safety – Passengers and Self	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Health & safety in the taxi and private hire work environment	GD+P
	Road safety when driving passenger in a taxi or private hire vehicle	T & T
	Road Traffic Acts – accident reporting	T & T
	Personal alarms and panic switches to base	GD+P
	Personal radio, private line contact	GD+P
	Security cameras and their privacy laws	GD+P
	Dataheads/GPS	GD+P
	Safety guards and screens	GD+P
	Limit the money carried	GD+P
	Four door security lock	GD+P
	Take in information by continually scanning the environment and using that information to plan a response	GD+P
	Fire Regulations	T & T

Appendix A

Private Hire Driver Applicant Training and Testing Assessment Areas

Professional customer service and equality	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Maintaining punctuality, Honesty and truthfulness, Professional relationships	GD+P
	Providing safety and security for vulnerable customers	GD+P
	Corporate client accounts	GD+P
	Drive with care and consideration	GD+P
	Disability Discrimination Act 1995	T & T
	Race Relations Act 1976	T & T
	Health Act 2006	T & T
	Age	GD+P
	Race	GD+P
	Religious	GD+P
	Sexual orientation	GD+P
	Nationality	GD+P
	Gender and gender reassignment	GD+P
	Disability	GD+P
	Refusing a fare based on own personal prejudice	GD+P
	Refusing a fare without justification	GD+P
	Refusing a fare because of a persons disability	GD+P
	Making it unreasonably difficult or impossible for a customer to make use of any such service	GD+P
	Providing a service which is on inferior terms to that on offer to other members of the public	GD+P

Appendix A

Private Hire Driver Applicant Training and Testing Assessment Areas

Customers who require assistance could include: Mobility, ambulant disabled and Hearing loss Blindness or partially sighted Physical injury Learning difficulties Disfigurement	GD+P
Health Act 2006	T & T
Satellite navigation	GD+P
Using maps and navigational aids	T & T
Transporting hospital goods under contract	GD+P
Transporting blood bank items between NHS locations	GD+P
Musical instruments	GD+P
Maintaining punctuality at stops and destinations	GD+P
Maintaining a communications link	GD+P + T & T
Knowing essential contact names and phone numbers	GD+P

Appendix A

Private Hire Driver Applicant Training and Testing Assessment Areas

Local Authority Conditions	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Being a fit and proper person	GD+P
	Driver's licence	T & T
	Vehicle licence	T & T
	Group 2 medical examinations	GD+P
	Hire and reward insurance – public and private hire	T & T
	Misconduct, including inappropriate language or behaviour	GD+P
	Obstructing Authorised Officers	T & T
	Over charging	T & T
	Taxi – A licensed Hackney Carriage vehicle	T & T
	Residential nuisance – parking, use of horns etc	T & T

Appendix A

Private Hire Driver Applicant Training and Testing Assessment Areas

National Legislation	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Local Government (Miscellaneous Provisions) Act 1976	T & T
	Town Police Clauses Act 1847	T & T
	Construction & Use regulations	T & T
	Data Protection Act	T & T

Appendix A

Private Hire Driver Applicant Training and Testing Assessment Areas

Taxi & private hire vehicle maintenance and safety inspections	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Construction & Use Regulations	T & T
	Maintenance & safety checks	GD+P