



Report of the: Assistant Chief Executive (Corporate Governance)

Licensing Committee

Date:

Subject: NVQ & VRQ Qualifications - Further Information and Review of Timescales

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The Taxi and Private Hire trade is essential to an integrated transport system but unlike drivers in other forms of passenger transport, Taxi and Private Hire drivers have not had easy access to skills development or the opportunity to obtain recognition for the job that they do. However, back in 2007, GoSkills (the Sector Skills Council for Passenger Transport), with the support of the trade, developed an NVQ Level 2 qualification for Taxi and Private Hire drivers.

This report sets out further information for Members of events since they approved, in September 2008, the introduction of mandatory NVQ and VRQ qualifications for all licensed Hackney Carriage and Private Hire drivers and those new applicants entering the trade.

Members will be asked to consider the key issue of the deadline of December 2011 for all existing drivers to have achieved the mandatory qualifications and 12 months for new applicants to the trade, in the face of limited government funding.

1.0 Purpose Of This Report

- 1.1 To inform Members of the progress of the NVQ and VRQ training programme and to review the current policy that all new applicants must achieve the qualification within 12 months of being granted a licence and existing licence holders by December 2011.

2.0 Background Information

- 2.1 VRQ Level 2 Certificate in Road Passenger Transport – the aim of this qualification is to develop and enhance the knowledge of existing and prospective Taxi and Private Hire drivers. Customer service, a professional image and dealing with special needs, such as disability, are considered important, in addition to understanding health and safety requirements and Taxi and Private Hire regulations. Drivers are also required to demonstrate that they have the necessary knowledge and understanding by answering a series of multi-choice questions.
- 2.2 NVQ Level 2 in Road Passenger Vehicle Driving (Hackney Carriage and Private Hire Vehicles) – this qualification was developed to improve customer service and driving standards for Hackney Carriage and Private Hire drivers and reflects current legislation and codes of practice. It is a work based qualification and drivers are observed and assessed on their performance of everyday tasks, not just their knowledge and understanding of the Hackney Carriage / Private Hire driver job role.

To achieve a full certificate in Road Passenger Vehicle Driving, drivers are required to achieve the 7 units in the Hackney Carriage / Private Hire Vehicle route which cover the following:

- Ensure the health and safety in a work environment
- Drive Taxi or Private Hire vehicles safely and efficiently
- Provide professional customer service
- Deal effectively with difficult passengers
- Deal with emergencies and incidents during a journey transporting passengers
- Provide a transport service for passengers who require assistance
- Transport children and young persons

- 2.3 Members approved the introduction of the NVQ and VRQ qualifications for all licensed Hackney Carriage and Private Hire drivers and those applicants accessing the trade, at the September 2008 Licensing and Regulatory Panel meeting. Existing drivers were given until December 2011 to achieve them whilst new applicants are expected to achieve the qualifications within 12 months i.e. prior to the renewal of their licence. The original report and minutes are attached at Appendix 1 for ease of reference with the report Main Issues detailed at Section 3.0 and the resolution of the minutes detailed at number 14.
- 2.4 At the September 2008 Licensing and Regulatory Panel meeting, Members were advised that the attainment of the qualifications was currently cost free but that funding may expire in 2010 and it would be costly to drivers once that occurred. It should be noted that the VRQ was never funded under the Train to Gain programme. The majority of training providers offered this alongside the NVQ as a goodwill gesture but have been unable to sustain this support.
- 2.5 The trade have been kept abreast of all issues surrounding the expiry of funding with the Licensing Leeds newsletter being the main form of communication. The

newsletter is issued quarterly and Issue 6 Summer 2009, of the Licensing Leeds newsletter (Appendix 2) advised licence holders to act quickly to secure their fully funded places and served as a reminder to the trade that the Train to Gain funding would not last forever. Details of all known training providers with fully funded places were also published from this issue onwards.

- 2.6 Emails have been sent, where we hold an email address, to all Private Hire Operators, Taxi Associations and trade representatives, as and when the Taxi and Private Hire Licensing Section have been made aware of funded places becoming available.
- 2.7 All enquiries to the Section regarding training providers and funding, have been given the most up to date information available regarding fully funded places available.
- 2.8 In July 2009, the Learning & Skills Council (LSC) in the Yorkshire and the Humber region reprioritised its Train to Gain funding for 2009/10 to address three key priorities;
- Response to Redundancy - the LSC directed funding in Yorkshire and the Humber to deliver training for unemployed adults or adults at risk of redundancy.
 - Brokerage referrals and Sector Compacts – the LSC want training providers to respond to and meet the needs of employers and learners referred from Brokers i.e. Business Link Yorkshire
 - Economically valuable qualifications - the LSC in Yorkshire and the Humber prioritised the most economically valuable qualifications it wished to buy from training providers and did not regard the continued funding of self-employed Taxi and Private Hire drivers through Train to Gain as a priority for the use of Train to Gain funding.

The trade were advised of this change in Issue 7, Autumn 2009, Licensing Leeds newsletter (Appendix 3). Details of training providers with fully funded places were also published.

- 2.9 However, to date training providers based outside of the LSC Yorkshire and the Humber region have continued to secure funding to deliver the NVQ and are delivering the VRQ alongside at little or no extra cost to the learner.
- 2.10 In August 2009, the LSC in Yorkshire and the Humber made available funding worth £500,000 through the Enhancement Fund. The funding was available based on a price of £1,000 per NVQ and the Enhancement Fund made a contribution of £600 i.e. a 60% contribution. This aimed to support at least 800 learners across the region and at least 650 full NVQ achievements.
- 2.11 In September 2009, four training providers were selected to receive the additional funding. These were;
- Bradford College – covering drivers based in Leeds and Bradford
 - Wakefield College – covering drivers based in Calderdale, Kirklees and Wakefield
 - Craven College – covering drivers based in North Yorkshire
 - IB2K – covering drivers based in the Humber

- 2.12 In November 2009, the LSC advised that the Train to Gain Enhancement Fund supporting Taxi Drivers had generated more support than originally planned, at no extra cost;
- West Yorkshire – originally planned for 200 starts; able to deliver 500
 - South Yorkshire – originally planned for 400 starts and remained at 400
 - Humberside – originally planned for 70 starts; able to deliver 100
 - North Yorkshire – originally planned for 150 starts and remained at 150
- 2.13 To date, there remain at least four training providers offering fully funded places to deliver the NVQ.
- 2.14 In July 2010, GoSkills, the Sector Skills Council for Passenger Transport, commenced consultation with Local Authorities and trade representatives with a view to reviewing the existing qualifications by the end of 2010. It is anticipated that a revised qualification will be delivered from January 2011, although official confirmation is yet to be received from GoSkills.
- 2.15 Figures supplied by GoSkills indicate that nationally, in 2008-09, 22,513 drivers achieved the NVQ in Road Passenger Vehicle Driving. Some 11,557 drivers achieved the VRQ in Road Passenger Transport.
- 2.16 Figures supplied by the Skills Funding Agency (which took over responsibility for Adult Skills from the Learning and Skills Council in April 2010) indicate that some 3,780 learners in the Leeds Licensing district have signed up to the NVQ programme, with 3,043 achieving their qualification.¹ This represents 60% and 49% of the licensed trade respectively.²
- 2.17 The Taxi and Private Hire Licensing Section currently offer 20 new applicant appointments per week, which will be extended from September due to demand.
- 2.18 Some drivers who have already undertaken the training have expressed views on its value. Examples of these have previously been published in the Licensing Leeds newsletter and can be found at Appendix 2.
- 2.19 Officers have not taken any action against new drivers who have failed to attain the qualifications within 12 months.
- 2.20 Other Local Authorities who have made the qualifications mandatory have found themselves in a similar position to Leeds City Council. To date both Stockton-on-Tees Borough Council and Sefton Council have extended the timescales they previously set for their licence holders.
- 2.21 Where training providers identify that learners require further support to achieve the NVQ and/ or VRQ, Skills for Life qualifications are offered that are designed to help learners develop skills that are used in everyday life such as reading, writing or maths. Skills for Life certificates are available in i) adult literacy, ii) adult numeracy iii) information and communications technology (ICT). These courses are fully funded with no cost to the learner.

¹ Figures provided by Skills Funding Agency (formerly the LSC) 24/08/10.

² On 02/09/2010 6,260 driver licences had been issued over a rolling 12 month period.

3.0 Main Issues

- 3.1 Members will need to determine if the achievement of the NVQ and VRQ remains necessary and proportionate to the needs of the Councils responsibilities in today's transport environment, providing a safe and quality service to the travelling public.
- 3.2 If it is considered to be necessary then Members will need to consider the implications of that decision in terms of how it is carried forward and some proposals might be:

- 3.2.1 That new applications for licences will continue to require the applicant to attain the qualifications within 12 months of the licence being granted and that those existing licence holders will continue to be required to attain the qualifications by December 2011.

As per 2.19, Officers are not currently enforcing the position regarding new applicants to the trade. The cost of the qualifications may present difficulties to new applicants, who already face significant financial outlay in obtaining a licence.

Although it was made clear to existing licence holders that funding may expire, this occurred sooner than anticipated due to the economic climate. This may have impacted on those licence holders who believed they would be able to achieve the qualifications free of charge by the December 2011 deadline.

- 3.2.2 That new applications for licences will require the applicant to attain the qualifications within a specified time period, for example within three years and that those existing licence holders are given a revised timescale to attain the qualification which is reasonable to their learning needs and financial outlay, for example December 2013.

This would allow both new applicants and existing licence holders to budget for the cost of the qualifications and time to enrol with a suitable training provider. This would also allow for any amendments to the current NVQ to be implemented by GoSkills without detriment to licence holders.

- 3.2.3 That those applicants who have achieved the qualifications prior to December 2011 be given an incentive upon renewal of their licence, for example a reduction on their renewal fee.

This would have a significant impact on the resources within the Licensing Office and may be difficult to administer. The financial incentive would need to be of significant value so as to make it desirable to achieve the qualifications.

- 3.2.4 That Officers explore the possibility of procuring one training provider to deliver to all new applicants and existing drivers at one set cost

This would involve a timely procurement exercise and Officer resource to undertake. The outcome may result in one training provider delivering the qualifications, possibly with a reduction on the current cost which is variable dependant upon the training provider.

- 3.3 It should be noted that any extension of timescales would be due to the current economic climate, allowing licence holders to budget accordingly for the cost of attaining the qualification, and should not be perceived as a reduction in standards.
- 3.4 Any extension to the timescales should be subject to immediate review were further funding to become available.
- 3.5 Should it be considered that these occupational qualifications are desirable but should no longer be a Condition of a licence, it would be appropriate for the Licensing Committee to give an indication of any training issues they wish Officers to address.

3.6 The Consultation Undertaken

Officers have implemented a full consultation process regarding these proposals. The process involved all licence holders, trade representatives and the general public. Details of the consultation process are set out below;

3.6.1 Internet

- Taxi and Private Hire Licensing Webpage – www.leeds.gov.uk/taxiconsultation

On 13 September 2010, the Taxi and Private Hire Licensing webpage was updated with;

- i) Overview of the policy
- ii) Consultation document
- iii) Licensing and Regulatory Panel report of 2 September 2008
- iv) NVQ Specification
- v) Details on how to provide feedback

- Talking Point Consultation Portal

Talking Point is the Council's online resource for recording all community engagement and consultation activity in one central place. It is the sole universal system available for recording and co-ordinating consultation and engagement activity done by the council city-wide and is also the only place that gives residents and other interested groups an overview of ongoing, completed and planned consultations in Leeds.

Details of the NVQ/VRQ consultation exercise were placed on Talking Point on 13 September 2010 along with an online questionnaire for users to complete.

- Leeds City Council Intranet

On 17 September 2010, a news item was published on the Intranet page giving a brief overview of the consultation and directing readers to the Taxi and Private Hire Licensing webpage.

- Leeds.gov.uk

On 17 September 2010, a front page news item was placed on the Leeds City Council webpage giving a brief overview of the consultation and directing readers to the Taxi and Private Hire Licensing webpage.

3.6.2 Email Notification

An email to Private Hire Operators and Taxi Associations (where we hold an email address) was sent by the Taxi and Private Hire Licensing Section on 16 September 2010. This email made them aware of the consultation, included the consultation document, made reference to the webpage and asked them to circulate the information amongst their drivers.

Additionally emails were sent to the following organisations on 16 September 2010;

- GMB
- Known training providers delivering in the Leeds Licensing district
- GoSkills
- Skills Funding Agency
- Stop Hate
- Leeds Access Committee
- NHS Communications team
- Student Unions
- One Stop Centres

Emails were sent to the following organisations on 17 September 2010;

- Leeds libraries
- ALMOs (asked to share amongst their Residents Associations)

The Equality Team sent an email to their Equalities Assembly Mailing List (where they hold an email address) on 21 September 2010

All emails sent contained an overview of the consultation, included the consultation document and made reference to the Taxi and Private Hire Licensing webpage.

3.6.3 Trade Forums

Attendees of the Private Hire forum on 17 September 2010 and the Hackney Carriage forum on 22 September 2010, were given a brief overview of the consultation and advised how feedback could be given.

3.6.4 Signage

A notice was placed in the Reception at the Taxi and Private Hire Licensing Section on 16 September 2010.

Posters were sent to One Stop Shops and libraries week commencing 20 September 2010.

3.6.5 Letters

Individual letters were sent to each licence holders home address on 21 September 2010. The letter gave a very brief overview of the consultation and explained where further information could be obtained.

3.6.6 Press Release

A press release was drafted on 17 September 2010. The Yorkshire Evening Post picked this up and published an article on 23 September 2010.

3.7 Copies of consultation and information documents used during the process are attached as Appendix 3 to this report for Members information.

3.8 The views of the trade and general public identified through the consultation.

Considerable feedback has been given through the various consultation methods.

- 9 letters have been received, over half of which are generally supportive of the NVQ
- 24 emails have been received, over two thirds of which are generally supportive of the NVQ
- 74 responses have been collated using Talking Point, almost three quarters of which are supportive of the NVQ

The views raised are attached at Appendix 4a-f for ease of reference for Members.

3.9 Members will note that there have been mixed views and recommendations received from both the general public and the licensed trade.

4.0 Implications For Council Policy And Governance

4.1 The policy currently in place will be updated or rescinded dependent upon the decision of Members to extend the timescales or remove the mandatory requirement for the qualifications.

5.0 Legal 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 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 refused or failed to pass the appropriate training test this Section would enable the Council to take suspension, revocation action, or refuse to renew the licence.

5.3 There are no undue resource implications associated to this issue for the Council should an extension be granted to the timescales and as long as training is delivered by accredited providers.

5.4 Should licence holders be given a reduction in their renewal fee, this would involve extra administrative duties within the Licensing Office which would require extra resources.

5.5 If one training provider were to be procured, this would involve a lengthy procurement exercise taking up Officer time.

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 consider the options set out within 3.2 and that:
- 7.1.1 Members approve the proposal to extend the timescale for new applicants to attain the qualifications within three years.
 - 7.1.2 Members approve the proposal to extend the timescale for existing licence holders to attain the qualifications by December 2013.
- 7.2 If Members approve the proposal to extend the timescales, that they also consider that the attainment of the NVQ and VRQ be imposed as a Condition upon the grant of a licence.