

## LICENSING AND REGULATORY PANEL

TUESDAY, 2ND SEPTEMBER, 2008

**PRESENT:** Councillor R D Feldman in the Chair

Councillors S Armitage, J Dunn,  
T Grayshon, V Morgan, G Wilkinson,  
D Wilson and C Townsley

### IN ATTENDANCE

D Broster - Section Head, LCC Taxi & Private Hire Licensing  
Mr R Silver - GoSkills  
D Cowley – LCC Taxi & Private Hire Licensing  
M Johnson – LCC Taxi & Private Hire Licensing  
C Page – LCC Taxi & Private Hire Licensing  
T McSharry – Access Committee for Leeds  
A Garczynski - Norton Webb training provider  
K Gill – Hackney Carriage Trade Representative  
B Heptinstall – Hackney Carriage Trade Representative  
A Rashid – Hackney Carriage Trade Representative  
A Pennock – Private Hire Trade Representative  
M Hanif – Private Hire Trade Representative  
A Waheed – Private Hire Trade Representative  
A Ali – Hackney Carriage Trade representative

### 10 **Declarations of Interest**

There were no declarations of interest

### 11 **Apologies for Absence**

Apologies for absence were received from Councillors Dowson and Selby and from Mr D Littlewood, Access Committee for Leeds

### 12 **Minutes**

**RESOLVED** – That the minutes of the previous meeting held on 1<sup>st</sup> July 2008 be agreed as a correct record

### 13 **Introduction of a Professional Knowledge Test for Private Hire Drivers**

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the training issues considered appropriate to improve the professional standards within the Private Hire (PH) Trade. The report also detailed proposals to introduce knowledge testing for PH Drivers.

Mr R Silvers of GoSkills attended the meeting to provide the Panel with the background to the development of training packages for all passenger transport sectors which are supported with funding available from Central Government. Schemes such as the knowledge test aimed to improve standards within the trade. Mr Silvers' remarks informed Members of the importance of licensing authorities in participating in improving driver/customer service skills across the board

The Panel received a short demonstration of the proposed testing regime and equipment from officers of LCC Taxi & Private Hire Licensing Section which would cover knowledge of the legislation, conditions, geography of Leeds, places of interest and the use of an A to Z.

(Councillor Grayshon joined the meeting at this point)

Members noted a number of PH drivers had undertaken a pilot test of the proposed training package and appended to the report was a schedule showing a breakdown of test results. Officers outlined the consultation exercise undertaken so far with PH Operators and the proposals to extend consultation to ensure each individual PH driver was contacted. It was reported that the PH trade generally supported the introduction of the training package.

The Panel discussed

- The pilot test - noting the areas of knowledge where the greatest number of participants failed was on their knowledge of conditions. It was noted that historically drivers had not been required to pass any test
- Conditions booklets - typeface within the booklets of conditions given to applicants regarded as too small. Officers reported this was due to be addressed in the next print run
- Sat-Nav – the screening test would emphasise the need for a working knowledge of the geography of the whole city. Participants would be required to know areas outside of those where they mostly worked and reliance on sat-nav would not assist them.
- Implementation - Members supported the introduction of the test and discussed its rollout, agreeing that it be required of new applicants in the first instance, then those who had substantiated complaints against them. The Panel generally felt that those PH drivers with 20 years experience should not be included in the first phase

The Panel were especially keen to include those PH drivers licensed in Leeds who actually resided in other districts and expressed the view that these drivers would not have a detailed knowledge of Leeds and its districts because they lived elsewhere.

Furthermore, Members noted the screening test would not impact upon those PH drivers licensed by other authorities who came into Leeds to work and requested officers ensure that neighbouring authorities are aware of the Leeds approach to training and development of standards for PH drivers

Representatives in attendance commented

- welcomed the importance placed by GoSkills on the PH and HC trades as public transport providers; especially for disabled passengers and urged officers to ensure the training package meaningfully involved disabled people

- introduction of knowledge/screening test in conflict with the next item on the agenda about NVQ/BTEC although noted officer response that the screening test concentrated on geography and how passengers were treated. The following item dealt with acquiring skills and recognised qualifications on the job

**RESOLVED –**

- a) That the proposals for training and testing as set out in this report be approved
- b) That approval be given for the introduction of the proposed testing regime on new applicants where those applications are received after the date of this formal approval.
- c) That approval be given to the proposal to require the retraining and testing of all existing licence holders. This to be implemented with the following priorities:
  - (i) In the first instance: to retrain and test those 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. These may be reported by a member of the public, a licensed Operator or Officer of the Council. It is also agreed that this requirement would apply to all existing and outstanding complaints and prosecutions.
  - (ii) In the second instance: to devise and implement a rolling programme for all licence holders or at the point of licence renewal
- d) That the proposal for disability training be dealt with in the first instance by the supply (at the applicants expense) of the recognised 'GoSkills Disability Awareness' DVD be approved
- e) That in the event of a substantiated complaint on a disability issue the Panel approves the approach that drivers be referred to the Council's preferred training organisation for formal training at the licence holders own expense.
- f) That officers be authorised to implement the policy, procedure and Conditions, along with any subsequent amendments to the policy, procedures and Conditions, under 'Delegated Powers'.
- g) That the proposals to offset the cost of this programme of work by an appropriate increase in fees on Private Hire driver applications and the retraining of existing licence holders be noted

**14 Introduction of a requirement for Occupational Accreditation (BTEC and NVQs) for Private Hire and Hackney Carriage Drivers**

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the training and requisite skills issued which are currently being introduced nationwide for passenger carrying services and supported by Central Government. The report set out options for the introduction of training and BTEC/NVQ qualifications for drivers within both the Private Hire (PH) and Hackney Carriage (HC) trades

Appended to the report was an information leaflet on the role of the Learning and Skills Council which had responsibility for improving training and a copy of the mandatory units and optional additional units a pupil could undertake

Officers outlined the consultation undertaken with both trades so far. The Panel noted that although both trades had acknowledged the benefits of training and accreditation there was a mix of views as to whether it should be undertaken on a voluntary basis as currently, or be a mandatory requirement for all drivers.

Mr R Silvers of GoSkills gave a short presentation on the training and accreditation programme aimed to achieve a consistency of skills nationally, and provide a nationally recognised qualification. Funding for the accreditation was expected to be available for three years through the Train to Gain initiative, however all political parties were supportive of the enhancement of skills nationwide and it was likely that funding would be extended. Mr Silver reported on the take-up and results of similar training in other local authorities

The Panel supported the principle of training and accreditation for drivers as it was felt this would improve standards. Members also took the view that accreditation should be mandatory and undertaken by the trade themselves. The Panel then went on to consider options for implementation in Leeds, bearing in mind the number of drivers and funding timetable

Members agreed that implementation of the qualification and training for all drivers should be prioritised. Members considered the scheme should be introduced to all new PH and HC driver applicants in the first instance. Members suggested the first phase should also include those existing drivers against whom a substantiated complaint had been made; and those drivers with less than 2 years experience. Members were also keen to encourage any driver who wished to undertake the scheme voluntarily. The Panel felt that very experienced drivers with no previous complaints should not be included within the first phase

(Councillor Wilkinson withdrew from the meeting)

The Panel noted the comments of the trade representatives as follows:

- it was noted that 300 HC and PH drivers from 20 companies were undertaking the accreditation/training voluntarily
- it was suggested that LCC should include the accreditation/training scheme as a condition within the procurement process for contracts for LCC education/social services passenger transportation provision

- expressed view that the usefulness of the NVQ far outweighed that of the screening test
- expressed concern that mandatory introduction would result in job losses. It was reported that the scheme had been introduced on a mandatory basis in Bournemouth and that Authority would not renew the licences of those drivers who had not achieved the accreditation. In response, Mr Silvers confirmed that some of the 900 drivers had been reluctant to take up the training/accreditation although he reported these were drivers either close to retirement or not currently making use of their licence. He concluded the scheme had been a success overall
- previously some drivers had been excluded from undertaking the training as they were regarded as overqualified, however Mr Silvers confirmed that the Government had now lifted the previous restrictions to entrants

Ms Garczynski commented that as a training provider she could report excellent feedback and support from drivers/operators who had already received the training/accreditation in the Yorkshire & Humberside area on a voluntary basis. However she expressed concern that the introduction of the package on a compulsory basis may have a negative impact and not affect meaningful take-up of the qualification courses. Members responded that successfully achieving the qualification was to the benefit of the drivers and passengers in terms of safety, awareness and travel experience. Furthermore the PH and HC trades were regarded as providers of a service to the public and it was unusual amongst public service providers in that there currently was no element of accreditation.

Members noted the comments of Mr T McSharry regarding the need for quality training and inclusion of training on disability issues and went onto consider which, if any, training units currently designated as "optional" could be included within the Leeds training package

**RESOLVED –**

- a) That having considered the proposals and options available, the Panel regard the requirement for training as necessary and proportionate to the needs of the Councils responsibilities to provide a safe and quality service to the public in the current transport environment
- b) The Panel therefore approves the introduction of a compulsory requirement for training to be implemented in the following way:
  - (i) That new applications for HC & PH driver licences will require the applicant to attain the qualifications within 12 months of the licence being granted. (NB: there would be some protection for the Council with such a policy if there was a knowledge screening test in place and enable licence holders to learn 'on the job'.)
  - (ii) That existing licence holders be given a time scale to attain the qualification by December 2011 which is considered to be reasonable to their learning needs and helpful to the training providers. (There is a need to be alert as some

licence holders may seek to defer for as long as possible and potentially undermine the value of the training plan. The Hackney Carriage Associations would wish to balance any timescale for those who may be leaving the trade around that period)

- (iii) Those drivers who have already attained the qualifications voluntarily will not be required to undertake the “screening test”
  
- c) That in addition to Mandatory Units proposed as part of the NVQ/BTEC accreditation (Units 1 to 8 outlined in appendix B of the report), the following Optional Units be deemed to be relevant and necessary and be included within the learning phase : Units 11 (transporting passengers with special requirements) 12 (implementing defensive driving) 13 (supporting learners in the workplace) 14 (developing and maintaining work skills) 15 (routine cleaning) 16 (transporting parcels, luggage etc) and 18 (processing fares)
  
- d) That officers be authorised to implement the approved Policy, procedure and Conditions, along with any future amendments to the Policy or procedures or adjustments to Conditions under ‘Delegated Powers’

At this point, the Panel took a short adjournment in order to conclude the meeting in another Committee Room. The Chair noted the remaining item on the agenda was not related to the PH or HC trades and took the opportunity to thank all the PH and HC representatives for their attendance and contribution to the meeting as they withdrew.

Councillor Townsley withdrew from the meeting.

The Panel reconvened at 12 noon

## **15 Local Government (Miscellaneous Provisions) Act 1982 - Licensing of Sex Establishments - Licence Fee Review**

The Assistant Chief Executive (Corporate Governance) submitted a report seeking approval in principle to a revision of the fees currently charged to applicants on the grant, renewal or transfer of a Sex Establishment under the provisions of the Local Government (Miscellaneous Provisions) Act 1982. Any change to the fees would be undertaken in consultation with the trade with a view to implementing any change on 1<sup>st</sup> January 2009 at the time of Annual Renewal

Officers outlined the changes to the administrative and enforcement duties associated with such establishments since the fees were last revised in 1999 and the report detailed the costing exercise undertaken during the fees review and included a table of comparative fees charged by other local authorities. Appended to the report was a copy of a representation received regarding the current fee levied.

Members expressed dissatisfaction with the proposals to reduce the fees however did acknowledge this was due to changes to the regulation and monitoring of such establishments. The Panel was advised that the cost to the Council would be great should a representative of the trade choose to challenge the current fee by way of Judicial Review. Some Members commented that a reduction in the fees would encourage more Sex Establishment operatives to move into Leeds

Officers reported that the perceived loss of revenue to the Council would be subsumed within budget as the requirements for monitoring and regulation work previously associated with such establishments no longer existed.

**RESOLVED –**

- a) That approval be given to the proposed licence changes as set out in paragraph 4 of the submitted report
- b) That officers of the Licensing Section be authorised to consult with members of the industry on the proposed changes
- c) That, subject to the views expressed during the consultations, officers be authorised to implement the revised fees with effect from 1<sup>st</sup> January 2009

**16 Date and Time of the Next Meeting**

**RESOLVED –** To note the date and time of the next meeting as Tuesday 18<sup>th</sup> November 2008 at 10.00 am