

Report from the Assistant Director – Planning and Public Protection

## **Taxi driver training update**

### **Summary**

1. This report provides Members with an update on the safeguarding and knowledge training/testing for new taxi drivers, as well as the training for existing taxi drivers as requested at this Committee meeting on 13 November 2017. Please note that in this report, the terms 'taxi driver' and 'taxi' are used as a generic term to include both hackney carriage and private hire drivers/vehicles.

### **Recommendations**

2. That Members note the contents of this report and approve Option 2 in respect of providing additional assistance – particularly in respect of 'local' knowledge - to potential taxi drivers.

Reason: To ensure that knowledge of the local area and conditions is not a barrier to people who are otherwise 'fit and proper' applying and helping to drive up standards through increased competition.

### **Background**

3. The background to the new training and testing was set out in the report before this Committee on 13 November 2017.
4. To recap, new applicants currently participate in a full day of training and are required to pass a test administered by the Council's Workforce Development Unit. There is a charge of £80 for this course, set on a cost recovery basis. The charge includes the cost of the trainer, venue, materials and light refreshments. The training and test covers the following subject areas

- Disability Awareness;
  - Child and Adult Safeguarding;
  - Sexual Exploitation;
  - Equality Awareness;
  - Customer Service;
  - Legislation and Byelaws;
  - York's Pedestrian Zone awareness.
5. If the applicant fails the knowledge test they may 're-sit' up to five times (so completing six tests in total). An applicant has the choice of either completing the full day training/test again (£80) or re-sitting the test only (£25.00). Under the City of York Council's Licensing policy, if an applicant fails the sixth knowledge test, the application will be refused on the grounds of 'insufficient geographical knowledge to properly carry out a service as a licensed driver'.
6. Existing taxi drivers are required to demonstrate their knowledge of 'safeguarding, equalities and customer service' before their licence renewal or risk not being considered a 'fit and proper person' to hold a licence. To assist in this process, the Workforce Development Unit are running a 'half day' training programme for drivers to attend. The cost of this course to drivers is £40, again set at a cost recovery rate. At the end of the training there is a 'quiz' to check drivers understanding but there is no pass/fail. Licensing Officers will accept a certificate of attendance at this course as evidence that an applicant has sufficient knowledge of these areas. However, drivers may also be able to demonstrate this in other ways – each application will be considered on its merits.

## **Test for new applicants**

### **Multiple choice format**

7. Since the last report, there has been one change to the format of the test for new applicants i.e. a number of the questions, including the route and licensing conditions questions, have been made 'multiple choice'. This decision was taken by officers, on the advice of the course provider, in order to remove the element of discretion in marking (the trainer marks the initial test, and a number of different officers mark the re-sits). This ensures the test/marking is consistent and fair for all applicants. A 'multiple choice' format is common in taxi driver testing.

## Test results

8. Table 1 shows the number of tests taken and the results including percentage passing (achieving 26 or more out of 30 – 86.6%), and those ‘near passes’ i.e. those scoring over 21. Please note, in order to ensure we are comparing ‘like with like’, these results are based on the tests which follow the full day course only – they do not include figures from ‘re-sit test only papers’ i.e. where no pre-training is given. All figures are up to 25 April 2018.

**Table 1 – No. of tests takes and results (following one day course)**

Date	Total tests	Total Pass (26+)	Total Fail	25/30	24/30	23/30	22/30	21/30
07.11.17*	13	4 (30.8%)	9	0	2	0	0	1
06.12.17*	14	3 (21.4%)	11	0	2	1	2	0
16.01.18	8	2 (25%)	6	3	0	1	0	0
15.02.18	7	2 (28.6%)	5	0	1	1	1	1
21.02.18	9	2 (22.2%)	7	0	2	3	0	0
15.03.18	9	4 (44.4%)	5	0	2	0	1	0
25.04.18	12	5 (41.6%)	7	1	1	2	0	2
Total no of tests taken	72	22 (30.6%)	50	4	10	8	4	4
Total passed if lower pass rate applied				26 (36.1%)	36 (50%)	44 (61.1%)	48 (66.7%)	52 (72.2%)

\*Not multiple choice

9. It can be seen that the current overall pass rate is 30.6%, and the success rate varied (regardless of whether or not a multiple choice format was used). Unsurprisingly, if the pass rate was reduced it would increase the number of passes accordingly. On current figures, the pass rate would need to be lowered to 21 out of 30 to achieve a pass

rate approaching 77% (that was being achieved under the 20 question test in place between 29 September 2017 and 18 October 2017).

10. Table 2 shows the percentage of questions answered correctly in the different areas of the test. To pass, an applicant needs to score on average 86.6% in each section.

**Table 2 – Questions answered correctly (one day course)**

	Safeguarding (marks out of 7)	Equalities (marks out of 4)	Customer Service (marks out of 4)	Routes (marks out of 10)	Licence conditions (marks out of 5)
Mean score	5.7 (81.4%)	3.3 (82.5%)	3 (75%)	6.2 (62%)	3.1 (62%)
Median score	7	4	4	8	3
Target for pass	6-7	3-4	3-4	8-9	4-5

11. It can be seen that the route and licensing condition questions are the ones which applicants find most challenging.

Table 3 shows the number of *people* taking the tests and the number of attempts taken.

**Table 3 – No of people taking tests and results**

	No of people	No of people passed		
Full day (£80)	68	21		
Full day re-sit (£80)	3	1		
CYC Re-sits (£25.00)	21	11		
Total	68	33 (48.5%)		
	No of people	No of people passed	No of people not passed	No of people not re-sitting (to date)
1 <sup>st</sup> attempt	68	21	47	24
2 <sup>nd</sup> attempt	23	5	18	4
3 <sup>rd</sup> attempt	14	3	11	3
4 <sup>th</sup> attempt	8	2	6	1
5 <sup>th</sup> attempt	5	2	3	3
6 <sup>th</sup> attempt	N/a	N/a	N/a	N/a

12. The table shows that 33 people (48.5%) have now passed the test, whilst 35 people have either to re-sit or have dropped out of the process altogether. It is not known what their intentions are.

### **Driver identification**

13. It was brought to Officers' attention that new applicants attending the full day course up to 21 February 2018 did not provide proof of their identity to the tutor. This was due to a breakdown in communication between officers and the tutor. Applicants were however required to 'sign in' to the course and a subsequent check on the signatures and handwriting has not identified any issues of concern. Applicants are now required to bring proof of their identity to the training. Please note, the re-sits were not affected by this error and neither were other aspects of the application process for which drivers have to provide proof of identification such as the 'Disclosure and Barring Service' (DBS) previous convictions check.

## **Training for existing taxi drivers (half day training)**

14. As noted above, the 'half day' training for existing taxi drivers on safeguarding and other matters continues to be delivered as approved by Members at the Committee meeting on 13 November 2017.
15. On 24 November 2017, the Council received a petition from taxi driver's entitled 'Petition to remove the £40 fee for safeguarding training' and went on to say that 'the threat of dismissal if the course is not taken or failed was intimidation and victimisation'.
16. This petition was considered as part of a report at the decision session for the Executive Member for Housing and Safer Neighbourhoods on 19 March 2018. The Executive Member for Education, Children and Young People also attended that meeting to consider the report. The Executive members resolved to take no further action in respect of the petition based on the Gambling, Licensing and Regulatory Committee's earlier approval of and planned review (today) of the training.
17. As explained above, in terms of the 'cost' of the course, the £40.00 fee for the half day training session has been set by the Council's Workforce Development Unit. As with the full day course, this fee covers their costs in facilitating the training i.e. the trainer and materials, the room and light refreshments. Annex 2 of this report gives details of the content and cost of similar sessions operated by other Councils in the area. Our fee is slightly higher than the fee charged by Bradford MDC, although there is no 'resit' requirement in our provision. It is also important to stress that we have tried to deliver a 'free package' (for large groups of drivers) in the past but it was universally regarded, including by representatives of the taxi trade, as undeliverable in that format.
18. In terms of the 'requirement' to attend the course, again as has been outlined above, drivers currently have the choice i.e. i) attend the half day training session or ii) otherwise demonstrate their knowledge on safeguarding, equalities and customer service. Any driver who does not comply with these requirements risks not being considered a 'fit and proper person' when they apply to be re-licensed.

## **Consultation**

19. There has been no consultation in respect of this report. The tests are part of the process for the City of York Council to determine whether a person is a 'fit and proper' person to hold a taxi driver licence.

## **Options**

20. Option 1 – Retain the training and test as it is.
21. Option 2 – Retain all the elements of the test and provide further assistance to drivers to meet the required standard – particularly in respect of local routes and conditions.
22. Option 3 - the committee make alternative suggestions.

## **Analysis**

23. Option 1 – will maintain the status quo (as approved on 13 November 2017) and ensure that the Council continues to train and test new applicants on key areas identified in the taxi licensing policy. Existing drivers will be required to attend a training session (or otherwise demonstrate their knowledge) on safeguarding, equalities and customer service before their licence renewal or risk not being considered a 'fit and proper person' to hold a licence. Each application will however be decided on its merits.
24. Option 2 – will be the same as option one except that officers would take a number of additional steps to help new taxi drivers achieve the necessary standard. For the avoidance of doubt, this option is not advocating diminishing the test, it is intended to assist new drivers in meeting the high standards the council requires. Examples of the assistance which could be provided include giving an example of the test in the guidance notes for drivers (not currently provided) and issuing a list of places/landmarks that are included within the tests. These are both steps which other Authorities take. Furthermore, subject to providing a suitable provider, an additional (optional) training course on routes and licensing conditions could be provided to improve performance in this aspect of the test.

25. Providing additional assistance supports the first principle of 'The Regulators' Code' by which the City of York Council is bound i.e. that 'Regulators should carry out their activities in a way that supports those they regulate to comply and grow'. Furthermore, it supports the Government's approach that 'consumers benefit from competitive markets which deliver better quality goods and services but also greater choice and innovative products and services' (Modernising Consumer Markets: Consumer Green paper, 2018).
  
26. Option 3 – allows Members to make alternative suggestions. In considering alternative suggestions it may be helpful to note that some Authorities do not require applicants to demonstrate a knowledge of routes and the local area. This is because of the widespread use of satellite navigation systems to guide drivers to their destination, and that in the case of private hire drivers in particular (where journeys are by their nature 'pre-booked') the driver has the opportunity to plan their journey before collecting the customer. Other Authorities consider knowledge of the area, and key land marks, an important element of customer service in particular in tourist economies. Furthermore, knowledge of the local area can be beneficial in times of road closures, heavy traffic or other issues which may not be detected by satellite navigation. It is also worthy of note that there is nothing to prevent Operators introducing additional tests of their own before appointing drivers if they wish.

### **Council Priorities**

27. The provision of a healthy taxi trade supports the council plan of a prosperous city for all, where local businesses can thrive.

### **Implications**

28. The direct implications arising from this report are:
  - (a) **Financial** – there are no financial implications, the taxi courses are provided on a cost recovery basis.
  
  - (b) **Human Resources (HR)** - There are no HR implications.
  
  - (c) **Equalities** – The training and testing is designed to raise awareness of equalities issue.



- (d) **Legal** –The Local Government (Miscellaneous Provisions) Act 1976 enables Local Authorities to administer licences for Hackney Carriage and Private Hire drivers. The Act provides that a Local Authority shall not grant a licence unless they are satisfied that the applicant is fit and proper person to hold such a licence. There is no definition of the term fit and proper and the Council can apply tests and checks it deems appropriate to establish this.

Any decision made by the Committee in regards to matters of grant, renewal, suspension or revocations of licences and attachment of policies or conditions to individual hackney carriage and private hire licences can be appealed to the Magistrates' Court and from there to the Crown Court.

In terms of challenging policy decisions, claims can also be made by way of a Judicial Review to the Administrative Court in the High Court.

- (e) **Crime and Disorder** – The training and testing is designed to assist drivers in meeting their own legal obligations and the safeguarding of passengers.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

## **Risk Management**

30. Applying the Council's risk scoring criteria, failing to have appropriate training and testing requirements for taxi drivers poses a 'major risk' (large groups of people affected with multiple serious injury) and the likelihood is 'possible'. This gives a risk score of **12** (a yellow risk). Having appropriate training and testing in place, reduces the likelihood to 'unlikely' giving a score of **8** (green risk).

## Contact Details

### Author:

Matt Boxall  
Head of Public Protection  
01904 551528

### Chief Officer Responsible for the report:

Mike Slater  
Assistant Director – Planning and  
Public Protection

Report  
Approved



Date 10 May  
2018

### Specialist Implications Officer(s)

### Wards Affected:

All

**For further information please contact the author of the report**

### Background papers

- Gambling, Licensing & Regulatory Committee, 13 November 2017  
Report from the Assistant Director – Planning and Public Protection  
'Taxi Licensing – Review of Driver Training'
- Decision Session – Executive Member of Housing & Safer  
Neighbourhoods, 19 March 2018  
Report of the Corporate Director of Economy and Place  
Petitions – Driver Safeguarding Training and Safeguarding Passengers

### Annexes

Annex 1 - Summary of other Authorities tests and charges