

Gambling, Licensing & Regulatory Committee 15 July 2019

Report from the Assistant Director – Planning and Public Protection

Taxi Licensing Policy – Amendments

Summary

1. This report seeks Members' recommendation to the Council's Executive for approval to amend the Taxi Licensing Policy in relation to driver training.
2. It advises of the consultation undertaken and the amendments made to the proposed policy following the consultation.
3. It asks for Officers (Licensing Manager level and above) to set the implementation date for the new training requirements once adequate training providers have been sourced.

Recommendations

4. That Members approve Option 1 of this report.

Reason: This will allow the Council to make amendments to the Taxi Licensing Policy in relation to driver training requirements, aligning the Council's Policy with that of the West Yorkshire Authorities. This will ensure the travelling public within West Yorkshire and York can be confident that drivers licensed by each authority have been trained to the high standard which is consistent across the six authorities.

Background

5. Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847, the Council is responsible for the licensing of hackney carriage and private hire driver. The primary concern when licensing drivers is public safety.
6. Council Leaders of the five West Yorkshire Authorities and City of York asked Licensing Committee Chairs, in conjunction with Licensing

Managers, to harmonise our policies in relation to taxi licensing matter. It was agreed by Committee Chairs of all six authorities that one of the areas to address was new driver applicants and existing licensed driver training.

7. It is a requirement of Sections 51 and 59 of the 1976 Act that Licensing Authorities must ensure that applicants for driver licences and licensed driver are and remain fit and proper to hold a licence. One of the ways of doing this is through training of drivers.
8. Licensing Managers looked at the training that each authority expects a new driver applicant to complete prior to a licence being issued, and refresher training that existing licensed drivers should complete. It was decided that the training requirements should be consistent for each authority.
9. The driver training policy forms part of the overall assessment of an applicant / existing licence holder fitness and propriety, and ensures the travelling public within the West Yorkshire and City of York regions can be confident that drivers licensed by each authority have been trained to a high consistent standard, and that they are fully aware of their roles and responsibilities as a licensed driver.
10. The proposed Training Policy can be found at Annex 1. It has been developed by working in partnership and considering the existing policies in place for each authority. The proposed policy details each module that a new applicant will be required to pass before being granted a licence, as well as details of refresher training that existing drivers will be expected to complete.
11. To implement the proposed policy officers will work with colleagues within the Workforce Development Unit to source adequate training providers. This training will only be provided by a training provider approved and appointed by the West Yorkshire and City of York licensing authorities. The local knowledge aspect of the training for new driver applicants can only be provided by an approved trainer of the authority for which the driver intends to be licensed.
12. The implementation date for the new training will be set by officers once training providers are in place. The costs of any training will be paid for by new applicants and the existing licensed trade.

Consultation

13. Five of the six authorities (Calderdale, Kirklees, Leeds, Wakefield and York) consulted on the proposed training policy between November 2018 to January 2019; with York's consultation taking place from 6 November 2018 to 18 January 2019.
14. The consultation was carried out by direct mailing via email and letter, with the proposed policy been available on the Councils website, with hard copies available at the Customer Centre at West Offices and the Reception of the Eco Depot.
15. Hackney carriage and private hire driver, vehicle and operator licence holders were consulted. With hard copies of the consultation provided to the Hackney Carriage and Private Hire Associations and the large private hire operators.
16. City of York received 124 responses to the consultation:
 - 68 – licensed driver
 - 7 – licensed private hire operator
 - 21 – licensed vehicle proprietor
 - 2 – licensed driver/private hire operator
 - 16 – licensed driver/licensed vehicle proprietor
 - 1 – licensed driver/licensed vehicle proprietor/private hire operator
 - 3 – member of the public
 - 6 – not specified
17. A summary of the City of York consultation responses and comments received can be found at Annex 2. From the responses received it is clear that respondents are in favour of this training policy.
18. A summary of the consultation responses from the five authorities can be found at Annex 3.

Options

19. Option 1 – take into consideration the responses received from the consultation and recommend to the Councils Executive to approve the new taxi licensing policy in relation to driver training. The implementation date will be set by officers once a training provider is in place. New driver applicants will be expected to undertake and pass the training prior to being licensed and existing drivers will be expected to attend refresher training at least once every three years. The training

will be provided by a trainer approved and appointed by the West Yorkshire and City of York licensing authorities, each authority will appoint a trainer(s).

20. Option 2 – take into consideration the responses received from the consultation and make further amendments to the taxi licensing policy in relation to driver training prior to recommending to the Councils Executive to approve. The implementation date will be set by officers once a training provider is in place. New driver applicants will be expected to undertake and pass the training prior to being licensed and existing drivers will be expected to attend refresher training at least once every three years. The training will be provided by a trainer(s) approved and appointed by the West Yorkshire and City of York licensing authorities.
21. Option 3 - take into consideration the responses received from the consultation and determine that a change to the current policy is not required.

Analysis

22. It is currently a requirement of the Taxi Licensing Policy that new driver applicants must undertake Knowledge and Safeguarding Training, prior to being licensed. They must attend a full day training course and pass a test. Working with our colleagues in the Workforce Development Unit (WDU) we sourced a training provider. The topics covered in the training are:
 - Disability Awareness
 - Child and Adult Safeguarding
 - Sexual Exploitation
 - Equality Awareness
 - Legislation, Conditions of Licence and Byelaws
 - York's Pedestrian Zone awarenessThe test at the end of the training is 30 questions with a pass mark of 26 (87%).
23. Applicants must also complete and pass a taxi driving assessment with a training provider approved by the Council. Drivers of wheelchair accessible vehicles must also pass a practical assessment.
24. It is also a requirement of the Taxi Licensing Policy that prior to renewal of licences in 2019 existing licensed drivers must complete training in sexual exploitation and Safeguarding. The training attended has to be

approved by the Council. Again Licensing Officers worked with colleagues in WDU to source a training provider. Licensing Officers requested that the training should also cover disability and equality awareness.

25. It was agreed by Licensing Committee Chairs and Managers of the authorities referred to in paragraph 13 that the topics to be cover within the proposed training policy are:
- Advanced practical driving assessment
 - English
 - Local knowledge
 - Regulatory framework
 - Professional standards
 - Safeguarding
 - Equalities/disability
 - Practical wheelchair assessment (drivers of wheelchair accessible vehicles)

The consultation asked for views to the topic and the pass park for tests.

Council Priorities

26. The provision of hackney carriage and private hire licensing supports the council plan of a prosperous city for all, where local businesses can thrive.

Implications

27. The direct implications arising from this report are:
- (a) **Financial** – There are no financial implications for the Council. New driver applicants and licensed drivers will be expected to pay a fee to attend the training. This fee will be set by WDU at a cost recovery level.
 - (b) **Human Resources (HR)** - There are no HR implications.
 - (c) **Equalities** – An equality impact assessment has been undertaken.
 - (d) **Legal** - Hackney carriage and private hire licensing is a function of the Council. The statutory powers are contained within the Town Police Clauses Act 1847 and Part 11 of the Local Government (Miscellaneous Provisions) Act 1976. The Council is required to

issue a hackney carriage or private hire driver's licence provided it is satisfied that the applicant is fit and proper to hold such a licence. Each Local Authority can determine the criteria by which it can 'measure' if an applicant is fit and proper to hold a licence. The matters outlined in paragraph 25 of this report, are matters which may be required prior to the grant of a licence and could form part of determining whether or not an applicant is a fit and proper person to be granted a licence.

- (e) **Crime and Disorder** – There are no crime and disorder implications.
- (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

28. There are no known risks associated with this report.

Contact Details

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Report
Approved



Date 04/07/19

Specialist Implications Officer(s)

Wards Affected:

All

For further information please contact the author of the report

Background papers

Annex 1 – proposed Training Policy

Annex 2 – summary of City of York consultation responses

Annex 3 – summary of consultation responses for the five licensing authorities