

# CHESHIRE EAST COUNCIL

## REPORT TO: Licensing Committee

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**Date of Meeting:** 30<sup>th</sup> September 2013  
**Report of:** Miss K Evans – Licensing Team Leader  
**Subject/Title:** NVQ Level 2 Certificate in Road Passenger Vehicle Driving  
(Taxi and Private Hire)  
**Portfolio Holder:** Cllr Les Gilbert - Communities and Regulatory Services  
Portfolio Holder

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### 1.0 Report Summary

- 1.1 To provide Members with information on the NVQ Level 2 Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire).

### 2.0 Recommendation

- 2.1 That Members note the information and determine to:
- i. authorise the Licensing Team Leader to consult with the existing licensed trade and public (via the Council's web-site); or
  - ii. to take no further action

### 3.0 Reasons for Recommendations

- 3.1 The Licensing Committee has delegated authority to determine such matters.

### 4.0 Wards Affected

- 4.1 All

### 5.0 Local Ward Members

- 5.1 All

### 6.0 Policy Implications

- 6.1 None

### 7.0 Financial Implications (Authorised by the Chief Operating Officer)

- 7.1 The cost of any course will be met by the licensed driver. There may be funding available to undertake the course. However, this will vary depending on the educational institution applied to and the personal circumstances of the student.

- 7.2 If Members authorised consultation to take place, the Licensing Team would write to all existing drivers to seek their views. This will result in a number of letters being sent with an approximate cost of £800.00.

## **8.0 Legal Implications (Authorised by the Interim Monitoring Officer/Head of Legal Services)**

- 8.1 Section 46 of the Town Police Clauses Act 1847 provides a Local Authority with the power to issue Hackney Carriage driver's licences. Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') provides the same power to issues licences to drive private hire vehicles.
- 8.2 The provisions of section 59 (1) (a) (in relation to hackney carriage drivers licences) and section 51 (1) (a) (in relation to private hire drivers licences) of the 1976 Act state that a council shall not grant a licence 'unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence'.
- 8.3 What constitutes fit and proper is not defined in the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. Similarly, there is no judicially approved test of fitness and propriety.
- 8.4 Factors relevant to the suitability of an individual to act as a licensed driver were set out in the case of McCool v Rushcliffe Borough Council (1998) (and followed in Leeds City Council v Hussain (2002)) where Lord Bingham stated:

One must, as it seems to me, approach this case bearing in mind the objectives of this licensing regime which is plainly intended, among other things, to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers.

- 8.5 To assist the Licensing Authority in determining whether an applicant is fit and proper a number of processes are conducted, namely:
- Completion of the Council's application form
  - Satisfactory enhanced Disclosure and Barring Certificate (formerly CRB)
  - Satisfactory driving record
  - Medical assessment
  - Btec Level 2 Certificate in the introduction to the role of the Professional Taxi and Private Hire Driver (the Btec qualification)

## **9.0 Risk Management**

- 9.1 Thorough consideration of all the information prior to making a decision will reduce any risk of a successful challenge.

## 10.0 Background

- 10.1 On the 5<sup>th</sup> November 2012 the Licensing Committee gave Officers the delegated authority to review, update and amend the driver knowledge test, including the consideration and implementation of an appropriate numeracy/language skills test.
- 10.2 Following that decision, the Licensing Team researched the testing arrangements of a number of Licensing Authorities across the country. This research included our neighbours at Cheshire West and Chester, Stoke-on-Trent and colleagues at Manchester City Council.
- 10.3 Consequently, the Licensing Team researched the qualifications available and the following courses were identified:
1. Btec Level 2 Certificate in the introduction to the role of the Professional Taxi and Private Hire Driver (the Btec)
  2. NVQ Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver) (the NVQ)
- 10.7 The main difference between the qualifications is that the Btec is designed for those who are new to the licensed trade and the NVQ is designed for those who are already licensed drivers and therefore goes further into the knowledge needed to gain the qualification and is considered a vocational qualification.
- 10.8 On the 16<sup>th</sup> July 2013 the Licensing Committee resolved that all new applicants would be required to undertake the Btec before a licence would be granted. This requirement replaced the need to undertake the Council's own knowledge test.
- 10.9 Members also requested that further information be provided on the NVQ and proposals submitted for requiring existing drivers to complete the course.
- 10.10 The NVQ would include the following units:
- **Unit 1:** Ensure health and safety of the taxi and private hire driver and passengers
  - **Unit 2:** Drive a taxi or private hire vehicle in a professional manner
  - **Unit 3:** Provide professional customer service in the taxi and private hire industries
  - **Unit 4:** Provide a safe and legal vehicle for transporting passengers by taxi and/or private hire
  - **Unit 5:** Provide a transport service in the taxi and private hire vehicle industries for customers who require assistance
  - **Unit 6:** Provide a service to customers using a wheelchair in an accessible taxi or private hire vehicle
  - **Unit 7:** Transport parcels, luggage and other items in the taxi and private hire industries

- **Unit 8:** Transport children and young persons by taxi, private hire or chauffeuring
- Unit 9: Carry fare paying passengers within the framework of the private hire industry
- Unit 10: Carry fare paying passengers within the regulatory framework of the taxi industry
- Unit 11: Process fares and charges for private hire passengers
- Unit 12: Process fares and charges for taxi passengers
- Unit 13: Plan routes in the taxi and private hire industries
- Unit 14: Develop and maintain work skills and knowledge in the community transport, chauffeur and taxi and private hire vehicle industries
- Unit 15: Manage and administer small businesses in the community transport, taxi or private hire vehicle industries
- Unit 16: Process telephone bookings in the road passenger transport industries
- Unit ERR1: Employment Rights and Responsibilities in the Passenger Transport Sector

10.11 Awarding of the NVQ required completion of 11 units, 8 mandatory (Units 1 to 8) and then 3 optional. The optional units give flexibility between the different type of operations (ie hackney carriage or private hire). The full course specification is attached at appendix 1.

10.12 As with all NVQs there are 2 sections, knowledge & understanding and performance. The knowledge is now encouraged by the awarding bodies to be delivered in the classroom, for example five 3 hour sessions during the driver's downtime. There would then be one (possibly two) workplace observations, where the assessor would go out with the driver to assess performance. Normally the course would take 16 weeks to be completed, but can be completed more quickly depending on the training provider.

10.13 It is suggested that the Licensing Authority consult on the following proposals:

1. That all those granted a joint driver licence after the date specified by the Committee be required to complete the NVQ Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver) within 3 years of being issued their licence
2. That joint driver licence holders complete the NVQ Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver) within 3 years of the date specified by the Licensing Committee
3. That any joint drivers who have already undertaken the NVQ be exempt from this requirement on production of their original certificate (or certified copy) from the awarding body
4. That any joint drivers who have already undertaken a similar qualification at the same level or higher (this would not include the Btec) be exempt from this requirement on production of their original certificate (or certified copy) from the awarding body

## **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report author:

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