

CHESHIRE EAST COUNCIL

REPORT TO: Licensing Committee

Date of Meeting: 23rd May 2013
Report of: Mr Bruce Kennerley – Licensing Officer
Subject/Title: Proposed changes to the joint Hackney Carriage and Private Hire Driver knowledge test
Portfolio Holder: Cllr Les Gilbert - Communities and Regulatory Services
Portfolio Holder

1.0 Report Summary

- 1.1 To seek Members' approval for changes to the testing requirements of applicants for joint Hackney Carriage and Private Hire Driver Licenses.

2.0 Recommendation

- 2.1 That Members consider the proposed changes, the results of the consultation and resolve:
- I. To continue the current practice in relation to the testing of applicants for joint Hackney Carriage and Private Hire Driver Licenses
 - or**
 - II. That all applications for the grant of a joint Hackney Carriage and Private Hire Driver Licenses received with effect from the 1st July 2013 must be accompanied by a Certificate confirming that the applicant has passed the BTEC Level 2 Certificate in the introduction to the role of the Professional Taxi and Private Hire Driver. Any application received prior to this date will be processed in accordance with existing requirements. The Licensing Team Leader is given delegated authority to agree and sign Service Level Agreements with the relevant colleges.

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 Director of Finance and Business Services)

7.1 The cost of any course will be met by the applicant.

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 local authorities the power to issue Hackney Carriage driver's licences. Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') provides the authority to issue 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 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
- Knowledge test

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 5th 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 It became evident that the testing arrangements in place within the Borough fell short of the standards required by other Licensing Authorities. This makes Cheshire East vulnerable to applicants from outside the Borough and who have failed the requirements of other Licensing Authorities.
- 10.4 This vulnerability is exacerbated by recent case law that allows a licensed vehicle to be used for pre-booked work throughout England and Wales. Members are aware that we have seen an increase in the number of applications being made by residents of North Manchester.
- 10.5 It was confirmed that many Licensing Authorities are requiring applicants for driver licenses to undergo a more formal testing process. This includes the attainment of a national accredited and recognised qualification.
- 10.6 Consequently, the Licensing Team researched the qualifications available and the following courses were identified:
1. The Btec Level 2 Certificate in the introduction to the role of the Professional Taxi and Private Hire Driver
 2. NVQ Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver)
- 10.7 The main difference between the qualifications is that the first is designed for those who are new to the licensed trade and the second is designed for those who are already licensed drivers and therefore goes further into the knowledge needed to gain the qualification.
- 10.8 The Licensing Team made contact with Macclesfield College and South Cheshire College to establish whether they were able to provide either course. Both colleges have been of great help to the Licensing Team in researching the courses and have spent time establishing the potential for the courses to be run and synchronising the courses in such a short time period.
- 10.9 **Our current knowledge test**
- 10.9.1 The current requirement for applicants is to complete a single test paper comprising 3 parts:
- Part 1 Highway Code
12 multiple choice questions
Pass mark - 10/12
 - Part 2 Taxi legislation
25 multiple choice questions
Pass mark - 21/25
 - Part 3 Local Knowledge
6 written answer questions
Pass mark - 5/6

- Completion time – 45 minutes

10.9.2 If the applicant passes they receive notification by telephone and subject to their CRB and Medical Report being in order, are then issued with their badge and licence, which is valid for 3 years.

10.9.3 This enables them to drive either a Hackney Carriage Vehicle or Private Hire Vehicle in Cheshire East Council Zones Macclesfield, Congleton or Crewe. Applicants are able to take 3 tests on each application. Three failures will result in the application being closed, the current failure rate is 60%.

10.9.4 A Knowledge Pack is provided online or on request at The Customer Service Centres which give a very basic outline of test requirements. However, there is no coaching or indication in the pre-test Knowledge Pack as to what an applicant is expected to learn in preparation for the exam and this may result in the high failure rate on first exams.

10.10 The Btec Level 2 Certificate in the introduction to the role of the Professional Taxi and Private Hire Driver

10.10.1 The Btec Level 2 Certificate in the introduction to the role of the Professional Taxi and Private Hire Driver (the Btec qualification) goes further than the Council's own knowledge test. As well as being a qualification accredited by Edexcel, it will ensure a level of competence in the following units:

- **Unit 1:** To demonstrate an understanding of health and safety in the work environment of the taxi and private hire driver.
- **Unit 2:** To understand how to transport passengers safely and in relative comfort.
- **Unit 3:** To understand how to provide professional customer service in the taxi and private hire industries.
- **Unit 4:** To understand how to maintain a taxi or private hire vehicle to a legal standard for the safe transport of fare-paying passengers.
- **Unit 5:** To understand how to operate a hackney carriage or private hire vehicle within the regulatory framework pertaining to the licensing area in which they are licensed to transport passengers.
- **Unit 6:** To understand how to provide a transport service in the taxi and private hire industries for passengers who require assistance.
- **Unit 7:** To understand how to plan routes and charge fares in the taxi and private hire industry
- **Unit 8:** To understand how to transport parcels, luggage and other items in the taxi and private hire industries.
- **Unit 9:** To understand how to transport children and young persons whether directly or under a contract with a public organisation.

10.10.2 The qualification will cost approximately £235.00 to undertake, with this cost being met by the applicant. Both colleges will ensure consistency in their fees. There are funding streams available to applicants who are unemployed and details of this can be provided to the applicant by the relevant colleges.

10.10.3 As part of the qualification, a skills assessment will be undertaken by the colleges. This assessment is to ensure that the literacy and numeracy skills of the student are at a good enough standard for them to complete the qualification. If their skills fall short they will be offered support and training to reach the required standard.

10.10.4 The Btec qualification course teaches driver applicants all the skills they require and provides coaching and assistance. The assessors will also answer any queries and then test them to ensure they have retained the knowledge acquired. The qualification is assessed through an onscreen multiple choice question assessment and course work.

10.11 Between the 18th March 2013 and 29th April 2013 the Licensing Team conducted a consultation exercise with the licensed trade and more widely via the Council's web-site to ascertain views on the Council requiring applicants to have undertaken the Btec qualification. The consultation included a number of other proposed changes (six in total) and 24 responses were received, of these 15 respondents commented on the testing arrangements, the relevant comments are attached at Appendix A together with any comments from Officers.

10.12 If Members are minded to approve the proposed changes, it is intended that the following practices will also be employed:

- I. Where an applicant for the grant of a driver licence has gained the Btec qualification at another college where this Council's local questions have not been used, will be required to complete a separate test. This test will assess the applications geographical knowledge of the district applied for and the Council's own Byelaws and Conditions and will be conducted by Officers of the Council (the in-house test).
- II. Where an application for the grant of a driver licence has already gained the NVQ Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver) there will be no requirement for them to undertake the Btec qualification. However, if the applicant has not previously been licensed by Cheshire East Council they will be required to complete the in-house test.

10.13 During the course of researching the changes to the testing arrangements, there are a number of further options that Members may wish to consider:

- Encouraging or requiring all licensed drivers to undertake the NVQ Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver)
- It would be possible to conduct a physical assessment of an applicant's driving skills
- The physical driving assessment might also be used by the General Licensing Sub-Committee to confirm the driving skills of an existing

driver where a complaint or concern has being raised in relation to their driving skills

10.14 Members may wish to provide an indication to Officers as to whether they would like more information on the above points.

11.0 Access to Information

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

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