



Committee: LICENSING COMMITTEE
Date: THURSDAY, 19 MARCH 2020
Venue: LANCASTER TOWN HALL
Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of meeting held on Tuesday 25 February 2020 (previously circulated).

3. **Items of Urgent Business authorised by the Chair**

4. **Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

5. **Driver Training Requirements** (Pages 3 - 6)

Report of the Licensing Manager

Exclusion of the Press and Public

6. **Exempt Item**

The Committee is recommended to pass the following recommendation in relation to the following item:

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the ground that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.”

Councillors are reminded that, whilst the following item has been marked as exempt, it is for the Committee to decide whether or not to consider it in private or in public. In making the decision, Councillors should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion, Councillors should also be mindful of the advice of Council officers.

7. **Review of Private Hire Driver Licence** (Pages 7 - 15)

Report of the Licensing Manager

8. **Review of Hackney Carriage / Private Hire Drivers licence** (Pages 16 - 20)

Report of the Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Colin Hartley (Chair), Mel Guilding (Vice-Chair), Richard Austen-Baker, Merv Evans, Kevin Frea, Mike Greenall, Joan Jackson, Abi Mills, Jean Parr and Joyce Pritchard

(ii) Queries regarding this Agenda

Please contact Liz Bateson, Democratic Services - telephone (01524) 582047 or email ebateson@lancaster.gov.uk.

(iii) Changes to Membership, or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

KIERAN KEANE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Wednesday 11 March, 2020.

LICENSING COMMITTEE**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976****DRIVER TRAINING REQUIREMENTS****19 March 2020****Report of the Licensing Manager****PURPOSE OF REPORT**

To request the Committee to amend the requirements applied to new private hire/ hackney carriage driver applicants in respect of training relating to Level 2 Certification "In the Introduction to the role of the Professional Taxi and Private Hire Driver"

To request the Committee, approve the revised format of the taxi driver knowledge test

The report is public

RECOMMENDATIONS

- i. The Committee are requested to approve an amendment to the Hackney Carriage and Private Hire Driver application process to remove the following requirement-

Applicants to achieve the BTEC Level 2 Certificate "In the Introduction to the role of the Professional Taxi and Private Hire driver with Lancaster and Morecambe College (LMC) as part of the licence application

And with effect from 4 May 2020 replace with

Applicants to achieve the City and Guilds Level 2 Certificate "In the Introduction to the role of the Professional Taxi and Private Hire driver with Lancaster and Morecambe College (LMC) as part of the licence application

- ii. That new driver applicants who have achieved a level 2 certificate from a recognised awarding body with an identical unit content as that detailed in section 2.1 of this report be exempted from the requirement to retake the units. No exemption will be given in respect of the driver knowledge test or the Lancaster Child Sexual Exploitation requirements
- iii. The Committee approve the proposed revised format for the taxi driver knowledge test

1.0 Background

- 1.1 At its meeting on 22 March 2018 the Committee approved proposals to introduce new training arrangements for all new applicants for hackney carriage and private hire drivers' licences. With effect from 24 April 2018 new driver applicants were required to satisfactorily complete the Btec Level 2 Certificate in the Introduction to the role of the Professional Taxi and Private Hire driver at Lancaster and Morecambe College.
- 1.2 At the same meeting the Committee also approved that the Lancaster City Council taxi driver knowledge test and Child Sexual Exploitation be delivered in parallel to the Btec qualification at the Lancaster and Morecambe College
- 1.3 In March 2018 Lancaster and Morecambe College gave a commitment that the costs for the training would be a one off cost to the applicant of £225 and that this fee would be maintained for a 3 year period subject to annual inflationary increases only.
- 1.4 In February 2020 Licensing officers were contacted by tutors at Lancaster and Morecambe College to advise that the awarding body of the Btec level 2 qualification were discontinuing the qualification at a national level. The last Btec training course will be delivered at the college week commencing 28 April 2020. The reason for the discontinuation is unclear but may have been linked to adverse publicity associated with the provision of training by some training providers. There has been no concerns raised regarding the delivery of the Btec course at The Lancaster and Morecambe College

2. Report

- 2.1 Working in partnership with the College, Licensing Officers have identified that an alternative awarding body i.e. City and Guilds deliver a level 2 qualification with an identical title and content. The content of the current and proposed level 2 training course is as follows

Unit title	Btec Unit number	City and Guilds Unit number
Health and safety in the taxi and private hire work environment	1	201
Road safety when driving passengers in a taxi or private hire vehicle	2	202
Professional customer service in the taxi and private hire industry	3	203
Taxi and private hire vehicle maintenance and safety inspections	4	204
The regulatory framework of the taxi and private hire industry	5	205
Taxi and private hire services for passengers who require assistance	6	206
Routes and fares in the taxi and private hire vehicle industries	7	207
Transporting of parcels, luggage and other items in the taxi and private hire industries	8	208
Transporting of children and young persons by taxi or private hire vehicle	9	209

- 2.2 College tutors and officers are satisfied that the City and Guilds qualification is of an equivalent standard to the Btec and that the course content remains valid and relevant to knowledge required to work as a licensed hackney carriage / private hire driver.
- 2.3 There is no proposal for licensed drivers who have completed the Btec level 2 course, to undertake the City and Guilds level 2 qualification. The training provision is being reviewed purely as a result of the discontinuation of the Btec qualification.
- 2.4 Lancaster and Morecambe College will continue to deliver the Lancaster City Council safeguarding/ Child Sexual Exploitation training in parallel to the driver knowledge test and the Btec/ City and Guilds qualification.
- 2.5 The Committee have in recent months considered a licensed driver application where the applicant had passed the taxi driver knowledge test but had subsequently been unable to demonstrate any topographical knowledge of the Lancaster district.

At least 2 other applicants have demonstrated similar patterns of behaviour. As a result of the shortcomings identified officers have been working in conjunction with the college to redesign the format of taxi driver knowledge test.

The topographical questions are being redesigned but to an equivalent level as the original questions. It is proposed that the redesigned format will generate individual test papers from a pool of randomly generated questions, no two question papers will be identical.

In addition it is proposed that each taxi driver knowledge test will include a set of mandatory questions in relation to key elements of taxi licensing, including plying for hire, carriage of assistance dogs, safe carriage of customers travelling in wheelchairs, responsibility to report convictions / accidents etc.

It is proposed that applicants would be required to correctly answer all the mandatory questions in order to pass the knowledge test. Topographical questions would require a pass mark of 80%.

3.0 Council Policy and Legislation

- 3.1 Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provide that a Council shall not grant a licence unless satisfied that the applicant is a "fit and proper person" to hold a private hire/ hackney carriage drivers licence.
- 3.2 The requirement that new applicants for a hackney carriage / private hire drivers licence undertake a recognised qualification and demonstrate satisfactory topographical and licensing knowledge form part of the Councils criteria used to determine an applicant's suitability to hold a hackney carriage/ private hire drivers licence.

4.0 Options

- 4.1 Options available to members are:

- 1) To approve with effect from 4 May 2020 an amendment to the hackney carriage/ private hire driver application process, to require new driver applicants to satisfactorily complete a City and Guilds level 2 qualification in the Introduction to the role of the Professional Taxi and Private Hire driver with Lancaster and Morecambe College (LMC) as part of the licence application process.
- 2) To remove the level 2 training requirement in respect of an Introduction to the role of the Professional Taxi and Private Hire driver, from the new driver application process.
- 3) To approve the revised format of the Lancaster City Council taxi driver knowledge test.
- 4) To remove the requirement for new driver applicants to satisfactorily complete the Lancaster City Council taxi driver knowledge test.

5.0 Officer Comments

5.1 Hackney carriage and private hire drivers licensed by the Council are considered as having the Councils seal of approval. It is important that the Council only licences those persons who are “fit and proper” to hold such licences. It is reasonable to expect licensed drivers to be able to demonstrate that they understand the licensing rules and regulations that are in place and that they have a reasonable topographical knowledge of the area in which the majority of their work will be undertaken (knowledge test).
 The professional qualification seeks to provide taxi drivers with the necessary skills and knowledge to equip them to carry out their role to a high standard including safety of their passengers, themselves and at times vulnerable members of the public.
 To reduce training and knowledge test standards would be to devalue the role

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None, the policy for new applicants would apply equally to all parties</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>Financial Services have not been consulted, as there are no financial implications to the Council and no change in financial implications for applicants</p>	
<p>LEGAL IMPLICATIONS</p> <p>Any person who fails to meet the application standard and has a hackney carriage / private hire drivers licence application refused has a right of appeal to the Magistrates Court within 21 days of the decision to refuse to grant of the licence.</p>	
<p>BACKGROUND PAPERS Report to Licensing Regulatory Committee 22 March 2018 – New driver training – change of provider</p>	<p>Contact Officer: Jenette Hicks Telephone: 01524 582732 E-mail: jhicks@lancaster.gov.uk Ref: JH</p>

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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