

# LICENSING COMMITTEE

## Application Standards - Private Hire and Hackney Carriage Drivers

7 September 2023

### Report of Licensing Manager

#### PURPOSE OF REPORT

To review the “fit and proper” assessment for private hire and hackney carriage driver licences with a view to streamlining application processes.

**This report is public.**

#### RECOMMENDATIONS

- (1) That members consider the options set out in the report and determine whether to amend application processes or standards.
- (2) By amending or removing parts of the application process it may compromise public safety, all decisions must consider the protection of the public above all other factors.

#### 1.0 Introduction

- 1.1 At a meeting of the Taxi Working Party (July 2023), members of the local licensed trade raised concerns with the group regarding the viability of the local trade should the application standards currently in place remain. They felt that the Lancaster and Morecambe College Course (or equivalent) was a barrier to new applicants entering the trade, furthermore they felt the process and time taken to become licenced was lengthy.

In response to the concerns, the group requested that the Licensing Manager undertakes a review of application standards currently in place and provide options to Licensing Committee of how improvements and efficiencies could be made.

Benchmarking with Lancashire and Cumbrian Authorities will also be undertaken, this will provide an opportunity to evaluate the standards adopted in Lancaster against other Local Authorities, hopefully providing reassurance to members that the application standards for Lancaster are comparable.

## 2.0 Report

- 2.1 Legislation requires that private hire and hackney carriage drivers are “fit and proper” but does not provide a definition as to what constitutes fit and proper.

The department for transport (DFT) Statutory Standards (2020) suggests that the following question may be helpful in the consideration of fit and proper “***without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night***”.

The Council is not fettered in its discretion as to what can be taken into consideration regarding the “fit and proper test”, but routinely considers a person’s conduct, (this extends beyond criminal and motoring convictions), their driving skills, knowledge and awareness of issues relevant to the role of a licensed driver and medical suitability.

- 2.2 The application process for private hire and hackney carriage drivers requires several tests be satisfied before the Council can consider an individual “fit and proper” to be a licensed driver (private hire or hackney carriage). In terms of new applicants, they are required to provide:

- Evidence of right to work
- Fully completed application form
- 2 recent passport size photos ('one must be certified as true likeness')
- Satisfactory DVLA Group 2 medical (completed within 1 month by a medical practitioner who has had sight of the applicant’s medical summary)
- A full current DVLA driving licence held for a minimum period of 12 months and a time limited DVLA check code
- An appropriate practical driving certification from an approved training provider
- An enhanced DBS certificate for the role of taxi driver and other workforce together with DBS update service details
- An overseas check – certificate on good conduct (required for persons who have spent time away from the UK)
- A BTEC level 2 / City and Guilds level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver issued by Lancaster and Morecambe College – incorporating the Lancaster City Council taxi drivers knowledge test and safeguarding presentation
- The licence fee

Details of each application process is contained in the “Drivers” section (4) of Lancaster City Councils Private Hire and Hackney Carriage Licensing Policy. Attached at **Appendix 1** for members reference.

- 2.3 Once all documents have been submitted, an application can be determined, if the applicant does not meet the standards set out in the policy it is determined by the Licensing Manager, if all parts are complete and meet the required standard, the licence is granted by an authorised officer. The application process **can** be completed in 6-8 weeks.

On average the cost of an application, inclusive of a 3-year drivers licence is approx. £600. Some parts of the process can be obtained through support service at no cost to the applicant.

### **3.0 Review of Current Standards**

- 3.1 The table attached at **Appendix 2** sets out the current application standards, reasons for adoption, options available to streamline the process, and risks associated with removing in part or the requirement as a whole.
- 3.2 Members will note that there are a number of application criteria that are standard or non-negotiable, either due to legal requirements or industry best practice. E.g. Right to work check and DVLA Group 2 Medical Examination.
- 3.3 The requirement(s) to undertake a professional driving assessment, disclosure and barring service (DBS) check providers and training level have been identified as areas that could be reviewed. They present the most variation when considering the benchmarking with Lancashire/Cumbrian Authorities. Detailed at **Appendix 3** for members information.

#### **3.4 Professional Driving Assessment**

For licensed drivers to meet the “fit and proper” test the Council require an applicant to satisfactorily complete a practical driving skills assessment with an approved training provider. Applicants can choose from Blue Lamp Trust or Lancaster Training Services.

Whilst it is recognised that all driver applicants are required to hold the relevant DVLA driving licence, this is not necessarily a measure of a person’s current driving skills. The satisfactory completion of a practical driving assessment is required as evidence that an applicant has good practical driving skills, this is seen as a key requirement for both driver and passenger and public safety.

There has been no feedback from applicants regarding accessibility or availability of tests.

#### **3.5 DBS Providers**

As part of the driver licence new application process, an applicant is required to complete an enhanced Disclosure and Barring Service (DBS) check.

In addition, all new applicants and existing licensed drivers are required to sign up and maintain subscription to the DBS update service. This can be done at any time from the date of submission of the disclosure application up to and including 30 days from the date when the disclosure certificate is issued. This allows the Licensing Authority to check the status of a DBS at any time.

Currently, the Licensing Authority facilitates DBS checks and verifies the identity of applicants. The cost of the initial check is cost neutral (£44.00) and payable to the Licensing Authority, the subscription fee (£13.00 annually) is paid directly to the DBS service and maintained by the applicant/driver.

Some Licensing Authorities utilise the services of a third-party provider of DBS checks, this would require applicants to apply for a DBS check independently. Identification and interim licence checks may also be undertaken by the provider, reducing the administrative burden on the Licensing Service.

The cost of a third party undertaking the checks is higher than if the Licensing Service continued to facilitate the checks. Any increase in cost would need to be met by the applicant/driver.

- 3.6 Enquiries have been made with Personnel Checks, a provider of enhanced DBS checks, DVLA licence checks and interim DBS status checks. Personnel Checks currently facilitate Lancaster City Councils employee DBS checks on behalf of Human Resources.

Applicants would access Personnel Checks website and complete an application and verify ID documents online, they would then be prompted to sign-up to the update service via the DBS service. The cost of the online application process is £59.00, payable directly to personnel checks by the applicant, a further £13.00 annual maintenance fee would be paid directly to the DBS service for the update service.

This would be completed independently of the licensing service; Lancaster City Council website would provide a link for applicants to access the process.

A system accessible by the licensing service and personnel checks would be maintained, interim DBS status checks would also be conducted every fortnight and any change in DBS status would be flagged to the service to notify the driver to complete a further DBS check. The cost of the interim checks is £7.20 per driver, per year, paid by the licensing service to personnel checks, recoverable via individual licence fees.

The licensing service would provide all licensed driver details to Personnel Checks and migrate information onto their system, this will ensure that checks are completed on drivers currently licensed.

Although not guaranteed, the expected return time for a DBS check facilitated by personnel checks is 2-3 weeks, which is considerably sooner than the current process.

Over 90 Licensing Authorities currently use this system.

### 3.7 Qualification Requirements, Including Knowledge and Safeguarding tests

For licensed drivers to meet the “fit and proper test” The Council regard it essential for drivers (hackney carriage and private hire) to have relevant knowledge, awareness and skills.

Prior to submitting an application for a private hire or hackney carriage drivers licence potential applicants are required to attend Lancaster and Morecambe college to take an English and Maths assessment where they need to achieve Level 2 to be able to progress to the next stage.

Following the English and Maths assessment successful candidates (i.e. those who have reached the level 2 standard) are required to sit Lancaster driver knowledge test, this assesses a candidates knowledge of the routes, localities and points of interest within the City area and beyond and it also assesses a candidate knowledge of licensing laws and local licensing conditions. It is considered that this knowledge requirement is an essential part of the “fit and proper test” that licensed drivers are required to meet. Licensed drivers must be able to effectively communicate with their passengers and other members of the public, they must have good topographical knowledge of the area in which they intend to driver i.e. Lancaster City Council area, and they must also have good knowledge of the rules they will be required to follow whilst working as a licensed driver in the city.

Once a candidate has passed the basic skills (Maths and English), the Lancaster

knowledge test and safeguarding presentation/test, they are required to complete the BTEC City and Guilds Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver.

This is provided by Lancaster and Morecambe College; the course is a 4-day programme. There are 9 units covered over the 4-days:

1. Health and Safety in the taxi and private hire work environments
2. Road safety when driving passengers in a taxi or private hire vehicle
3. Professional customer service in the taxi and private hire industry
4. Taxi and private hire vehicle maintenance and safety inspections
5. The regulatory framework of the taxi and private hire industry
6. Taxi and private hire services for passengers who require assistance\*
7. Routes and fares in the taxi and private hire vehicle industries
8. Transporting of parcels, luggage and other items in the taxi and private hire industries
9. Transporting of children and young persons by taxi and private hire vehicle

All the above exams are assessed on-line, exams undertaken in the classroom and the candidates have to achieve over 70% to pass each unit.

\*Unit 6 has the practical assessment which candidates need to successfully pass also

Applicants have the option to re-sit failed modules and obtain support from Lancaster and Morecambe College tutors to meet the required standard.

The cost of the course is £100.00 if applicants are currently unemployed/on job-seeking allowance or other benefits they could access the course for free.

The course is run monthly with the exception of August and December, the next are scheduled for 26/9, 31/10 and 28/11 (2023).

- 3.8 In previous years (post 2018), applicants completed an apprenticeship with Blackpool and Fylde College, they were given 12 months, post licensing to complete the qualification. The onerous was very much on the driver to complete the training. Furthermore, with the providers operating out of district, applicants found attendance difficult.

In 2018, Lancaster City Council and Lancaster and Morecambe College built a bespoke package for the qualification, inclusive of the local knowledge test and safeguarding presentation. Since that time, new staff members have attended the course, not only to further their knowledge and links with new members of the trade, but to review the course content and assess the viability of the course as a whole.

Jasmine Elkins, Licensing Officer stated the following in respect of the course.

*I attended the Taxi and Private Hire Course at Lancaster and Morecambe College in November. I attended the training sessions, however, did not sit the actual exams as I would have had to been registered with City and Guilds.*

*On my first day of the course, I met Joanne Wilson (Jo) who runs the sessions, she was very welcoming, and had made everyone a folder filled with useful documents, reading lists, handouts, and mock quiz's. The other taxi drivers were also assigned reading prior to the training sessions.*

*The training sessions I attended were:*

- *Health and Safety*
- *Road Safety*
- *Customer Service*
- *Maintenance and Safety Inspections*
- *Regulatory Framework*

*Jo is knowledgeable, engaging, and enthusiastic, although I am not wanting to become a taxi driver, I still found myself genuinely interested in what Jo was saying, and I found it beneficial as a new Licensing Officer to attend.*

*Jo covered in detail, not only key areas such as Road Safety and Customer Service, but also went into depth regarding the policy, the application process and answered all questions that the driver's had.*

*At the end of each of training session, Jo conducted a revision session, including a multiple-choice mock quiz. I passed all the mock quiz's that I completed. I found the questions fair and not too difficult, especially considering the resources and knowledge you are given during the training sessions. We reviewed the answers as a group, which was useful to highlight gaps in driver's knowledge, to thoroughly prepare them for their exam.*

*The feedback that I gathered from drivers during the sessions was positive, and all the drivers I spoke too found it useful and informative. I believe removing the taxi college course would be at great detriment to the standard of future taxi drivers, as well, as hinder public safety and increase pressure on Licensing staff. I ask members before making a decision on this matter, to speak to Jo or even attend a day or two of the course yourself to understand its importance.*

- 3.8 Members have the option to remove the training requirement from application criteria, require it to be completed within a specified time post licensing or maintain current standards.

If members removed the training provision or amend when it had to be completed, the knowledge test and safeguarding presentation would have to be facilitated by the City Council, which would have to be at a separate cost to the applicant and place a increased resource requirement on the Licensing Service. The cost of facilitating these tests and potential re-tests may exceed £100.00, particularly is considering re-sits.

- 3.9 Importantly, the assessment of a person being fit and proper is determined upon application, requiring an applicant to complete the training post licensing may be deemed as "closing the stable door after the horse has bolted", trying to fix something after a problem has occurred. e.g., Allowing an applicant to drive without the relevant knowledge or training beforehand. It therefore may present a legal challenge should a suspension be considered as a sanction for a driver who failed to undertake the training within the timescale set.

#### **4.0 Options**

- 4.1 The options available to members are:

a) Consider removal of the requirement to complete a professional driving test as part of application criteria for private hire and hackney carriage drivers' licences.

b) Instruct a third party to undertake disclosure and barring certificates and update service checks on behalf of new and renewal applicants for private hire and hackney carriage drivers licences.

c) Consider allowing applicants to complete the BTEC qualification (or equivalent) within the first year of licensing, removal of qualification requirements in whole or part or maintain current standards.

4.2 Members are asked to consider the risks highlighted in **Appendix 2** and discuss the merits of amending application criteria and the impact that may present to public safety.

## 5.0 Conclusion

5.1 It was highlighted at a recent taxi working group that driver numbers are significantly lower than in previous years, with members of the licensed trade calling upon elected members to consider a review of application standards in a bid to increase driver numbers, ease the administrative burden and time taken to obtain a driver's licence with Lancaster City Council.

5.2 It is important that application requirements are reviewed regularly, and standards updated. Any amendments made will not guarantee an influx of new drivers. The shortfall in new driver numbers was highlighted in the Licensing workplan 2023/24 as a priority, alongside this review, education, and information available to potential new drivers is required through Council communications, including website information with links to external partners highlighting the assistance available.

Additionally, in a bid to increase driver numbers, the licensed trade must also promote the profession and assist potential applicants with the application process. Including accessible IT assistance and information readily available on how to apply.

5.3 In April 2021 members of Licensing Committee adopted the private hire and hackney carriage licensing policy, the policy brought together existing policies and procedures into one encompassing document, to be used as a reference tool for staff, elected members, and service users. Any departure from the current application criteria must be assessed against the aims of the policy, protecting public safety in its widest context.

### **CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

When considering an individual's suitability to hold a licence, the protection of the public is paramount, any decision to amend the current application standards must be assessed against the risk to public safety.

### **LEGAL IMPLICATIONS**

The application process for private hire and hackney carriage drivers requires several tests be satisfied **before** the Council can consider an individual "fit and proper" to be a licensed driver.

Members may wish to discuss the merits and potential for legal challenges of requiring assessment of individuals being fit and proper post licensing.

### **FINANCIAL IMPLICATIONS**

There are no financial implications, The cost of the administration and issuing of a drivers licence is based on full cost recovery, therefore any change to the current process would need to be reflected in next year's licensing fees.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces**  
None identified

**SECTION 151 OFFICER'S COMMENTS**  
None.

**MONITORING OFFICER'S COMMENTS**  
None.

**BACKGROUND PAPERS**

None

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