

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Licensing and Public Protection Committee
15 February 2022

Report Title: Consultation on Taxi Policy amendment for New Driver Criteria
Submitted by: Head of Environmental Health & Licensing Administration Team Manager
Portfolios: Finance, Town Centres and Growth
Ward(s) affected: All

Purpose of the Report

To request that members consider whether to remove or replace the BTEC qualification requirement in relation to new taxi driver applicant eligibility

Recommendation

That

1. Members note that one of the current eligibility qualification criteria for new driver applicants is no longer available in the local area;
2. A) Members determine to retain the criteria as it is currently; OR
B) Members determine whether the criteria should be removed entirely and a commencement date; OR
C) Members determine that if the criteria should be replaced, what it should be replaced with and a commencement date; and
3. Members determine whether consultation is required and if so the length of the consultation period.

Reasons

One the of the eligibility criteria for all new taxi driver applicants is that they have completed the BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' or equivalent as determined by the Council. The BTEC qualification used to run locally at Stoke-on-Trent College but was removed from their list of courses in 2021. The Council's current taxi policy, and the one prior, have requested that new drivers obtain this qualification, or equivalent, in order to show they have requisite knowledge of the subject area. Now the course is no longer available it is felt that the Council should consider what steps to take next so as to not create an unnecessary barrier to prospective applicants.

1. **Background**

1.1 The current taxi licensing policy, containing the below provision was first introduced on 1st November 2019 and amended in January 2021:

In addition to submitting the application form and fee an applicant must:

- Provide the BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' qualification, or equivalent as determined by the Council;

1.2 The previous taxi licensing policy that ran from 2015-2018 provided that:

Before granting a licence the Council requires that:

“The applicant holds either a BTEC Level 2 certificate in the ‘Introduction to the Role of the Professional Taxi and Private Hire Driver’ qualification, or, where that is not locally available, to have taken and passed the Driving Standards Agency (DSA) taxi test which incorporates the wheelchair manoeuvring element. These are minimum requirements. Higher levels of qualifications such as a National Vocational Qualification (NVQ) for licensed drivers will also be Accepted”

1.3 The DSA no longer administers taxi tests, or the wheelchair manoeuvring element so there is no possibility of using this as an equivalent. There are local providers that offer a driving assessment but it is unknown as to what standard they are assessed against.

1.4 There are no longer any NVQs above that of Level 2 and the BTEC Level 2 is no longer available at any local education centre or with a local training provider. Many licensing authorities appear to be moving away from a BTEC requirement and towards a ‘training course’ and/or ‘knowledge test’, however there are still accredited BTEC courses being run further afield. An example is Cheshire East Council who still request a Level 2 BTEC or NVQ in a relevant subject but they use a provider in Manchester.

2. Issues

2.1 All licensing authorities set out their own eligibility criteria for new taxi drivers and each authority will have different requirements. There is a commonality around Enhanced DBS checks, Group 2 standard medicals, safeguarding training, proof of identity and right to work in the UK. However each authority may go about obtaining the information in different ways or through different providers. This is the same for all other criteria each authority deems relevant for determining the suitability of applicants to be taxi drivers.

2.2 The Borough Council currently have a very stringent set of eligibility criteria for new applicants including the BTEC requirement referred to in section 1.1 of this report. A full breakdown can be found at Appendix C in the taxi licensing policy which is attached as **Appendix 1** to this report. It is also listed in the main body of the policy at section 3.2.4 and contains other elements deemed important such as:

- Passing approved Disability Equality training;
- Pass the Council’s knowledge test; and
- Have a satisfactory level of conversational and written English.

2.3 Disability Equality training is becoming more prevalent throughout the country, as is the English requirement as it is included in the Department for Transport’s Statutory Taxi Standards.

2.4 Nearly all licensing authorities have either their own ‘taxi driver training’ course or ‘knowledge test’ administered in-house or by a third party provider, or both. The Councils use these to give the prospective applicants the knowledge they require to become licensed taxi drivers and to test that knowledge appropriately. Local examples:

- Stoke City Council offer an in-house training course which is immediately followed by an in-house knowledge test;
- Wolverhampton City Council have a training course administered by a third party provider which culminates in a test;
- Stafford Borough Council offer an in-house knowledge test and provide revision material in advance.

2.5 The Borough Council currently have the in-house knowledge test and similarly to Stafford we publish on our website the topics contained within the test and revision materials that should

be accessed in preparation. The pass mark for the test is 75% in each section and all sections must be passed at the same time. The topics covered are:

- *the highway code;*
- *taxi legislation;*
- *the Council's vehicle conditions and driver Code of Conduct;*
- *safeguarding and child sexual exploitation awareness;*
- *Disability equality*
- *Local area knowledge*
- *Working out fares and giving change; and*
- *The understanding of and testing of written English*

Full information on the test provisions is contained at section 23 in Appendix 1.

2.6 Contained at Section 1.4 of the taxi licensing policy are provisions that relate to when the policy will be reviewed and when amendments can be made without consultation with stakeholders:

1.4 Review of the Policy

1.4.1 The policy will be formally reviewed after 5 years. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of each review relevant stakeholders will be consulted.

1.4.2 Minor changes would be made without consultation where:

- *they are to correct an administrative error*
- *they are a change needed because something is no longer possible or legal*
- *there is no foreseeable detrimental effect to licensee's interests.*

3. Proposal

3.1 That

1) Members note that one of the current eligibility qualification criteria for new driver applicants is no longer available in the local area (RECOMMENDED);

2) (A) Members determine to retain the criteria as it is currently; OR

(B) Members determine whether the criteria should be removed entirely and a commencement date; (RECOMMENDED is to remove the BTEC requirement and use the local knowledge test we currently have in place. The start date to be effective immediately); OR

(C) Members determine that if the criteria should be replaced, what it should be replaced with and a commencement date (if Members determine that the BTEC requirement be replaced then officer recommendation is replace it with 'A Training Course approved by the Council' with the course approval decision delegated to Executive Director or Head of Service as appropriate. The start date could be delegated to the same senior officers if there are no objections from stakeholders, or could return to Committee if there were); and

5) Members determine whether consultation is required and if so the length of the consultation period (RECOMMENDATION is that consultation is not required as there are no foreseeable detrimental effects to applicants. If consultation is required then the officer recommendation would be a relatively short period of 4 weeks).

4. Reasons for Proposed Solution

4.1 One of the eligibility criteria for all new taxi driver applicants is that they have completed the BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' or equivalent as determined by the Council. The BTEC qualification used to run locally at Stoke-on-Trent College but was removed from their list of courses in 2021.

The Council's current taxi policy, and the one prior, have requested that new drivers obtain this qualification, or equivalent, in order to show they have requisite knowledge of the subject area. Now the course is no longer available it is felt that the Council should consider what steps to take next so as to not create an unnecessary barrier to prospective applicants.

4.2 As can be seen at section 2.5 of this report the Council Policy already has a strong mechanism via the in-house knowledge test for ensuring that prospective new drivers have satisfactory level of knowledge around areas that are important for a professional driver to have. It is officers' opinion that the knowledge test in its current format is suitable for the Council to be satisfied of an individual's knowledge and understanding. If the BTEC requirement was to be removed then the changes could be implemented immediately which would be of a benefit to any prospective applicants.

5. **Options Considered**

5.1 The alternatives would be to keep the current provision and make applicants either travel long distances or complete the course online, or to approve a 'replacement' course. This would either mean the creation of an in-house course to be delivered by officers, using a suitable course from a third party that is currently in place or procuring a provider and a training package.

5.2 It is considered that retaining the BTEC requirement would place an unnecessary financial and time burden on potential applicants and that replacing the requirement with a training course is unnecessary given the current policy provisions around the knowledge test.

5.3 It is the officers' opinion that if the decision is to replace the BTEC with a training course that officers are best placed to create or procure the services of a suitable training course, and if the commencement date was also delegated it could be rolled out at the earliest opportunity.

5.4 It is the officers' opinion that regardless of the decision, the outcome is highly unlikely to be detrimental to any prospective applicants, due to all options being cheaper and quicker to access than the current BTEC requirement, and therefore meets the criteria at 1.4.2 in the policy to not require stakeholder consultation.

6. **Legal and Statutory Implications**

6.1 Under the Department for Transport's Statutory Taxi Standards, referred to in section 2.3 above, it is a requirement that all licensing authorities put together a comprehensive taxi licensing policy document. The purpose of this is to provide all stakeholders with the relevant information as to the considerations taken into account when looking at taxi licensing matters. There is no legal or statutory duty to include a formally accredited qualification as part of the fit and proper test for an individual to become a taxi driver. It is up to each individual licensing authority to determine those requirements.

7. **Equality Impact Assessment**

7.1 N/A

8. **Financial and Resource Implications**

8.1 Removing the BTEC requirement entirely has no implications for either. Retaining the BTEC requirement as it is has no resource implications but may have financial implications as fewer people will be in a position to apply. All fees are based on cost recovery so this would not result in a loss or revenue. Replacing the BTEC requirement with a course may have

financial and resource implications which would differ depending on whether it was created and administered in-house, delivered by a third party, or a new package and provider was procured. Creating and administering in-house would be the most resource intensive of the three.

9. **Major Risks**

9.1 N/A

10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 Licensing & Public Protection Committee meeting 26th January 2021 where the most [current version of the Taxi Licensing Policy was approved](#)

13. **List of Appendices**

13.1 Appendix 1 – Current Policy Driver Criteria

14. **Background Papers**

14.1 [Department for Transport Statutory Taxi Standards](#)

14.2 [Taxi Licensing Policy 2021-2025](#)