

EAST HERTS COUNCIL

LICENSING COMMITTEE – 14 JULY 2016

REPORT BY THE CHIEF EXECUTIVE

TRAINING FOR LICENSED DRIVERS

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report:**

- The council is responsible for licensing hackney carriage and private hire drivers. Current policy requires new applicants for Dual Drivers licences (combining both Hackney Carriage and Private Hire drivers licences) to pass a 2 hour knowledge test. The test comprises of two parts, routes and numeracy/legal requirements/handbook.
- The Committee is asked to consider amendments to the scope, style, delivery and cost of the test and application criteria.

<b><u>RECOMMENDATIONS FOR DECISION:</u> That</b>	
<b>(A)</b>	<b>From 1<sup>st</sup> August 2016 all new driver applicants be subject to the new requirements;</b>
<b>(B)</b>	<b>From 1<sup>st</sup> January 2017 all renewing drivers be subject to the new requirements; and</b>
<b>(C)</b>	<b>Officers have delegated authority to make minor modifications to the scheme, in consultation with the Chairman of the Licensing Committee.</b>

1.0 Background

1.1 East Herts, as an Authority that licenses hackney carriage and private hire drivers, can set its own criteria to ensure that applicants are 'fit and proper' to hold a licence. As such the authority requires all applicants to pass a DVSA driving test, a medical and a criminal records check. Additionally dual driver applicants have to undertake and pass a knowledge test.

1.2 The current policy and application criteria were last revised in January 2014. The authority has taken the decision to review the

policy, and in particular the application criteria, as there are issues that should be addressed which we were not aware of at that time. In particular, the issues with child sexual exploitation and safeguarding that have occurred in other parts of the country.

- 1.3 Outside of the application criteria no training is offered to, or required of, either new or renewing applicants.
- 1.4 To address the current issues, ensure that drivers are 'fit and proper' and protect the public it is proposed that:
- new applicants for driver's licences attend a full day's course which includes training in relevant legislation and other key information required to be a competent and safe driver. This will include a test of that knowledge for both dual driver and private hire driver applicants (although the route tests will differ).
  - renewing applicants for driver's licences attend a five and a half hour course which includes training in relevant legislation and other key information required to remain a competent and safe driver. There would not be a test as part of this course.

Both training events would include disability awareness training.

- 1.5 The overriding consideration in taxi licensing is public safety and the proposals in this report have this principle at their core.

## 2.0 Report

- 2.1 Current policy requires that an applicant for a new dual drivers licence must undertake, at their own expense, a written knowledge test. The test comprises of two parts, routes and numeracy/legal requirements/handbook. The routes section comprises of 25 questions and gives start and finish locations. The applicant must describe the shortest route between those two points and must achieve 20/25 to pass. Applicants can choose to be tested on routes in Hertford/Ware or Bishops Stortford/Sawbridgeworth. The second section is 5 multiple choice questions and an applicant must achieve 4/5.
- 2.2 New applicants for private hire driver licences are not required to sit any sort of test under the current policy. This has historically been the case at East Herts but other Hertfordshire authorities have taken different approaches.

- 2.3 The knowledge test changed from a test conducted verbally by Officers on a 1-2-1 basis to a group written test in November 2014. At that time the section on numeracy/legal requirements/handbook was added. The cost of this written test is £91.00 for both parts and the cost of resitting the individual parts is £75.00 for routes and £16.00 for the numeracy/legal requirements/handbook section. Taxi licensing is operated on a cost recovery basis so no profit is made from these fees.
- 2.4 The tests are scheduled for every two months as it was calculated that this would be sufficient to meet demand. In the last 12 months 63 applicants have taken the test, this includes 27 individuals taking retests. The current pass rate is 23%.
- 2.5 Officers verbally and via the website advise drivers of how to prepare for the test, including having example questions on the website. However, this does not appear to be effective and brings into question what the test is currently achieving. This proposal is to modernise the test to improve driver standards, but also to support candidates to achieve success and reduce the need to retake the test if candidates are suitable. The main reason for the failures can be lack of local knowledge of routes, which is not something that is proposed as a training topic, but it is just as likely that applicants will fail on their knowledge of rules and regulations. Almost all applicants pass the mental arithmetic questions of the test.
- 2.6 Candidates are currently tested on their knowledge of the rules and regulations governing hackney carriage drivers and vehicles. These rules are taken from national legislation, local bylaws and conditions attached to licences. On application applicants are directed to online information containing the details that they need to learn.
- 2.7 Training prior to a competency test is common place in many spheres of work, a notable example being training for holders of personal licences. It is a requirement of the Licensing Act 2003 that holders of a personal licence will have a formal qualification. Likewise, the Security Industry Authority requires new security staff to have formal, accredited training. There is no intention to accredit driver training yet but this could be a possibility in the future.
- 2.8 It is anticipated that a period of focused training prior to the examination will instil in new applicants a genuine understanding

of the principles behind the regulations leading them to be able to make informed decisions from the very start of their careers.

2.9 In addition to training about rules and regulations it is proposed to deliver segments on driver safety, customer service and safeguarding. Whilst there would not be a test for this part of the training it is felt that the opportunity to deliver this additional information should not be missed.

2.10 It is important that new entrants to the trade are able to provide a safe and effective service to people with disabilities, who often rely on licensed vehicles as their primary form of transport. This was recognised by the Law Commission in its report on Taxi and Private Hire Services which said:

*One of our key provisional proposals to promote equality and accessibility was that private hire and taxi drivers should be required to undergo recognised disability awareness training. This received unanimous support, and statistics published by the Department for Transport show that it is far from a universal requirement in current local licensing conditions. Lack of such training means that some drivers may be less likely to be aware of the needs and rights of disabled passengers; this can contribute to unacceptable practices, for example ignoring their attempts to hail a vehicle, carrying them in an unsafe manner, refusing to carry them at all or charging extra for the service.<sup>1</sup>*

2.11 Many other local authorities in Hertfordshire already require applicants to arrange, at their own cost, training in disability awareness. The average cost to the driver of that training would be £30.00 and there is currently a lengthy waiting time of between 2-3 months for most local providers. This could delay applications being granted even where all other checks were complete.

2.12 The proposal is that Watford Borough Council, who already operates an identical course, are contracted to supply training for East Herts driver applicants. As part of this training they have already procured Hertfordshire Fire and Rescue Service to provide the Disability Awareness training. They have followed the appropriate tendering process so East Herts would not need to repeat this process saving both time and money.

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<sup>1</sup> Taxi and Private Hire Services, Law Com LC437 (2014), para 1.41  
([http://lawcommission.justice.gov.uk/docs/lc347\\_taxi-and-private-hire-services.pdf](http://lawcommission.justice.gov.uk/docs/lc347_taxi-and-private-hire-services.pdf))

- 2.13 By delivering disability training in house as part of the improved and extended driver training/knowledge test we can ensure it is delivered to an acceptable standard.
- 2.14 Along with providing the disability awareness training Hertfordshire Fire and Rescue Service are also willing to provide the venue for the training day at their purpose built training centre at Longfield in Stevenage. An added benefit to using this venue is that drivers would get practical experience of using wheelchair restraints rather than just hearing the theory.
- 2.15 The current cost of the two part knowledge test is £91.00. This is paid at the time of booking and is transferable but non-refundable. Given that the average applicant takes the test 2-3 times before passing, the average cost is currently £166.00-£241.00. The average time taken by an applicant to pass these tests is 4-6 hours; not including any time spent studying. The average officer time spent per candidate per test is 2 hours.
- 2.16 Officers aim to get results to applicants within 5 working days but due to the pressures of work this is not always possible.
- 2.17 As a result of the current test all the authority can be confident of is a certain level of geographical knowledge amongst drivers of hackney carriage vehicles.
- 2.18 Current charges for tests across Hertfordshire and Bedfordshire vary between £15.00 and £105.00. However, only Watford Borough Council includes the cost of disability awareness training within the test fee.
- 2.19 It is understood that the cheapest council, Three Rivers District Council, is about to review their test and fee, Stevenage Borough Council charges £75.00 for an hour-long test and Luton Borough Council charges £74.00 for a computerised test. None of the councils offer training as part of the test, and all report high failure rates similar to Watford that indicate most applicants will pay repeatedly before passing.
- 2.20 It is proposed to charge £97.50 per new applicant for the new test and training. This charge is comprised of the following costs per driver based on 12 drivers per course (calculated from the average number of new dual driver and private hire driver applicants per annum):

Trainer	£33.40
Disability Awareness Training	£30.00
Printing	£1.30
Administration	£22.80
Facilities	£10.00

Costs are calculated from council charges and are cost recovery only; the legislation does not allow licensing authorities to profit from taxi licensing.

2.21 The proposed syllabus would be:

*09:00 – 11:00*

Rules and regulations

Driver safety

Customer service

How to report safeguarding concerns (Adult and Children)

*11:00 – 11:15*

Tea/Coffee break

*11:15 – 12:15*

Test of route knowledge

*12:15 -13:00*

Rules and regulation test

*13:00 – 13:45*

Lunch

*14:00 – 17:00*

Disability awareness training

2.22 When an applicant books on to the driver training course they will be provided with a comprehensive handbook covering all aspects of the taxi trade. Amongst the information contained in the handbook will be the answers to all the questions in the rules and regulations test. Studying of the booklet will be the only way to ensure passing this part of the test which will ensure that new starters will have at least a basic knowledge of what the trade involves before they obtain a licence. The handbook will be referred to throughout the training.

2.23 It is proposed to change the route tests for dual driver applicants to include 40 topographical questions with a pass mark of 35 out

of 40. The style of questions will change from solely the shortest route between A and B so that papers also include multiple choice questions such as 'What road is X (a hospital for example) on?' and 'Which road leads off X Street?'

- 2.24 This high pass mark is a reflection of the fact that hackney carriages can be hailed in the street without prior knowledge of where the passenger may wish to go. There is an expectation amongst the travelling public that if they get into a hackney carriage the driver will know how to get to their chosen destination.
- 2.25 The division between tests for Hertford/Ware and Bishops Stortford/Sawbridgeworth will remain for dual drivers.
- 2.26 As private hire drivers are in a position to pre-plan a route, the topographical test will be significantly different and focus on using a map and planning ahead for local delays and traffic conditions. The test will include some major routes such as to or from the hospital and other landmarks. It is the experience of the licensing team that a test on routes, however basic, shows a candidates' willingness to approach the examination and the job of a driver in a more serious and professional manner. There should be a requirement for some degree of learning outside of the training course to ensure high standards.
- 2.27 The test for private hire driver applicants will be limited to 12 questions. When the test is paid for the applicant will be given a handbook and a list of 30 landmarks and locations across East Herts which they should memorise. These locations will not be divided between Hertford/Ware and Bishops Stortford/Sawbridgeworth but will cover the whole district. At the examination each candidate will be provided with a map of East Herts but with the index removed. The 12 questions they then have to answer will be based on some of the 30 locations and landmarks from the list provided. The format of the questions will be similar to the dual driver questions and the pass mark will be set at 9 out of 12.
- 2.28 All applicants will be required to sit the 45 minute rules and regulations test which will comprise of 25 multiple choice questions, 15 on rules and regulations (pass mark 12 out of 15), 5 on the highway code (pass mark 4 out of 5) and 5 maths questions (pass mark 5 out of 5).

- 2.29 Further benefits to this approach are anticipated through early contact with prospective new drivers and the opportunity to prevent bad habits from forming when drivers are without guidance at the beginning of their careers.
- 2.30 It is proposed that the new training day and tests will be implemented for new applicants from 1<sup>st</sup> August 2016. There will be a transitional period for those applicants that have taken and failed the current test before that date. They will be given the opportunity to take an old style retest on a maximum of two more occasions, on 30<sup>th</sup> September 2016 and 25<sup>th</sup> November 2016. This allows applicants 2 or 3 attempts which, on average, is the number of attempts it takes to pass the current test. Applicants will be given the option of switching to the new style training and test instead but after the November date the current test will no longer be offered.
- 2.31 Applicants who fail both the routes and rules/regulations tests would be able to re-sit the tests, and would be required to attend the morning training session again, for a fee of £67.50. Applicants who only fail the route test would be able to retake the routes test at a cost of £35.00. The venue for retests will be East Herts Council offices in Hertford. The fees have been calculated on a cost recovery basis.
- 2.32 The proposal for applicants seeking to renew their driver's licences is that they would attend a separate update training day before their renewal date which would contain all of the above information and training but would not include the tests. Without the cost of the tests and associated administration the cost per applicant for the update training would be £58.75. This figure is based on 20 drivers attending each course allowing all licensed drivers to have received the training before the next round of renewals in three years. A breakdown of the fee is shown below:

Trainer	£8.35
Disability Awareness Training	£30.00
Printing	£1.30
Administration	£13.65
Facilities	£10.00

- 2.33 The proposed syllabus would be:

*10:00 – 12:00*

Rules and regulations

Driver safety  
Customer service  
How to report safeguarding concerns (Adult and Children)

12:00 – 12:30

Lunch

12:30 – 15:30

Disability awareness training

- 2.34 The update training is proposed to start from 1<sup>st</sup> January 2017 meaning that drivers renewing a licence after that date will be required to attend the course. This will allow for two training events for new applicants to have been held and the final update program to be fine-tuned. At that date the majority of driver's licensed by East Herts will have been issued with 3 year licences so will have to attend training every three years.
- 2.35 Where there are high numbers of renewals within a period it may not be possible for all drivers to attend the update training before their renewal date. Appointments will be sent to drivers well in advance and proof of attending the update course will be required before any subsequent renewal is granted.
- 2.36 For the few driver's that may still hold 1 year licence they will be required to attend the update training at renewal and then 3 years after that. After all licensed drivers have been through the training the content will be reviewed before the next series of renewals so that the content is as relevant and useful at that date as it is now.
- 2.37 During consultations and interactions with the taxi trade over the last couple of years it is clear that the trade want to maintain and improve standards. Once the new training days are in place feedback will be sought from the trade to ensure the content not only meets the council's requirements but the needs of the licensed trade.
- 2.38 Equally demand for the courses and tests will be constantly monitored and the frequency will be adjusted as appropriate.
- 2.39 All of the authorities across the country apply different tests and standards to their licensed taxi trade leading to inconsistency between districts. By taking on the same driver test and training as Watford Borough Council we will be taking the first steps towards a consistent standard across Hertfordshire. This is a

move that has been welcomed by Hertfordshire County Council who were consulted on the proposed content of course. As a transport provider, including school journey's, they have contracts with drivers from different districts, where different standards are applied. They welcome the prospect of standards being raised and a move to Hertfordshire wide consistency. Hertfordshire Constabulary have also been consulted and are supportive of the proposal of raising standards amongst the licensed taxi trade. Officers are aware that a number of other Councils within Hertfordshire are looking at adopting the same training and testing which would further contribute to a Hertfordshire wide standard being achieved in the future. The same training is also being offered to authorities in Bedfordshire and Buckinghamshire so that standards can be homogenised with our nearest neighbours.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None.

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