

REPORT TO	ON
GENERAL LICENSING COMMITTEE	23 JANUARY 2018

September 2017



TITLE	REPORT OF
PROPOSED CHANGE TO THE LICENSING POLICY (PROFESSIONAL QUALIFICATIONS) AND REVISED APPROACH TO FUTURE CHANGES	REVENUES MANAGER

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

This report outlines a number of concerns expressed by the licensed trade in relation to new applicants for a Hackney Carriage or Private Hire Driver’s Licence, who – under the current Licensing Policy – are obliged to obtain a relevant professional qualification prior to a licence being granted. This report sets out an alternative approach which would give a period of grace after granting the initial application (within which the qualification could be acquired). The report then proposes a more co-ordinated approach to future changes to the Licensing Policy, rather than the *ad hoc* approach adopted in recent months.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 note the trade concerns regarding professional qualifications expressed in section 6 below;
- 2.2 in light of these concerns, consider the following proposed amendments to the current Licensing Policy (set out in sections 7.3 and 7.6 of the report)
- 2.3 determine whether the above proposed amendments to the Licensing Policy should be submitted for consultation in line with the methodology in section 8 (with particular consideration to the proposed length of time post-granting within which a professional qualification should be obtained, as set out in section 7.4 below);
- 2.4 subject to section 2.3 above, agree to receive a report on the outcome of the consultation exercise at a future meeting, with a view to forwarding any proposed amendment to the Licensing Policy to full Council for formal adoption; and
- 2.5 consider the adoption of the approach to future policy changes set out in section 9 below.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	x	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	x

4. BACKGROUND TO THE REPORT

- 4.1 Members will recall that, at the meeting of the General Licensing Committee in November 2017, they received a report updating them on Licensing activities. Part of that report outlined a discussion at the Taxi Trade Forum held on 26 October 2017, at which – following on from their consultation responses during November 2017 - trade representatives had continued to express concerns at the need for licensed drivers to acquire a Level 2 qualification prior to a licence being issued. In view of this, the Chair of the Forum agreed to explore a further amendment to the Licensing Policy which would accommodate these concerns. If adopted, such an amendment would permit applicants who did not possess an appropriate qualification to receive their licence on a conditional basis, along with a period of grace (eg 3-6 months was mentioned) within which they would then be obliged to acquire the qualification.

5. CURRENT POSITION – LICENSING POLICY

- 5.1 Following a formal period of consultation and a resultant recommendation from the General Licensing Committee, full Council resolved on 22 November 2017 to adopt new requirements for driver qualifications. The current requirement (set out in section 5.7 of the Licensing Policy) is reproduced below:

“One of the Council’s objectives is to have a professional and respected trade. It is important that licensed drivers are not only competent to drive to a high standard, but also that they can deliver customer service and offer appropriate assistance to passengers.

Before a new applicant is granted [my emphasis] a Hackney Carriage or a Private Hire driver’s licence, they must be able to provide original evidence that they have passed the BTEC Level 2 Certificate in Taxi and Private Hire Driver or an appropriate and equivalent Level 2 qualification. Alternatively, a new applicant must have attended and successfully completed any appropriate in-house course to be devised and presented by officers of South Ribble Borough Council, and paid any fee approved by members for administration of this course. Any driver whose licence with the authority has been granted since July 2016 on the basis of them having completed the now-discontinued course provided by the Driver Standards Agency will be given a period of 6 months to register for a suitable training course and 12 months to complete the qualification.”

- 5.2 The text in emphasis above confirms that any new applicant for a Hackney Carriage or a Private Hire driver’s licence will be required to provide evidence of having acquired an appropriate Level 2 qualification prior to their application being granted. The rationale for requiring a Level 2 qualification in this way is that the Council sets high standards for its licensed drivers and expects them to act in a professional manner; providing proof of obtaining a professional qualification before application offers some reassurance of the driver’s integrity and commitment to high standards.

6. CONCERNS EXPRESSED BY THE TRADE

- 6.1 The local licensed trade has consistently voiced its opposition to the requirement for a professional qualification. Recently, this view has been expressed in the following ways:

6.1.1 Consultation exercise

During the formal consultation exercise which resulted in the introduction of the revised section 5.7 of the Licensing Policy, existing drivers repeatedly expressed their opposition to the requirement on the grounds that they were “time-served”. However, the requirement to obtain a professional qualification prior to application (as set out in section 5.7 of the Licensing

Policy) only applies to new applicants and not existing licence holders, a point made in responding to consultation submissions as appropriate.

6.1.2 Taxi Trade Forum – 13 July 2017

At the initial meeting of the restored Taxi Trade Forum on 13 July 2017, an operator engaged in robust debate with members present about the (then) proposed professional qualification requirement. The minutes of that meeting record:

“Representatives of the taxi trade that were present disputed the need for drivers to undertake the prescribed BTEC qualification, stating that it did not enhance the role of the driver as it was more about a common sense approach rather than learning new skills and knowledge. The cost of the course was £200 and operators found difficulty encouraging prospective drivers to enrol, given the cost and course content. As the course related to all matters relating to the driving of a taxi, Members were confused as to why the trade considered the course inappropriate and the Chair offered to undertake the course on behalf of the Committee and report back.”

The operator was forthright in his opinions that a pre-requirement to obtain the qualification was a disincentive to new drivers entering the market and therefore a barrier to his business. He maintained that smaller operators needed the flexibility to take on new staff to respond to fluctuations in demand, but the pre-requirement for a qualification undermined this position. This problem was compounded by the perceived difficulties in accessing the Level 2 course run by Lancashire College at Blackburn, which it was claimed would not run unless there were sufficient delegates to make it worthwhile for the organisers (a view to some extent supported by the difficulties in enrolling both the Chair and operator raising the concerns on the course in question).

6.1.3 Taxi Trade Forum – 26 October 2017

At this latest meeting of the Forum, operators again raised concerns about the professional qualification, once more pointing out their inability to respond to fluctuations in demand for their services by speedily acquiring a licence for new drivers. The minutes of this meeting record that, in view of the issues experienced by applicants not being able to book on a course, the Council was looking at the possibility of issuing a one-off three month interim licence (although this would need due consideration and consultation). In his capacity as Chair of the Forum, Councillor Nelson confirmed he was still intending to enrol on the current Level 2 course to experience it first-hand.

7. PROPOSED WAY FORWARD

7.1 Enquiries have revealed that a number of other local authorities have adopted an approach whereby new applicants are given a specified period of time (typically 12 months) within which to acquire the required professional qualification. Extracts from the Licensing Policies of a selection of such local authorities are attached as Appendix 1.

7.2 In practical terms, there are 2 possible ways in which a “period of grace” could be introduced:

- i) a full 3 year licence could be granted and issued (and full fee paid) but – should the required qualification not be obtained at the end of the period of grace – the licence will be immediately suspended; or
- ii) a licence could be granted for the length of the period of grace only (eg 12 months). The advantage of this is that, should an applicant not acquire the required qualification at the end of the period of grace, the issued licence will immediately expire; this reduces the risks to the Council which may arise if there are difficulties in retrieving a suspended licence from (say) an owner-driver. However, the disadvantage is that applicants who require short-term

working only may acquire a 12 month licence with little or no intention of gaining the qualification.

- 7.3 On balance, officers would consider that the issuing of a shorter-term 12 month licence (as set out in section 7.2ii above) is the preferable way forward. In order to address the trade concerns set out in section 6 above (but still retain the reassurance provided by the acquisition of a professional qualification), members are asked to consider the proposed amendment to section 5.7 of the Licensing Policy set out below. It is suggested that the additional paragraph is added on at the foot of the existing text:

“Notwithstanding the above, the Council is prepared to consider applications from applicants who – at the time of their application – do not possess a relevant professional qualification but all in other regards meet the Council’s requirements. In such cases, the Council will be willing to grant a one-off licence for an initial [12 month] period only (as opposed to the usual licence term of 3 years). During the term of the [12 month] licence, the applicant will be expected to obtain a suitable and relevant qualification to the satisfaction of the Licensing Authority. **No refunds will be payable for any licence which lapses at the end of the [12 month] period due to failure of the applicant to obtain the required qualification.**”

Failure to obtain a suitable qualification within this period will result in the immediate lapsing of the [12 month] licence. However, where individuals have successfully enrolled and started courses which have then been delayed or cancelled by providers, the Licensing Manager will consider each case on its own individual merits; where the Licensing Manager considers it appropriate he/she may extend a [12 month] licence for a limited period in order to enable the qualification to be completed.

An applicant who is granted a [12 month] licence which then lapses due to failure to acquire a professional qualification will not be allowed to re-apply as a new driver for a period of 2 years from the date of lapse; this is to prevent drivers from seeking to use the [12 month] period of grace as a means of circumventing the qualification requirement.”

- 7.4 It is acknowledged that the 12 months’ period of grace specified in brackets in section 7.3 above exceeds the period of 3-6 months originally proposed by the Chair of the Taxi Trade Forum. Members may wish to consider this issue prior to making any determination on whether to submit the proposal to further consultation.
- 7.5 In addition, and to reflect the above proposed changes, it may be helpful to revisit the wording of the current Licensing Policy which relates to the duration of licences. In section 5.12 of the Licensing Policy it states:

“The Council normally issues drivers licences for three years however in some circumstances the Council may consider it appropriate to issue a licence for a shorter period.”

- 7.6 Members may wish to consider adoption of the wording below as a new section 5.12 – this wording seeks to clarify the current section and incorporate the proposed changes relating to qualifications:

“In accordance with Section 10 of the Deregulation Act 2015, the Council normally issues driver licences for a 3 year period. However, a driver licence can be issued for a lessor period, as the Council deems appropriate in the circumstances. The Council will issue licences for less than a year, in the following circumstances:-

- a) where an applicant has been granted a [12 month] licence due to the lack of a professional qualification (as set out in section 5.7 of the Licensing Policy);
- b) where an applicant wishes to be considered for a 12 month licence for a specific (usually medical) reason and has submitted in writing the reasons for this application. Each such application will be considered on a case by case basis and on its individual merits; and
- c) where a driver or applicant is over the age of 65 years then a 12 month licence only will be issued.”

8. CONSULTATION METHODOLOGY

8.1 Should members agree to consult on the proposed amendment to the Licensing Policy in section 7.3 above, it is proposed that the following procedure should be followed:

- the licensed taxi trade to be given advance warning of this proposal at the Taxi Trade Forum scheduled to take place on 1 February 2018;
- a formal 28 day consultation period to be held starting on 1 February 2018; and
- the results of this consultation exercise to be brought back to the next meeting of this Committee after the end of the consultation period (ie 10 April 2018), with a view to referral to full Council for formal adoption being considered.

9. FUTURE POLICY CONSIDERATIONS

9.1 Members will appreciate that – throughout the course of 2017 – there have been a number of changes made to the Licensing Policy. Whilst this has been a necessary step in ensuring that the Licensing Policy is fully reflective of the Council’s approach to taxi licensing, it is not helpful to members, officers or the trade for the Licensing Policy to be constantly reassessed.

9.2 It is therefore suggested that in future an annual exercise should be undertaken to compile a list of proposed changes to the Licensing Policy and present these to members *en bloc*. These can then form the basis of a single consultation exercise and subsequent referral to full Council, making the process more streamlined and sustainable.

9.3 Members are asked to consider the above approach to future policy changes.

10. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

10.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the recommendations in this report.

10.2 Comments of the Monitoring Officer

Section 10 of the Deregulation Act 2015 requires three year driver licences to be issued. However, a driver licence can be issued for a lesser period, as the Licensing Authority deems appropriate in the circumstances.

<p>Other implications:</p> <p>► Risk</p>	<p>This report seeks to balance the important requirement for licensed drivers to hold a professional qualification against the trade concerns that this is onerous and impacts negatively on their business model.</p>
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▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

11. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – Research into deferral of requirement for professional qualifications (as set out in Taxi Licensing Policies for other local authorities)

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