

Devon Benchmarking- New Driver Requirements

This document summarises the requirements for new taxi/ PH driver applicants, and provides information for benchmarking purposes on the procedures followed for this at other Devon and neighbouring Licensing Authorities. Information for benchmarking purposes is correct as of 12th July 2022 when the data was collated.

The term 'taxi trade' is used throughout this document and in this context refers to both Hackney carriage and private hire drivers.

The following steps in the application process are standard across the Authorities surveyed:

- Medical to Group 2 medical standard (this is the same medical standard undertaken by HGV and PSV drivers);
- Enhanced criminal record check by the Disclosure and Barring service (DBS);
- Driving competency test;

In addition to the above requirements, Licensing Authorities also commonly require the following:

- Knowledge test
- Vocationally recognised taxi qualifications and mandatory training courses

It is the above two areas in particular where some variability appears to exist across different local authority areas, but the requirements for new driver applicants have been examined across all of North Devon Council's near neighbours and is set out below.

Medical Assessment Requirement

All of the authorities surveyed require a medical to the group 2 standard. Teignbridge and East Devon will accept medicals from existing PSV or HGV licence holders so long as they are within 6-months old. The remaining authorities require the medical to be completed on a group 2 medical form with a declaration of fitness to be signed by the examining Doctor (Group 2 medical forms for PSV/ HGV do not include a declaration of fitness, rather the DVSA or the Licensing Authority is left to interpret the information provided).

Criminal Record Check Requirement (DBS)

An enhanced DBS check with check of barred list is a requirement across all Devon authorities and South West Somerset. Most have also now adopted the requirement for all applicants to subscribe to the DBS update service, and it is anticipated that by April 2023 the update service will be mandatory across the areas surveyed as this is a requirement of the Dept for Transport Statutory Taxi and Private Hire Standards.

Practical Driving Test Requirement

Several Test providers have been vetted and approved by the Devon Licensing Officers Group. The test itself is the uniform across Devon, and is based on the former DVSA Taxi Test. South West Somerset apply the same rationale with a driving test based on the previous DVSA test.

Knowledge Test Requirement

All of the Devon Authorities with the exception of Torridge, and also Teignbridge, require a knowledge test to be passed prior to obtaining a taxi licence. South West Somerset also apply a

knowledge test. Those that apply knowledge tests all follow a similar format, with questions on local geography (places and routes), numeracy (how much change type questions), highway code, and in some cases taxi legislation. The method of delivery of the tests varies from in-person exams, to video call and online tests (the majority are currently via video call currently), whilst the number of questions and pass rate vary considerably.

Vocationally Recognised Qualifications and Mandatory Training Courses

Mandatory qualifications and training courses vary across the areas surveyed and include the following:

- Safeguarding and child sexual exploitation (CSE) awareness courses. These include 90-minute to 2-hour seminars, and online training courses;
- Disability and dementia awareness training courses. Again, these include 90-minute to 2-hour seminars, and online training courses;
- Vocationally recognised Taxi driver qualifications such as:
 - BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver (previously named the BTEC Intermediate Award in Transporting Passengers by Taxi and Private Hire);
 - The Edexcel Level 2 NVQ in Road Passenger Vehicle Driving (Community, Hackney Carriage/Private Hire Vehicles and Chauffeurs);
 - The Edexcel Level 2 NVQ in Passenger Carrying Vehicle Driving;
 - Transporting Passengers by Taxi and Private Hire level 2 (equivalent to BTEC);

The table below summarises the training requirements of each of the Authorities surveyed:

Local Authority Area	Formal qualification	CSE Training	Disability Awareness
North Devon	BTEC/ Edexcel Level 2 prior to licensing	Within 12 months	No (covered BTEC/ Edexcel module content)
Torrige	BTEC prior to Licensing	No	No (covered in BTEC module content)
Somerset West and Taunton	No formal qualification mentioned	No	No
Mid Devon	No	Yes - within first 12 months of licence.	No
Exeter	No- previously required BTEC but requirement removed following Covid pandemic.	Yes - within first 12 months of licence.	Yes- within first 12 months of licence.
East Devon	No	Yes- within first 12 months of licence.	No
Teignbridge	No- Taxi/ PH Policy under review	No	Yes
Torbay	BTEC recommended but not mandatory	Yes – within first 6 months of gaining licence	Yes - prior to gaining licence from 1 st May 2022
South Hams/ West Devon	No	Yes - within first 12 months of licence	Yes - within first 12 months of licence

Plymouth	Yes - Transporting Passengers by Taxi and Private Hire level 2 (within 12 months of gaining licence)	No – Covered in Level 2 module content	No – Covered in Level 2 module content
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Discussion Section

A minority of Licensing Authorities in Devon now require a vocationally recognised taxi qualification:

As can be seen from the table above there remains significant variability between the licensing authorities surveyed on qualifications and training requirements. Of the Ten authorities surveyed, only North Devon, Torridge, and Plymouth require a formal taxi driving qualification. In the case of Plymouth City Council, their requirement is for new drivers to have gained a vocationally recognised taxi qualification within the first 12 months of gaining a taxi badge. This leaves only North Devon and Torridge as the remaining authorities that require a vocationally recognised qualification before approving a new driver application. It could therefore be said that in requiring a vocationally recognised taxi qualification, and in particular by requiring this qualification to be completed before licensing, that North Devon Council is an outlier based on the data above.

There appears to be a slight trend away from vocationally recognised taxi qualifications:

A further trend loosely identified in the data review, is a move away from a requirement for a vocationally recognised qualification, towards more bespoke courses on safeguarding and disability awareness. In particular, Exeter City Council required a BTEC qualification until 2020, but this was subsequently replaced with mandatory safeguarding and disability seminar requirements. Anecdotally, the reasoning for this was two-fold, firstly that the BTEC was both not at that time available within the Exeter area, and secondly that the price of the course was considered prohibitive given the impact of the Covid pandemic on the taxi trade, and the subsequent significant reduction in new driver application numbers. The author is also aware from previous discussions with both Teignbridge and East Devon, that they both previously required a BTEC qualification, but subsequently removed this requirement as the low availability and long wait time for these courses was considered an unreasonable barrier to new drivers entering the taxi trade.

Several Licensing Authorities allow applicants to gain qualification within a defined period after obtaining a licence:

Several authorities allow a degree of flexibility around allowing applicants to gain a licence and then to undertake the required qualification/ training within a given time period (commonly within the first 12 months). These authorities commonly limit a new/ first licence to a maximum of one year upon first grant to allow for scrutiny over whether the applicant for renewal has undertaken the required qualification or training (three-year driver badges then being offered upon successful completion of the required qualification).

It is also common for those authorities operating this flexibility to state in their policy that “Failure to do so will result in the licence being suspended or not being renewed”. This in the opinion of the author would be a reasonable and proportionate compliance mechanism, and could be delegated to Officers. Caselaw in relation to the use of suspension notices, in particular **R (application of Singh) v**

Cardiff City Council [2012], support the view that suspension notices under Section 61 Local Government (Miscellaneous Provisions) Act 1976, would be applicable in that a suspension in such circumstances would be clearly linked to a defined requirement (that being the successful completion of the required training course/ qualification). Similarly, a refusal to renew is also given legal grounds in Section 61, namely article (b) 'any other reasonable cause'. In the opinion of the author a failure to adhere to a mandatory policy requirement to undertake a training course/ qualification within a stated timeframe would clearly constitute a 'reasonable cause'.

Possible ways forward

The Licensing Committee may wish to give consideration to the following policy amendment options:

1. To retain the requirement for a vocationally recognised taxi qualification, but to amend the policy to allow applicants to obtain this qualification within the first 12 months of holding a licence.
2. To remove the requirement for a vocationally recognised taxi qualification, and replace this with a new taxi driver training course to include modules on taxi legislation and customer care, disability awareness, and Safeguarding (CSE).
3. To remove the requirement for a vocationally recognised taxi qualification, and replace this with a requirement to undertake mandatory safeguarding (CSE), and disability awareness training. Furthermore, this could be either prior to obtaining a licence, or within the first 12 months of the licence.
4. To retain the requirement for a vocationally recognised taxi qualification, but give an alternative training option of a new driver training course. Again this could be either prior to obtaining a licence in the case of the new driver course, or within the first 12 months of the licence for the vocationally recognised taxi qualification.

Option 1 would have the benefit of retaining the existing qualification framework which is of an excellent standard, whilst allowing applicants to work as a licenced driver whilst they study, but would still retain some of the current problematic issues, namely, a relative shortage of course dates and providers, and the relatively high cost of the course itself (minimum currently £250).

Option 2 would have the benefit of maintaining much of the current excellent training content, but in a significantly shorter format (online learning, plus two seminars, equivalent to around 1.5 days training). The shorter duration of this course would make a requirement to undertake this training prior to obtaining a licence a more reasonable proposition for prospective licenced drivers. Currently these types of course are a fairly new development, and as such it has only been possible to obtain information from a single provider operating on a national basis. The recommendation from officers would be for 3 of the modules to be mandatory at £35 per module (comprising of; customer service and licensing law, disability and dementia awareness, and safeguarding modules- total cost £105). Currently this training is provided online, on a monthly basis.

Option 3 would be in-line with a number of other Devon Authorities, and would to a large extent address one of the main perceived barriers to obtaining a driver licence in a timely manner, but may be seen as a reduction in standards given that new drivers would not have any formal training on customer care or taxi legislation in particular.

Option 4 would retain the strong Licensing Authority focus on training standards, but introduce additional flexibility, allowing driver applicants greater choice on their preferred level of training depending on their circumstances. This option would also largely address the issue of training requirements slowing down the application process in that a driver could gain a licence and then work towards a vocationally recognised taxi qualification within the first 12 months, or undertake the shorter new driver training course prior to obtaining a licence.