

Regulatory Committee

1.30pm, Monday 22 October 2018

Taxi and Private Hire Car Driver Training Update

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| Item number | 7.3 |
| Report number | |
| Executive/routine | |
| Wards | Citywide |
| Council Commitments | N/A |

Executive Summary

Training proposals were presented to the Regulatory Committee on 21 November 2016. The Committee noted the proposals and agreed to adopt the proposals to introduce:

- a compulsory training programme for all new taxi and PHC drivers, with a requirement to gain a qualification prior to the grant of a licence and
- a new training programme for all existing taxi and PHC drivers, on completion of which they will have an option to sit an assessment formally recognising their achievement; and
- a requirement that all taxi and PHC drivers will complete refresher training every three years

This report provides the Committee with an update on the development of the training programme and proposed content.

Taxi and Private Hire Car Driver Training Update

1. Recommendations

- 1.1 The Regulatory Committee is asked to:
 - 1.1.1 Note the contents of this report; and
 - 1.1.2 Agree to the revised timeline detailed in paragraph 3.19.

2. Background

- 2.1 The City of Edinburgh Council exercised its powers to license taxis and PHCs in 1983. The Civic Government (Scotland) Act 1982 ('the 1982 Act') creates a two tier licensing regime, where a taxi may pick up passengers in a public place without a prior booking, and a Private Hire Car (PHC) must be pre-booked.
- 2.2 Section 13(5) of the 1982 Act allows a Licensing Authority to require an applicant for a Taxi Driver's Licence to take a test of knowledge of the area to which the licence relates, the layout of the roads in that area, and such other matters relating to the operation of a taxi as the authority considers desirable. Section 5 (1A) of Schedule 1 of the 1982 Act allows a licensing authority to vary any standard condition so far as it is applicable to the grant or renewal of the licence, or impose conditions.
- 2.3 Section 64 of the Air Weapons and Licensing (Scotland) Act 2015 amends section 13 of the 1982 Act. The change in legislation, which takes effect from 1 November 2016, now allows Local Authorities to require an applicant for a PHC Driver's Licence to take a test of knowledge of the area to which the licence relates, the layout of the roads in that area, and such other matters relating to the operation of a taxi as the authority considers desirable.
- 2.4 The proposal to introduce a new programme for taxi and PHC driver training was presented to the Regulatory Committee on 23 June 2015, when it was agreed that a full consultation should be carried out.
- 2.5 The initial consultation ran from 29 October until 15 December 2015. Analysis of this initial consultation identified that very few responses had been received from taxi/PHC users.
- 2.6 Concerned that the views of taxi/PHC users may not be fully represented, the Convenor of the Regulatory Committee asked for a further period of consultation

using the same questionnaire, with this group. As a result a further period of consultation ran from 8 March until 18 April 2016.

- 2.7 A training proposal was presented to the Regulatory Committee on 19 September 2016. The Committee noted the proposals and referred the report to the Hire Car Consultation Group which was due to meet on 4 October 2016, and agreed to receive a further report on the outcome of the meeting.
- 2.8 On 21 November 2016 the results of the consultation with the Hire Car Consultation Group were presented to the Regulatory Committee when it was agreed to adopt:
 - 2.8.1 a compulsory training programme for all new taxi and PHC drivers, with a requirement to gain a qualification prior to the grant of a licence;
 - 2.8.2 a new training programme for all existing taxi and PHC drivers, on completion of which they have an option to sit an assessment formally recognising their achievement;
 - 2.8.3 the proposals that all taxi and PHC drivers will be required to complete refresher training every three years;
 - 2.8.4 the proposals that the training should be delivered in-house; and
 - 2.8.5 That final course content and training manuals will be developed.

3. Main report

- 3.1 Council officers have been working with City and Guild and are in the process of developing a trading qualification and course content in line with the training proposal presented to the Regulatory Committee on 21 November 2016.
- 3.2 The following eight course modules have been identified and these are detailed in Appendix 1.
 - 3.2.1 Module 1 - The regulatory framework of the taxi and private hire industry
 - 3.2.2 Module 2 - Road safety when driving passengers in a taxi or private hire vehicle
 - 3.2.3 Module 3 - Professional customer service in the taxi and private hire industry
 - 3.2.4 Module 4 - Picking up and setting down passengers and fares in the taxi and PHC industries
 - 3.2.5 Module 5 - Transporting of children and young persons by taxi or private hire vehicle

- 3.2.6 Module 6 - Taxi and private hire services for passengers who require assistance
- 3.2.7 Module 7 - First Aid
- 3.2.8 Module 8 - Public Protection: Awareness Raising and Response
- 3.3 Draft learning outcomes and assessment criteria have been identified in relation to each of these units and these are shown in Appendix 2. Work has been started on lesson plans which will be further informed by the draft learning outcomes and assessment criteria.
- 3.4 Further work is require to complete both the outcomes and assessment criteria to develop this into final lesson plans and a training manual.
- 3.5 To enable delivery of a recognised Qualification, City and Guilds approval of the final training modules and delivery is still required and dialogue to progress this is on-going.

Training Delivery

- 3.6 Training will be delivered 'in house' by Council staff with a background in licensing these vehicles and drivers and additional stall will be recruited to develop training material and deliver course content.
- 3.7 Given the specialist nature of modules 6-8 it is intended to secure this training externally, and initial discussions have taken place with suitably qualified training providers.
- 3.8 The training is vocational, and will take the form of both practical and classroom based assessment. The format will take into consideration applicants who may be unfamiliar with a written or multiple choice exam process. Training will be tailored to facilitate flexible learning, offering a variety of options for when training can be undertaken.
- 3.9 All training and assessment is carried out in English. There is no legal requirement to provide translators and no translators will be allowed. Applicants who speak English but may have difficulties with reading and writing skills will be provided with appropriate support as recommended by the qualification authority. This will address the concerns raised by members without adopting formal language testing which could present its own legal challenges.
- 3.10 The Equality Act 2010 also requires an awarding body/training centre to make reasonable adjustments where a learner, who is disabled within the meaning of the Equality Act 2010, would be at a substantial disadvantage in comparison to someone who is not disabled. Relevant policies will be developed to ensure this requirement is met.
- 3.11 The course will consist of 3 x 7 hour sessions with trainers. Training would be delivered over three days and it is proposed to arrange of option offer including:

- 3.11.1 three consecutive days
- 3.11.2 three days over three weeks (one day each week)
- 3.11.3 three days over three months (one day each month)
- 3.12 Training for existing drivers will be scheduled to avoid in the months of August and December, however courses would be available on demand and for all new drivers. It is proposed that all drivers will complete training within a three year period.

Accommodation

- 3.13 Appropriate accommodation has been identified to deliver the training and council officers are currently negotiating a lease with the Estates Department which will initially be for a 2-3 period.

Refresher Training

- 3.14 Work has not commenced on the proposed mandatory refresher training, which would allow the Council to modernise the current system, provide an opportunity to provide updates on any changes to legislation or conditions, allow for recertification of a first aid qualification if necessary, and address areas of concern including complaints.
- 3.15 This work will commence once the main training course has been finalised.

Implementation

- 3.16 Members will be aware that the planned implementation date has slipped from that originally intended.
- 3.17 There are a number of factors behind the slippage which included:
 - 3.17.1 The Directorate prioritising implementation of the new policy of Age and Emissions standards which as a result required significant additional resource and activity to progress;
 - 3.17.2 The loss of two key members of staff, one of whom was directly involved in the development of the training programme, in January and March 2018. This meant that there was no capacity to take this forward.
- 3.18 To address some of these issues one of staff vacancies was recruited on a secondment basis in April 2018 and further recruitment is planned for later this year.
- 3.19 It is planned that a revised timeline for implementation of the training for new drivers will be 1 May 2019 and existing drivers on 1 Sept 2019
- 3.20 Further consultation will be carried out with the trade and trade representatives on final course content.

4. Measures of success

- 4.1 That the standard of taxi and PHC drivers is elevated to a level that is expected in a capital city, delivering improvements that create:
- a) safe and efficient transport options for residents and visitors alike;
 - b) a fleet of professional drivers working throughout the city;
 - c) an improved and standardised working environment for all drivers; and
 - d) a recognised transferrable, vocational qualification which will be available for all drivers.

5. Financial impact

- 5.1 None arising directly from this report. The Council's scale of fees for licensing applications was approved with effect from 1 April 2018. Any costs from implementing policy changes will be contained within the current ring-fenced income generated from licensing fees.
- 5.2 The cost of training will be in addition to existing licensing fees and any income generated will be used to offset the cost of the licensing system. There are no costs to the Council's revenue budget.
- 5.3 The cost of the current training course is £345. This cost is borne by the applicant and is not part of the current Council fee structure. The cost of the proposed training will be no more than that of the existing training course.

6. Risk, policy, compliance and governance impact

- 6.1 The development of policy in respect of the licensing of taxi and PHC drivers is part of a wider policy-making role for the Council. It is essential that all the strategic aims of the Council are considered and that the Taxi Licensing Policy is consistent with these.
- 6.2 There is a risk that any decision to introduce training and or refresher training for existing drivers could be subject to legal challenge and may be appealed to the Sheriff. The Council has obtained legal opinion on the issues identified during the consultation period which would mitigate this risk.
- 6.3 It is intended that the revised training conditions will strengthen the Council's position in the event of a legal challenge against the introduction of training for existing drivers.

7. Equalities impact

- 7.1 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.
- 7.2 The contents and recommendations described in this report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them.

8. Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

9. Consultation and engagement

- 9.1 Initial consultation commenced on 29 October and finished on 15 December 2015. A further consultation period ran from 8 March until 18 April 2016, which was designed to gauge the views of taxi and PHC users.
- 9.2 The consultation was designed to assess the understanding of the effects of the approach on different user groups to allow an informed decision on suitable changes to be made.
- 9.3 Further consultation was held with the Hire Car Consultation Group on 23 February 2016, 6 July 2016 and 4 October 2016. Following the meeting on 4 October, on 19 October Council Officers met with representatives of the both the Taxi and PHC trades to discuss the trading proposals in greater detail.

10. Background reading/external references

- 10.1 [Regulatory Committee Report 2 February 2015 - Licensing Policy Development - Taxi and Private Hire Driver Training](#)
- 10.2 [Regulatory Committee Report 19 September 2016 - Taxi and Private Hire Driver Training Consultation Update](#)
- 10.3 [Regulatory Committee Report Item 6.3 21 November 2016 - Taxi and Private Hire Driver Training Consultation Update](#)

11. Appendices

- 11.1 Appendix 1 - Training Modules

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Appendix 1- Training Modules

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| Unit 1 | The regulatory framework of the taxi and private hire industry |
| LO1 | Understand how to meet the requirements to hold and retain a licence to drive and work within the taxi and private car hire industry |
| LO2 | Know the requirements and Local Licensing conditions in relation to taxi or private hire cars (PHC) |
| LO3 | Know how to work within the regulatory framework for carrying passengers for hire and reward |
| LO4 | Know how to discharge the duties and responsibilities of a taxi /PHC driver/vehicle licence holder |
| Unit 2 | Road safety when driving passengers in a taxi or private hire vehicle |
| LO1 | Understand factors that can affect a driver's judgement and concentration |
| LO2 | Know how to transport customers in a safe and comfortable manner. |
| LO3 | Know the compliance requirements in respect of the vehicle and driver licence conditions and legal requirements (amended LO1) |
| LO4 | Understand how to respond to an emergency or incident when driving a taxi or private hire vehicle |
| Unit 3 | Professional customer service in the taxi and private hire industry |
| LO1 | Understand the importance of providing a professional service to all sections of the community |
| LO2 | Know how to communicate effectively. |
| LO3 | Understand the conditions in relation to the carriage of passenger luggage |
| LO4 | Know how to carry out lost property checks and take the appropriate steps to source the owner |

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| Unit 4 | Picking up and setting down passengers and fares in the taxi and PHC industries |
| LO1 | Know rules, safety measures and restrictions related to picking up and setting down passengers |
| LO2 | Know how to accurately charge out a fare for transporting passengers within a hire and reward system |
| LO3 | Understand the benefits and restrictions/conditions that drivers have to be aware of in respect of electronic means of communication |
| LO4 | Understand the requirements of the operation of a booking office |
| Unit 5 | Transporting of children and young persons by taxi or private hire vehicle |
| LO1 | Understand the role of the driver in ensuring that the vehicle and its ancillary components are fit for transporting children |
| LO2 | Understand how to safely pick up and transport children and young persons to a destination point where they can be safely handed over to an authorised person |
| Unit 6 | Taxi and private hire services for passengers who require assistance |
| LO1 | Understand anti-discriminatory legislation |
| LO2 | Understand how to recognise when passengers require assistance |
| LO3 | Understand how to provide an appropriate service for customers who may experience difficulties in using taxis and private hire cars (PHC) |
| LO4 | Understand how to assess risk and how to describe the types of specialist equipment for transport of passengers travelling in a wheelchair |
| LO5 | Be able to provide safe wheelchair assistance to customers |
| LO6 | Be able to provide safe assistance for customers who want to transfer from wheelchair to the vehicle |

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| Unit 7 | First Aid |
| LO1 | Understand basic life support requirements |
| LO2 | Be able to manage an unresponsive casualty breathing normally |
| LO3 | Be able to manage unresponsive casualty not breathing normally |
| LO4 | Be able to identify disorders of respiration |
| LO5 | Be able to identify disorders of the circulation |
| LO6 | Be able to manage a bleeding casualty |
| LO7 | Understand hygiene and personal protection responsibility |
| Unit 8 | Public Protection: Awareness Raising and Response |
| LO1 | Understand what is meant by public protection |
| LO2 | Understand how to identify different types of harm and possible alerting signs |
| LO3 | Understand what is meant by Adult and Child Protection - Child Sexual Exploitation, Domestic Abuse and Human Trafficking |
| LO4 | Understand what action to take if concerned that a child or adult is at risk of or is suffering harm. |