

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE**

30 MAY 2012

**INTRODUCTION OF THE BRISTOL GOLD STANDARD
COMPETENCY AS A PRE- REQUIREMENT OF THE GRANT OF
A HACKNEY CARRIAGE OR PRIVATE HIRE DRIVER LICENCE**

Report of the Strategic Director of Neighbourhoods and City
development

Purpose of Report

1. To introduce the Bristol Gold Standard competency for Hackney Carriage and Private Hire Driver Licences.

Background

2. Members are aware that applicants for hackney carriage and private hire driver licences have to satisfy Bristol City Council that they are 'fit and proper' to hold the licence. In order to judge if an individual is fit and proper applicants are required to provide information that demonstrates that they meet the following statutory requirements/policy expectations:-
 - (a) Be the holder of a DVLA licence for at least twelve months;
 - (b) Information to enable a full history of the DVLA licence to be obtained;
 - (c) An enhanced Criminal Records Bureau check;
 - (d) Proof of pass of the Driving Standards Agency taxi driver test;
 - (e) Proof of pass of a Group 2 medical examination;
 - (f) Proof of pass of the Bristol knowledge test;

- (g) Proof of passing the Essential Skills Test (numeracy and English)

With regards to the DVLA and CRB checks members will be aware that policy has been adopted that provides guidance on the impact of criminal behaviour on an individual's ability to satisfy the fit and proper test.

3. Members may also be aware that the Bristol Gold Standard competency for Hackney Carriage and Private Hire drivers has been available to the trade for the last 24 months on a voluntary basis. This standard has been developed by officers from the Council's Licensing and Equalities teams (in conjunction with BPAC), Unite, Destination Bristol and People 1st (Go Skills) the sector skills council for transport. The standard is based on a vocational qualification in Road Passenger Vehicle driving (BTec) and the World Host qualification in customer care. Additionally a bespoke training module around disability equality has been incorporated into the programme. The programme recognises the important role that taxi drivers can play as ambassadors for the city and also seeks to increase their business opportunities through both enhancing skills and providing access to Destination Bristol's event information updates and bulletins. The training is delivered by N-Gaged and PDM, both of whom were appointed following a tender process.
4. To date approximately 250 drivers have attained the standard. The longer term ambition is to promote the standard by building the requirement into Bristol City Council contracts. It is also intended to encourage hotels and other commercial operators to move towards adopting the standard in their own contractual arrangements.
5. In order to develop the service to the public further it is proposed to introduce the Gold Standard as part of the fit and proper person test for new applicants for both Hackney Carriage and Private Hire Driver licences. Currently the expectation is that drivers will have passed the Essential Skills Test, but this could be discontinued as this test is incorporated into the Gold Standard. Training is delivered over four days and is classroom based. The cost depends on a number of factors including previous funded training accessed by the

applicant. In each case this will be agreed between the training provider and the applicant. In many cases it is anticipated that the training will be at no cost to the applicant but where it is payable this would not be expected to exceed £300. The particular circumstances of the applicant would affect the fee level due to the fluidity of the funding channels that the training providers access, therefore it is not possible to state categorically the cost of the training provision falling to each and every applicant.

6. It is also proposed to encourage Private Hire Operators to promote the scheme amongst existing drivers by introducing a Gold Standard Company Scheme for operators. The accreditation would be gained if more than 50% of their contracted drivers were Gold Standard holders. The operation of this scheme would fall outside of the remit of this committee and would be managed by the Gold Standard Board, which is made up of the key partners in the scheme referred to in paragraph 3.

Risk Assessment

7. The proposal is seeking to raise standards within the hackney carriage and private hire trade. The introduction of the Gold Standard will equip new licence holders with essential skills to help them carry out this important public service. The risk of not proceeding with this initiative is that an opportunity to enhance the service provided by Hackney Carriage and Private Hire drivers in Bristol will be missed.

Equalities Impact Assessment

8. The proposed changes to policy recommended in this report will apply equally to persons from all protected groups who apply for driver licences. A significant proportion of private hire and hackney carriage drivers are from a black and minority ethnic background and this type of work is an important area of employment for BME men in particular. The Gold Standard is a positive initiative that will benefit both the taxi driver and their potential customers. No disproportionately adverse impact is anticipated for members

of any particular protected group. By increasing drivers' knowledge and skill base the impact of these initiatives should have a benefit for the whole customer base. One of the key objectives of this training is to improve the customer service for disabled and older customers. An estimated 18% of the population is made up of disabled people and a significant proportion of this group are reliant on taxis because they cannot access other forms of public transport.

With regard to equality of opportunity all learners will be initially assessed so that any specific learning needs can be identified. Applicants whose first language is not English and are unable to meet the standard set by the awarding body for the qualification will be signposted to local colleges in order to gain the required entry level. Learning support is also offered by the training providers to provide assistance with any learning difficulties (e.g. dyslexia).

The training should also help to foster good relations between protected groups by bringing drivers from different ethnic groups together and by enhancing the relationship between drivers as service providers and disabled service users.

Representative bodies from the taxi trade have been consulted on the proposal through the Hackney carriage and private Hire Forum and a number of trade representatives have completed the programme. BPAC have been consulted and assisted in developing the disability equality module of the training.

Legal comments

9. The Council is required to grant a licence to every applicant who is over the age of 18 and who has held a DVLA driving licence for at least twelve months at the date of application. However the council is prohibited from granting a licence to any applicant unless satisfied that s/he is a fit and proper person to hold such a licence. "Fit and proper person" is not defined in the legislation and essentially it is for each council, acting reasonably, to set the standard to be applied in its particular area. The purpose of the fit and proper person test is primarily one of public protection and it will readily be

appreciated that if the standard is set too low then the public may not gain sufficient protection from the licensing regime. If the standard is set at too high a level that too can have an adverse impact on the achievement of the public protection goal, since if the standards are so high that few can meet them there will be an insufficiency of drivers leaving the public without the transport they need to enable them to travel home safely.

The policy cannot be applied rigidly, in a blanket fashion. When granting licences the council is exercising discretion and, whilst the public is entitled to expect that the council (and the courts on appeal, standing in the shoes of the council) ought to consistently apply its policy, the council must be ready to listen to any applicant who seeks to be treated as an exceptional case and not have the policy applied to him/her. Departure from policy is justified where an applicant can show that in his/her particular case the departure will not imperil the purpose for which the policy was adopted. Members should therefore ensure the policy purpose is clear in respect of any changes they make to the fit and proper person policy. Any applicant seeking to be made an exception to the policy should be afforded the right to be heard before a decision is made on the application, just as occurs currently when an applicant does not satisfy an aspect of the existing fit and proper person policy. It appears from the report that it is intended to apply this requirement strictly. This is not unlawful providing the policy is not operated inflexibly. The Council must keep an open mind when considering any argument an applicant deploys in seeking to prove they are fit and proper notwithstanding they have not attained the expected standard. The burden is on such an applicant to prove that in their particular case an exception to the policy may be made without undermining the purpose of that policy.

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Resource Implications

Financial None

Appendices None

RECOMMENDED

- (1) That with effect from 1 August 2012 attainment of the Gold Standard will be added to the Council's fit and proper person test for drivers. Any persons making applications for hackney carriage and private hire driver licences after 1 August 2012 will, in addition to the information currently sought, be asked to provide information to show they have attained the Bristol Gold Standard as detailed in paragraph 3 above;**

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background papers

None.

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