

27 July 2023		ITEM: 6
Licensing Committee		
Restricted Private Hire Drivers Licences		
Wards and communities affected: All	Key Decision: Key	
Report of: Paul Adams, Licensing Manager		
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transport and Public Protection		
Accountable Director: Mark Bradbury, Interim Director of Place		
This report is: Public		

Executive Summary

Currently Private Hire Drivers Licences in Thurrock are issued with no restrictions on how they can be used other than as prescribed in legislation. This report seeks to introduce a restricted Private Hire Drivers Licence for use for school transport work only.

1. Recommendation(s)

- 1.1. That the Committee approves for the introduction of a Restricted Private Hire Drivers Licence as set out in this report, amending Thurrock Council's Hackney Carriage and Private Hire Licensing Policy.**

2. Introduction and Background

- 2.1 A Private Hire Driver is a driver of a Private Hire vehicle that can only undertake prebooked journeys booked through a Private hire Operator.
- 2.2 This would include journeys undertaken as part of a school transport contract between a Local Authority and an Operator.
- 2.3 A Private Hire Driver cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence. Local Government (Miscellaneous Provisions) Act 1976 ss 51.
- 2.4 The Council's Hackney Carriage and Private Hire Licensing Policy which came into effect on the 1 October 2022, sets out what the Council considers to be a "fit and proper person" to hold a Private Hire Drivers Licence.

2.5 The current pre-licensing requirements are:

- be aged 21 or over
- hold a full DVLA or equivalent driver's licence for at least 3 years
- have the right to work in the UK
- complete the tax check requirements for taxi and private hire drivers
- submit a fully completed application form
- be subject to an Enhanced DBS check
- sign up to the DBS update service (after the initial DBS check has been completed)
- if any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided
- have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence
- have met the Council's Medical Fitness Criteria which is in line with the DVLA Group 2 standard
- have met the Council's Safeguarding and Child Sexual Exploitation Awareness Training criteria
- have passed the Council's Knowledge Test
- have met the Council's approved disability awareness training requirements
- have met the Council's Language proficiency requirements.
- have paid the licence fee (currently £130 for a new applicant)

2.6 A Private Hire Drivers Licence can be restricted in its use by way of a licence condition.

3. Issues, Options and Analysis of Options

3.1 It is widely reported across the Private Hire Industry that the recruitment of drivers is becoming increasingly difficult. This is also the picture echoed by the local trade. With lots of competing job opportunities driver numbers are falling year on year.

Below are the numbers of new and renewal applications over the last 6 years.

Year	New	Renewal
2016	56	297
2017	46	216
2018	57	204
2019	51	182
2020	42	190
2021	66	174
2022	58	150

- 3.2 The length of time it takes for an applicant to obtain a Private Hire Drivers Licence is often another bar to driver recruitment, with particular regards to the work required to study and pass the knowledge test element of the pre-licensing requirements.
- 3.3 This is impacting on the ability of Private Hire Operators to fulfil school transport contracts, particularly by local operators, with operators from other areas of the country that are licensed by authorities with restricted licence schemes. This in turn is contributing to the growing cost of the provision of school transport.
- 3.4 Local Authorities that are offering this restricted type of licence are seeing an increase in the number of applications, with operators moving to areas where licences for school transport work is quicker and easier to obtain. Not offering a similar scheme may see operators move out of the local area, allowing for less local regulation and an impact on the income to the council that balances the cost of the service provision.
- 3.5 It is not uncommon for Operators to just employ drivers to only fulfil school transport contracts, these drivers do not undertake any other Private Hire work.
- 3.6 It is proposed to offer a “Restricted” Private Hire Drivers Licence, which by condition, can only be used on journeys under a school transport contract.
- 3.7 The condition that would be attached to the licence would read:
- “This licence is restricted for use on school transport contracts only. No other private hire journeys are permitted at any time”.
- This condition will be added to the main body of the paper licence, the conditions section of the paper licence.
- The licence badge that is worn by the driver will be marked as “Restricted to School Transport Only”. The colour of the badge will also be red, as opposed to green for regular private hire drivers.
- 3.8 In addition to the condition that would be placed on the licence, it is proposed that a “Restricted” licence would have a lighter touch with regards to the pre-licensing requirements. These would only focus on those aspects of the “fit and proper test” that are relevant for a person that is only undertaking school transport journeys.
- 3.9 The pre-licensing requirements for a “restricted” licence would be as follows:
- be aged 21 or over

- hold a full DVLA or equivalent driver's licence for at least 3 years
- have the right to work in the UK
- complete the tax check requirements for taxi and private hire drivers
- submit a fully completed application form
- be subject to an Enhanced DBS check
- sign up to the DBS update service (after the initial DBS check has been completed)
- if any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided
- have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence
- have met the Council's Medical Fitness Criteria which is in line with the DVLA Group 2 standard
- have met the Council's Safeguarding and Child Sexual Exploitation Awareness Training criteria
- have passed the Council's Knowledge Test
- have met the Council's approved disability awareness training requirements
- have met the Council's Language proficiency requirements.
- have paid the licence fee (will still be £130 for a new applicant)

3.10 The Council's Safeguarding and Child Sexual Exploitation Awareness Training criteria, would be amended to include the ability for “restricted” applicants to sit an online virtual classroom course, provided by Blue Lamp Trust. See **Appendix 1** for further details. This course covers the areas of safeguarding training that is covered under the PATS training, which would not be required for “restricted” applicants, (see 3.9 for further detail). Applicants would also be required to still attend the Thurrock Council course at the earliest opportunity after becoming licensed.

3.11 The Council's approved disability awareness training requirements would be amended to allow “restricted” applicants to sit the Blue Lamp Trust Disability Awareness Virtual Classroom Course. See **Appendix 2** for further details. This course more easily accessible being delivered online is a shorter duration than the current requirement which is the Passenger Assistant Training Scheme (PATS) – provided by the Community Transport Association (CTA). The PATS training also covers safeguarding, but that element would be covered in the separate safeguarding training (see 3.8 for further detail).

3.12 The Council's Knowledge test would be amended to remove the following sections:

- Numeracy – As the journeys are all by way of contract, no payment will be required to be made direct to the driver, so no numeracy skills are required.

- Places of Interest – The only journey that will be undertaken will be a predefined school transport route, so no local knowledge is required. Satnav type devices can be used should there be any traffic or other diversionary issues.

3.13 The Council's Knowledge test would also be amended to ensure that the Conditions and Law questions are only relevant to holding a licence for school transport journeys and the restrictions on their licence.

3.14 To remove the restriction, from a licence the driver would need to complete the additional elements of the pre-licensing requirements, which would allow progression into a full licence.

3.15 The licence fee would remain the same as for the unrestricted licence as the costs and time associated with the application processing would not be of any significant difference.

4. Reasons for Recommendation

4.1 The delegated authority to make the policy changes to the Hackney Carriage and Private Hire Licensing Policy is with this committee.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 There is no requirement for consultation. The idea of the introduction of a "restricted" licence was raised at a recent local operator meeting, where the proposal was fully supported by those in attendance.

6. Impact on corporate policies, priorities, performance and community impact

6.1 None.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

Taxi licensing is provided on self-funding basis, should the introduction of this scheme see an unlikely significant uptake in applications, requiring additional resources then this can be address in the setting of fees and charges for the service. If this scheme is not introduced and driver numbers continue to fall then any deficit in income against the service cost will need to be considered in the fee setting process.

7.2 Legal

Implications verified by: **Deirdre Collins, Principal Barrister**

Simon Scrowther, Litigation and Licencing Lawyer.

There is the ability to attach a condition to a Private Hire Drivers Licence that will restrict the use for School Contract Work only under the Local Government (Miscellaneous Provisions) Act 1976.

The proposed amendments to the Council Policy does not undermine the suitability of applicants test to hold a licence, which would therefore still be “fit and proper” person to be granted this restricted licence.

Under the provisions of the Childrens Act 1989 and 2004 “Every local authority should take reasonable steps, through the provision of services, to prevent children within their area suffering ill-treatment or neglect.

7.3 Diversity and Equality

Implications verified by: **Becky Lee,**
Team Manager Community Development and Equalities

There are no Diversity or Equality implications in this report.

7.4 Other implications where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, or Impact on Looked After Children)

- None

8. Background papers used in preparing the report (including their location on the Council’s website or identification whether any are exempt or protected by copyright):

- Travel to school for children of compulsory school age – Statutory guidance for local authorities, June 2023.

9. Appendices to the report

- **Appendix 1** – Detail of the Blue Lamp Safeguarding Course
- **Appendix 2** – Details of the Blue Lamp Disability Awareness Course.

Report Author:

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