

Committee: Licensing and Environmental Health

Date: 11 July 2023

Title: Private Hire Licensing – Introduction of a Restricted Private Hire Driver Licence

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Summary

1. This report focuses on the introduction of a new type of Private Hire Driver (PHD) licence, identifiable as a restricted PHD licence issued to drivers undertaking home-to-school transportation journeys only, whilst contracted to a Local Education Authority (LEA).
2. Many LEA's are struggling to fulfil their home-to-school transportation obligations and this includes Essex County Council (ECC). Therefore introducing this type of licence could help to attract more drivers into the trade, supporting the LEA to deliver this valuable service
3. This licence type has been proposed to ECC as the local LEA who are in full support of the Council introducing this. Additionally, existing Private Hire Operators within the district have approached the Council about their desire to see this type of licence introduced
4. Should the Committee agree to introduce this licence, applicants for this type of PHD licence would be required to undertake a bespoke safeguarding Council Test and not the current one run by Green Penny, and all other requirements placed upon them to demonstrate that they are "Fit and Proper Persons" to hold a licence remains consistent with the Council's existing policies and conditions.

Recommendations

5. To agree the introduction of restricted Private Hire Driver licenses as an option available for the purposes of LEA approved home-to-school transportation only.
6. To agree that this Licence type is available from 1 August 2023.
7. To delegate authority to the Licensing and Compliance Manager, in conjunction with the Chair of Licensing and Environmental Health Committee, to make minor amendments to the existing Hackney Carriage and Private Hire Licensing Policy 10 May 2021, and Conditions of Licence if amendments are deemed necessary.
8. To note why the option of a restricted PHD licence has many benefits, including to support the LEA with their school transportation obligations.

Financial Implications

9. There are no significant changes to the cost of introducing this licence type to either the applicant or the Council. The fee for applying for a PHD licence and for the Council to administer is £226. A normal PHD licence would require the full taxi/safeguarding course with a Knowledge Test for dual badge holders as well, but as mentioned before, this test is not necessary for a restricted PHD licence and they will take a shortened bespoke safeguarding course. There is likely to be a new colour of badge printed for a restricted PHD licence, but again this cost is factored into the £226 upon issue.

	Current year	2023/24
Revenue	Met within existing budgets	Met within proposed budgets
Capital	None	None

Background Papers

10. None

Impact

- 11.

Communication/Consultation	N/A
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	N/A

Situation

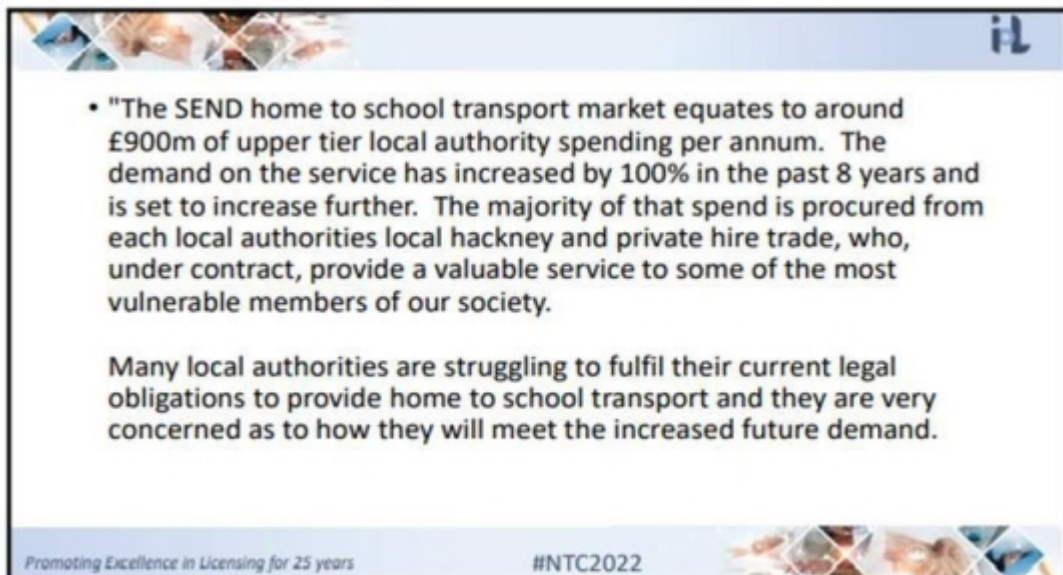
12. Uttlesford District Council as the Licensing Authority are responsible for licensing Hackney Carriage and Private Hire drivers.
13. Once an applicant is deemed "Fit and Proper", applicants can choose to hold one of two types of driver licence:

- Private Hire Driver Licence (PHD)
- Dual (Hackney Carriage + Private Hire) Driver Licence (DUAL)

14. However, the Council has recognised that a third option could be made available to applicants:

- Private Hire Driver Licence: Home-to-School Transportation Only (LEA approved contracts)

15. Recent communications via the Institute of Licensing identified the issues arising regarding the increase in demand for home-to-school transport coupled with a decline in the number of licensed drivers being available:

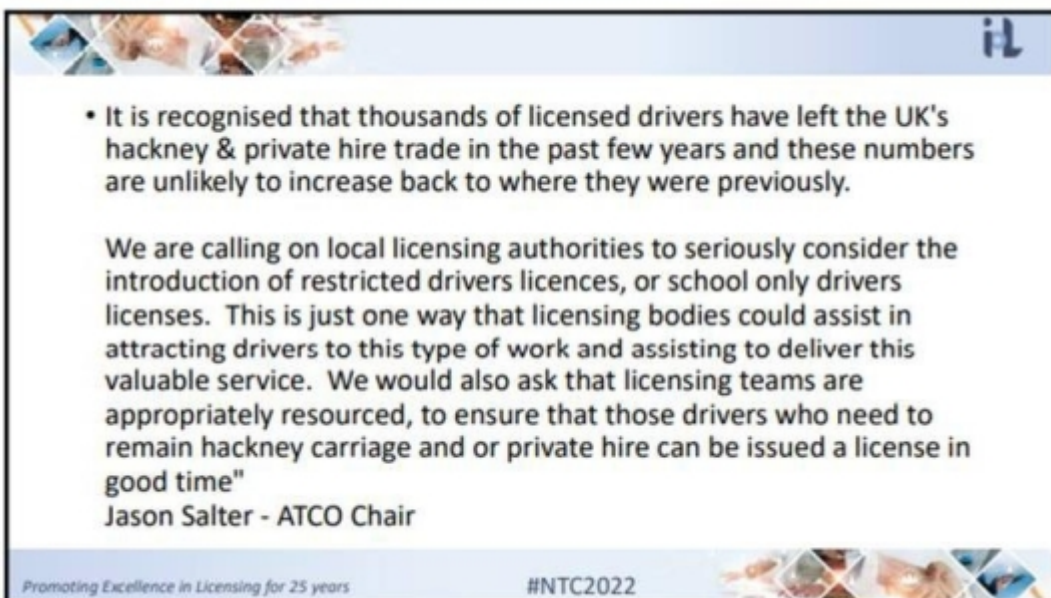


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- "The SEND home to school transport market equates to around £900m of upper tier local authority spending per annum. The demand on the service has increased by 100% in the past 8 years and is set to increase further. The majority of that spend is procured from each local authorities local hackney and private hire trade, who, under contract, provide a valuable service to some of the most vulnerable members of our society.

Many local authorities are struggling to fulfil their current legal obligations to provide home to school transport and they are very concerned as to how they will meet the increased future demand.

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- It is recognised that thousands of licensed drivers have left the UK's hackney & private hire trade in the past few years and these numbers are unlikely to increase back to where they were previously.

We are calling on local licensing authorities to seriously consider the introduction of restricted drivers licences, or school only drivers licenses. This is just one way that licensing bodies could assist in attracting drivers to this type of work and assisting to deliver this valuable service. We would also ask that licensing teams are appropriately resourced, to ensure that those drivers who need to remain hackney carriage and or private hire can be issued a license in good time"

Jason Salter - ATCO Chair

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16. After speaking with representatives at ECC about the issues highlighted above, their response was as follows:

“Locally, Essex County Council has seen a growth in demand for home-to-school transport over the last five years; this is expected to continue to increase each year based on current trends.

A lot of the current demand is met by the external taxi market and there is genuine recognition of the need to work more closely with the market to support sustainable delivery of services.

Like many authorities, Essex has experienced a significant decline in the number of licensed drivers; this has led in some cases to providers handing back contracts due to lack of availability.

As part of the Assisted Transport Transformation Program, Essex County Council is looking at a number of opportunities to review how it’s home-to-school services operate and deliver services.”

17. Consequentially, ECC have positively supported the proposal to introduce a restricted PHD licence.

What is a restricted Private Hire Driver Licence?

18. A restricted PHD licence is a licence issued by the Council for the sole purpose of a driver undertaking home-to-school transportation, which has been specifically contracted to them by the LEA.
19. The restriction imposes a condition that only this type of private hire work can be undertaken, no other wider private hire work can be undertaken.
20. As a result, an applicant will not be required to undertake the current Council training test as part of the application process as this would not be deemed necessary but would take a bespoke safeguarding course and, applicants would still be required to meet all other requirements placed upon them in order to demonstrate that they are “Fit and Proper Persons” to hold a licence, remaining consistent with the Councils existing policies and conditions.
21. Removing unnecessary requirements will have the benefit of speeding up the application process for applicants.
22. The Council has also been approached by existing Private Hire Operators licensed within the district about their desire to see this type of licence introduced.

Have other Council’s introduced restricted licences?

23. There are other Councils across the country who have introduced restricted PHD licences for these same purposes.
24. Licensing colleagues at Southampton City Council and Oldham Council have consulted’ These same colleagues presented on this topic at the Institute of Licensing National Conference in November 2022 calling for more Councils to introduce this type of licence given the benefits and value they can offer. Blaby council have also introduced a restricted PHD licence

25. Leading legal professionals such as James Button, Principal Solicitor at James Button & Co Solicitors also support and endorse the introduction of restricted PHD licences. Mr Button led the presentation at the Institute of Licensing National Conference.

Proposal

26. For the Committee to agree the introduction of restricted Private Hire Driver licences as an option – available for the purposes of LEA approved home- to-school transportation only.

27. For the Committee to agree that this Licence type is available from 1st August 2023.

28. To delegate authority to the Licensing Manager in conjunction with the Chairman of Licensing Committee, to make minor amendments to the existing Hackney Carriage and Private Hire Licensing Policy 10 May 2021, and Conditions of Licence if amendments are deemed necessary.

Risk Analysis

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Risk	Mitigating actions
Current risk to ECC as the LEA not being able to meet the demands for their home-to-school obligations as a result of increase in demand and driver shortages within the Taxi/PH industry	Introducing a restricted PHD licence may help to increase the number of drivers licensed to undertake this specific type of work
Applicants applying for restricted PHD licences to navigate/avoid the requirements of a full taxi/safeguarding Council council Test	<p>All applicants applying for a restricted PHD licence will need to demonstrate that they have approved contracts with the LEA in place prior to grant of a licence. A Private Hire Operator can also provide this evidence on behalf of a specific applicant.</p> <p>Any driver or operator found to be driving / operating outside of the restricted licence conditions will be in breach of their licence.</p> <p>Appropriate enforcement action will be taken including the immediate suspension or revocation of a licence.</p>

<p>Drivers issued with a restricted licence who then undertaking other private hire work.</p>	<p>Any driver found to be breaching the condition of their licence in relation to home-to-school transport is at risk of having their licence immediately suspended or revoked.</p> <p>Should a driver wish to undertake other private hire work after being issued a restricted PHD licence, a full taxi/safeguarding course would need to be taken and driver Knowledge Test for a dual licence will need to be passed before a standard PHD or dual licence is issued to them</p>
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