

**Blaby District Council**  
**Licensing & Regulatory Committee**

**Date of Meeting** 15 February 2023  
**Title of Report** **Private Hire Licensing – Introduction of a restricted Private Hire Driver licence**  
**Report Author** Licensing Team Leader

**1. What is this report about?**

- 1.1 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 the Local Education Authority (LEA) Leicestershire County Council (LCC).

Many LEA's are struggling to fulfil their home-to-school transportation obligations and this includes LCC. Therefore introducing this type of licence could help to attract more drivers into the trade, supporting the LEA to deliver this valuable service.

- 1.2 This licence type has been proposed to LCC as the local LEA who are in full support of the Council introducing this. Additionally, existing Private Hire Operators licensed both within and outside of the district have approached the Council about their desire to see this type of licence introduced.
- 1.3 Should the Committee agree to introduce this licence, applicants for this type of PHD licence will not be required to undertake a Council Knowledge Test, however 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.

**2. Recommendation(s)**

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|-----|---|
| 2.1 | Agree the introduction of restricted Private Hire Driver licences as an option – available for the purposes of LEA approved home-to-school transportation only.   |
| 2.2 | Agree that this Licence type is available from 1 <sup>st</sup> April 2023.  |
| 2.3 | Delegate authority to the Group Manager of Environmental Health, Housing & Community Services, in conjunction with the Portfolio Holder and the Chairman of Licensing and Regulatory Committee or its equivalent Policy Committee, to make minor amendments to the existing Hackney Carriage and Private Hire Licensing Policy 2022 – 2027, and Conditions of Licence if amendments are deemed necessary. |

For the purpose of this section, any minor amendment is an amendment not defined as substantial in section 11.2 of the Hackney Carriage and Private Hire Licensing Policy 2022 – 2027.

### **3. Reason for Decision(s) Recommended**

- 3.1 It is appropriate that members of the Licensing and Regulatory Committee understand why the option of a restricted PHD licence has many benefits, including to support the LEA with their school transportation obligations.

### **4. Matters to consider**

#### **4.1 Background**

Blaby District Council as the Licensing Authority are responsible for licensing Hackney Carriage and Private Hire drivers.

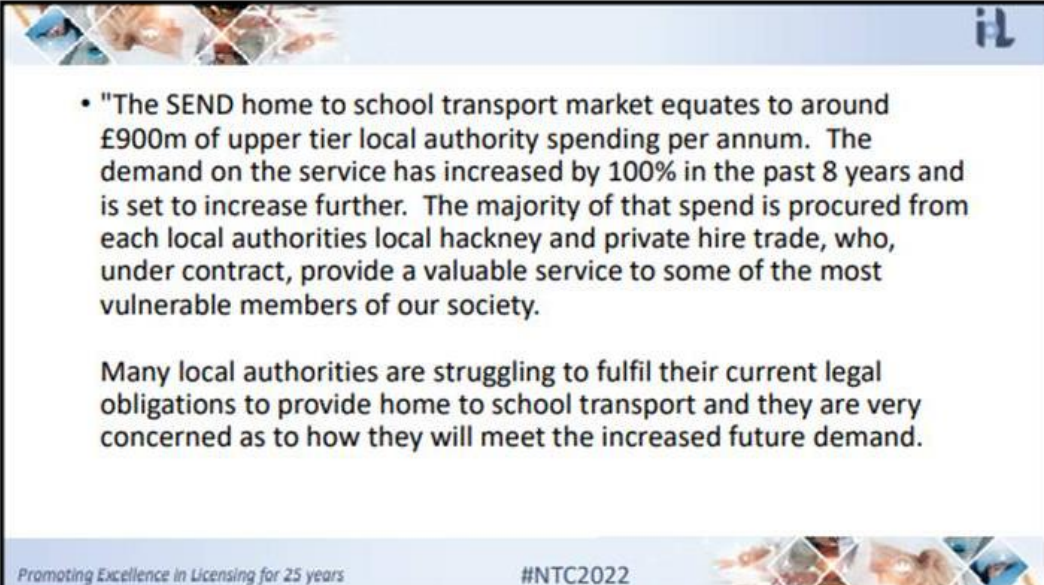
Once an applicant is deemed “Fit and Proper”, applicants can choose to hold one of three types of driver licence:

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

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

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

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:

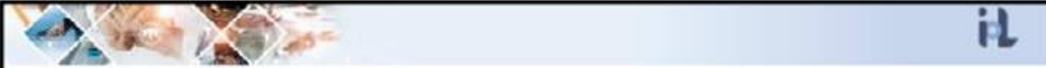


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- "The SEND home to school transport market equates to around £900m of upper tier local authority spending per annum. The demand on the service has increased by 100% in the past 8 years and is set to increase further. The majority of that spend is 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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After speaking with representatives at LCC about the issues highlighted above, their response was as follows:

*"Locally, Leicestershire County Council has seen a 45% growth in demand for home-to-school transport over the last five years; this is expected to continue to increase by approximately 6% each year based on current trends.*

*Over 50% 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, Leicestershire 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 Programme, Leicestershire County Council is looking at a number of opportunities to review how it's home-to-school services operate and deliver services."*

Consequently, LCC have positively supported the proposal to introduce a restricted PHD licence.

#### What is a restricted Private Hire Driver Licence?

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 LCC as the LEA.

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.

As a result, an applicant will not be required to undertake a Council Knowledge Test as part of the application process as this would not be deemed necessary. However, 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.

Removing unnecessary requirements will have the benefit of speeding up the application process for applicants whilst also making the process cheaper.

The Council has also been approached by existing Private Hire Operators licensed both within and outside of the district about their desire to see this type of licence introduced.

#### Have other Council’s introduced restricted licences?

There are many other Councils across the country who have introduced restricted PHD licences for these same purposes.

In the research leading to this report, Licensing colleagues at Southampton City Council and Oldham Council were 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.

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(s)

- 4.2 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.

For the Committee to agree that this Licence type is available from 1<sup>st</sup> April 2023.

To delegate authority to the Group Manager of Environmental Health, Housing & Community Services, in conjunction with the Portfolio Holder and the Chairman of Licensing and Regulatory Committee or its equivalent Policy Committee, to make minor amendments to the existing Hackney Carriage and Private Hire Licensing Policy 2022 – 2027, and Conditions of Licence if amendments are deemed necessary.

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## 5. What will it cost and are there opportunities for savings?

- 5.1 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 £125.00. A normal PHD licence would require a Knowledge Test at an additional cost of £40.00, but as mentioned before, this test is not necessary for a restricted PHD licence. There is likely to be a new colour of badge printed for a restricted PHD licence, but again this cost is factored into the £125.00 upon issue.

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

## 6. What are the risks and how can they be reduced?

6.1

Current Risk	Actions to reduce the risks
Current risk to LCC 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 Council Knowledge Test	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.  Any driver or operator found to be driving / operating outside of the restricted licence conditions will be in breach of their licence. Appropriate enforcement action will be taken including the immediate suspension or revocation of a licence.
Drivers issued with a restricted licence who then undertaking other private hire work.	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.  Should a driver wish to undertake other private hire work after being

