

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

13 March 2018

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

1 DISCONTINUE PRIVATE HIRE PROBATIONARY LICENCES

1.1 Executive Overview

- 1.1.1 During the Consultation period for the new Taxi and Private Hire policy the Licensing team have been reviewing the Probationary licence programme, looking at the time, costs and effectiveness of administering these licences.
- 1.1.2 Private Hire Probationary Badge is a six month badge, which allows people new to the taxi working environment to experience working as a taxi driver at a lower fee entry and assess if this is the right career choice for them. The driver works for one Operator and has a dedicated Mentor to supervise their work while they understand and learn the taxi business.
- 1.1.3 Probationary badges were first introduced in April 2013 and since their launch, 471 have been issued with the vast majority being issued with a Full Private Hire Drivers Licence after six months.
- 1.1.4 Licensing services is responsible for administering 3,415 fee paying licences and permits, not including the Street and House to House licences.
- 1.1.5 This report recommends discontinuing with Probationary Badges for the key reasons of time it takes to produce the licence; cost to the service and potential safeguarding issues that have been identified.
- 1.1.6 We are not allowed to make a profit while undertaking the statutory service of licensing Taxis and Private Hire licences. A three year Private Hire Badge costs Tonbridge & Malling Borough Council (TMBC), £185 during 2017-18 to produce against the cost of £185. However the cost of producing a six month probationary licence costs £185, against an income of £45. Therefore the cost to produce the 168 licences during the year has been £23,520.
- 1.1.7 If an application goes before the Licensing and Appeals Committee, sitting as a panel, the Hearing costs on average £575.50. During the year that is a cost of £8,632 to hold Licensing Hearings for Probationary drivers.

- 1.1.8 It is proposed to go out on a six week consultation to understand stake holders current thinking and report back to the Licensing Committee.

1.2 Background

Extract of Process from current policy

- 1.2.1 A person from the taxi trade known as a “Mentor” to sign the application form and Mentor Form and oversee the new driver as they work through their first six months
- 1.2.2 A “Mentor” needs to have been licensed by Tonbridge and Malling Borough Council for at least a period of three years
- 1.2.3 All applicants will still be required to complete all statutory checks prior to being issued with a probationary badge.
- 1.2.4 After three and six months the Mentor and Licensing Officer will review the probationary badge holder performance and conduct prior to renewing the probationary badge to a full three year driver’s licence

1.3 Concerns over current probationary badge operation

- 1.3.1 Not all private hire operators, through nominated Mentor are undertaking the responsibilities of coaching an applicant through their six month period.
- 1.3.2 There is further concern when a private hire operator is sub-contracting work to another operator for a probationary driver to undertake in a different district.
- 1.3.3 Concerns over potential safeguarding issues with drivers who have not undertaken a knowledge test, be it they have been through the DBS and Home Office checks. This can be very relevant where a probationary driver is working on school runs.
- 1.3.4 Cost and time to the service, where Licensing Officers could increase targeted enforcement activity and to focus time on compliance, understanding and being proactive across the portfolio of licences TMBC is responsible to administer.

1.4 Time and Cost to produce a probationary badge

1.4.1 Time period chosen for this report is from the 1 November 2016 until 21 October 2017.

1.4.2 During this period the following metrics apply:

- 168 probationary applications received
- Each application fee is £45
- 15 Licensing hearings for probationary licence applicants
- Of the 168 applications, 11 applications were withdrawn, 8 refused and 17 were forfeited (drivers did not complete the 6 month period and therefore returned their badges).

1.4.3 The average time to produce a private hire probationary badge is 3 hours and the main steps can be broken down as follows:

Task	Time (hours)
Pre application Assistance to applicant	0.35
Check information	0.75
Medical/DBS/DVLA checks	0.4
process application fee	0.2
load application onto computer	0.5
Contact Mentor to clarify details	0.25
Contact applicant to clarify details	0.25
Print card / paper licence	0.3
Office Costs	
Total	3

1.4.4 If you calculate the 3 hours it takes to produce each application multiplied by 168, the result is 504 hours, which is 13.62 weeks of work for one full time person.

Current income

	Number	Six month Probationary licence		Full three year Private Hire Licence	
		Individual (£)	Cumulative (£)	Individual (£)	Cumulative (£)
Fee – licence	168	(45.00)	(7,600)	0	0
Fee – knowledge test	168	0	0	0	0
sub -total			(7,600)		

Current costs

	Number	Six month Probationary licence		Full three year Private Hire Licence	
		Individual (£)	Cumulative (£)	Individual (£)	Cumulative (£)
To produce licence	168	185	31,080	0	0
Cost of knowledge test	168	0	0	0	0
Cost of Hearing	15	576	8,633	0	0
sub -total			39,713		

Current total costs

	Number	Six month Probationary licence		Full three year Private Hire Licence	
		Individual (£)	Cumulative (£)	Individual (£)	Cumulative (£)

Total cost

32,113

Proposed income

	Number	Six month Probationary licence		Full three year Private Hire Licence	
		Individual (£)	Cumulative (£)	Individual (£)	Cumulative (£)
Fee – licence	168	0	0	(185)	(31,080)
Fee – knowledge test	168	0	0	(40)	(6,720)
sub -total					(37,800)

Proposed costs

	Number	Six month Probationary licence		Full three year Private Hire Licence	
		Individual (£)	Cumulative (£)	Individual (£)	Cumulative (£)
To produce licence	168	0	0	185	31,080
Cost of knowledge test	168	0	0	40	6,720
Cost of Hearing	15			576	8,633
sub -total					46,433

Proposed total costs

	Number	Six month Probationary licence		Full three year Private Hire Licence	
		Individual (£)	Cumulative (£)	Individual (£)	Cumulative (£)
Total cost					8,633

- 1.4.5 Whilst it is appreciated that not all the current probationary applicants will apply for a three private hire badge and knowledge test, there would still be a significant saving on cost and efficiency in Officers time.
- 1.4.6 Current cost using the time period shown is £32,113 against a cost of £8,633, which is made up of entirely Hearing costs.
- 1.4.7 The tailored knowledge tests for Private Hire will ensure that every applicant has passed through the same level, testing their ability to read and understand questions in English, as well as undertaking some basic maths within the questions.

1.5 Benefits of removing the Probationary Private Hire Licence

- 1.5.1 To optimise costs in processing, validating and issuing of licences and permits.
- 1.5.2 Illustrated example would potentially reduce cost of processing these licences by £23,480.
- 1.5.3 Increased number of knowledge test from 4 to a minimum of 6 to accommodate applicants wanting to take the knowledge test. Any new applicant would be allocated a place on the next available test.
- 1.5.4 6 knowledge tests will be available for 28 drivers to sit the test in one session, will enable 168 drivers to become licensed in a full year.
- 1.5.5 Reduce potential safeguarding issues through ensuring applicants have submitted a complete application and undertaken a DBS check, before being allowed to enter the building to take a knowledge test.
- 1.5.6 Licensing Officers could increase targeted enforcement activity and to focus time on compliance, understanding and being proactive across the portfolio of licences TMBC is responsible to administer (Street Trading review / Annual licensing etc.).

1.6 Consultation

- 1.6.1 The question of discontinuation of the Probationary Private Hire Licence will go out for consultation for a period of six weeks from the 16 March 2018 until the 27 April 2018 to enable representations and comments to be received for consideration by the Licensing Committee.
- 1.6.2 The consultation will be sent out to:
 - All current licensed hackney carriage drivers, private hire drivers; dual drivers,
 - hackney carriage and private hire vehicle proprietors and private hire operators;
 - All Borough and Parish Councillors
 - Community Safety Unit
 - Public Libraries
 - Access Group
 - List of interested parties for licensing polices

1.7 Legal Implications

- 1.7.1 Under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 a district council shall on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or

(b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.

A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

It shall be the duty of a council by which licences are granted in pursuance of this section to enter, in a register maintained by the council for the purpose, the following particulars of each such licence, namely—

(a) the name of the person to whom it is granted;

(b) the date on which and the period for which it is granted; and

(c) if the licence has a serial number, that number,

and to keep the register available at its principal offices for inspection by members of the public during office hours free of charge.

1.8 Financial and Value for Money Considerations

- 1.8.1 None unless there is a successful appeal against the Licensing and Appeals Committee, sitting as a panel, decision to the Magistrates' court. This could result in costs being awarded against the council.

1.9 Equality Impact Assessment

- 1.9.1 We do not collect statistical information on protected characteristics (such as gender or race) of applicants for licenses, whether full or probationary. It is not anticipated however that there is any disproportionate effect of the proposal upon persons with a shared protected characteristic as compared with those who do not have those protected characteristics. If the proposal were found to have such

effect, the effect may be justifiable on the grounds of safeguarding and cost savings as outlined in this report.

1.10 Recommendations

1.10.1 Members are RECOMMENDED to approve that the discontinuation of the Probationary Private Hire Licence goes out for consultation.

Background papers:

Existing Policy
Existing Licensing Legislation
Government websites
Institute of Licensing Nil

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