

Annex 1

Consultation on Private Hire Probationary Badges



1.1 Background

- 1.1.1 Tonbridge & Malling Borough Council's (TMBC) Licensing Team are holding a six week consultation in to whether to discontinue the Private Hire Probationary Badge.
- 1.1.2 Public trust and confidence in TMBC licensed drivers is paramount and it is critical that TMBC determine the suitability of all applicants to become a licensed driver.
- 1.1.3 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable.
- 1.1.4 Private Hire Probationary Badge has a duration of six month, 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.
- 1.1.5 Probationary badges were first introduced in April 2013 and since their launch, 493 have been issued with the vast majority being issued with a Full Private Hire Drivers Licence after six months.
- 1.1.6 The launch of the Probationary Badge was, as a result of Workshops with Private Hire Operators, who at that time had a number of applicants who wanted to be licensed drivers and were waiting long periods of time to pass a knowledge test. The knowledge test is very important to test a candidates ability of reading English and understanding basic maths when dealings with Fares.
- 1.1.7 The Probationary Badge still requires all the same checks as a full Private Hire Badge, save that there is no need to undertake a knowledge test. This badge also enabled applicants to work as a licensed driver for a shorter period of time (six months), so that the Operator could train them, at the same time the driver could see if this work suited them.
- 1.1.8 Since the launch we have had a number of changes to the law and working practices, primarily the introduction of sub-contracting and the increase number of applications we are receiving is increasing exponentially.
- 1.1.9 Safeguarding has become a very serious issue for all regulatory authorities, when ensuring that the public are safe when regulating different services.

1.2 Concerns - applicants

- 1.2.1 By not taking a knowledge test a candidate ability of reading English and understanding basic maths when dealings with Fares cannot be tested.
- 1.2.2 Exposure to vulnerable people being passengers, especially on school run contracts without the driver having the benefit of a formal knowledge test and lack of private hire driving experience.
- 1.2.3 New applicants with little experience have a lack of knowledge relating to Taxi Laws and legislation, meaning they are vulnerable and can commit offences without knowing. This should form part of the Mentoring process however a lack of training can be apparent when the Licensing Authority receive complaints.

1.3 Concerns - Operators

- 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 When a private hire operator is sub-contracting work to another operator, often a probationary driver will end up working in a different district very soon after being granted a licence with very little local knowledge or experience.
- 1.3.3 Communication from Operators has been poor, resulting in drivers keeping Probationary Badges when they are no longer working for that particular operator. This can result in drivers working for Operators without the correct permissions or more worryingly, drivers working alone without an operator which is a serious offence.

1.4 Concerns – Safeguarding

- 1.4.1 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.
- 1.4.2 With all new applicants for a Private Hire Drivers Licence having to take a compulsory knowledge test this will formalize the foundation training, ensuring all applicants are tested through reading English and understanding basic maths.
- 1.4.3 A section regarding Safeguarding is being added to the Knowledge Test forming part of the standard, minimum training. Each candidate will be sent the safeguarding material in advance to understand the principles and enable the candidate to pass this part of the knowledge test.

1.5 Concerns – Licensing Authority

- 1.5.1 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.
- 1.5.2 Licensing Services are not allowed to make a profit while undertaking the statutory service of licensing Taxis and Private Hire licences.
- 1.5.3 A three year Private Hire Badge costs Tonbridge & Malling Borough Council (TMBC), £185 during 2017-18 to produce against the cost of £185.
- 1.5.4 The cost of producing a six month probationary licence costs £185, against an income of £45. Therefore the cost to produce the 168 licences (1 November 2016 until 21 October 2017) during the year has been £23,520.
- 1.5.5 With the large number of Probationary Applications received and the time taken by officers to process them, administrative changes, chase up mentors and process second renewals, time for enforcement is directly affected.
- 1.5.6 Tonbridge & Malling Licensing Team are responsible for 3,415 number of Licenses, along with the administration and the enforcement for these licenses.

1.6 Benefits of discontinuing Probationary badges

- 1.6.1 Increase the minimum number of knowledge tests from 4 to 6 a year.
- 1.6.2 Tailored knowledge tests for Private Hire Drivers 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. Their local knowledge will be tested along with the legislation to a good standard ensuring they are safe and suitable to be working in the taxi trade.
- 1.6.3 Safeguarding training will be included in the Knowledge Test to ensure consistency across all new applicants.
- 1.6.4 Free up more time for increased, targeted enforcement across all areas of licensing within Tonbridge & Malling.

Private Hire Probationary Drivers Licence – consultation response

Please email responses back to licensing.services@tmbc.gov.uk

Recommendation –

“that Tonbridge & Malling Borough Council discontinues Private Hire Probationary Badges”.

Person filling in this consultation

Name:	
Email address;	
Operator name if you have an Operator’s licence:	
Driver Badge Number	

Comments