

**Delegated Decision for Minor process/procedure changes**

**Martin Wood – Head of Public Protection**

**Cllr Amanda Pinnock – Chair of the Licensing and Safety Committee**

**Title of Briefing: Driver Licences Restricted to School Transport Work**

**Summary/Background**

Currently the licensing service has a process for all new applicants to become licensed drivers, all licensed drivers are hackney carriage / private hire drivers and can work as a hackney carriage or private hire driver, in addition all can apply to undertake school transport jobs.

The school transport service must transport eligible children to school every day. This is a difficult task to achieve as the Council currently relies solely on hackney carriage and private hire drivers licenced by the service to undertake the school transport journeys. The shortage of local private hire drivers wanting to undertake school transport work, has resulted in a cost to the Council of providing school transport increasing by upwards of 30% over the last two to three years.

The licensing service are aware of 2 / 3 national companies, that specialise in providing school transport services, these companies are approaching local authorities asking if they would consider issuing a “restricted” licence. The purpose of seeking a restricted licence is to enable them to employ drivers who solely want undertake work transporting children to and from school; currently legislation does not differentiate between drivers who want to undertake normal private hire work and those that want to undertake contract work for school transport only.

Therefore, in line with other local authorities, we are looking to introduce a restricted licence. This will mean drivers are issued a licence, but it is restricted to carrying out school contact work but will not be permitted to carry out normal / everyday hackney carriage or private hire work.

It is anticipated that offering a restricted licence will allow these specialist companies to bid for school contracts benefitting the school transport team as it will increase the pool of companies and vehicles able to bid for contracts and therefore drive down costs, it will also increase the pool of wheelchair accessible vehicles which are in short supply in Kirklees.

In order to introduce a restricted licence, it is proposed that amendments are made to the Council’s existing pre application requirements to streamline the process. In addition, amend the conditions of the licence to reflect the work that will be undertaken and limit the work that can be undertaken to school transport contracts.

### Current process for a new licensed driver in Kirklees

1. **Stage 1** – English Test – carry out an English assessment at Entry 3 ESOL level or provide certification to prove the applicant has an English qualification to this level or above.
2. **Stage 2** – Training and Tests – Full day course covering 4 modules; Regulatory Frameworks, Professional Standards, Safeguarding, Equalities and Disability.
3. Practical Driving test – This must be completed with either the Council’s own testers or a company on our standing list of providers.
4. Tax requirements – new applicants must read and confirm their tax responsibilities.
5. DVLA Driving licence – All applicants must have held a DVLA driving licence for a minimum of 2 years.
6. Right to Work – Proof of right to work
7. Read and understand the statement of Fitness and Suitability.
8. Medical – Applicants must pass a medical with their registered doctor to Group 2 standard.
9. DBS – Must complete a DBS to the required level and sign up to the update service – Other Workforce Taxi – Currently the service completes the process for all new applicants.

### Proposed process for Restricted Licence Holders

1. Remove the requirement to undertake Stage 1 and Stage 2 of the process as the applicants will not be carrying out normal private hire / hackney carriage work. However, applicants will be required to complete and pass the school transport safeguarding module prior to being permitted to carry out school contract work.
2. Practical Driving Test – This will remain. Where a national company has their own certified driving instructor licensing will work with the company to ensure they follow the same approval process as other providers to be able to provide this training themselves.
3. Tax requirements – they must confirm they have read and understood their tax responsibilities.
4. DVLA driving licence – they must have held a DVLA driving licence for a minimum of 2 years.
5. Read and understood the fitness and suitability policy.

6. Medical – the company have their own company who carry out group 2 medicals, this will require a slight relaxation as they will not have access to the applicant's FULL medical history.
7. DBS – Some of the national companies undertake their own DBS, which is done to the same level as if the licensing authority / school transport were to carry out the DBS check. It is proposed to accept this DBS subject to it being to the same level as if the licensing authority / school transport and it will then be added to the Councils DBS quarterly checking system on the update service. This is a slight deviation as we normally carry out the DBS checks ourselves, however, we do accept the correct level of DBS for those who have come to us from another authority and are on the DBS update service.

#### Risk / Mitigation around the removal of some of the Pre application Steps.

It is proposed to remove Steps 1 and 2 of the existing pre application process, the reason for this is due to several reasons:

##### English Test

1. Unlike hackney carriage / private hire drivers, the driver applicants for the restricted licences are all employed by the companies rather than being self-employed. Therefore, will have gone through a full recruitment process with the company prior to the submission of an application with the Council. If their standard of English is not acceptable, they would not be successful in their application for a role within the company.
2. Currently if an applicant can produce certification to evidence their qualifications, gained within the United Kingdom meets or exceeds the required level of the assessment they do not have to complete the assessment.

##### Driver Theory Training

1. The Driver theory training required by the licensing service is a full day training covering several modules:
  - Regulatory Framework - Legislation and guidance relating to the private hire and hackney carriage industry.
  - Professional Standards training – H&S, Customer Service, Fares, how to drive safely and efficiently, providing a safe and legal vehicle, transporting parcels/luggage/other items.
  - Safeguarding – Safeguarding of adults, children and vulnerable passengers.
  - Equalities/disabilities – Wheelchair users, Assistance dogs, Elderly and recognising non-visible disabilities.
  - Local Conditions/policies/bylaws

The restricted licence holders will be required to complete and pass the school transport equalities and safeguarding modules prior to be permitted a school transport licence. The additional modules covered by the licensing training would not be relevant to restricted licence holders due to the nature of the work that will be

carried out. The drivers will be aware in advance of any specific requirements for the users and will not be taking fares like standard hackney carriage / private hire drivers.

Proposed Conditions for Restricted Licence (Amended Existing Driver Conditions – amendments in red and deletions)

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

PART 11 – LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES **STANDARD**

**CONDITIONS ATTACHED TO THE ISSUE OF A RESTRICTED HACKNEY CARRIAGE/PRIVATE**

**HIRE DRIVER LICENCE**

1. The Driver shall not assign or in any way part with the benefit of the Licence, which is personal to the Driver.
2. **The Driver shall undertake only school contract work and / or adult contract work. The driver is not permitted to undertake work as a hackney carriage driver or work through a private hire operator that does not solely involve the transportation of children to and from school.**
3. The Driver shall not while driving or in charge of a Private Hire Vehicle:-
  - (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle
  - (b) cause or procure any other person to tout or solicit on a road or other public place any on to hire or be carried for hire in any Private Hire Vehicle
  - (c) offer that vehicle for immediate hire while the Driver or that vehicle is on a road or other public place
  - (d) accept an offer for immediate hire of that vehicle while the Driver or that vehicle is on a road or other public place except where such an offer is first communicated to the Driver by telephone or by apparatus for wireless telegraphy fitted to that vehicle

In this Condition “road” means any highway and any other road to which the public has access and includes bridges over which a road passes.

4. The Driver shall not carry more passengers than allowed by his private hire or hackney vehicle licence.
5. The Driver shall at all times when driving or acting in accordance with the Driver’s

licence granted to him wear the Driver's badge issued to the Driver by the Council in such position and manner as to be plainly and distinctly visible.

6. The Driver's badge referred to in the foregoing Condition shall remain the property of the Council, and if the Driver's licence is not renewed, such badge shall be returned by the Driver to the Council within 7 days of a notice by the Licensing Manager or Senior Licensing Officer requesting the Driver to do so or immediately in the case of a suspension or revocation.
7. A failure to renew a Drivers licence by its expiry date will (unless there are exception circumstances supported by documentary evidence for the delay) result in the Drivers badge lapsing and a driver having to make a fresh application for a new Drivers badge.
8. The Driver shall at any time or at such intervals as the Council may reasonably require, produce a certificate in the form required by the Council, signed by the drivers own general practitioner or doctor with access to the drivers medical records to the effect that he is or continues to be physically fit to be the driver of a Hackney Carriage or Private Hire Vehicle; whether or not such certificate is produced, the person shall, if required by the Council at any time, undergo a medical examination by a registered medical practitioner to be selected by the Council.
9. The Driver shall at any time or at such intervals as the Council may reasonably require be required to pass a driving test carried out by an authorised officer of the Council or other body approved by the Council.
10. The Driver shall at all times be clean and respectable in his dress and person, behave in a civil and orderly manner and afford all reasonable assistance with passengers' luggage and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
11. The Driver shall, within 48 hours, notify the council in writing of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest of any of the offences within this scope will result in a review of their licence.
12. The Driver shall, within 7 days, notify the Council in writing of any change in his/her name address or phone number taking place during the period of the Licence.
13. The Driver shall not without the consent of the Hirer convey or permit to be conveyed any other person in that vehicle.
14. The driver shall take all reasonable steps to ensure the safety of passengers entering or leaving the vehicle.
15. The driver of a wheelchair accessible vehicle must ensure that any equipment associated with the carriage of wheelchair users must be in good order and ready

for immediate use and that he is able to use such equipment in the correct manner.

16. The driver of a licensed vehicle shall, at the request of an authorised officer, stop the vehicle to enable a check to be made for the purpose of preventing or detecting any contravention of any statutory requirements, or of the conditions, applicable to the vehicle and its use as a licensed vehicle whether or not passengers are carried at the time. It shall not proceed until the authorised officer is satisfied that all such requirements or conditions are being observed and complied with.
- ~~17. The driver shall if required provide a written receipt for the fare paid.~~
18. The driver shall declare to the Council any penalty points endorsed on his licence or any courses attended in relation to driving offences.
19. The driver must carry any assistance dog or guide dog with no extra charge that is accompanying a passenger unless he is in possession of an exemption certificate.
20. The driver shall ensure that at all times when driving a licensed vehicle for hire or reward that such a vehicle is kept in a clean and roadworthy condition.
21. The driver must ensure that his ability to drive is not impaired by working excessive hours. Guidance can be sought from the Road Transport (Working Time) Regulations 2005.
22. Drivers must cooperate with any authorised officer and / or police constable from any other licensing authority.
23. Drivers must comply with the Councils Code of Conduct on Working with Vulnerable People

### Recommendation

It is recommended that Head of Public Protection and Chair of Licensing and Safety Committee, in line with delegated authority from the full Licensing and Safety Committee to make minor amendments to Licensing Policy, agree the proposed introduction of the restricted licence with the relaxation of some of the new driver application requirements, in addition the slight amendment to the existing driver conditions to reflect the restrictions on the licence to carry out school transport contract work only.

### Decision

Date.....

Signed

Head Of Service

Chair of Licensing and Safety Committee

Fiona Goldsmith – Group Leader Licensing  
9<sup>th</sup> April 2024