

Report for: ACTION
Item Number: 4



Contains Confidential or Exempt Information	NO
Title	Three Year Licences For Hackney Carriage and Private Hire Drivers and Five Year Licences For Private Hire Operators
Responsible Officer(s)	Craig Miller – Community Protection and Enforcement Services Lead
Contact officer, job title and phone number	Steve Johnson – Enforcement Principal Extn 3555
Member reporting	Councillor Majeed
For Consideration By	Licensing Panel
Date to be Considered	7 th September 2015
Implementation Date if Not Called In	1 st October 2015
Affected Wards	All
Keywords/Index	Hackney Carriage / Private Hire / Taxi / Fees

Report Summary
The Deregulation Act 2015 has changed the law relating to the duration of licences for Hackney Carriage and Private Hire drivers and Private Hire operators. Members are asked to review the changes and to consider proposals relating to the length of licences to be issued by RBWM going forward and the appropriate fees.

If recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
If approved, the recommendation will ensure that there is no reduction in the local taxi services and that public safety standards will be upheld.	1 st October 2015

1. Details of Recommendations

RECOMMENDATIONS:

- i) That RBWM’s policies and conditions (and associated application forms and other documentation) relating to Hackney Carriage and Private Hire Vehicle driver’s licences and to Private Hire operator licences are amended so that as from 1st October 2015 licences are issued or renewed for a period

of 3 and 5 years respectively - but that upon request the licences may be issued for a lesser period if appropriate in the circumstances of the case.

- ii) That as from 1st October 2015 the fees applicable to Hackney Carriage and Private Hire Vehicle driver's licences and to Private Hire operator licences will be as proposed in Paragraphs 2.7 and 2.8 below.**

2. Reason for Recommendation(s) and Options Considered

- 2.1 Section 10 of the Deregulation Act 2015 has amended two sections of current legislation (the Local Government (Miscellaneous Provisions) Act 1976) that relate to Hackney Carriages and Private Hire Vehicles.
- 2.2 The new provisions, which come into force on 1st October 2015, change the law in such a way as to establish a standard duration of 3 years for Hackney Carriage and Private Hire Vehicle driver licences and 5 years for Private Hire Vehicle operator licences. (As with most other licensing authorities, RBWM currently issues licences on an annual basis for all Drivers and Operators).
- 2.3 The new provisions also state that a licence may be granted for a period of less than 3 or 5 years - but only in the circumstances of an individual case, not because of a blanket policy.
- 2.4 It is likely that not all licence holders will want to apply for 3 or 5 year licences, given, for instance, the financial burden that this will impose, and Members may wish to give new applicants (and current licence holders on renewal) the option to request to apply for and renew on an annual or 2-yearly basis for drivers and a shorter period than for 5 years for operators
- 2.5 Members should also be aware that if driver applicants are not given the option to apply for or renew a licence annually (or 2-yearly) then there is a risk of some individuals choosing not to be licensed and to operate illegally, with an obvious serious risk to members of the public.
- 2.6 Members are therefore asked to consider approving amendments to RBWM's current licence conditions and associated documentation so that where a specific request is made by a new applicant or current licence holder for a relevant licence to be issued for a period of less than 3 or 5 years (as applicable) that this will be granted if appropriate in the circumstances of the case.
- 2.7 In relation to fees for licences, RBWM currently charge £100 for an annual driver's licence (for both Hackney Carriage and Private Hire drivers) and it is proposed that for a 2 year licence the fee would be £200 and for a 3 year licence the fee would be £300.
- 2.8 RBWM currently uses a sliding scale in relation to Private Hire Vehicle operator licences, dependant upon the number of licensed vehicles linked to the operator, as follows:

1 - 5 Vehicles	£265
6 - 10 Vehicles	£440
11 - 15 Vehicles	£615
16 - 20 Vehicles	£790
21 – 30 Vehicles	£1035

It is proposed to increase the operator fee by multiplying these fees by the number of years for which a licence is requested. For example, an operator with one linked vehicle, requesting a 5 year operator's licence, would be charged a fee of £1325 (£265 x 5 years).

2.9 Members may be interested to know that the Department for Transport (DfT) has not issued any formal guidance on the introduction of the new provisions within the Deregulation Act 2015. It has, however, issued a statement, published on 2nd June 2015, in response to a request for clarification from the National Association of Licensing Enforcement Officers (NALEO), which stated:

"DfT have today indicated, in response to enquiries from NALEO and other Trades groups members, that they are considering whether Best Practice Guidance should be updated to reflect the changes brought about by the "Taxi and Private Hire" clauses of the Deregulation Act 2015. DfT also state that other matters in the guidance may need revision and that interested parties will be consulted prior to any new guidance being issued".

2.10 It is with all of the foregoing in mind that Members are asked to consider the recommendation above.

Option	Comments
1. To amend RBWM's current position to allow for licences to last for 3 or 5 years in all appropriate cases.	This would not allow RBWM to consider requests from applicants for licences, when appropriate, to last for periods of less than 3 or 5 years.
2. To amend RBWM's current position as per the recommendation.	This would give RBWM the flexibility, where appropriate, to grant licences for shorter periods upon request of applicants who require licences to last less than 3 or 5 years.

3. Key Implications

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
% decrease in applications received for annual licences	0-3%	4-10%	11-20%	>20%	1 st October 2016

4. Financial Details

None

5. Legal Implications

The amendment to the relevant legislation must be followed by the Council – but this report is concerned with the optional provision to reduce the duration of licences in appropriate circumstances.

6. Value for Money

N/A

7. Sustainability Impact Appraisal

There are no significant sustainable development impacts resulting from this.

8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Legal challenge to a decision not to allow licences to be granted for less than 3 or 5 years	Any decision could be judicially reviewed	Full consideration by the Licensing Panel	The process in determining the way in which the change to legislation is adopted by RBWM is considered fair and reasonable

9. Links to Strategic Objectives

This links to improving the economy by allowing RBWM's Hackney Carriage and Private Hire trade options as to the length of time for which they can seek a licence and the fee they have to pay.

Our Strategic Objectives are:

Residents First

- Support Children and Young People
- Encourage Healthy People and Lifestyles
- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

Value for Money

- Deliver Economic Services
- Improve the use of technology
- Increase non-Council Tax Revenue
- Invest in the future

Delivering Together

- Enhanced Customer Services
- Deliver Effective Services
- Strengthen Partnerships

Equipping Ourselves for the Future

- Equipping Our Workforce
- Developing Our systems and Structures
- Changing Our Culture

10. Equalities, Human Rights and Community Cohesion

A full EEQIA is not anticipated at this stage.

11. Staffing/Workforce and Accommodation implications:

None

12. Property and Assets

None

13. Any other implications:

None

14. Consultation

N/A

15. Timetable for Implementation

The new legislation takes effect as from 1st October 2015

16. Appendices

None

17. Background Information

Deregulation Act 2015, section 10

Local Government (Miscellaneous Provisions) Act 1976, sections 53 and 55

18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Burbage	Leader of the Council	03/09/2015	03/09/2015	
Cllr Cox	Lead Member	02/09/2015	03/09/2015	
Cllr Majeed	Licensing Panel Chairman	02/09/2015	03/09/2015	
Simon Fletcher	Strategic Director of Operations	02/09/2015		
Will Cottrell	Shared Legal Services	03/09/2015		