

**LICENSING
COMMITTEE**

2nd November 2015

DEREGULATION ACT 2015
POLICY ON THE DURATION OF HACKNEY CARRIAGE AND PRIVATE
HIRE DRIVER LICENCES AND PRIVATE HIRE OPERATOR LICENCES

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes - Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

From 1st October 2015, as a result of section 10 of the Deregulation Act 2015, the standard duration of hackney carriage and private hire driver licences and private hire operator licences is three and five years respectively unless the Council thinks it is appropriate to grant licences for a lesser period in the circumstances of a particular case.

Members are asked to approve a policy on the duration of hackney carriage and private hire driver licences and private hire operator licences to take effect immediately.

2. RECOMMENDATIONS

Members are asked to RESOLVE to approve the policy on the duration of hackney carriage and private hire driver licences and private hire operator licences (Appendix 1) to take effect immediately.

3. KEY ISSUES

Financial Implications

- 3.1 The fees charged by the Council for hackney carriage and private hire driver licences and for private hire operator licences have been reviewed in light of the changes being enacted under section 10 of the Deregulation Act 2015.
- 3.2 The fees charged for three year driver licences and five year operator licences are inevitably higher than the previous cost of a one year licence as the Council's enforcement and compliance costs for the three or five year period have to be covered in the licence fee.

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- 3.3 The revised licence fees are not, however, simply calculated by multiplying the cost of a one-year licence fee, as the costs associated with administering applications for three and five year licences are less than the cost of administering three or five applications for one year licences.
- 3.4 The fees to be charged for three year driver licences and five year operator licences are to be approved by Executive Committee.

Legal Implications

- 3.5 Section 10 of the Deregulation Act 2015 amended sections 53 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 which from 1st October 2015 reads as follows:

Section 53 (1) – Driver Licences

- (a) *Every licence granted by a district council under the provisions of this Part of this Act to any person to drive a private hire vehicle shall remain in force for three years from the date of such licence or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.*
- (b) *Notwithstanding the provisions of the Public Health Act 1875 and the Town Police Clauses Act 1889, every licence granted by a district council under the provisions of the Act of 1847 to any person to drive a hackney carriage shall remain in force for three years from the date of such licence or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”*

Section 55 (2) – Operator Licences

Every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.

Service / Operational Implications

- 3.6 The Deregulation Act 2015 received Royal Assent on 26th March 2015. Section 10 of this Act relates to the Council's hackney carriage and private hire licensing functions and came into force on 1st October 2015.

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- 3.7 The effect of this change is that the standard (default) duration of a hackney carriage or private hire drivers' licence issued by the Council must be three years and the standard (default) duration of a private hire operators' licence must be five years. Currently both licence types are issued by the Council for a period of one year.
- 3.8 Whilst the standard duration of these licences must be three or five years since 1st October 2015, sections 53 and 55 (as amended) still allow the Council to grant a licence for a lesser period if it thinks it appropriate to do so in the circumstances of the case.
- 3.9 A draft policy on the duration of hackney carriage and private hire driver licences and private hire operator licences can be seen at **Appendix 1**.
- 3.10 Under this draft policy, if an applicant wishes to be granted a licence for one year, the Council would automatically deem it appropriate in the circumstances to grant a licence for this period in line with the wishes of the applicant.
- 3.11 Those applying for a three year licence will have to produce with their application, any of the documents that would have fallen due within the licence period. This would include DBS (criminal conviction certificate) application forms, medicals etc.
- 3.12 There are many reasons why an applicant may want to remain on a one-year licence. Inevitably the cost of applying for a three or five year licence is higher than the cost of a one year licence as the Council's enforcement and compliance costs for the three or five year period would have to be covered in the licence fee. Applicants may therefore prefer to avoid having to pay a larger licence fee every three or five years and continue to pay a lower fee each year.
- 3.13 Also applicants may not want a three year licence as they may not know if they intend to remain in the trade for a further three year period. This would apply in particular to older applicants who may be considering retiring within the next three years.
- 3.14 It would not be appropriate to grant a driver or operator licence for less than three or five years respectively because of concerns that Members have about the suitability of the applicant. If Members are not satisfied that the applicant is fit and proper, they should not grant a licence at all rather than issuing a shorter licence as a form of "probationary period."

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- 3.15 If questions over the suitability of a driver or operator arise during the course of their licence, it is always possible to review the individuals licence and suspend or revoke if Members feel that is appropriate.
- 3.16 Members are therefore recommended to adopt the draft policy shown at **Appendix 1** with effect from 1st October 2015.

4. RISK MANAGEMENT

- 4.1 There is a need to consider the legislative changes and to amend and or adopt a policy to take account of the changes required. Failure to take account of new legislation may leave the authority at risk of legal challenge by customers who seek to apply for a licence under the new provisions.

5. APPENDICES

Appendix 1 – Draft Policy on Licence Durations

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