

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 20th August 2015
Report for: Decision
Report of: Head of Public Protection

Report Title

AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AND FEES FOLLOWING THE DEREGULATION ACT 2015

Summary

To inform Members of changes to legislation effecting hackney carriage and private hire licences; and to propose amendments to the fees for driver and operator licences to reflect the change in national legislation.

Recommendations

1. That from the 1st October 2015 all private hire operator licences are issued for five years.
2. That from the 1st October 2015 all new and renewed hackney carriage and private hire driver's licences are issued for three years; except in certain circumstances, namely:
 - Where the renewal of the licence does not coincide with the DBS check as outlined in the report;
 - Where the applicant is due to retire or cease being a licensed driver;
 - Where an applicant's 'right to work' visa is due to expire;
 - Where matters arise that the Sub-Committee or Licensing Manager believe make it appropriate, in the circumstances, to issue a licence for less than three years.
3. That the proposed fees for a five year private hire operator's licence and a three year hackney carriage and private hire driver's licence be advertised in a local newspaper and be introduced from 1st October 2015, subject to no objections being received.

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1. BACKGROUND

- 1.1 The Deregulation Act 2015 received Royal Assent on 26th March 2015 with changes to hackney carriage and private hire legislation coming into effect from the 1st October 2015. The whole Act consists of a range of changes to many regulatory functions including two provisions that will affect taxi and private hire licensing.
- 1.2 The first provision is that hackney carriage and private hire driver's licences should be issued for three years and private hire operator licences for five years, unless there are reasons for not doing so.
- 1.3 The second provision is to permit private hire operators to sub-contract journeys to other private hire operators outside of the district. At present, private hire operators are only permitted to sub-contract journeys to other private hire operators who are licensed in the same district.
- 1.4 Currently, hackney carriage and private hire driver's licences and private hire operator licences in Trafford are issued for one year; therefore, it is necessary for the licensing regime, including fees and charges, to be reviewed to enable compliance with the Deregulation Act.

2. PROPOSED AMENDMENTS

Private Hire Operator Licences

- 2.1 The Council currently issues private hire operator licences for one year. The Deregulation Act provides that these licences 'shall remain in force for five years or for such lesser period, specified in the licence, as the district council thinks appropriate in the circumstances of the case'. Therefore, it is proposed that from the 1st October 2015 all private hire operator licences are issued for five years.
- 2.2 There are currently 21 licensed private hire operators in Trafford and the Council has a sliding scale of charges for these licences depending on the number of vehicles a company wishes to operate.
- 2.3 A detailed assessment was undertaken to assess the effect of the changes on the costs of administration. Following the assessment it is proposed to charge the following fees for a five year private hire operator's licence:

	1 Vehicle	Plus 1 up to 5 Vehicles	6 – 10 Vehicles	11 – 29 Vehicles	30 + Vehicles
	£	£	£	£	£
Current Annual Fee	190.00	31.00	368.50	498.00	654.00
Proposed 5 Year Fee	800.57	31.00	1,552.68	2,098.33	2,755.64
Annualised New Fee	160.11	6.20	310.54	419.67	551.13

The full five year fee will be payable on the grant or renewal of the licence. The fees will be reviewed regularly as part of the annual Council fee setting process.

Hackney Carriage and Private Hire Driver's Licences

- 2.4 The Council currently issues hackney carriage and private hire driver's licences for one year. The Deregulation Act provides that these licences 'shall remain in force for three years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case'.
- 2.5 In order to align the DBS checks and driver licences, it is proposed to issue a driver with a one, two or three year licence from the next renewal date (after the 1st October 2015) depending on when the individual driver's next DBS check is due. For example, if a driver requires a DBS check on the 1st December 2016 he/she will be issued with a one year licence on the 1st December 2015 so that the next renewal date coincides with the due date for the DBS check; the next licence will then be issued for three years, meaning that from that point on the renewal date and DBS check will be in tandem.
- 2.6 The Deregulation Act provides that the Council may issue a driver's licence for less than three years where it considers it reasonable to do so, and officers would suggest that such circumstances may include:
- Where the renewal of the licence does not coincide with the DBS check as outlined in the report;
 - Where the applicant is due to retire or cease being a licensed driver;
 - Where an applicant's 'right to work' visa is due to expire;
 - Where matters arise that the Sub-Committee or Licensing Manager believe make it appropriate, in the circumstances, to issue a licence for less than three years.
- 2.7 A detailed assessment was undertaken to assess the effect of the changes on the costs of administration. Following the assessment it is proposed to charge the following fees for hackney carriage/private hire driver's licences:

	1 Year	2 Years	3 Years
	£	£	£
Current New Application Fee	134.50		
Current Licence Renewal Fee	85.00		
Proposed New Application Fee	134.50	199.40	264.30
Proposed Licence Renewal Fee	85.00	149.90	214.80
Annualised New Application Fee	134.50	99.70	88.10
Annualised Licence Renewal Fee	85.00	74.95	71.60

The full three year fee will be payable on the grant or renewal of the licence, except in the circumstances detailed at paragraph 2.6. The fees will be reviewed regularly as part of the annual Council fee setting process.

Consultation

- 2.8 Under section 52(3) and section 70 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may charge a fee for the following:
- Hackney carriage proprietor and driver licences;
 - Private hire vehicle and driver licences;
 - Private hire operator licences.

2.9 If the fees are to be greater than the fees laid down in section 70(2) for vehicle and operator licences (not driver licences) then notice must be published in a local newspaper, giving details of the proposed fees and giving 28 days for objections to be made.

3. RECOMMENDATIONS

That the Sub-Committee agree:

3.1 That from the 1st October 2015 all private hire operator licences are issued for five years.

3.2 That from the 1st October 2015 all new and renewed hackney carriage and private hire driver's licences are issued for three years; except in certain circumstances, namely:

- Where the renewal of the licence does not coincide with the DBS check as outlined in the report;
- Where the applicant is due to retire or cease being a licensed driver;
- Where an applicant's right to work visa is due to expire;
- Where matters arise that the Sub-Committee or Licensing Manager believe make it appropriate, in the circumstances, to issue a licence for less than three years.

3.3 That the proposed fees for a five year private hire operator's licence and a three year hackney carriage and private hire driver's licence be advertised in a local newspaper and be introduced from 1st October 2015, subject to no objections being received.