

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 24th September 2015
Report for: Decision
Report of: Head of Regulatory Services

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 the Sub-Committee agree:

- (i) that from the 1st October 2015 all private hire operator licences are issued for five years, unless the operator requests a one year licence;
- (ii) 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 requests a one year licence;
 - 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 of the case, to issue a licence for less than three years.

2. That the Sub-Committee consider the report and any objections to the proposed fees, and either:

- (i) approve the proposed fees; or
 - (ii) modify the proposed fees; and
- confirm that any new fees will become effective on the 1st October 2015.

Contact person for access to background papers and further information:

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Iain Veitch
Head of Regulatory Services

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 either one year or 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 one year or 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 requests a one year licence;
- 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 of the case, 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 HC/PH Driver Fee	134.50		
Current PH Driver Renewal Fee	85.00		
Current HC Driver Renewal Fee	101.55*		
Proposed New HC/PH Driver Fee	134.50	199.40	264.30
Proposed PH Driver Renewal Fee	85.00	149.90	214.80
Proposed HC Driver Renewal Fee	101.55*	166.00*	231.00*

*includes cost of unmet demand survey

The one year or 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.

2.10 A notice of the proposed fees appeared in a local newspaper on the 27th August 2015 with the last date for objections being the 23rd September 2015. Any objections received within the consultation period will be available for consideration at this evening's meeting.

4. KEY ISSUES

3.1 When considering a fee increase the Council must take into account the impact of any increase on the livelihood of those affected. However, the local authority's overriding aim must be to protect the public and, within the statutory mechanisms, to provide an efficient and effective service for all concerned. The control of hackney carriage and private hire vehicles, and associated drivers and operators, is a time-consuming and costly exercise, and it is quite legitimate for a local authority to recover as much of the costs as they are able to in relation to this. Those involved in the hackney carriage and private hire trades are in a business and it would be difficult to justify an approach where the local authority subsidised private enterprise by refusing to recover as much of the costs associated with its statutory duties as it is able.

5. RECOMMENDATIONS

5.1 That the Sub-Committee agree:

5.1.1 that from the 1st October 2015 all private hire operator licences are issued for five years, unless the operator requests a one year licence;

5.1.2 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 requests a one year licence;
- 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.

5.2 That the Sub-Committee consider the report and any objections to the proposed fees, and either:

5.2.1 approve the proposed fees; or
5.2.1 modify the proposed fees; and

confirm that any new fees will become effective on the 1st October 2015.