

Report to Regulatory Panel

Agenda
Item:

A.1

Meeting Date: 24th February 2016
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable
Within Policy and Budget Framework YES
Public / Private Public

Title: HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER -
DURATION OF LICENCE and FEES
Report of: Director of Governance
Report Number: GD04/16

Purpose / Summary:

The De-regulation Act 2015 has amended Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 which details the duration of drivers' licences for hackney and private hire drivers.

The amendments establish a standard duration for driver's licence of 3 years, although a licence may be granted for a 'lesser' period where the council think appropriate in the circumstances of individual cases.

Recommendations:

Members are requested to consider the new fees to reflect a 3 year licence as well as a phased introduction of a 3 year licence to coincide with a driver's disclosure and barring check with effect from 1st April 2016.

Amendments to hackney driver codes of practice and private hire driver terms and conditions will also need approval as they currently reflect 12 month licence duration.

Tracking

Regulatory Panel	30 th March 2016

1. BACKGROUND

1.1 The Deregulation Bill 2015 was given royal assent on 26th March 2015.

1.2 From 1st October 2015 The Deregulation Act amended the Local Government (Miscellaneous Provisions) Act 1976 in two ways:

- It introduces, for Private and Hackney Carriage driver licences, a 3 year licence. The option is available to the council to grant a licence for a lesser period, but only where the district council think appropriate in the circumstances of an individual case.
- It introduces, for Private Hire Operators, a 5 year licence. The option is available to the council to grant a licence for a lesser period, where again, the district council think necessary in the circumstances of an individual case. This will be covered under report GD05/16

1.3 These changes have been brought in, in response to the Governments 'Red Tape Challenge' and to reduce bureaucracy.

2. CURRENT POSITION

2.1 At present, Carlisle City Council issues one year licences to new and existing drivers and fees are calculated on this basis. At present we have 250 hackney carriage drivers and 90 private hire drivers, although this can fluctuate from month to month.

2.2 New drivers are required to pass a driving standards agency test, a local knowledge and language test, doctors medical, provide a criminal record disclosure as well as attend a disability awareness session.

2.3 Appropriate checks are also undertaken at renewal time, which include:

- A self-medical declaration (full Doctors' medical every 3rd year)
- A signed statutory declaration from the driver to inform of any motoring or criminal convictions since the previous year
- An updated photo of the driver
- Their Operator, if any
- Their consent to disclose their data at Regulatory Panel, court or tribunal in relation to their licence.

- 2.4** Hackney Carriage Driver renewal licences mainly fall due on 31st August each year, and Private Hire renewals on 31st January, which are busy times for the licensing office.
- 2.5** Checks are also undertaken every 3 years with external agencies to ensure all drivers pass the required standards to drive a taxi or private hire vehicle which include:
- A Doctor's medical examination – to determine the driver is fit to drive to DVLA group 2 standards
 - A criminal record check with the Disclosure and Barring Service to confirm if the driver has any undeclared criminal convictions
 - DVLA Driving Licence check to verify the driving status and any undeclared convictions
- 2.6** All drivers over the age of 65, or drivers who have a pre-existing medical condition are required to undergo an annual medical check with their Doctor.

3 PROPOSAL

- 3.1** Department of Transport Guidance state it is not good practice to require a licence to be renewed annually. This is also supported by the Legislative Intention note of the Deregulation Act. **Appendix A**
- 3.2** Although the legislation states that a driver's licence should be granted for 3 years, there may be circumstances in which it may be appropriate to grant a licence for a shorter period.
- 3.3** Advice from the Institute of Licensing and the Council's Legal section is that each driver's request for a shorter period of licence should be considered on its own merits. Examples of circumstances where it may be appropriate to grant a shorter licence period could be:
- Drivers who are intending to retire within the next three years
 - Drivers who are required to undergo an annual doctors medical check
 - New drivers who have a conviction or an amount of motoring points on their licence
 - Drivers who are being phased into a 3 year licence as explained in 3.3 below
 - Financial hardship to drivers
- 3.4** In order to streamline administration both for the driver and the licensing office it is proposed that licence renewal dates are brought into line with the DBS renewal date, as well as align with a driver's medical and DVLA licence check. This would

be an instance when a 'lesser period' licence would be issued until all dates align and then a 3 year licence can be issued/offered (an example of this would be where a drivers licence expires 31/9/16 and DBS does not expire until 31/12/17 – a 15 month licence would be issued, then a 3 year on 31/12/17)

- 3.5** In doing this, the renewal of licences would be more evenly spread throughout the year, rather than at concentrated times and would also reduce administration costs for both the licensing office and drivers
- 3.6** Delegated Authority will be sought to enable the Licensing Manager to grant a licence for a lesser period, in circumstances which she considers appropriate, and to charge the proportionate fee.
- 3.7** Fees have been calculated for the various licence periods. The methodology used to calculate the fees is summarised below and is based on the costs incurred in the issue and administration of a licence, as well as the current fee setting structure.

The proposed fees take account of the cost of:

- Initial enquiries from new drivers
- Local knowledge and language tests for new drivers and re-tests
- Disability Awareness training for new drivers
- External agency checks
- Processing and administration
- Monitoring costs
- Committee hearings apportioned across all taxi and private hire drivers
- Legal advice apportioned across all drivers
- Complaints received and investigated apportioned across all drivers
- Issuing and producing of badges and licences
- Annual administration check
- Training of staff
- Recharges to Licensing by other council Departments

- 3.8** It is proposed that we will no longer accept Cumbria County Council's DBS disclosures from 1st April 2016, due to their driver disclosures being of a lower level of check.
- 3.9** It is proposed that we no longer use an external agency to check DVLA driving licence information as this is now available through the government's digital checking service and providing a driver gives authority to check their information, this will be the quickest and cheapest process. If a driver does not give the Council

authority, it will be up to them to provide us with a driving licence summary that is currently available to them on the same website.

3.10 Proposed fees from 1st April 2016 have been calculated as follows:

	Existing fee – 1 year	Proposed fee – 1 year	Proposed fee 3 year
New driver	110.00	115.00	235.00
Renewal	70.00	75.00	185.00

3.11 It is proposed that an annual administration check will be carried out for 3 year licences to ensure:

- A self-medical declaration is completed
- A statutory declaration to confirm all convictions
- A DVLA driving licence check

An up to date photo if the identity of the driver has significantly changed from previous year.

3.12 3 year licence fees will be reviewed annually along with all other fees.

4. CONSULTATION

4.1 A 28 day consultation period is required and The Taxi Association, Drivers and Operators have been provided with this information, as well as a notice being published on our website and also in the Cumberland News of 12th February 2016

Appendix B

4.2 Consultation will end on 10th March, where all comments will be taken into account and a full report presented to this committee on 30th March 2016.

5 RECOMMENDATIONS

Members are requested to note and comment on this report which will be taken into account before the final report is produced.

6 REASONS FOR RECOMMENDATIONS

To comply with Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 which details that duration of drivers' licences for hackney and private hire drivers are provided for 3 year period, or lesser only where the Council think appropriate in individual cases with effect from 1st April 2016. **Appendix C**
To amend HD driver codes of practice and PH driver terms of conditions to reflect the new three year period.

Contact Officer: Sue Stashkiw **Ext:** X 7029
Licensing Manager

Appendices **Appendix A – Department of Transport guidance**
attached to report: **Appendix B – advert on website & newspaper 12/02/16**
Appendix C – legislation

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Deputy Chief Executive –

Economic Development –

Governance – included within report

Local Environment –

Resources -



Deregulation Act 2015

2015 CHAPTER 20

Measures affecting business: particular areas

10 Taxis and private hire vehicles: duration of licences

- (1) The Local Government (Miscellaneous Provisions) Act 1976 is amended as follows.
- (2) In section 53 (drivers' licences for hackney carriages and private hire vehicles)—
 - (a) in subsection (1)(a), for “for such lesser period as the district council may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”;
 - (b) in subsection (1)(b), for “for such lesser period as they may specify in such licence” substitute “for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case”.
- (3) In section 55 (licensing of operators of private hire vehicles), for subsection (2) substitute—
 - “(2) 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.”

Carlisle City Council



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Proposed fees and durations of Hackney Carriage and Private Hire Driver Licences and Private Hire Operator Licences under the DE-REGULATION ACT 2015

NOTICE IS HEREBY GIVEN that the De-regulation Act 2015 (Chapter 20) has amended The Local Government (Miscellaneous Provisions) Act 1976 (S53, 55 & 70) to amend the standard duration of a hackney and private hire drivers' licence to a **3** year licence and a Private Hire Operators Licence to a **5** year licence. Licences can be issued 'for such lesser period, specified in the licence, as the City Council think appropriate in the circumstances of the case'

Carlisle City Council has determined the proposed fees with effect from 1 April 2016 as shown in the Schedule below.

Any objection to this proposed variation must be made in writing by the 10th March 2016 to The Licensing Manager, Carlisle City Council, Civic Centre, Rickergate, Carlisle CA3 8QG. A copy of the Notice will also be on display until the 10 March 2016 at the address below and will be open to public inspection without payment at all reasonable hours.

SCHEDULE

	Existing fee – 1 year	Proposed fee – 1 year	Proposed fee 3 year
HC/PH New Driver	110.00	110.00	235.00
Renewal fee	70.00	75.00	185.00
PH Operator			
1-5 vehicles	140.00	-	260.00
6-10	210.00	-	330.00
11-20	390.00	-	480.00
21-30	445.00	-	565.00

Fees will be reviewed in accordance with Carlisle City Council's annual corporate charging policy.

M D Lambert LLB (Hons), MBA
Director of Governance

12th February 2016

**TAXI AND PRIVATE HIRE VEHICLE LICENSING:
BEST PRACTICE GUIDANCE**

March 2010

deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as ‘5% below the metered fare’ might be an example.

DRIVERS

Duration Of Licences

55. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 below provide further information about this scheme.

56. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

57. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification