

**Gambling, Licensing & Regulatory Committee** 19<sup>th</sup> October 2015

Report from the Assistant Director – Housing and Community Safety

## **Deregulation Act 2015 – changes to taxi licensing**

### **Summary**

1. This report asks Members to agree a staged approach to the implementation of the Deregulation Act 2015 in relation to hackney carriage and private hire licensing.

### **Background**

2. The Deregulation Act 2015 received Royal Assent on the 26<sup>th</sup> March 2015, Sections 10 and 11 took effect from the 1<sup>st</sup> October 2015, they amend the Local Government (Miscellaneous Provisions) Act 1976 in two ways:

#### **Duration of Licences**

- Introduction for Private Hire and Hackney Carriage drivers licences, a 3 year licence. The option will be available to the council to grant a licence for a lesser period, but this will only be where it is appropriate to the circumstances of the case. The Council currently grants licences for a maximum of one year.
  - Introduction for Private Hire Operators Licences, a 5 year licence. The option will be available to the council to grant a licence for a lesser period, but this will only be where it is appropriate to the circumstances of the case. The Council currently grants operators licences on an annual basis.
3. Even though the legislation changes took effect on the 1<sup>st</sup> October 2015, at this time guidance has not been issued by the Department of Transport (DfT) in relation to these changes .

4. The Council currently does not have fees and policy set for the issue of 3 yearly drivers and 5 yearly operators licences. Officers are currently carrying out a full review of fees and policy in relation to these changes.
5. Whilst the changes came into effect on 1<sup>st</sup> October, with notice having only been given in April 2015, and the fact that no guidance has been received from the DfT, it is recommended that the full implementation takes place on the 1<sup>st</sup> April 2016, in line with the councils financial year.
6. Proposed fees will be included within the financial report which will be taken to full council in February 2016 to agree the 2016/17 budget. A report will be brought to this Committee in the new year in relation to a new Taxi Licensing Policy and outlining the fees.
7. In agreeing such a position the Council will not be acting alone, other local authorities, both locally and nationally, have taken a similar position and are at the same stage in the process as York.

### **Private Hire Vehicle Sub Contracting**

- The ability of a private hire operator to sub-contract bookings to another legitimate private hire operator who may be outside the boundary of the City of York Council authority area and therefore licensed by another authority. This is causing concern amongst the trade and local authorities in relation to increased and more complex enforcement.
8. The implications of allowing cross-border hiring (which was previously unlawful) are potentially wide ranging. They mean that a customer could contact an operator within the authority area and order a private hire vehicle. The operator who takes the booking may then pass the work to another company who may be licensed by another authority area, without first obtaining the consent of the customer. This means that vehicles used to fulfil contracts may be subject to different standards than vehicles licensed within our area. It may also lead to a significant move within the licensed trade to seek out the cheapest area to licence their vehicle, then simply refer all bookings to their operator based in the cheaper area.
  9. The Council has no ability to influence the matter of sub-contracting. This will be an enforcement issue.

## **Consultation**

10. Due to the nature of this report there has been no consultation process. Officers have met with other Licensing Authorities from North Yorkshire in relation to this matter to agree a joint approach. Further meeting will take place to discuss any issues identified with cross-border hiring.
11. In line with legal requirements a notice will be placed in the Press in relation to the proposed fees once they are agreed by Full Council. A full consultation will take place with regards to a proposed new policy before it is brought to this Committee.

## **Options**

12. Option 1 – Agree that the full implementation of the changes to hackney carriage and private hire drivers and operators licences take place on 1<sup>st</sup> April 2016 as detailed in paragraph 5.
13. Option 2 – Agree an alternative full implementation date of the changes to hackney carriage and private hire drivers and operators licences.

## **Analysis**

14. The Council currently licences the following number of drivers and operators:
  - 295 hackney carriage drivers
  - 604 private hire drivers
  - 62 private hire operators
15. The Council currently renews licences as follows:
  - Hackney carriage driver licence 1<sup>st</sup> May each year
  - Private hire driver licence 1<sup>st</sup> November each year
  - Private hire operators annually on the anniversary of when the licence was issued
16. In relation to the licensing of hackney carriage and private hire drivers it is currently a requirement of the annual renewal that documentation such as DVLA driving licences are checked, and to comply with licence condition medical checks may be required. Due to the requirement to issue a 3 year licence systems will need to be introduced to make sure such checks are still undertaken annually, and/or when required.

17. Systems will need to be introduced so that driver licences are renewable every 3 years on the anniversary of when the licence was first issued. In the case of operators, every 5 years.
18. Systems will also need to be introduced to carry out regular compliance checks on both drivers and operators to make sure information held by the council is correct, for example drivers do not always inform the council when they move house.
19. Due to the changes to the duration of driver licences and the recent changes to the requirements of DVLA driving licences (the paper counterpart is no longer required), the Council has put in place an agreement with an agent to ascertain the status of DVLA driving licences, these checks will be done on behalf of the Council annually, the checks will identify if licensed driver have received any driving convictions.

## **Council Plan**

20. The provision of hackney carriage and private hire licensing supports the council priority 'A prosperous city for all'.

## **Implications**

21. The direct implications arising from this report are:
  - (a) **Financial** - There are no financial implications.
  - (b) **Human Resources (HR)** - There are no HR implications.
  - (c) **Equalities** – There are no equalities implications.
  - (d) **Legal** - There are no legal implications.
  - (e) **Crime and Disorder** - There are no crime and disorder implications.
  - (f) **Information Technology (IT)** - There are no IT implications.
  - (g) **Property** - There are no property implications.
  - (h) **Other** - There are no other implications.

## Risk Management

22. There are no known risks associated with this report.

## Recommendations

23. That Members approve Option 1 of this report.

Reason: This will allow the Council to agree fees and policy in relation to the implementation of the changes to hackney carriage and private hire drivers and operator licences.

## Contact Details

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	<b>Report Approved</b>	√	<b>Date</b> 07/10/15
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<b>Wards Affected:</b>	<b>All</b>	√	
<b>For further information please contact the author of the report</b>			

## Background papers

Deregulation Act 2015

**Annexes** – none