

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE GENERAL LICENSING COMMITTEE
9th OCTOBER 2015

DEREGULATION ACT 2015 – CHANGES TO TAXI AND PRIVATE HIRE
DRIVERS FEES

1.0 Background

- 1.1 The Deregulation Act 2015 received Royal Assent on 26th March 2015; one of the purposes of the Act is to make provision for the reduction in legislative burdens to businesses, organisations and individuals.
- 1.2 Section 10 and 11 of the Deregulation Act 2015 relate specifically to taxi and private hire licensing and the provision became effective from 1st October 2015.

2.0 Deregulation changes – Hackney Carriage and Private Hire Drivers

- 2.1 The Licensing Authority, under the Local Government (Miscellaneous Provisions) Act 1976, has the discretion to issue licences for drivers of hackney carriage and private hire vehicles for up to 3 years. However, most Licensing Authorities issue licences for a period of 1 year only to continually determine a driver's fitness and propriety.
- 2.2 Section 10 of the Deregulation Act 2015 amends Section 53 of the existing legislation and restricts the discretion currently available to the Licensing Authority to issue licences to drivers for less than 3 years.
- 2.3 Licences for a shorter duration will still be made available by the Licensing Authority but will be issued on a case by case basis 'as the district council think appropriate in the circumstances of the case'.
- 2.4 There is no further legislative guidance in relation to what the 'circumstances of the case' must be however current legal opinion suggests that the circumstances in which an annual licence may still be issued may include e.g. where Members have concerns over an applicant's criminal history or conduct; for medical reasons; to coincide with other application criteria requirements such as Disclosure and Barring Service (DBS) criminal history checks.
- 2.5 It is also suggested that a request by an applicant for a one year licence would also be hard to refuse especially in relation to financial concerns.

3.0 Current Considerations

- 3.1 Due to the changes made to the legislation and the need to provide the opportunity for 3 year licences, the Licensing Section has undertaken a review of the existing licensing processes and fees.
- 3.2 As a result of the review, a new fee structure has been developed which will allow the licensing authority to accurately recover the fees to cover the cost of administering the service.
- 3.3 A table detailing the current and proposed fees is provided in paragraph 4 of the report.
- 3.4 In order for officers to ensure the smooth transition of the procedural changes required consideration has been given to the proposed date of implementation of the new procedures and fees.
- 3.5 It is proposed that the increase in driver fees are agreed and take effect from 1st November 2015 for any grant applications made and 1st December 2015 in respect of renewal applications. This is to enable officers to determine whether or not it is appropriate to issue a licence for a 3 year period and to provide sufficient notice to applicants.

4.0 Proposed Fees

- 4.1 It is proposed that the fees for 1 and 3 year driver licences be set as follows to enable cost recovery in line with the legislation.

	Current	Proposed
Driver Grant 1 year (including restricted Driver)	£79.00 (Full) £67.00 (Restricted)	£124.00
Driver Grant 3 year (including restricted Driver)	N/A	£236.00
Driver Renewal 1 year (including Restricted Driver)	£67.00 (Full) £57.00 (Restricted)	£81.00

Driver Renewal 3 year (including Restricted Driver)	N/A	£191.00
Knowledge Test	N/A	£29.00

5.0 RECOMMENDATIONS

5.1 It is recommended that :

Members approve the proposed fee levels outlined in paragraph 4 and agree the date for implementation as 1st November 2015 for grant applications and the knowledge test fees; and 1st December 2015 for renewal applications.

The Licensing Committee's instructions are requested.

Background Papers: None
Contact Officer: Yvonne Lewis
Extension: 5600
Legal Contact: Aled Gruffydd