



Derby City Council

LICENSING COMMITTEE
24 September 2015

Report of the Acting Strategic Director of
Neighbourhoods

ITEM 8

Three and Five Yearly Licences – Policy Changes and Fees

SUMMARY

- 1.1 Changes to the standard duration of drivers and operators licences are being introduced by the Government which will have an impact on the way in which they are dealt with by the Council.
- 1.2 Committee have considered this issue previously and already approved a number of policy changes which have now been consulted on. Two other consultations have been undertaken in relation to the impact the de-regulation changes will have on licensing fees, charges and processes.
- 1.3 The comments received from the consultation exercises are being collated and will be provided to members for consideration.

RECOMMENDATIONS

- 2.1 To note the information provided at the meeting regarding the results of the consultation exercises on 'The introduction of three year licences for hackney carriage and private hire drivers and five year licences for private hire operators', 'Deregulation changes to taxi licensing', and 'The proposed taxi licensing fees and charges'.
- 2.2 To determine, in respect of the consultation on 'The introduction of three year licences for hackney carriage and private hire drivers and five year licences for private hire operators', what policy changes to approve.
- 2.3 To determine, in respect of the consultation on 'Deregulation changes to taxi licensing', one of the following options:
 - a) The advertised option which involves a reduction in one Licensing Officer post and one Licensing Enforcement Officer post.
 - b) The maintenance of the current level of staff.
 - c) The introduction of a different 'low-fee' option designed to attract licences from outside the city which would include the need to stop all knowledge tests to make it work.
 - d) Another option to be proposed.

- 2.4 To determine, in respect of the consultation on 'The proposed taxi licensing fees and charges', which of the different fee options to approve.

REASONS FOR RECOMMENDATION

- 3.1 To inform members on the outcome of the consultation exercises undertaken.
- 3.2 To enable members to determine the action that should be undertaken, in light of the introduction of the deregulation changes.
- 3.3 To ensure the Council meets its statutory responsibilities in relation to the changes brought about through the Deregulation Act 2015.

SUPPORTING INFORMATION

- 4.1 On 16 July 2015, Committee considered a report that set out changes to taxi licensing that had been brought about by the introduction of the Deregulation Act 2015 from 1 October 2015.

At this meeting, Committee resolved:

- To approve the policy changes that impact on the administration of applications, which are required to achieve the introduction and implementation of three and five yearly licences.
- To delegate to the Chair of Licensing Committee, in consultation with the Service Director of Environment & Regulatory Services, authority to agree a set of revised fees and charges to be published for consultation.
- To approve the policy change, requiring licensed drivers and prospective drivers who have attained the age of 70 years to only be issued with annual licences.
- To approve the policy changes detailing other circumstances where it may be appropriate to issue licences for a period less than three years (drivers) or five years (operators), namely:
 - a) Two or more suspensions of a vehicle licence within a 12 month rolling period;
 - b) Two or more referrals of complaints about a licence holders conduct within a 12 month rolling period;
 - c) Any combination of (a) and (b) within a 12 month rolling period;
 - d) Failure to undertake training, whether mandatory or penal, within a prescribed period.
 - e) Notified medical conditions or other changes in medical conditions.
 - f) Significant or cumulative driving and other defined convictions.

- 4.2 As policy changes were approved, a consultation exercise has been undertaken and the details are set out at Appendix 2 for information. Details were published on the Council's website on 17 August and the consultation exercise ended on 13 September. The comments that have been received are being complied and members will be provided with these at the meeting. Similar to previous consultation exercises undertaken, the information provided will contain an officer response to the comment(s) made and a recommendation to Committee as to any action officers believe is necessary.
- 4.3 A further consultation has been undertaken on 'Deregulation changes to taxi licensing' which sets out the impact the de-regulation changes will have on licensing fees, charges and processes. The details of this consultation are set out at Appendix 3. Comments have been sought on a number of different options that involve changes to staffing levels, the introduction of a 'low fee' option to attract more licence applications from outside the city and the necessity to continue to require a knowledge test. Details of this consultation exercise were published on the Council's website on 20 August and ended on 16 September. As above, the comments that have been received are being complied and members will be provided with these at the meeting.
- 4.4 A set of proposed fees and charges were agreed and have been published in a local newspaper. Any objections or representations to these proposed fees and charges must be lodged within 28 days from the date of the publication and considered by the Council. To support the different options set out in the consultation on 'Deregulation changes to taxi licensing', other fees and charges proposals are being prepared and will be provided at the meeting with the other information set out above.
- 4.5 Members will need to consider the information provided at the meeting and make a number of decisions on the proposals set out in the consultation exercises.

OTHER OPTIONS CONSIDERED

- 5.1 None. The Council needs to meet its statutory responsibilities in relation to the changes brought about through the Deregulation Act 2015.

This report has been approved by the following officers:

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| Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s) | Lucie Keeler Amanda Fletcher - - - Michael Kay |
| For more information contact: Background papers: List of appendices: | Sandra Mansell 01332 641931 sandra.mansell@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Consultation on the introduction of three year licences for hackney carriage and private hire drivers and five year licences for private hire operators Appendix 3 – Consultation on the Deregulation changes to taxi licensing |

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| IMPLICATIONS |
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Financial and Value for Money

- 1.1 The different fees and charges options proposed have been set at a level to recover the total costs incurred in providing the service using the same methodology that has been used to calculate the fees and charges most recently.
- 1.2 A number of fee options have been set out which reflect the different ways in which the taxi licensing administrative and compliance processes can be undertaken.

Legal

- 2.1 The proposals set out ensure the Council meets its statutory responsibilities in relation to the changes brought about through the Deregulation Act 2015.

A number of changes have been enacted through the Deregulation Act 2015. The standard duration for all hackney carriage and private hire vehicle driver licences is now three years. The standard duration for all private hire vehicle operator licences is now five years. Shorter durations may only be granted on a case by case basis, where it is justifiable to do so, based on the circumstances of an individual case.

Personnel

- 3.1 Dependent upon the fee option selected, there may be implications on the staffing levels assigned to taxi licensing work.

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- 4.1 None arising from this report.

Equalities Impact

- 5.1 None arising from this report.

Health and Safety

- 6.1 The proposals set out ensure that the Council's taxi licensing administration processes are sufficiently robust and adequately safeguard the wider public interest.

Environmental Sustainability

- 7.1 None arising from this report.

Property and Asset Management

- 8.1 None arising from this report.

Risk Management

- 9.1 The proposals set out ensure that any risks associated with the Council's taxi licensing administration processes are sufficiently managed to adequately safeguard the wider public interest.

Corporate objectives and priorities for change

- 10.1 The proposals set out in this report will deliver **better outcomes for communities**.

Consultation on the introduction of three year licences for hackney carriage and private hire drivers and five year licences for private hire operators

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| Title: | The introduction of three year licences for hackney carriage and private hire drivers and five year licences for private hire operators. |
| Start date: | 17/08/2015 |
| Closing date: | 13/09/2015 |
| Status: | Open |
| Overview: | The Licensing Committee considered a report in July 2015 and approved a number of policy changes that are required to achieve the introduction and implementation of three and five yearly licences, including requiring licensed drivers and prospective drivers who have attained the age of 70 years to only be issued with annual licences. |
| | The report also approved other circumstances where it may be appropriate to issue licences for a period less than three years (drivers) or five years (operators), namely: |
| | a) Two or more suspensions of a vehicle licence within a 12 month rolling period; |
| | b) Two or more referrals of complaints about a licence holders conduct within a 12 month rolling period; |
| | c) Any combination of (a) and (b) within a 12 month rolling period; |
| | d) Failure to undertake training, whether mandatory or penal, within a prescribed period. |
| Reason for consultation: | e) Notified medical conditions or other changes in medical conditions. |
| | f) Significant or cumulative driving and other defined convictions. |
| Reason for consultation: | Any changes to policy in relation to taxi licensing matters need to be consulted on. |
| Organisation carrying out the consultation: | Derby City Council |
| Lead contact/s: | Sandra Mansell |
| | Phone: 01332 641931 email: taxi.licensing@derby.gov.uk |
| Who is being consulted? | Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators licensed by the Council. |
| How? | By emailing taxi.licensing@derby.gov.uk with any comments only. |

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| Who can take part? | Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators licensed by the Council. |
| More information on taking part: | Click here to view the Licensing Committee Report for more information. |
| Expected results date: | 01/10/2015 |
| Results available? | Results not published yet. |
| Link to results: | To be added when results available |
| Expected outcome date: | |
| Outcome available? | Outcome not published yet |
| Link to outcome | To be added when outcomes are available |
| Subjects covered | |

Consultation on the Deregulation changes to taxi licensing

Title: Deregulation changes to taxi licensing
Start date: 20/08/2015
Closing date: 16/09/2015
Status: Open

Changes introduced by the Deregulation Act 2015 will impact on taxi licensing fees, charges and processes.

Currently, all hackney carriage and private hire drivers that are licensed in Derby must successfully pass a knowledge test as part of the licence process. From October 2015, operators of private hire (Minicab) businesses in Derby will be able to sub-contract work to other private hire (Minicab) businesses elsewhere in the country. This could result in vehicles and drivers working in Derby that are not familiar with the area and means that they would have to rely on an alternative method to identify the journey. Also, hackney carriage drivers and vehicles licensed by other local authorities are already allowed to undertake private hire work elsewhere in the country which results in vehicles and drivers working in Derby that are not familiar with the area. Subsequently, the benefits of continuing to require a knowledge test for drivers licensed in Derby need to be considered. Comments are sought on whether requiring a knowledge test for both hackney carriage drivers and/or private hire drivers is necessary.

Overview: Changes have also been introduced to the length of time certain licences are valid. For both hackney carriage and private hire drivers, this is now three years and for private hire operators, this is now five years. Licences for hackney carriage and private hire vehicles remain the same as an annual licence. As the cost of providing the taxi licensing service has to be recovered from all these fees, the future implications of the changes need to be considered. Work has already been undertaken to propose a set of licence fees and charges from 1 October 2015 and in accordance with legal requirements, a notice has been published in the Derby Telegraph for comments to be made. This proposal is based on reduced staffing levels within both the administration and compliance roles of the licensing team and a re-allocation exercise on the time spent by officers as workload on taxi driver licence renewals decreases. Comments are sought on which of the following options would be preferred:

- a) The advertised option which involves a reduction in administration and compliance staff.
- b) The maintenance of the current level of administrative and compliance staff.

- c) The introduction of a different 'low-fee' option designed to attract licences from outside the city which would include the need to stop all knowledge tests to make it work.
- d) Another option to be proposed.

Whichever option is introduced, any surplus or deficit in any one of the licence types in any one year would need to be carried forward into the following years licence fees.

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| Reason for consultation: | To obtain comments on the changes necessary. |
| Organisation carrying out the consultation: | Derby City Council |
| Lead contact/s: | Sandra Mansell Phone: 01332 641931 email: taxi.licensing@derby.gov.uk |
| Who is being consulted? | Hackney carriage drivers, private hire drivers and private hire operators licensed by the Council. |
| How? | By emailing taxi.licensing@derby.gov.uk with any comments only. |
| Who can take part? | Hackney carriage drivers, private hire drivers and private hire operators licensed by the Council. |
| More information on taking part: | |
| Expected results date: | |
| Results available? | Results not published yet. |
| Link to results: | To be added when results available |
| Expected outcome date: | |
| Outcome available? | Outcome not published yet |
| Link to outcome | To be added when outcomes are available |
| Subjects covered | Taxi licensing fees, charges and processes |