

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **22 September 2015**

Report of: **Director of Community**

Subject: **AMENDMENT TO PRIVATE HIRE AND HACKNEY CARRIAGE
LICENSING DURATION AND FEES.**

SUMMARY

To introduce 3 year licences for Private Hire and Hackney Carriage Drivers and 5 year licences for Private Hire Operators and to set the level of fee for these licences.

RECOMMENDATION

- (a) That Private Hire and Hackney Carriage Drivers' Licences be granted for 3 years from 1 October 2015 unless the Council consider a lesser period to be more appropriate in the circumstances.
- (b) That Private Hire Operator's Licences be granted for 5 years, from 1 October 2015, unless the Council consider that a lesser period to be more appropriate in the circumstances.
- (c) Consideration be given to Private Hire and Hackney Licence conditions being varied to require a 3 yearly driving licence check instead of annual.
- (d) If Members are in agreement, the Licensing Service, in accordance with the provisions of section 70 of the Local Government (Miscellaneous Provisions) Act 1976, will publish in the Portsmouth News a notice (specifying a period of not less than 28 days) when any person aggrieved by the proposed fee variations can make an objection.
- (e) If there are any objections they shall be considered at the Committee meeting of 17 November 2015.

INTRODUCTION

1. The Deregulation Act 2015 received Royal Assent on 26 March 2015 with an implementation date of 1 October 2015 for the hackney carriage and private hire licensing elements. The whole Act consists of a raft of changes to many regulatory functions including two provisions that will affect taxi and private hire licensing.
2. The first provision is that hackney carriage and private hire driver's licences should be issued for 3 years and private hire operator licences for 5 years, unless there are reasons for not doing so.
3. The second provision is to permit private hire operators to sub contract journeys to other private hire operators outside of the district they are licensed in. At present, private hire operators are only permitted to subcontract journeys to other private hire operators who are licensed in the same district.
4. Currently, the Authority issues hackney carriage and private hire driver's licences for 1 year and private hire operator licences are issued for 3 years, therefore it is necessary to review this approach in light of the Deregulation Act.
5. The current licence fees are based on the overall cost of delivering the Hackney and Private Hire Service and the costs related to the work involved with each element.
6. The Data and Barring Scheme (DBS) checks are carried out 3 yearly in accordance with the DBS guidelines, the changes therefore would not affect this part of the licensing procedure and the DBS would fall due when the licence renewals are due.
7. Driving Licence checks for licence holders are carried out annually, this check helps to protect public safety, as a driver could easily lose their licence over the course of 12 months for driving offences. Under the new regime in order to further the Government's deregulation agenda it is proposed to carry out driving licence checks 3 yearly to match the DBS and drivers licensing requirements.
8. The DVLA sometimes issue driving licences for specific periods, should an applicant be issued a driving licence for less than 3 years the Taxi/Private Hire Licence would be issued annually, so as not to extend past the expiry of the DVLA licence.
9. The changes to be brought about by the Deregulation Act have necessitated a review of the licence fees for Private Hire and Hackney Carriage Driver's licences and Private Hire Operators licences.
10. The relevant fee levels have been reviewed and the current annual fee level and the proposed 3 and 5 yearly fees can be seen as Appendix A. In this area the Council should only recover the cost of delivering the service, this is a complicated calculation as there are many elements e.g. accommodation, ICT, Finance, Personal, Democratic processes etc which are difficult to calculate in relation to the issue for a single licence as a unit cost. In addition the cost any enforcement activities cannot be included.
11. The revised fee structure will result in reduced income phased over a period of time. This will be offset by income budget adjustments and a reduction in the costs relating to the Environmental Health Partnership that are charged to this area.

RISK ASSESSMENT

12. The Council could be open to legal challenge regarding its Hackney and Private Hire Licensing arrangements if it does not amend the period's its licences can be granted for and set an appropriate level of fee for them.

CONCLUSION

13. The Committee are invited to set the periods licences can granted for and set the level of fee for them. There is Statutory consultation to take place which will now unfortunately exceed the commencement date for the new fees, the Licensing Team would put into place some temporary arrangements until the new fees/periods have been set by this Committee following consultation

Background Papers: None

Reference Papers: None

Enquiries:

For further information on this report please contact Ian Rickman (Ext 4773).

Proposed Hackney Carriage and Private Hire Driver and Operator fees

Licence type	Duration	Fee	Notes
Hackney Carriage Drivers Licence	1 Year	£60	Current fee level
Hackney Carriage Drivers Licence	3 Year	£155	
Private Hire Drivers Licence	1 Year	£60	Current fee level
Private Hire Drivers Licence	3 Year	£155	
Private Hire Operators Licence	1 Year	£185	Current fee level
Private Hire Operators Licence	5 Year	£455	