
REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICE COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	20th AUGUST 2015	CATEGORY: RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	EMMA McHUGH (EXT. 5716) emma.mchugh@south-derbys.gov.uk	DOC:
SUBJECT:	DEREGULATION ACT 2015 – CHANGES TO PRIVATE HIRE LICENSING	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS

1. Recommendations

- 1.1 That the proposed changes to the Private Hire Licensing Policy are approved to ensure full compliance with the provisions of the Deregulation Act 2015 by 1st October 2015.
- 1.2 That the proposed fees for private hire drivers and operators are approved.

2. Purpose of Report

- 2.1 To advise Members of the changes to private hire licensing introduced by the Deregulation Act 2015.
- 2.2 To provide Members with the necessary information to be able to give full consideration to the recommendation contained in paragraph 1.1 of this report.
- 2.3 To provide Members with the necessary information to approve the proposed fees.

3. Detail

- 3.1 The Deregulation Act 2015 (the '2015 Act') received Royal Assent on 26th March 2015 and contains a number of provisions across a number of sectors aimed to reduce the burdens resulting from legislation on businesses and individuals. Some of the provisions relate to private hire licensing.
- 3.2 Section 10 of the Act makes amendments to the Local Government (Miscellaneous Provisions) Act 1976 (the '1976 Act') that governs the licensing of private hire operators, drivers and vehicles. Section 10 of the Act comes into force on 1st October 2015.

- 3.3 The 1976 Act currently states that private hire driver's licences can be issued for a period of 3 years or 'for such lesser period as the district council may specify in such licence'. The Council's current policy is to issue a driver's licence for one year. From 1st October 2015, this section has been amended to read 'for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case,' therefore all driver's licences must be issued for 3 years unless an individual case warrants a lesser period.
- 3.4 The 1976 Act currently states that private hire operators can be issued for 5 years unless the Council specifies a lesser period. The Council's current policy is to issue an operator's licence for one year. From 1st October 2015, the 2015 Act states an operator's licence must be issued for 5 years unless an individual case warrants a lesser period.
- 3.5 Decisions on whether a private hire driver's licence or operator's licence warrants a lesser period will depend on the individual circumstances of the case and any decision to grant a licence for a lesser period will be made by the Licensing and Appeals Sub-Committee.
- 3.6 Private hire vehicle licences will still remain valid for one year.
- 3.7 The Private Hire Licensing Policy has been amended to reflect the changes and to update the procedures to ensure that drivers and operators remain 'fit and proper persons' to hold a licence during the extended licence periods specifically in terms of monitoring compliance with licence conditions. In addition, Officers have made some minor changes to the Policy in line with current procedure. A copy of the amended Policy is attached as **Appendix 1**.
- 3.8 As the changes to the Private Hire Licensing Policy are minor, the Policy does not need to be consulted on however all of the Policy changes were discussed at the Private Hire Operators Liaison Group held in June 2015. The private hire operators, in attendance, were advised of the changes and made no comments on the proposed changes.
- 3.9 As the length of the licences is being extended, the fee has been reviewed to reflect the additional administration costs in respect of the licences. Under the 1976 Act, the Council is able to recover the administration costs of a private hire driver's licence and the administration and compliance costs of a private hire operator's licence.
- 3.10 Once the reviewed fees have been approved, the Council will advertise the reviewed fees in a local newspaper and at the Council Offices for a period of 28 days as required by the 1976 Act.
- 3.11 The current fee for a private hire driver's licence is £98 and it is proposed to charge £180 for a three year licence.
- 3.12 The current fee for a private hire operator's licence is £212 and it is proposed to charge £495 for a five year licence. To ensure that the operator remains a fit and proper person to hold a licence, an annual compliance check will be carried out at each operator's base.

4. Financial Implications

- 4.1 The proposed changes to procedures and fees will result in a reduction in the overall income of the Council over a three year period. This is currently estimated at £40,000.
- 4.2 Existing licence holders will pay less under the new procedures than they currently pay.

5. Corporate Implications

- 5.1 The changes identified in the report will enable the Council to comply with the provisions of the Deregulation Act 2015.

6. Background Papers

Local Government (Miscellaneous Provisions) Act 1976
Deregulation Act 2015