



PART A:	RECOMMENDATION TO LICENSING COMMITTEE
REPORT TO:	LICENSING COMMITTEE
DATE:	12 APRIL 2016
REPORT OF THE:	HEAD OF ENVIRONMENT, STREETSCENE AND FACILITIES BECKIE BENNETT
TITLE OF REPORT:	DEREGULATION ACT 2015 - CHANGES TO TAXI LICENSING
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to agree a staged approach to the implementation of the Deregulation Act 2015 in relation to hackney carriage and private hire licensing.

2.0 RECOMMENDATION

- 2.1 That full implementation of the changes to hackney carriage and private hire drivers and operators licences brought about by the Deregulation Act 2015 takes place from 1st September 2016 with a further report detailing the proposed changes to policy/new policy and fees to be presented to the Licensing Committee later this year.

3.0 REASON FOR RECOMMENDATION

- 3.1 There is no other option. The Council must comply with the changes to the law.

4.0 REPORT

- 4.1 From the 1st October 2015 the Deregulation Act 2015 amended the Local Government (Miscellaneous Provisions) Act 1976 in two ways:

4.2 DURATION OF LICENCES

a) Introduction of a 3 year licence for Private Hire and Hackney Carriage drivers licences. 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. Ryedale District Council currently grants driver licences for a maximum of one year.

b) Introduction of a 5 year licence for Private Hire Operators Licences. 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 tied to the private hire vehicle licence.

Note: there is no change for the duration of a vehicle licence which remain a 1 year licence

- 4.3 As yet there has been no guidance issued by the Department for Transport (DfT) in relation to these changes.
- 4.4 Ryedale District Council currently has no fees or policy for 3 yearly drivers and 5 yearly operators licences.
- 4.5 Officers are currently carrying out a full review of fees and policy for all licences issued. A report will be submitted to the Licensing Committee later this year outlining all the proposed fee changes and any associated impacts on the revenue budget.
- 4.6 Whilst the changes to legislation took place on the 1st of October 2015, with notice having only been given in April 2015, coupled with the lack of guidance from the DfT, it is recommended that full implementation takes place on the 1 September 2016. In order to do this the Council will continue to grant annual licences which would expire up to 31 August 2017 at least until amended/new policy and fees have been agreed on the basis that it is appropriate to the circumstances of the case.
- 4.7 In agreeing such a position the Council will not be out of step with other local authorities. There are other local authorities both locally and nationally that are in a similar position.

4.8 **PRIVATE HIRE VEHICLE SUB CONTRACTING**

- 4.9 The Deregulation Act 2015 also introduces the ability for a private hire operator to sub-contract bookings to another legitimate private hire operator who may be outside the boundary of Ryedale District and therefore licensed by another authority. This is causing concern amongst the trade and local authorities in relation to increased and more complex enforcement.
- 4.10 The implications of the changes allowing cross-border hiring (which was previously unlawful) are potentially wide ranging. This means that a customer could contact an operator in their district and order a private hire vehicle. The operator who took the booking may then pass the work to another company without first obtaining the consent of the customer and the new company need not necessarily be licensed in the same area. This means that vehicles used to fulfil contacts may be subject to different standards than vehicles in the licensed area, and there may be a significant move within the licensed trade to seek out the cheapest area to licence their vehicles, and then simply refer all bookings to their operator based in the cheaper area.
- 4.11 The Council has no ability to influence the matter of sub-contracting. This will be an enforcement issue which will need further exploration and liaison with other authorities as there are potential resource implications and there are still a number of questions in terms of how enforcement activities should be organised to be efficient and effective.

5.0 **IMPLICATIONS**

- 5.1 The following implications have been identified:
- a) Financial - No issues at this stage however these changes are likely to have some associated impacts on the revenue budget.
 - b) Legal - The Council is required to implement the changes introduced as part of the Deregulation Act 2015.
 - c) Others - Licensed drivers and operators will be consulted with as part of implementing these changes.

6.0 CONCLUSIONS

- 6.1 The Deregulation Act 2015 will bring about changes to the licensing of hackney carriage and private drivers, operators and sub-contracting by the trade.
- 6.2 It is recommended that full implementation of the changes to driver and operator licensing brought about by the Deregulation Act 2015 take place on the 1 September 2016 and that licences are granted for a lesser period than 3/5 years at least until amended/new policy and fees have been agreed on the basis that it is appropriate to the circumstances of the case.
- 6.3 It is also recommended that a further report detailing the proposed changes to policy and fees be presented to the Licensing Committee later this year.

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Background Papers:

Deregulation Act 2015