

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

28 SEPTEMBER 2015

SUBJECT:	HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES
WARD AFFECTED:	ALL WARDS
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR WJ DAVIES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to advise Members of the discretion provided within the changes introduced in the legislation in respect of licensing Hackney Carriage and Private Hire Drivers.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The licensing provisions for Hackney Carriage Drivers and Private Hire Drivers are set out in Section 53 of The Local Government (Miscellaneous Provisions) Act 1976. The wording of this section currently provides that these licences ' shall remain in force for three years from the date of such licence or for such lesser period as the district council may specify in such licence. '
- 2.2 The Council currently grant Private Hire and Hackney Carriage Driver Licences for a period of 12 months.
- 2.3 The Deregulation Act 2015 amends the wording of Section 53 in respect of both Hackney Carriage and Private Hire Driver Licences to state that the licences ' shall remain in force for three years from the date of such licence or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.' This amendment comes into effect on 1 October 2015.
- 2.4 An explanation given by the Department for Transport in respect of the amendments, when the proposals were first introduced in the Deregulation Bill was as follows:

'Making the standard duration for all taxi and PHV driver licences three years; and five years for all PHV operator licences. Shorter durations will only be granted on a case by case basis where it is justifiable for a particular reason. This will reduce the financial and administrative burden of having to make frequent licence renewals.'

- 2.5 It was reported to Members at the last meeting of this Committee on 7 July 2015, that as a consequence of the amendments brought about by The Deregulation Act 2015, the Council is required to grant Private Hire and Hackney Carriage Driver Licences for a period of three years. At that meeting, Members approved the Policy attached at Appendix 1, in respect of the renewal of Private Hire and Hackney Carriage Driver Licences, as well as an amended fee structure to be applied to three year licences.
- 2.6 Whilst the Council now has in place a Policy and procedure for renewing licences for a three year period, as well as a policy for granting new licences, it can be seen that the amended wording referred to in paragraph 2.3 still provides the Council with a discretion as to how long a licence should last in the circumstances of an individual case.
- 2.7 Members are asked to consider whether they are content to delegate to officers the discretion to assess the merits of each individual case, except in circumstances when an applicant or licensed driver is referred to the Licensing Panel, when the discretion of Members of the Licensing Panel will be engaged. It is further proposed that should it be considered appropriate in the circumstances of the case to grant a licence for 12 months that the current fee structure for annual licences be applied.

3.0 RELEVANT RISKS

- 3.1 There are none arising directly from this report.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 There is no provision for other options to be considered.

5.0 CONSULTATION

- 5.1 This is not a matter which requires consultation.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 There are no specific implications arising from this report.

7.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

- 7.1 There are none.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 8.1 There are no specific implications arising from this report.

9.0 LEGAL IMPLICATIONS

- 9.1 A decision of the Committee may be subject to legal challenge.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because the report advises Members of legislative changes.

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

11.1 There are no specific carbon reduction implications arising from this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are no Planning or Community Safety implications arising out of this report.

13.0 RECOMMENDATION/S

13.1 Members note that from 1 October 2015 Private Hire and Hackney Carriage Driver licences will be granted for a period of three years. That Members delegate to officers the discretion to assess the merits of each individual case and determine whether it is appropriate in the circumstances of the case to grant a Private Hire or Hackney Carriage Driver Licence for a lesser period than three years, except in circumstances where an applicant or licensed driver is referred to the Licensing Panel when the discretion of Members of the Licensing Panel will be engaged.

13.2 That Members further resolve that should it be considered appropriate in the circumstances of the case to grant a licence for 12 months that the current fee structure for annual licences be applied.

14.0 REASON FOR RECOMMENDATION/S

14.1 To allow officers to grant licences to applicants and existing licensed Hackney Carriage and Private Hire Drivers for a lesser period than three years in the appropriate circumstances of the case without the requirement for each individual to be referred to the Licensing Panel on every occasion.

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APPENDICES

Appendix 1 Approved policy

BACKGROUND PAPERS/REFERENCE MATERIAL

BRIEFING NOTES HISTORY

Briefing Note	Date

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	7 July 2015