

SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet **DATE:** 14th September 2015

CONTACT OFFICER: Roger Parkin – Director of Customer and Community Services
(For all enquiries) (01753 875207)
Michael Sims – Licensing Manager
(For all enquiries) (01753) 477387

WARD(S): All

PORTFOLIO: Cllr Sohail Munawar – Commissioner for Social and Economic Inclusion

PART I **KEY DECISION**

FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS

1 **Purpose of Report**

For members to note the changes to the duration of licenses for Hackney Carriage and Private Hire Drivers and Operators as a result of the Deregulation Act 2015, and to review and approve the proposed new fees for both types of licence.

2 **Recommendation(s)/Proposed Action**

The Cabinet is requested to resolve that the proposed fees set out in paragraph 5.9 of this report be approved.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The Deregulation Act 2015 is to provide for the reduction of burdens resulting from legislation for businesses or other organisations or for individuals; to make provision for the repeal of legislation which no longer has practical use; make provision about the exercise of regulatory functions and for connected purposes. As a result, changes introduced by section 10 of the Act aim to standardise the duration of all Driver licences at 3 years and Operator licenses at 5 years nationally. Licensing authorities can, however, specify a lesser period in such licences as the authority think appropriate in the circumstances of the case.

It is felt by some licensing authorities that not all licence holders will want to apply for 3 and 5 year licenses / renewals and those new applicants and current licence holders should be given the option to request that a lesser period of one year be specified in their licences..

On 2nd July 2015 the Licensing Committee resolved to approve a condition that where a specific request is made by a new applicant or current licence holder for a Driver or Operator licence to be issued for a period of 1 year, this will be granted 'as appropriate to the circumstances of the case'.

In so doing new application fees for the grant and renewal of both types of licence have been considered and prepared to ensure full cost recovery, to cater for the

changes to the legislation and for situations where specific requests are made for licence periods.

3a. **Slough Joint Wellbeing Strategy Priorities**

As the report outlines licence holders will be given the option as to whether they want to apply for and renew a licence annually or for the new 3 or 5 year periods. There are financial benefits for the licence holders as not all will want to apply for or renew a licence for an extended period as they may choose not to be licensed for a period of time as some currently do. In addition it is felt that if there is not an alternative to paying for a 3 or 5 year licence some individuals may decide not to be licensed, operate illegally posing a serious risk to the members of the public. The recommendations within the report will contribute to the following wellbeing themes:

- Economy and Skills
- Safer Communities

Cross-Cutting themes:

Approving the recommendations will promote the benefits of living and working in Slough and will contribute to the cross cutting theme of **Improving the image of the town by providing options to encourage individuals to apply for the proper license and to operate to the standards expected of Slough drivers.**

3b. **Five Year Plan Outcomes**

The report outlines fully the reasons for the recommendations including the financial benefits to the licence holders, ensuring full cost recovery and reducing the risk posed to the public of individuals possibly working illegally, which therefore contribute to the Five Year Plan with specific outcomes of:

- Slough will be the premier location in the South East for businesses of all sizes to locate, start, grow and stay.
- Slough will be one of the safest places in the Thames Valley
- The Council's income and the value of its assets will be maximised

4 **Other Implications**

(a) **Financial**

There will be financial implications as the new renewal periods will alter the phasing of income payments: the income covering 3 or 5 years will be 'smoothed' to reduce annual fluctuations. However it is not known at this time as to how many new applicants or current licence holders will wish to apply for 3 or 5 year licenses, and how many will request to continue to renew their licence annually. A far clearer indication of the financial implications will be known after the first year of the implementation of the Act i.e. after 1st October 2015. The SBC Finance Team has been consulted and have provided guidance.

(b) Risk Management

Risk	Mitigating action	Opportunities
Legal	None	None
Property	None	None
Human Rights	As detailed in (c) below	As detailed in (c) below
Health and Safety	None	None
Employment Issues	By approving the recommendations this will ensure that licence holders and new applicants can apply for yearly/annual licenses reducing financial burden and ensuring that they continue to work and operate legally.	The new provisions only give licensing authorities limited discretion to issuing lesser length licenses. In addition not all licence holders will wish to apply and pay for a 3 or 5 year licence. It is also felt that if there is no alternative to applying for a 3 or 5 year licence holders may decide to operate illegally thus posing a serious risk to the public.
Equalities Issues	None	None
Community Support	None	None
Communications	None	None
Community Safety	Refer to Employment Issues above.	Refer to Employment Issues above.
Financial	As detailed in (a) above	As detailed in (a) above
Timetable for delivery	As of 1 st October 2015 to provide licence holders to apply for 1, 3, and 5 year licenses.	As of 1st October 2015 to provide licence holders to apply for 1, 3, and 5 year licenses.
Project Capacity	None	None
Other	None	None

(c) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(d) Equalities Impact Assessment

An initial EIA has been completed which indicates that there are no negative or adverse impacts on any equality group.

In addition the Deregulation Act provisions were subject to an EIA at and during Parliamentary approval.

5 Supporting Information

- 5.1 Any application for a Hackney Carriage or Private Hire Driver or Operator licence must be accompanied by a fee set by the licensing authority in accordance with the Local Government (Miscellaneous provisions) Act 1976 (LGMP Act 1976).
- 5.2 As with most other licensing authorities Slough Borough Council has issued licenses on an annual basis for all Drivers and Operators.
- 5.3 **New Position with the Deregulation Act 2015.**

Driver Licenses

The effect of the amendments to both private hire driver licences and hackney carriage driver licences is to fix the duration of such licences at 3 years but allow the Council to specify a lesser period as the Council think fit appropriate in the circumstances of the case.

Private Hire Operators

The effect of the amendments to private hire operators is to fix the duration of such licences at 5 years but allow the Council to specify a lesser period as the Council think fit appropriate in the circumstances of the case.

- 5.4 The Department for Transport (DfT) has not issued any formal guidance on the introduction of the new provisions within the Deregulation Act 2015. It has however issued a statement published on 2nd June 2015 in response from a request for clarification from the National Association of Licensing Enforcement Officers (NALEO), which stated – “DfT have today indicated, in response to enquiries from NALEO and other Trades groups members, that they are considering whether Best Practice Guidance should be updated to reflect the changes brought about by the “Taxi and Private Hire” clauses of the Deregulation Act 2015. DfT also state that other matters in the guidance may need revision and that interested parties will be consulted prior to any new guidance being issued”.
- 5.5 The amendments give Councils’ discretion to specify a shorter one but the Council must resolve that such lesser period is “appropriate in the circumstances of the case” in other words on a case by case basis. This may be based on a specific request from an applicant or because the Council has concerns in relation to that particular applicant or licence holder.
- 5.6 With regards to specific requests on 22nd July 2015 the Licensing Committee resolved to approve the following condition:

“That where a specific request is made by a new applicant for or current licence holder of a private hire or hackney carriage drivers licence or an Operator’s licence

to be issued for a period of 1 year this will be granted as appropriate in the circumstances of the case”.

- 5.7 In light of the amendments to the 1976 Act all fees for Hackney Carriage and Private Hire Drivers and Operators have been reviewed to cover, specific requests for 1, 3 and 5 year licenses, and to ensure full cost recovery.
- 5.8 At the time of preparing this report, by way of comparison a list of fees currently used by other Berkshire Authorities is attached at **Appendix A**.
- 5.9 Having reviewed all fees and to ensure that full cost recovery is attained, the new proposed fees to be approved are as follows:

New 1 Year Grant for a Hackney Carriage and Private Hire Driver Licence	£173.50p
New 3 Year Grant for a Hackney Carriage and Private Hire Driver Licence	£258.00p
New 1 Year Renewal for a Hackney Carriage and Private Hire Driver Licence	£125.90p
New 3 Year Renewal for a Hackney Carriage and Private Hire Driver Licence	£230.90p
<u>Existing</u> Grant Application and Renewal for a Private Hire Operator Licence	
Chauffeurs 1 vehicle	£137.00
Operator Up to - 5 Vehicles	£275.00
Operator Up to - 15 Vehicles	£360.00
Operator Up to - 25 Vehicles	£595.00
Operator Up to - 35 Vehicles	£835.00
Operator Up to - 45 Vehicles	£1,070.00
Operator Up to - 55 Vehicles	£1,310.00
Operator Up to - 65 Vehicles	£1,550.00
Operator Up to - 75 Vehicles	£1,790.00
Operator Up to - 85 Vehicles	£1,930.00
Operator Up to - 99 Vehicles	£2,365.00
Operator 100 Vehicles and Over	£2,385.00
<u>New</u> 5 Year Grant and Renewal and for a Private Hire Operator Licence	
Chauffeurs 1 Vehicle	£411.00
Operator Up to - 5 Vehicles	£825.00
Operator Up to - 15 Vehicles	£1,080.00
Operator Up to - 25 Vehicles	£1,785.00
Operator Up to - 35 Vehicles	£2,505.00
Operator Up to - 45 Vehicles	£3,210.00
Operator Up to - 55 Vehicles	£3,930.00
Operator Up to - 65 Vehicles	£4,650.00
Operator Up to - 75 Vehicles	£5,370.00
Operator Up to - 85 Vehicles	£5,370.00
Operator Up to - 99 Vehicles	£7,095.00
Operator 100 Vehicles and Over	£7,155.00

- 5.10 **Appendix B** shows the fee breakdown associated to each type of licence to ensure full cost recovery.
- 5.11 Although all fees are a matter for the licensing authority to set, the new fees for the 5 year grant and renewal for the Operator licence when approved will have to be published in a local newspaper in accordance with Section 70 of the 1976 Act for any formal objections to be made.
- 5.12 Therefore the proposed fees need to be approved in order to take effect by 1st October 2015, other than the new fees for the 5 year grant and renewal for an Operators licence.

6 **Comments of Other Committees**

None

7 **Conclusion**

The setting of the fees is a matter for Cabinet in accordance with the Council's Constitution. The recommendation is therefore for Cabinet to approve all the new fees.

8 **Appendices Attached**

- 'A' - Existing Fees of all Berkshire Authorities
- 'B' - New Fees Breakdown

9 **Background Papers**

- '1' - Local Government (Miscellaneous Provisions) Act 1976
- '2' - Deregulation Act 2015
- '3' - Equality Impact Assessment