

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 11

meeting date: 15 SEPTEMBER 2015
 title: DEREGULATION ACT 2015 – RECOMMENDATIONS ON LICENCE DURATION, FEES AND SUB-CONTRACTING
 submitted by: CHIEF EXECUTIVE
 principal author: MAIR HILL

1 PURPOSE

- 1.1 To seek approval from Committee upon the recommendation on licence duration criteria, fees and sub-contracting following the implementation of the requirements in the Deregulation Act 2015.
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives - }
 - Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
 - Other Considerations - }

2 BACKGROUND

- 2.1 Section 10 of the Deregulation Act 2015 comes into force on 1 October 2015, and amends the provisions of Section 53 & 55 of the Local Government (miscellaneous provisions) Act 1976 to remove a Council's discretion to set a licence duration and replaces it with a standard duration of 3 years for a driver's licence and 5 years for an operator's licence with the discretion to grant a licence for such lesser period as the Council thinks fit in all the circumstances of the case. The intention of the amendment is to reduce the regularity of renewals and thus the level of administration to be carried out by Councils.
- 2.2 Section 11 of the Deregulation Act 2015 also comes into force on 1 October 2015. It introduces new provisions which allow operators to sub-contract bookings to certain specified individuals including another operator within a different authority's area.

3 ISSUES

- 3.1 The Council's current policy is to issue licences for 12 months and its fees have been set on that basis. As set out above from 1 October 2015 the Council will have to issue licences for a period of 3 years for drivers or 5 years for operators, or for such lesser period as it considers appropriate in all the circumstances. The Council must not therefore have a blanket policy and each licence application must be considered on its own particular circumstances.
- 3.2 The Council does however consider that it would be sensible for Committee to consider and approve the circumstances in which a licence might be issued for a lesser period. Those circumstances may include some or all of the following:

- Where a driver/operator is due to retire or cease working within the next 12 months, or wishes to be licensed for a lesser period for other reasons;
- Where a driver is newly licensed and is required to pass the Edexcel, Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) ("NVQ") (from 1 April 2015 - assuming this is approved by Committee);
- The three yearly Disclosure and Barring Service ("DBS") criminal records check is out of sync with the licence and needs bringing into line;
- Where a driver/operator has been referred to a Sub-Committee within the last 12 months or is due to be referred to Sub-Committee with regard to events which have occurred within the preceding 12 months;
- Where a doctor has indicated on the applicants medical certificate that they should be subject to a further medical examination within 1 year or they are required to do so for any other reason; and/or
- Such other cases as Officers consider appropriate to issue a licence for a lesser period.

3.3 The Council Currently has a fee for an annual licence for drivers and operators. Work has been commenced to set an appropriate fee for a 3 year licence for drivers and a 5 year licence for operators, and a comprehensive report will be brought to Committee in November detailing this. In the meantime it is proposed that the annual fee remain in place and that a three year driver's licence be charged at three times the current annual fee but that should the fee be lower when it is set in November the difference be refunded to the driver at that point. All Operators' licences are due for renewal in February 2016 and the relevant fee will have been determined by that point.

3.4 The changes brought in by Section 11 to allow sub-contracting of bookings to other operators including those outside of RVBC, could present problems with enforcement and particularly, with establishing which operator, driver and vehicle actually carried out the work. It is proposed therefore that the Council's conditions of licence be amended so that operators are required to keep and if necessary produce records of any sub-contracted booking as will allow the Council to reasonably investigate any booking as if it had not been sub-contracted. It is also proposed that the Council's conditions be amended to reflect the new right of an operator to sub-contract work. The current conditions require an operator to use a driver and vehicle licensed by the Council; this will need to be amended to make clear that this would not apply where the work is sub-contracted to an operator licensed in a different area.

4. RISK ASSESSMENT


4.1 The approval of this report may have the following implications

- Resources – No implications identified.
- Technical, Environmental and Legal – No implication identified.
- Political – No implications identified.
- Reputation – Implementing the requirements will enhance the Council's reputation.
- Equality & Diversity – No implication identified

5. RECOMMENDED THAT COMMITTEE

- 5.1 Approve the circumstances in which the duration of a licence may be limited as stated in paragraph 3.2 above;
- 5.2 Approve the proposal on fees as stated in paragraph 3.3 above; and
- 5.3 Approve the amendments to the Council standard conditions for private hire operators as stated in paragraph 3.4 above and/or authorise the Head of Legal and Democratic Services to consult upon them where necessary.


MAIR HILL
SOLICITOR


MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

For further information please ask for Mair Hill, extension 3216

REF: MJH/Licensing Committee/15 September 2015