



Derby City Council

LICENSING COMMITTEE
16 July 2015

Report of the Acting Strategic Director of
Neighbourhoods

ITEM 6

The Introduction of Three and Five Yearly Licences

SUMMARY

- 1.1 Changes to the standard duration of drivers and operators licences are being introduced by the Government which will have an impact on the way in which they are dealt with by the Council.
- 1.2 The report sets out the changes necessary to deal with them.

RECOMMENDATIONS

- 2.1 To approve the policy changes that impact on the administration of applications, which are required to achieve the introduction and implementation of three and five yearly licences, set out in Appendix 2.
- 2.2 To delegate to the Chair of Licensing Committee, in consultation with the Service Director of Environment & Regulatory Services, authority to agree a set of revised fees and charges to be published for consultation.
- 2.3 To approve the policy change, requiring licensed drivers and prospective drivers who have attained the age of 70 years to only be issued with annual licences.
- 2.4 To approve the policy changes set out at Appendix 3, detailing other circumstances where it may be appropriate to issue licences for a period less than three years (drivers) or five years (operators), namely:
 - a) Two or more suspensions of a vehicle licence within a 12 month rolling period;
 - b) Two or more referrals of complaints about a licence holders conduct within a 12 month rolling period;
 - c) Any combination of (a) and (b) within a 12 month rolling period;
 - d) Failure to undertake training, whether mandatory or penal, within a prescribed period.
 - e) Notified medical conditions or other changes in medical conditions.
 - f) Significant or cumulative driving and other defined convictions.

REASONS FOR RECOMMENDATION

- 3.1 To ensure the Council meets its statutory responsibilities in relation to the changes brought about through the Deregulation Act 2015.

SUPPORTING INFORMATION

- 4.1 The Government undertook a consultation on its Deregulation Bill which was reported to Members at the Taxi Licensing and Appeals Committee in April 2014. Several changes to taxi and private hire vehicle (PHV) legislation were proposed.
- 4.2 Subsequently, a number of changes have been enacted through the Deregulation Act 2015. One of these changes makes the standard duration for all hackney carriage and private hire vehicle driver licences three years; and five years for all private hire vehicle operator licences. It also sets out that shorter durations may only be granted on a case by case basis, where it is justifiable to do so, based on the circumstances of an individual case.
- 4.3 This new requirement comes in to force on 1 October 2015 which means that the Council, in its role as the Licensing Authority, must ensure that suitable provisions are put in place by this date.
- 4.4 The new provision will have a significant impact on the administrative processes involved in issuing both new and renewed driver and operator licences. It will also have an impact on the fees and charges for these types of licences.
- 4.5 In relation to the administrative processes involved, officers have considered the potential impacts of the introduction of three and five yearly licences and proposed a number of changes to the current processes. These proposals are set out at Appendix 2 for consideration.
- 4.6 Approval is sought requiring licensed drivers and prospective drivers who have attained the age of 70 years to only be issued with annual licences. This aligns with the current Driver and Vehicle Licensing Agency practice and procedure for an annual review of driving licences for those persons aged 70 and above and also adequately safeguards the wider public safety interest.
- 4.7 There are other circumstances where members may consider it appropriate for a licence to be issued for less than three or five years, as appropriate, and these are set out at Appendix 3 for consideration.
- 4.8 In relation to new fees and charges, these will need to be set at a level to recover the total costs incurred in providing the service. Officers from the Licensing, Legal and Finance teams are currently undertaking work on these using the same methodology that has been used to calculate the fees and charges most recently.

- 4.9 Before certain new fees and charges are introduced, Members will be aware that the Council is required to publish them in a local newspaper. Any objections or representations must be lodged within 28 days from the date of the publication and considered by the Council.
- 4.10 Approval is sought for the Chair of Licensing Committee, in consultation with the Service Director of Environment & Regulatory Services, to agree a set of revised fees and charges to be published for consultation. Any comments made as part of that consultation process, along with any revisions considered necessary, will be presented to Licensing Committee at the scheduled meeting in September for consideration and final approval.

OTHER OPTIONS CONSIDERED

- 5.1 None. The Council needs to meet its statutory responsibilities in relation to the changes brought about through the Deregulation Act 2015.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Olu Idowu n/a n/a n/a John Tomlinson n/a
For more information contact: Background papers: List of appendices:	Sandra Mansell 01332 641931 sandra.mansell@derby.gov.uk None Appendix 1 – Implications Appendix 2 – New Administrative Processes and Policy Changes Required to Implement Three and Five Yearly Licences Appendix 3 – Other circumstances whereby licences less than three years may be issued

IMPLICATIONS

Financial and Value for Money

- 1.1 None arising from this report.

Legal

- 2.1 The proposals set out ensure the Council meets its statutory responsibilities in relation to the changes brought about through the Deregulation Act 2015.

Personnel

- 3.1 None arising from this report.

IT

- 4.1 None arising from this report.

Equalities Impact

- 5.1 None arising from this report.

Health and Safety

- 6.1 The proposals set out ensure that the Council's taxi licensing administration processes are sufficiently robust and adequately safeguard the wider public interest.

Environmental Sustainability

- 7.1 None arising from this report.

Property and Asset Management

- 8.1 None arising from this report.

Risk Management

- 9.1 The proposals set out ensure that any risks associated with the Council's taxi licensing administration processes are sufficiently managed to adequately safeguard the wider public interest. The Council will monitor the risks associated with the function and horizon scan to identify potential new risks.

Corporate objectives and priorities for change

- 10.1 The proposals set out in this report will deliver **better outcomes for communities**.

New Administrative Processes and Policy Changes Required to Implement Three and Five Yearly Licences

New applications driver licences (issue)				
Medical	Driving licence	NVQ	DBS	Knowledge Test
Medical less than 4 weeks old at time licence issued	Current driving licence checked at time of issue (web check).	Not required due on renewal in 3 years	Less than 3 months old	Passed
Renewal applications driver licences (3 year issue)				
Medical	Driving licence	NVQ	DBS	Knowledge Test
Every three years up to 70 years of age (subject to continuing duty of disclosure) Medical less than 4 weeks old at time licence issued	Current driving licence checked at time of issue (web check).	Due on first renewal (if not already supplied to the Licensing Team)	Every 3 years Less than 3 months old	Not applicable

Renewal applications driver licences (3 year issue) – Interim Arrangements (1 October 2015 – 31 December 2015)				
Medical	Driving licence	NVQ	DBS	Knowledge Test
<p>Transitional Period 01.10.2015 – 31.12.15</p> <p>Less than 6 Months old (subject to continuing duty of disclosure)</p> <p>01.01.2016 - onwards</p> <p>Medical less than 4 weeks old at time licence issued</p>	<p>Current driving licence checked at time of issue (web check).</p>	<p>Delegated power to suspend drivers licence already in place if not completed NVQ within timeframe (either 5 years or 3 years depending on when licence first obtained)</p>	<p>Transitional Period 01.10.2015 – 31.12.15</p> <p>Less than 6 Months old, along with undertaking that there are no known admissions since its issue</p> <p>01.01.2016 - onwards</p> <p>DBS less than 3 months old at time licence issued (along with undertaking that there are no known admissions since its issue)</p>	<p>Not applicable</p>

Renewal applications driver licences (one year issue due to driver being over 70 years old)				
Medical	Driving licence	NVQ	DBS	Knowledge Test
<p>Every year from 70 years of age</p> <p>Medical less than 4 weeks old at time licence issued</p>	Current driving licence checked at time of issue (web check).	Due on third renewal if not already supplied to the Licensing Team, unless held a licence for at least three years prior to turning 70, in which event on first renewal	<p>Every 3 years (subject to continuing duty of disclosure)</p> <p>DBS less than 3 months old at time licence issued (along with undertaking that there are no known admissions since its issue)</p>	Not applicable.

Other circumstances whereby licences less than three years may be issued		
Issue	Rationale	Duration
Two or more suspensions of a vehicle licence within a rolling 12 month period, due to the condition of the vehicle	<p>Applicable to the vehicle proprietor, operator <u>and</u> driver</p> <p>In line with existing enforcement policy</p> <p>Raises concerns about the competence of a driver, proprietor or operator to safeguard the public interest</p> <p>Raises concerns about whether a licence holder remains 'fit and proper'</p>	1 year, subject to review
<p>Two or more referrals of a driver or operator's conduct to a sub-committee within a rolling 12 month period</p> <p>Examples include, but are not limited to, use of mobile phones while carrying a fare, breach of licence conditions, complaints against the driver and/or operator such as overcharging a fare, use of abusive language, failing to assist a wheelchair passenger bound passenger, etc.</p>	<p>Applicable to the vehicle operator <u>and</u> driver</p> <p>Raises concerns about the 'fit and proper' status of a licence holder, and in turn the wider public safety interest</p>	1 year, subject to review

Failure to undertake training, whether mandatory or penal, within prescribed period	<p>Applicable to a driver only.</p> <p>Raises concerns about whether the licensing authority should have long term confidence in the licence holders commitment to safeguarding the overarching public interest</p>	1 year, subject to review
Notified medical conditions and changes in medical fitness	<p>Applicable to a driver only.</p> <p>The potential deterioration in health of a licence holder raises concerns about whether the licensing authority should have long term confidence in the licence holders ability to meet the demands placed on him or her, and in turn the potential impact on adequately safeguarding the wider public safety interest.</p>	1 year, subject to review
Significant or cumulative driving and other defined convictions e.g. acquiring 9 or more points on a driving licence, insurance offences, driving without due care and attention, etc. – these examples are not exhaustive	<p>Applicable to a driver only. Significant or cumulative incidences raise concerns about issuing an individual an extended licence in relation to adequately safeguarding the wider public safety interest.</p>	1 year, subject to review