

WELWYN HATFIELD BOROUGH COUNCIL  
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE – 4 JULY 2016  
REPORT OF THE DIRECTOR (GOVERNANCE)

**LENGTH OF DRIVER LICENCES**

**1 Executive Summary**

- 1.1 This report seeks committee approval to bring in a policy that decisions relating to the length of a hackney carriage/private hire drivers licence will not ordinarily be taken by individual officers acting under delegated authority.

**2 Recommendation(s)**

- 2.1 For Committee to agree to recommend to Full Council that where an applicant makes a case for a licence to be issued for less than the normal 3 year period the matter of “appropriateness in the circumstances of the case” should ordinarily be decided by the Hackney Carriage Committee and that officers should prepare a policy document covering potential circumstances where this discretion may be considered appropriate.

**3 Explanation**

- 3.1 The council issues licences to the drivers of hackney carriage and private hire vehicles. The legislation provides that such licences should usually be issued for a 3 year period. However the Deregulation Act 2015 allows a licence to be issued for a lesser period, as specified in the licence “as the district council think appropriate in the circumstances of the case”;
- 3.2 In order to ensure a degree of consistency and for the protection of individual officers acting under delegated authority, committee are asked to agree that where an applicant seeks to have a licence for less than the normal 3 year period the Hackney Carriage Committee will ordinarily consider the “appropriateness in the circumstances of the case” and decide whether a licence should be granted for a lesser period.

**4 Legal Implication(s)**

- 4.1 Section 10 of the Deregulation Act 2015 amended the primary legislation to include the provision that the council may grant such licences for a less than 3 years on a case by case basis where “the district council think appropriate in the circumstances of the case”. As this is new law there is little specific case law relating to the interpretation of this point.

**5 Financial Implication(s)**

- 5.1 The council has set the fees for these licences. These are based on a 3 yearly licence (£450 for 3 years; £150 for a year). However it impractical and unworkable to have a licence fee set for every separate permutation of less than

3 years, so it is suggested that a pragmatic view is taken and the licence fee is calculated in yearly blocks.

## **6 Risk Management Implications**

The council is at risk of challenge if it does not respect the provisions in the legislation relating to the ability to have a licence issued for less than 3 years where it is thought appropriate in the circumstances of the case.

6.1 These risks can be minimised by the actions set out in this report.

## **7 Security & Terrorism Implication(s)**

7.1 Arrangements are in place for regular liaison with the police in connection with hackney carriage work.

## **8 Procurement Implication(s)**

8.1 None

## **9 Climate Change Implication(s)**

9.1 None directly arising, however the council has an opportunity through the regulation of taxis/private hire vehicles to help improve air quality in the borough.

## **10 Link to Corporate Priorities**

10.1 The subject of this report is linked to the Council's Corporate Priority "maintain a safe and healthy community", "help build a strong local economy" and/or is linked to a statutory provisions under hackney carriage/private hire legislation.

## **11 Equality and Diversity**

11.1 An Equality Impact Assessment screening assessment shows that this policy decision would have a positive impact in that it would enable individuals the opportunity to set out their specific circumstances, it is envisaged that sometimes these may relate to one of the 9 protected characteristics.

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