

# Briefing Notes

**Committee name:** Licensing Committee

**Date:** 6 November 2015

**Responsible officer:** Licensing and Business Support Team Leader

This note contains information to keep Members informed of matters relating to the work of the Cabinet or a committee but where no decisions from Members are needed.

If Members have questions relating to matters shown, they are asked to contact the Officer indicated.

## **Taxi & Private Hire Licensing Deregulation**

On the 1<sup>st</sup> of October 2015, section 10 and 11 of the Deregulation Act 2015 came into force.

Section 10 ("Taxis and private hire vehicles: duration of licences") introduced a standard 3 year duration for all driving licences issued to taxi and private hire drivers.

Before this date, drivers were permitted the option of a 1 or 3 year licence. The change in law now only permits a 1 year licence in exceptional circumstances.

Section 10 also introduced a standard 5 year licence for operators of private hire vehicles.

Section 11 ("Private hire vehicles: sub-contracting") repealed the restrictions preventing out of district sub-contracting by operators of private hire vehicles.

Before this date, operators of private hire vehicles were not able to lawfully sub-contract work to another licensed operator that was not licensed by the same licensing authority. For example, operator A licensed by Cheltenham Borough Council could only sub-contract to operator B if operator B was also licensed by Cheltenham Borough Council.

Section 11 of the Deregulation Act removed these restrictions making it possible for an operator of private hire vehicles to now sub-contract work to any other licensed operator regardless of where they are licensed in the country.

As a consequence of the above, it is very likely that vehicles not licensed by Cheltenham Borough Council but working in and around the town will become more widespread.

This causes difficulties for officers because there is a lack of regulatory and enforcement powers against drivers and vehicles not licensed by Cheltenham Borough Council. This is a national problem for licensing authorities

## **Late Night Refreshment Licensing Exemptions**

Also on 1 October 2015, a new power for local authorities to exempt certain premises from requiring a late night refreshment licence (i.e. the provision of hot food and drink between 23:00 and 05:00) was introduced.

Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to

have a licence to provide late night refreshment. The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with antisocial behaviour or disorder associated with the night time economy.

The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- a) on or from premises which are wholly situated in a designated area;
- b) on or from premises which are of a designated description; or
- c) during a designated period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.).

When choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:

- motorway service areas;
- petrol stations;
- local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- hospitals (except domestic premises);
- community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
- licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.

The aforementioned regulations have not been made yet but it is expected that these will be in place early November.

Officers will do initial work to assess the impact and necessity of the new power after which time any proposals will be put to Members for consideration.

The Government has produced guidance on the new power. The guidance is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/464869/Guidance\\_on\\_the\\_licensing\\_of\\_late\\_night\\_refreshment.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/464869/Guidance_on_the_licensing_of_late_night_refreshment.pdf).