

BRECKLAND COUNCIL

Report of: Assistant Director Community – Rob Walker
To: Licensing Committee 30th July 2014
(Author: Tiffany Bentley – Licensing Officer)
Subject: Taxi & Private Hire Licensing Update
Purpose: To provide an update on the proposed legislative changes

Recommendation(s):

That members note the proposed legislative changes in the Deregulation Bill and the content of the draft Taxis & Private Hire Vehicles Bill.

1.0 BACKGROUND

- 1.1 At the request of the Department for Transport, the Law Commission carried out a project on reforming taxi and private hire law. A consultation paper was produced in 2012 to which there were over 3000 responses. The Law Commission produced their final report, recommendations and a draft bill (Taxis & Private Hire Vehicles Bill) in May 2014. The aim of the consultation was to examine how the complex, fragmented and aged pieces of legislation could be made fit for modern purposes.
- 1.2 The following is a summary of the proposals contained in the draft Taxis & Private Hire Vehicles Bill:
- Taxi and private hire licensing will remain a licensing authority function. There will be an internal appeal process against decisions to refuse / suspend etc which would then be followed by appeals to the magistrates' court. There will also be a mechanism to challenge policy in the County Court (as opposed to the existing judicial review system in the High Court). There will be new powers for licensing authorities to create and modify taxi zones.
 - The 2 tier system will be retained (to be called taxis and private hire vehicles) with taxis able to take 'there and then' hirings in their own districts but private hire vehicles prohibited from doing the same.
 - Private hire dispatchers will require licensing to send the vehicle and driver but those who advertise and accept bookings will not.
 - Private hire drivers and vehicles licensed anywhere will be able to work for any private hire dispatcher (permitting a mix and match of licensing authorities).
 - A national minimum standard is proposed for private hire vehicles and taxis (to be set by regulations). There would be the possibility of higher / additional standards for taxis (to be set locally). There would be basic national standards for drivers and dispatchers and all application forms would be prescribed by regulations.

- Quantity restrictions would remain possible but based on the test of public interest (as opposed to the current test of unmet demand).
- There will be a duty for drivers to stop when hailed (if applied by the licensing authority).
- Licensing officers will have powers to stop and inspect vehicles and issue fixed penalty notices irrespective of where the vehicle is licensed.
- It is proposed that standard drivers' licences would last for 3 years, vehicle licences for 1 year and dispatchers' licences to run for 5 years with shorter periods possible if deemed appropriate.

1.3 The full report and draft bill can be viewed by following the link in the Background Papers section of this report.

1.4 The Department for Transport made the following statement to Parliament in May 2014

'the government has no plans to introduce a dedicated taxi bill in the final Parliamentary session. Instead, government will consider the detailed findings of, and recommendations made, by the Law Commission before setting out our thinking on each in due course. Given that there will be no dedicated taxi bill this Parliament, the measures which the government intends to take forward within the Deregulation Bill represent an ideal opportunity to make a real-world difference to the businessmen and women who make up the taxi and private hire vehicle trades.'

It is worth noting that if there was a change of government after the next general election there could be further delays to the passage of the Taxis & Private Hire Vehicles Bill.

1.5 The Deregulation Bill is with the House of Lords for consideration having completed all stages of readings and committees in the House of Commons. A commencement date is not yet known. The Bill can be viewed by following the link in the Background Papers section of this report.

1.6 The Deregulation Bill contains 3 clauses related to taxis and private hire vehicles.

1.7 Clause 10 relates to private hire vehicles and the circumstances in which a driver's licence is required. Under the current legislation, it is an offence under the Local Government (Miscellaneous Provisions) Act 1976 for an unlicensed driver to drive a licensed private hire vehicle. The Deregulation Bill proposes to alter this by permitting leisure use of private hire vehicles by an unlicensed driver. However, the Bill states that if a vehicle is being used as a private hire vehicle, being used on the road and for carrying passengers an offence is still committed by an unlicensed driver. The usual burden of proof is reversed so the driver has to prove that the vehicle was not being used as a private hire vehicle. It is worth noting that this situation already applies in London.

1.8 Clause 11 of the Bill again amends the current Local Government (Miscellaneous Provisions) Act 1976 in relation to the duration of licences. A standard duration of 3 years for taxi and private hire driver licences is proposed. Breckland Council already issues these licences for this duration. Clause 11 also establishes a standard duration of 5 years for a private hire vehicle operator licence. Shorter periods may be granted for all licences but only in individual circumstances not as a blanket policy. Breckland's current standard duration is 3 years.

1.9 Clause 12 relates to sub-contracting of private hire vehicles. Currently the Local Government (Miscellaneous Provisions) Act 1976 only permits sub-contracting of private hire vehicle bookings to another operator licensed by the same council. The proposal is to allow sub-contracts to operators licensed by other local authorities.

2.0 **OPTIONS**

2.1 That members note the proposed legislative changes in the Deregulation Bill and the content of the draft Taxis & Private Hire Vehicles Bill.

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 Legislative changes will apply to the Breckland Council district.

4.0 **EXPECTED BENEFITS**

4.1 N/A

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

5.1.1 It is the opinion of the Report Author that there are no implications.

5.2 **Constitution & Legal**

5.2.1 It is the opinion of the Report Author that there are no implications until dates are known.

5.3 **Contracts**

5.3.1 It is the opinion of the Report Author that there are no implications.

5.4 **Corporate Priorities**

5.4.1 It is the opinion of the Report Author that there are no implications.

5.5 **Crime and Disorder**

5.5.1 It is the opinion of the Report Author that there are no implications.

5.6 **Equality and Diversity / Human Rights**

5.6.1 It is the opinion of the Report Author that there are no implications.

5.7 **Financial**

5.7.1 It is the opinion of the Report Author that there are no implications.

5.8 **Risk Management**

5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 **Staffing**

5.9.1 It is the opinion of the Report Author that there are no implications.

5.10 Stakeholders / Consultation / Timescales

5.10.1 It is the opinion of the Report Author that there are no implications.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 All

Background papers:-

The Law Commission Report on Taxi & Private Hire Services and the draft Taxis & Private Hire Vehicles Bill:

http://lawcommission.justice.gov.uk/docs/lc347_taxi-and-private-hire-services.pdf

Deregulation Bill: <http://www.publications.parliament.uk/pa/bills/lbill/2014-2015/0033/15033.pdf>

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Key Decision: No

Exempt Decision: No