

**Taxis Committee – 21<sup>st</sup> March, 2007**

**Report of the Director of Law and Property**

**Changes to Taxi and Private Hire Legislation**

**Purpose of Report**

1. To inform the committee of the changes in the legislation governing the licensing of Hackney Carriage and Private Hire.

**Background**

2. On the 6<sup>th</sup> March the Council received notification from the Department of Transport of impending changes to the Local Government (Miscellaneous) Provisions Act 1976 Part 11. The changes will be enacted by sections 52 and 53 of the Road Safety Act 2006.
3. They concern the suspension and revocation of both hackney carriage and private hire drivers and the ability to carry out contracts lasting not less than seven days without benefit of licence.
4. Currently a private hire or hackney carriage driver suspended or revoked under section 61 of the Act, can appeal against that decision to the Magistrates' Court, under section 77 of the Act and continue to work until that appeal has been determined.
5. The amendment to section 61 (suspension or revocation of a drivers licence ) will have the following additions:-
  - 2A) The suspension/revocation of a private hire / hackney carriage drivers licence under this section takes effect at the end of 21 days beginning with the day on which notice is given to the driver.
  - 2B) If it appears that the interests of public safety require the suspension or revocation of the private hire / hackney carriage drivers licence to have immediate effect, and the notice given to the driver includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

6. The amendment to section 77 (right of appeal to the Magistrates Court) removes the right to work as a private hire/hackney carriage driver whilst under appeal against the council's decision to suspend or revoke the licence under section 61 2B. If, however, the licence is suspended or revoked under section 61 2A and is appealed to the Magistrates' Court the driver can continue to work until that appeal has been determined.
7. The effect of these amendments is to give the council a choice of action when giving consideration to the suspension or revocation of a private hire/hackney carriage drivers licence. The amendment comes into force on the 16<sup>th</sup> March 2007.
8. The amendment concerning the exemption from licence for vehicles carrying out contracts lasting not less than seven days is contained in section 75 (b) of the Act. This section exempts vehicles from being licensed as private hire or hackney carriages when carrying out any form of contract of not less than seven days.
9. This section will be repealed by section 53 of the Road Safety Act 2006 in January 2008 and will mean that the only exemptions from licence will be for vehicles solely used for weddings and funerals.

### **Finance**

10. There will be additional fees in respect of licences when section 75(b) is repealed in January 2008.

### **Law**

11. The licensing of private hire vehicles is governed by the Local Government (Miscellaneous) Provisions Act 1976.
12. The licensing of Hackney Carriage is governed by the Town Police Clauses Act 1876.

The Local Government (Miscellaneous ) Provisions Act 1976.

The Transport Act 1981.

### **Equality Impact**

13. This report takes into account the Council's policy on equal opportunities.
14. The licensing of Private Hire and Hackney Carriage vehicles and drivers will impact on children and young people through their transportation in licensed vehicles.
15. There has been no consultation or involvement of children and young people in this matter.

## **Recommendation**

16. That the Committee note the contents of this report.

*John Pye*

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DIRECTOR OF LAW AND PROPERTY

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## **List of Background Papers**