

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

2 April 2007

Report of the Chief Solicitor

Part 1- Public

Matters for Information

2 CHANGES TO TAXI LEGISLATION IN THE ROAD SAFETY ACT 2006

Summary

To report changes made to taxi licensing legislation by the Road Safety Act 2006.

2.1 Introduction

2.1.1 In promoting the Road Safety Bill, the Government identified two areas of legislation which affect the way we carry out our licensing duties and decided that they would use the opportunity presented by the Bill to address these risks.

2.2 Suspension or revocation of a driver's licence

2.2.1 At present, under section 62 of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority can suspend the licence of a hackney carriage or private hire vehicle driver where since the grant of the licence the driver has:

- been convicted of an offence involving dishonesty, indecency or violence; or
- been convicted of an offence under, or failed to comply with the provisions of the legislation relating to taxis; or
- any other reasonable cause.

2.2.2 However, section 77 of the Act, the suspension or revocation of a licence does not have effect until the time for appealing has expired or, when an appeal is lodged, the appeal process is completed. It has been extremely frustrating that we have not had the power to remove immediately a driver from a position which could place members of the public at risk.

2.2.3 Section 52 of the Road Safety Act 2006 gives licensing authorities the power to suspend or revoke a driver's licence with immediate effect where they are of the opinion that the interests of public safety require such a course of action.

2.2.4 Section 52 came into effect on 16 March 2007. Under the Council's constitution, power to suspend or revoke licences is delegated to me (delegation CHS 208).

2.3 Repeal of the contract exemption

- 2.3.1 At present, under section 75(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, a vehicle is exempt from the requirement to be licensed as a private hire vehicle if it is used for contracts lasting not less than seven days. This is commonly known as the "contract exemption". Neither the driver of the vehicle, nor the operator who arranges hirings, need be licensed. The Government decided that this exemption poses a significant safety risk and should be repealed.
- 2.3.2 The exemption is repealed by section 53 of the Act, which is expected to come into effect in January 2008. The Government agreed to delay implementation for a sufficient period to allow currently unlicensed drivers, vehicles and operators to be licensed or for alternative contract arrangements to be made where necessary.
- 2.3.3 From the date of commencement, any vehicle which falls within the definition of "private hire vehicle" in the 1976 Act (a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers) must be licensed by the council in which the person who arranges the bookings is located (known in the Act as a "controlled district"). Any person who drives a licensed private hire vehicle must hold a PHV driver's licence and any person who arranges hirings using a licensed PHV must hold a PHV operator licence. In future, the only exemptions from licensing will be vehicles used solely for weddings and funerals.
- 2.3.4 I am already in discussion with the limousine trade about the transitional arrangements for bringing their vehicles and drivers within the licensing regime.

2.4 Legal Implications

- 2.4.1 None.

2.5 Financial and Value for Money Considerations

- 2.5.1 None.

2.6 Risk Assessment

- 2.6.1 Not applicable.

Background papers:

Sections 52 and 53, Road Safety Act 2006

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