

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	18 June 2015
Subject:	Deregulation Act 2015 and Review of Taxi and Private Hire Policy
Report of:	Bhavdip Nakum, Licensing Team Leader
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	1

Executive Summary:

This report proposes to postpone redrafting the Taxi and Private Hire Licensing Policy in order to include full implications of the Deregulation Act 2015 that amended the Local Government (Miscellaneous Provisions) Act 1976.

Recommendations:

- 1. To AGREE to defer the redrafting of the Taxi and Private Hire Policy until further information and statutory guidance on the full implications of deregulation is available.**
- 2. To APPROVE the renewal of existing taxi and private hire policies and conditions until such time a new policy is in place, but no later than 31 March 2016.**

Reasons for Recommendation:

To ensure that the Council's policy complies with relevant legislation.

Resource Implications:

None

Legal Implications:

The Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 provide the authority for the Council to licence hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.

Risk Management Implications:

If the Council does not fulfil its duties under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 and does not follow the best practice suggested by the Courts and the Department for Transport when licensing drivers, vehicles and operators, it may be liable to legal challenges.

Performance Management Follow-up:

If agreed, once the redraft of the Taxi and Private Hire Policy is available, the Licensing Committee will be asked to approve the draft revised policy for consultation or to recommend

further amendments.

Environmental Implications:

None

1.0 INTRODUCTION/BACKGROUND

1.1 On 5 March 2015, the Council's Licensing Committee agreed to redraft a Taxi and Private Hire Licensing Policy following a comprehensive review of the existing policies. The Committee Report is attached at Appendix 1.

2.0 THE DEREGULATION ACT 2015

2.1 On 26 March 2015, the Deregulation Act 2015 received royal assent. This was followed by The Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015 which set out the commencement date for taxi and private hire deregulation measures. These provisions are coming into force on 1 October 2015.

2.2 Section 10 of the Act (Taxis and private hire vehicles: duration of licences) amends two sections of the Local Government (Miscellaneous Provisions) Act 1976 that deal with the granting of licences to drive taxis and private hire vehicles and licences to operate private hire vehicles.

2.3 Subsection (2) changes the law in such a way as to establish a standard duration of three years for taxi and private hire vehicle driver licences. The section specifies that a licence may be granted for a period of less than three years but only in the circumstances of an individual case, not because of a blanket policy.

2.4 Subsection (3) changes the law in such a way as to establish a standard duration of five years for a private hire vehicle operator licences. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of a blanket policy.

2.5 Section 11 (private hire vehicles: sub-contracting) inserts two new sections (55A and 55B) into the Local Government (Miscellaneous Provisions) Act 1976 in relation to the sub-contracting of bookings from one private hire vehicle operator to another.

2.6 The above is a major amendment to the 1976 Act affecting taxi and private hire drivers and operators. The deregulation will have far reaching implications for private hire operators in relation to the sub-contracting of bookings from one private hire vehicle operator to another.

2.7 There is currently no detailed information or operational guidance on these deregulation measures available from the Government or other organisations. Therefore, it is recommended to defer redrafting the Council's taxi and hackney carriage policy until such time further information is available.

2.8 The current policies, conditions and bylaws are as follows:

1. Hackney Carriage Bylaws
2. Hackney Carriage and Private Hire Drivers Licensing Policy

3. Hackney Carriage Vehicle Licensing Policy
4. Private Hire Operators Licensing Policy
5. Private Hire Vehicle Policy
6. Policy on Relevance of Conviction for Hackney Carriage and Private Hire Drivers
7. Policy on Suspension, Revocation and Refusal for Hackney Carriage and Private Hire Drivers
8. Hackney Carriage Vehicle Conditions
9. Private Hire Vehicle Conditions
10. Private Hire Drivers Conditions
11. Private Hire Operator Conditions

Copies are attached as Appendices A – K of the Committee Report dated 5 March 2015 (Appendix 1 of this report).

3.0 OTHER OPTIONS CONSIDERED

- 3.1** To not renew existing taxi and private hire policies and conditions until a new policy is in place, no later than 31 March 2016. This would mean that Tewkesbury Borough Council would not have valid policies for taxi and private hire licensing and therefore would leave the Council open to legal action and abuse of the taxi and private hire system locally.

4.0 CONSULTATION

- 4.1** None

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 5.1** As above

6.0 RELEVANT GOVERNMENT POLICIES

- 6.1** The Department for Transport has produced best practice guidance to local authorities to assist them in the licensing of taxi and private hire vehicles.

7.0 RESOURCE IMPLICATIONS (Human/Property)

- 7.1** Met from existing resources.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 8.1** An effective Taxi and Private Hire Policy can help promote community safety and increase public confidence.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

- 9.1** None

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 10.1** Licensing Committee on 5 March 2015.

Background Papers: The Deregulation Act 2015 (Commencement No. 1 and Transitional and Saving Provisions) Order 2015

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Appendices: Appendix 1 – Licensing Committee Report – 5 March 2015