

# LICENSING COMMITTEE (NON LICENSING FUNCTIONS)

## Agenda Item 8

Brighton & Hove City Council

<b>Subject:</b>	<b>Deregulation Bill 2014 Taxi Licensing Amendments - implications</b>		
<b>Date of Meeting:</b>	<b>26 June 2014</b>		
<b>Report of:</b>	<b>Director of Public Health</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Martin Seymour</b>	<b>Tel: 29-2550</b>
	<b>Email:</b>	<b>martin.seymour@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 To report on the amendments to the Deregulation Bill 2014 that has implications to the Hackney Carriage and Private Hire trades.

#### 2. RECOMMENDATIONS:

- 2.1 That Committee notes the proposed amendments to the Deregulation Bill 2014 and possible implications.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 14 March 2014 the Department for Transport wrote to taxi and private hire stakeholders to inform them that amendments have been introduced to the Deregulation Bill as part of its drive to reduce the overall burden of regulation on business and individuals and cut 'red tape' during this Parliament. Ministers have identified for inclusion in the Bill three measures which are straightforward to make in isolation and which they consider will generate significant benefits for the taxi and private hire trades.

The three measures which have been added to the Deregulation Bill are:

- (i) Allowing private hire operators to sub-contract bookings to operators licensed in a different district. This change will improve operators' ability to meet passengers' needs. And it will help to make the passenger's experience so much more convenient.
- (ii) Allowing anyone with an ordinary driver's licence to drive a private hire vehicle when it is "off-duty". The principal benefit of this measure is that a PHV could be used as a family car, freeing up many families from the need to run a second car and saving them money.

- (iii) Making the standard duration for all taxi and PHV driver licences three years; and five years for all PHV operator licences. Shorter durations will only be granted on a case by case basis, where it is justifiable for a particular reason. This will reduce the financial and administrative burden of having to make more frequent licence renewals.

The Dft also asked the taxi and private hire trades outside London to give examples of conditions attached to their licences which they consider to be overly restrictive or unreasonable so that they could consider the case for Government involvement in the licence conditions set by local authorities.

- 3.2 The Trade, Unions, NALEO, LGA, Meeting of the Minds Group and Suzy Lamplugh Trust all have concerns over these proposals which are thought to be ill thought out especially as the Law Commission is due to publish its Draft Bill on the 23<sup>rd</sup> May 2014. Labour has tabled a motion to remove the amendments at the report stage.
- 3.3 Licensing officers are concerned that the change to 3 year driver Licences would reduce the licensing funding stream necessary to fund administration of the licensing framework, because fee setting is so tightly regulated and local authorities are facing unprecedented budget challenges. Although the vast majority of licence holders are responsible and transparent, annual licensing can pick up criminal convictions and relevant medical conditions that licensees may have omitted to declare, changed addresses, etc, during the currency of the licence. Triennial Licences would increase that risk.
- 3.4 The city taxi trade appears to fear that opening the market to out of town operators may facilitate big transport companies using a loss leader approach to drive out local operators, to the detriment of local business, and eventually passengers, as competition reduces as local operators are displaced. Fares would rise as a result of newly formed monopolies muscling in on the market.
- 3.5 The call for 'examples of conditions attached to licences considered to be overly restrictive or unreasonable' is viewed with concern. There could be diminution of our standards that have been developed over time, using local partnership with business and local evidence, to meet local economy conditions of a unique visitor destination and leisure and conference based local economy. Examples could be conditions relating to livery, English language standards, driver standards, vehicle emissions standards and air quality and local community safety (CCTV requirements).
- 3.6 The Law Commission published a report explaining and setting out its recommendations on 23 May 2014, together with a draft Bill for Taxi and Private Hire Licensing. The draft Bill sets out a new single legal framework for the regulation of taxi and private hire services across England and Wales, including London and Plymouth. A Summary of the Law Commission's recommendations can be found at Appendix 4. The Law Commissions full report can be found at <http://lawcommission.justice.gov.uk/publications/2717.htm>

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

None

## **5. COMMUNITY ENGAGEMENT AND CONSULTATION**

Finance and Legal Services, Environmental Protection, Transport Operations, Taxi Forum. Members of the Taxi Forum are very concerned about both proposals and how they would change the current workings of the trade.

## **6. CONCLUSION**

That members consider the recommendations

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### **7.1 Financial Implications:**

There are no direct financial implications associated with the recommendation in this report, other than for the cost of officer time. The costs associated to the licensing functions of the council are funded from existing revenue budgets within the Environmental Health and Licensing service.

The taxi licensing revenue budget is funded from income generated from licence fees. Licence fees are approved annually at Licensing Committee and are set at a level that it is reasonably believed will cover the costs of providing the service in accordance with the requirements of the legislation under which they are charged.

*Finance Officer Consulted: Steven Bedford*

*Date: 19/05/2014*

### **7.2 Legal Implications:**

These are contained in the body of the report

*Lawyer Consulted: Rebecca Sidell*

*Date: 21/05/14*

### **7.3 Equalities Implications:**

Recommendations are designed to promote equality of opportunity, eliminate unlawful discrimination, promote participation in public life and meet the needs of disabled people. Improving access to taxis/Private Hire Vehicles (PHVs) is a priority action in the council's Equality Scheme.

### **7.4 Sustainability Implications:**

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. Improving accessibility is one of the government's four shared transport priorities.

## 7.5 Any Other Significant Implications

The transport industry should be safe, profitable and be a positive experience for all residents and visitors.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

- 1. Department for Transport Letter to Taxi and Private Hire Stake Holders**
- 2. Meeting of the Minds Minutes**
- 3. Suzy Lamplugh Trust Briefing**
- 4. Law Commission Taxi and Private Hire Services Executive Summary**

### **Documents in Members' Rooms**

1. None.