

Decision under Delegated Powers

Officer Requesting Decision

Licensing Manager

Minor changes and Alterations to the Hackney Carriage and Private Hire Licensing Policy

Officer Making the Decision

Head of Regulatory Services

Recommendation

The following list of legislation is included within the Hackney Carriage and Private Hire Licensing Policy at Section 1.0 of the Policy at page 6, which must be taken into consideration when developing and implementing the Policy:

- Transport Act 1980
- Transport Act 1985
- Transport Act 2000
- Road Safety Act 2006
- Equality Act 2010
- Deregulation Act 2015
- Policing and Crime Act 2017

Reason

The principle purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. A number of Acts and Legislation are taken into account whilst determining the 'fit and properness' of a person applying for a hackney carriage or private hire licence driver's licence, vehicle licence or private hire operator's licence and then during the lifetime of the licence.

The legislation to be added covers a number of areas such as deregulation, safeguarding and the Equality Act 2010, all of which can impact on the licensing of the hackney carriage/private hire driver.

Authority for Decision

On 11th May 2021, the Licensing Committee approved the Hackney Carriage and Private hire Licensing Policy. The Committee also approved that the Head of Regulatory Services would be given delegated authority to make minor amendments and alterations, and amendments required to comply with changes to legislation and Government Guidance to the Hackney Carriage and Private Hire licensing policy in consultation with the Chair of the Licensing

Committee. The Chair of the Licensing Committee has been consulted on this decision and is satisfied with the report.

Decision and Date

Background

1.0 Introduction

Charnwood Borough Council is responsible for the regulation and administration of the Hackney Carriage and Private Hire trade licensed by the Council.

The Hackney Carriage and Private Hire Licensing Policy was first introduced in April 2017 and set out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions; the Council has regard to this policy document. Although each application or enforcement action is considered on its own merits.

This policy lays out the application requirements and processes for applicants and existing drivers to complete when applying for a Charnwood Borough Council Combined Drivers Licence.

Following attendance at the Professional Licensing Practitioners Qualification Course it has been identified that additional legislation should be added to that of the original Hackney Carriage and Private Hire Legislation, so that it reflects what is taken into consideration when developing the Policy and also undertaking action.

2.0 Legislative Changes to be added.

At section 1.0 of the Hackney Carriage and Private hire Licensing Policy there is a list of legislation that has been taken into account when developing the policy.

The following additional legislation is to be added to this list;

- Transport Act 1980
- Transport Act 1985
- Transport Act 2000
- Road Safety Act 2006
- Equality Act 2010
- Deregulation Act 2015
- Policing and Crime Act 2017

Each of these legislative acts has an impact on the licensed hackney carriage and private hire trade as listed below;

2.1 Transport Act 1980 – Section 64 allows the use of roof signs on vehicles other than hackney carriages (taxis).

2.2 Transport Act 1985 – S10, 11, 12 – cover the immediate hiring of a taxi at separate fares.

2.3 Transport Act 2000 - determines what is a PSV (Public Service Vehicle) and what is a private hire vehicle (8 or less passengers)

2.4 Road Safety Act 2006 – S52 of this act allows for the immediate suspension and revocation of a drivers licence

2.5 Equality Act 2010 – places duties on drivers of designated hackneys (taxis) and private hire vehicles, allows exemptions to be sought.

2.6 Deregulation Act 2015 – sets the duration of licences and allow sub-contracting by Private Hire operators outside of the licensable area

2.7 Policing and Crime Act 2017 – Covers whistleblowing, and protection of children and adults through safeguarding.

All of these areas are already covered within the Policy and should be included within the list of legislative taken into consideration when developing the policy.

3.0 Financial Implications

None

4.0 Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Not amending the legislation list impacts areas acted upon without the trade knowing which legislation has been used,	2	2	4 (moderate)	That the proposed changes be agreed to assist with informing applicant correctly on the legislation used to formulate the policy.

Key Decision: No

Background Papers: Hackney Carriage and Private Hire Licensing Policy.
[Taxi Policy](#)