

LICENSING AND SAFETY COMMITTEE
19 APRIL 2007

ROAD SAFETY ACT 2006
(Director of Environment and Leisure)

1 PURPOSE OF DECISION

- 1.1 The Road Safety Act 2006 (the Act) contains two important changes to taxi and private hire legislation, which are aimed at addressing significant risks to public safety.
- 1.2 At present, a hackney carriage or private hire driver can continue to work as a licensed driver whilst appealing to the Magistrates' Court against a decision by the licensing authority to suspend or revoke their driver's licence.
- 1.3 Section 52 of the Act gives licensing authorities the power to suspend or revoke a taxi or private hire vehicle driver's licence with immediate effect where they are of the opinion that the interests of public safety require such a course of action. This would mean that the suspension or revocation has immediate effect from the time the notice is given to the driver. In this case, the driver would not have the right to continue working as a licensed driver whilst appealing to the Magistrates' Court.
- 1.4 If immediate suspension or revocation is not considered necessary, the suspension or revocation of a taxi or private hire driver licence will take effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver. In this case, the driver would have the right to continue working as a licensed driver whilst appealing to the Magistrates' Court.
- 1.5 Section 52 was commenced on 16 March 2007.
- 1.6 Secondly, vehicles are currently exempt from the requirement to be licensed as private hire vehicles if they are only used for contracts lasting not less than seven days. This is commonly known as "the contract exemption". Neither the driver of the vehicle, the vehicle itself, nor the operator are required to be licensed.
- 1.7 Section 53 of the Act repeals this exemption from the requirement to be licensed, except in respect of vehicles used for weddings and funerals. This section of the Act will be commenced in January 2008, to allow an appropriate period for currently unlicensed drivers, vehicles and operators to obtain the relevant licences.

2 RECOMMENDATION

2.1 That the Committee note

- (i) the amendments to legislation brought about as a result of the Road Safety Act 2006, and**
- (ii) the commencement date of 16 March 2007 in respect of section 52 (immediate driver suspension) and of January 2008 in respect of section 53 (repeal of the contract exemption).**

- 2.2 That the proposal to encourage providers of transport currently operating within the contract exemption to become licensed before the end of December 2007 is approved and commenced from 1 June 2007.

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are contained within the report.

Borough Treasurer

- 3.2 It is unlikely that there will be significant additional income generated.

Impact Assessment

- 3.3 Not applicable.

Strategic Risk Management Issues

- 3.4 There are no issues to consider.

4 SUPPORTING INFORMATION

- 4.1 None.

Background Papers

Road Safety Act 2006

Changes to Taxi and Private Hire Legislation - letter from Department for Transport 1 March 2007

Contact for further information

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