

PLEASE INSERT YOUR AUTHORITY
ADDRESS AND DETAILS....

Date 24 April 2014

Dear

**Deregulation Bill 2013/14- Proposed Clauses 8, 9 and 10 amending the
Local Government (Miscellaneous Provisions) Act 1976**

I write to you with regards to the proposed amendments to the Local Government (Miscellaneous Provisions) Act 1976 set out in the Deregulation Bill 2013/14. As you may be aware this Bill is currently passing through the Parliamentary process and we are urging you to support us in our opposition to these proposals.

The proposals are of great concern for many Local Authorities across the country. This concern is also echoed by many Taxi Trade Associations and the Police Commissioners in many areas.

The Meeting of Minds Group which includes the National Association of Licensing & Enforcement Officers [NALEO], The National Taxi Association [NTA], The National Private Hire Association [NPHA], Unite the Union, and the GMB held a meeting in Bolton on 15th April 2014. The delegates at that meeting included MP's, The Law Commission, The Local Government Association, the Police Crime Commissioner for Greater Manchester and Elected Members as well as Licensing and Enforcement Officers. *To assist you, a copy of the Minutes of the Meeting held on the 15 April 2014 are attached.*

Local Licensing Authorities are charged with ensuring as far as reasonably practicable "Public Safety". This is a constant thread throughout all threads of licensing legislation such as the Licensing Act 2003, Gambling Act 2005 and also the licensing of Sex Establishments, Street Traders and many others. The proposed amendments referred to are designed to affect hackney carriage and private hire licensees throughout England and Wales.

Licensing Authorities take this role very seriously and impose strict standards, conditions and policies to assist us in carrying out this role. It has taken us

many years to get where we are now and this could all be undone overnight through adopting changes to legislation that take the control / and power to set local standards away from the Local Authorities.

It is my/our opinion that standards / decisions should be left in the hands of those locally elected members (Councillors) who are put in power through a democratic process by the residents of the district, town or city of each area.

In brief terms the three proposals are set out in Clauses (paragraph's) 8, 9 and 10 of the Deregulation Bill;

Section 8 – Private Hire Vehicles: Circumstances in which driver's licence required to drive a licensed private hire vehicle;

Section 9 – Taxi and private hire vehicles: Duration of licences;

Section 10 – Private hire vehicles: Sub-contracting between operators

I have set out below in very brief terms the concerns around the three individual proposals.

Section 8 – In simple terms this lessening of the legislation will allow **anyone** with an ordinary driving licence to drive a private hire vehicle when it is off duty.

This is seen by all concerned as a real backward step and is one that would cause a huge amount of concern and make enforcement of the legislation extremely difficult if not impossible.

The current situation is that only a licensed driver can drive a licensed vehicle whether that is for hire or reward or social domestic and pleasure purposes, this applies to hackney carriages as well as private hire, and this was upheld in the High Court in the following case *Leslie Benson v Clinton Andrew Boyce* [1997] EWHC Admin 35 (20 January, 1997).

This amendment is nothing short of a charter for drivers to abuse the system. It will be impossible to know when a vehicle is not working, or when the driver is not working, or indeed who is actually driving the vehicle. It will look like a private hire vehicle, so there is no need to state the obvious. You will also note from the attached minutes that all attendees agreed that this leaves the travelling public in a very vulnerable position.

This clause, if enacted as set out, will inevitably create a significant risk to public safety and especially to the users of such services which often include some of the most vulnerable members of our society.

Section 9 – proposes to amend the standard duration of driver's licences (private hire and hackney carriages) to three years and the standard for