

Manchester City Council Report for Resolution

Report to: Licensing and Appeals Committee – 10 November 2014

Subject: Working party - Taxi licensing policy review

Report of: Head of Planning, Building Control and Licensing

Summary

The report advises that at its meeting on 16th June 2014 the Committee agreed to the formation of a working party. There have been changes to the membership of the Committee since that date and therefore to date the working party has yet to be convened

The report provides a document (**Appendix 1**) that the working party may wish to use to determine its priorities in reviewing the Councils current Policies, Guidance and Conditions against Law Commission recommendations.

The report further advises the committee of concerns that have been received in relation to private hire and hackney carriage drivers knowledge, which centre around, driver route knowledge, customer care and disability awareness. The report indicates that these matters are also included in the Law Commission recommendations and it may be appropriate for the working party to review this in the first instance.

The report also advises that when undertaking the above review the Committee consider a recommendation from the Councils External Auditors regarding the potential impact of the Councils regulatory policies on its taxi licence fees, and that the working party includes this within the review of policy

Recommendations

1. That the Committee nominate the members to sit on the working party as agreed on 16th June 2014.
2. That the Committee determine that the working party undertake a review of the following:
 - A. Law Commissions Recommendations to
 - (i) Ascertain if current Manchester City Council Policies, Guidance and Conditions are consistent with the Law Commission recommendations.
 - (ii) Be proactive in preparing a plan for the introduction of any new legislation.

- B Current/new hackney carriage / private hire drivers policies relating to the concerns highlighted in para 2.2 of the report.
- C The Councils External Auditors recommendations to review the impact of the Councils regulatory policies on licence fees, when compared to other authorities to determine whether it remains satisfied with the comparative rigour of these policies
3. That the working party, report their observations back to the Licensing and Appeals Committee

Wards Affected: All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Not applicable to content this report
Reaching full potential in education and employment	Not applicable to the content of this report
Individual and collective self esteem – mutual respect	Not applicable to the content of this report
Neighbourhoods of Choice	Not applicable to the content of this report

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue
None

Financial Consequences – Capital
None

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Background documents

Law Commission Executive report of 23 May 2014

Licensing Appeals Committee report 16 June 2014 - Taxi Licensing Update

Report to Audit Committee 26 September 2013 - Objection to the Audit of Accounts
2011/12

1. Introduction

- 1.1 On 16 June 2014 the Committee agreed to the formation of a working party to include members and supported by officers to;
- (i) Ascertain if current Manchester City Policies, Guidance and Conditions are consistent with the Law Commission (LC) recommendations.
 - (ii) Be proactive in preparing a plan for the introduction of any new legislation.
- 1.2 Once membership of the working group has been clarified arrangements will be made to convene the first meeting of the working party.
- 1.3 To assist the working group and in relation to the Law Commissions recommendations officers have produced a document (attached at **Appendix 1**), which outlines the recommendations of the Commission in addition to the Current City Council position in relation to these specific issues. Officers have also provided some guidance, as to the matters, which the Committee may wish the working party to review.
- 1.3.1 The Committee will note that (recommendations 30-34 and 63-69) of the document relate to National standards for hackney carriage and private hire drivers and accessibility.
- 1.4 An external auditors report recommended that the Licensing Committee should consider the impact of the Councils regulatory policies on its licence fees. Any such review should also take into account the Law commission recommendations. Further details are provided within the report at paragraph 3 and the related Appendix 2..

2. Current Manchester Standards for hackney carriage and private hire drivers

- 2.1 The Committee will be aware that the current Manchester Policy requires the following in relation to applicants for hackney carriage and private hire driver licences
- Provide proof of where an applicant resides
 - Provide proof of 'right to work'
 - Provide a satisfactory Data Barring Service (DBS) certificate
 - Driver training:
 - i pass a skills assessment
 - ii attend a coaching session
 - iii pass a ph/hc knowledge test
 - Provide a satisfactory (group 2) medical certificate
- 2.1.1 The ph/hc driver knowledge test is currently paper based, but from 1st December 2014, this will be provided as an on-line test (similar to a dvla hazard perception test). (Any Committee member who wishes to see the new

on-line test working can do so by a request to Ann Marku - Principal Licensing Officer (Taxis))

- 2.2 Individual members of the Committee and officers, have for some time, been aware of concerns from members of the trade, disability groups and members of the public in relation to the standard of knowledge of hackney carriage and private hire drivers. The main areas of concern are centred around;
- Drivers knowledge of the area
 - Drivers lack of disability awareness including dealing with passengers who are in a wheelchair.
 - Customer Care
- 2.3. The issues of 'standards for hackney carriage and private hire drivers and accessibility' are included within the document at **Appendix 1** (recommendations 30-34 and 63-69). The Committee may consider it appropriate for the working party to, in the first instance; review Manchester's current policy in relation to hackney carriage and private hire drivers against the Law Commission recommendations and the concerns detailed at para 2.2.
- 2.4 In undertaking a review of any of the Manchester taxi related standards it is appropriate to consider the likely impact of any policy changes on the current practice for out of town licensed hackney vehicles to take pre booked worked from Manchester Private Hire Operators

3. Recommendation from the External Auditor

- 3.1 The committee have previously been apprised of the External auditors investigation of an Objection to the audit of accounts 2011/12. The objection related to taxi licensing fees, the outcome from the investigation was reported to Audit Committee on 26 September 2013.
- 3.2 One of the recommendations arising from the investigation was as follows
- The Councils Licensing Committee should consider the impact of the Councils regulatory policies on its licence fees, when compared with other authorities to determine whether it remains satisfied with the comparative rigour of these policies .*
- 3.3 It is appropriate that any such review has regard to the law commission's recommendations, which provide some indication as to possible future policy direction.
- 3.4 Attached at **Appendix 2** are officers views as to the policies that are most likely to have a direct impact on licensing fees.

4. Legal implications

- 4.1 It is likely that the progression of recommendations from the Law Commission, to the introduction of new legislation that governs hackney carriage and private hire licensing will take at least two to three years to implement.

5. Implications for:

(a) Equal Opportunities

There are no equal opportunity issue in relation to this report

(b) Risk Management

There are no risk management issues in relation to this report.

(c) Legal Considerations

There are no legal considerations other than those already highlighted within the report

6. Conclusion

- 6.1 To progress the earlier recommendation of the Committee, confirmation of members to sit on the working group is sought, following which arrangements will be made for an early meeting of that group.
- 6.2 The report includes a 'working document' attached at **Appendix 1**, which outlines the Law Commission recommendations and provides officer guidance, as to the matters, which the working party may wish to review.
- 6.3 The report advises that in considering taxi related policies the Committee are asked to give consideration to the working party reviewing the external auditors recommendation in respect of the review of policies having regard to potential impact on licence fees and the Law Commission recommendations.
- 6.4 The report also advises of a number of concerns have been received in relation to current/ new drivers from the taxi trade and disability groups. The concerns are mainly centred around driver knowledge of the area, customer care and disability awareness and the report recommends that in the first instance these are reviewed by the working party.

	Law Commission Recommendations	LC Page reference	Current MCC position	Matters that could be addressed prior to the introduction of any new legislation
Recommendation 1	Retention of the two-tier system. Regulation should continue to distinguish between taxis, which can be hailed or use ranks, and private hire vehicles, which can only be pre-booked	Page 16		
REFORM OF DEFINITIONS AND SCOPE				
Recommendation 2	Offences relating to plying for hire should be abolished and be replaced with a new scheme of offences, resting on the principle of prohibition of carrying passengers for hire without a licence, alongside a new offence of making it unlawful for anyone other than a local taxi driver to accept a journey starting 'there and then'	Page 22	Outside the scope of current Legislation	
Recommendation 3	A statutory definition of pre-booking in order to create a clear distinction between the work of a taxi in its licensing area and the work of a private hire vehicle	Page 22	Outside the scope of current Legislation	
Recommendation 4	The term hackney carriage should be replaced in legislation with the word "taxi". The term "private hire vehicle" should remain unchanged	Page 24	Outside the scope of current Legislation	
Recommendation 5	We recommend that only the providers of licensed taxi services should be allowed to describe themselves using the term "taxi" on vehicles or in advertising materials.	Page 24		This could be addressed by way of a review of advertisement policies for HC and H

Recommendation 6	Operators across England and Wales (dispatchers under our Bill) should be under a duty to provide a price or an estimate of the fare on request, as is already the case in London.	Page 24		Consider whether such a requirement could be imposed under the existing legislation
Recommendation 7	Taxis picking up passengers outside their licensing area should be subject to a pre-booking requirement, which would be statutorily defined for the first time. This would require provision of an estimate of the price for the journey in advance, if requested, and record-keeping obligations. These requirements could be further refined through national standards as set by the Secretary of State	Page 32	Outside the scope of current legislation	
Recommendation 8	No introduction of record-keeping requirements in respect of taxis except where they are picking up passengers outside their licensing area.	Page 32	Outside the scope of current legislation	
Recommendation 9	local authority stopping officers should have a new enforcement power to require licensed vehicles to move on where the officer considers that: (1) there is a reasonable likelihood that the public may believe the vehicle is available for immediate hire; (2) the vehicle is causing an obstruction to traffic flow; or (3) the driver is attempting to take work away from ranked taxis.	Page 33	Outside the scope of current legislation	
Recommendation 10	Introduction of a new offence which makes it unlawful for anyone other than a locally licensed taxi driver to accept a booking for a journey starting there and then.	Page 34	Outside the scope of current legislation	

Recommendation 11	Compellability should be retained in its current form. It should be open to licensing authorities to express compellability as a time or distance from the point of hire, or as extending to the boundaries of a licensing zone. Licensing authorities should also be able to extend the compellable distance up to seven miles beyond the boundary of the licensing area, or twenty miles in the case of TFL	Page 37	4 mile form the nearest point of the City Boundary	Could review the pros and cons of an extension of the 'compellable area'
Recommendation 12	Licensing authorities should have the power to make a determination that in their areas, taxis should be under a duty to stop when hailed. In such areas, it would be an offence for a taxi driver in a vehicle displaying a "for hire" sign to fail to stop in response to a hail, without reasonable excuse.	Page 38		This recommendation could be further explored
Recommendation 13	Licensing authorities should be under a duty to consult on the need to alter rank provision; and to consider whether new ranks should be appointed, or current ones moved or removed, on a periodic basis not exceeding every three years.	Page 39		Could be reviewed by the in conjunction with Highways
Recommendation 14	Those acting in the course of a business who pass taxi or private hire bookings to providers who they know or suspect to be unlicensed should be guilty of an offence.	Page 41	Outside the scope of present Legislation	This recommendation could be further explored
Recommendation 15	No proposal to require intermediaries working solely with licensed taxis (which we refer to as "radio circuits") to be licensed	Page 44	Outside the scope of present Legislation	This recommendation could be further explored

Recommendation 16	Licensed operators (in future to be referred to in legislation as “dispatchers”) should be retained as a necessary element of the regulation of private hire services	Page 46	Outside the scope of current legislation	
Recommendation 17	We recommend that operator licensing should only cover dispatch functions, and no longer apply to the invitation or acceptance of bookings as such. However, if it is shown that an individual or company accepted a hire vehicle booking, a presumption should arise that that person also “dispatched” the driver. This ensures the continued accountability of those who, in the course of business, accept hire vehicle bookings from the public.	Page 48	Outside the scope of current legislation	
Recommendation 18	To be an offence, in the course of business, to dispatch an unlicensed vehicle or driver. It would also be an offence for a person to dispatch a private hire vehicle and driver unless that person holds a dispatcher’s licence. It would be a defence if the driver and vehicle were reasonably believed to hold appropriate taxi licences.	Page 48	Outside the scope of current legislation	
Recommendation 19	Persons accepting a hire vehicle booking in the course of business should be under a duty to provide information to the hirer in respect of any person on to whom they passed the booking.	Page 48		This recommendation could be further explored
DEFINITIONS AND SCOPE				
Recommendation 20	Proposed reforms should extend to all of England and Wales, including London and Plymouth	Page 55	Outside the scope of current legislation	
Recommendation 21	Taxi and private hire licensing should cover vehicles regardless of their form or construction, including non-motorised vehicles.	Page 57	MCC have a HC vehicle Policy and PH Vehicle proprietor	Relevant MCC policy could be reviewed and consideration

			conditions	given in relation to the types of vehicles that could be licensed under new legislation
Recommendation 22	Taxi and private hire licensing requirements should only cover services provided for commercial gain	Page 63		This recommendation could be further explored
Recommendation 23	Taxi and private hire licensing should not cover the carriage of a passenger as an ancillary or incidental part of another service.	Page 63	Outside the scope of current legislation	
Recommendation 24	For the purposes of taxi, private hire and public service vehicle legislation, all passenger seats and spaces capable of carrying a standing passenger should be included when assessing vehicle carrying capacity.	Page 66	MCC have a HC vehicle Policy and PH Vehicle proprietor conditions	This recommendation could be further explored
Recommendation 25	Consideration be given to revising the criteria for licensing a vehicle as a “small public service vehicle”, making them more clearly centred on local bus services.	Page 67	Outside the scope of current legislation	
Recommendation 26	Extending the reach of taxi and private hire licensing to larger vehicles in two circumstances: (a) on a mandatory basis, in respect of stretch limousines, novelty vehicles; and (b) on an optional basis, where providers want to use larger vehicles in a taxi or private hire business.	Page 70	Outside the scope of current legislation although it may be beneficial to look at the types of vehicles that may be licensed in future legislation	

Recommendation 27	The Secretary of State should have the power to exempt certain categories of vehicle or services used to carry passengers for hire from the requirement to hold a taxi or private hire licence. Licensing authorities would, however, retain the power to impose licensing requirements on vehicles used as taxis within their local licensing area.	Page 71	Outside the scope of current legislation	
Recommendation 28	Wedding and funeral cars should continue to be exempt from taxi and private hire licensing while the vehicle is being used in connection with a wedding or a funeral.	Page 74	Legislation not changing	
Recommendation 29	Non-professional use of licensed taxi and private hire vehicles, including by non professional drivers should be permitted, subject to a rebuttable presumption that such vehicles are being used professionally when they are carrying passengers.	Page 77	Currently outside the scope of present Legislation – was being considered under the Deregulation Bill 2013-14. It has recently been removed from the Deregulation Bill but may still be subject to future debate within the scope of the LC recommendations.	
COMMON NATIONAL STANDARDS FOR TAXI AND PRIVATE HIRE				
Recommendation 30	Introduction of national standards for taxi and private hire services	Page 80	Recommendation 30-34 relate to the question of bringing in National standards promoting, the enforcement, protection of the environment and accessibility and safety. The working party may wish to review these matters bearing in mind any future new national Legislation.	
Recommendation 31	National standards should promote enforcement, protection of the environment and accessibility, in addition to safety.	Page 82		
Recommendation 32	National standards for taxi services should be comparable but not necessarily identical to national standards for private hire services.	Page 82		
Recommendation 33	Driver and vehicle standards should be set in secondary legislation by the Secretary of State.	Page 84		

Recommendation 34	The standard setting power of the Secretary of State should be subject to a statutory consultation requirement.	Page 91		
Recommendation 35	The ability to apply for a vehicle licence should no longer be restricted to vehicle owners.	Page 93	Outside the scope of current legislation	
Recommendation 36	Applicants for vehicle licences should not be subject to a fit and proper person test.	Page 95	Currently no requirement within the legislation for a 'Fit and proper test' for vehicle proprietors	
Recommendation 37	Licensing authorities should not have a general power to impose individual conditions on the holders of taxi or private hire licences.	Page 98	Outside the scope of current legislation	

CRIMINAL OFFENCES SPECIFIC TO THE TAXI AND PRIVATE HIRE TRADES				
Recommendation 38	The Secretary of State should exercise the standard setting power to provide that a conviction for specified offences is a breach of a licensing condition, or incompatible with eligibility to hold a licence.	Page 101	Outside the scope of current legislation	
Recommendation 39	The Secretary of State should have the power to designate specific licence conditions, breach of which will amount to a criminal offence.	Page 102	Outside the scope of current legislation	
NATIONAL STANDARDS FOR PRIVATE HIRE				
Recommendation 40	Private hire services should only be subject to national standards. Licensing authorities should no longer have the power to impose local conditions.	Page 104	Outside the scope of current legislation	
Recommendation 41	Dispatchers should continue to be subject to fit and proper person requirements as part of national standards.	Page 105	Outside the scope of current legislation but similar provisions currently exists in respect of PH operators	
Recommendation 42	Dispatchers should be subject to a statutory duty to maintain records in such form as may be prescribed by the Secretary of State.	Page 107	Outside the scope of current legislation but similar provisions currently exists in respect of PH operators	

Recommendation 43	Signage requirements for private hire vehicles should form part of the national standards determined by the Secretary of State. The Secretary of State should impose requirements that aim to ensure that the public are able to distinguish easily between taxis and private hire vehicles.	Page 112	MCC currently has conditions and an advertisement Policy that covers signage on PH vehicles	
Recommendation 44	We recommend that operator/dispatchers should no longer be restricted to working only with drivers and vehicles whose licences are issued by the same licensing authority as the dispatcher.	Page 115	Current legislation allows HC vehicles and drivers licensed in other areas to accept pre bookings from Manchester private hire operators	
Recommendation 45	Dispatchers should have the ability to sub-contract bookings to any dispatcher in England and Wales.	Page 117	Outside the scope of current legislation	
CHAPTER 8 – LOCAL TAXI STANDARDS				
Recommendation 46	Licensing authorities should retain the power to set local taxi standards over and above national standards.	Page 120	Current legislation allows setting of local standards for hackney carriages	
Recommendation 47	Licensing authorities should be required to consult on additional licensing conditions for taxi drivers and vehicles.	Page 121	MCC currently follow best practise and consult on any changes to licence conditions	
TAXI FARE REGULATION				
Recommendation 48	Licensing authorities should retain the ability to regulate taxi fares, in respect of any journey within the compellable distance.	Page 125	No change from current position	

Recommendation 49	A taxi driver should be allowed to charge more than the metered fare for journeys starting inside the licensing area and ending beyond the compellable distance only if this is agreed in advance. In the case of pre-booked journeys starting outside the compellable distance the price or an estimate should be given on request and, if so, recorded.	Page 125	More prescriptive than current requirements	
Recommendation 50	Licensing authorities should retain the power to regulate fares charged for pre-booked taxi journeys. However, there should be no power to regulate third party booking fees, provided these are agreed in advance.	Page 130	No change from current position unless further regulation of third party booking fees is introduced where they	

ADMINISTRATION OF THE LICENSING SYSTEM				
Recommendation 51	The principle of cost recovery should continue to apply in respect of taxi and private hire licensing fees. (<i>Page 134</i>)	Page 134	As existing	
Recommendation 52	Licensing authorities should be able to collect and use licensing fees from taxi and private hire licensing only for the following purposes: (1) administration of the licensing system (including but not limited to processing applications for granting or renewing licences and carrying out inspections and tests); (2) statutorily required reviews of fare levels, rank provision, accessibility and existing quantity restrictions at least every three years; (3) enforcement of the licensing system including but not limited to the control and supervision of taxi and private hire services (whether licensed or unlicensed) and activities associated with suspending or revoking licences; and (4) providing taxi ranks.		As existing	
Recommendation 53	The Secretary of State should set a private hire licensing fee which could not be varied locally. Taxi licensing fees should continue to be set locally, but at a level no lower than the national private hire fee.	Page 135	Outside the scope of current legislation	
Recommendation 54	The Secretary of State should have the power to set up a system of pooling private hire licence fees nationally, for the purposes of redistributing these to reflect enforcement needs, in accordance with such a scheme as may be prescribed.	Page 136	Outside the scope of current legislation	

Recommendation 55	Licensing authorities should have the power to combine their taxi and private hire licensing areas.	Page 138		
Recommendation 56	Licensing authorities should be under a duty to publish their driver, vehicle and operator licensing data in such form as the Secretary of State may require.			
Recommendation 57	Licensing authorities should have a more flexible power to introduce and remove taxi licensing zones. This power would permit removal or introduction of zones within a licensing district. The power should be subject to consultation and a statutory public interest test.		MCC does not have zones	
QUANTITY RESTRICTIONS				
Recommendation 58	Licensing authorities should continue to have the power to limit the number of taxi vehicles licensed in their area.	Page 159	MCC currently release applications for HCV subject to unmet demand survey identifying there is a significant unmet demand	
Recommendation 59	The power of licensing authorities to impose quantity restrictions should be subject to a statutory public interest test. Further, the Secretary of State should have regulation-making powers prescribing how the statutory test should be applied.	Page 162	MCC currently provide a public interest test as part of the 3 yearly unmet demand survey	
Recommendation 60	Decisions to restrict taxi numbers should be reviewed at least every three years and be subject to local consultation in accordance with such procedures as may be prescribed in regulations made by the Secretary of State.	Page 162	Current quantity restriction reviewed every three years	

Recommendation 61	In licensing areas where quantity restrictions already exist at the time of the introduction of our reforms, but not in other areas, vehicle licence holders should continue to be able to transfer their taxi licences at a premium.	Page 166	Outside the scope of current legislation	
ACCESSIBILITY				
Recommendation 62	Taxi and private hire drivers to be required to undergo disability awareness training of a standard set by the Secretary of State.	Page 170	Could review current training but this would be difficult as we are unaware of what the 'National standard' is going to be.	
Recommendation 63	The Secretary of State to require information on how to complain about taxi and private hire vehicle services to be displayed in taxi and private hire vehicles.	Page 171	Could consider this issue under current legal framework	
Recommendation 64	We recommend that local licensing authorities should display complaint information in offices, libraries and on websites.	Page 171	Could consider this issue under current legal framework	
Recommendation 65	Licensing authorities to conduct an accessibility review at three year intervals.	Page 172	This is already carried out via the 'unmet demand' survey. This could be reviewed to ensure that all groups are contacted	
Recommendation 66	The Secretary of State to require holders of taxi and private hire driver licences and dispatcher licences to comply with the Equality Act 2010 as a condition of the licence.	Page 175		
Recommendation 67	Licensing authorities should reconsider rank design to ensure compliance with the Equality Act 2010.	Page 177	Should be incorporated within current practice	

Recommendation 68	Licensing conditions should provide that information about the licensing authority and local operators should be provided in alternative formats, as well as information about the types of vehicle available in their area.	Page 177	Could consider this issue under current legal framework
Recommendation 69	The Secretary of State should have the power to impose accessibility requirements on large operator/dispatchers. In particular, the power should permit the setting of quotas of accessible vehicles which must be available to such dispatchers.	Page 179	Outside the scope of current legislation
ENFORCEMENT			
Recommendation 70	We recommend that licensing officers who have been suitably trained and accredited should be given the power to stop licensed taxi and private hire vehicles in a public place for the purpose of checking compliance with licensing requirements.	Page 183	Outside the scope of current legislation
Recommendation 71	The offence of touting should be retained. It should continue to be an offence of broad application which extends to all persons, whether licensed or unlicensed.	Page 187	
Recommendation 72	There should be a new defence to touting, where the solicitation is in respect of a licensed taxi or private hire vehicle, if the soliciting occurs in a place which has been designated by that licensing authority for that purpose, and that conditions as may be specified by the licensing authority have been complied with.	Page 187	Outside the scope of current legislation

Recommendation 73	The Sentencing Council consider amending the Magistrate's Court Sentencing Guidelines in respect of taxi touting to take into account the vulnerability of the persons solicited as a relevant factor in sentencing.	Page 189	Outside scope of current legislation
Recommendation 74	Licensing authorities should have the power to impound vehicles used in connection with touting.	Page 193	Outside the scope of current legislation
Recommendation 75	Fixed penalties should be among the sanctions available in respect of minor criminal offences under taxi and private hire legislation.	Page 195	Outside the scope of current legislation
Recommendation 76	Extending the power to suspend licences immediately on grounds of public safety to all licence types, in line with the current position in London.	Page 196	Outside the scope of current legislation
Recommendation 77	Licensing officers should be able to take non-criminal enforcement action against vehicles, drivers and operators, licensed outside their licensing area.	Page 198	Outside the scope of current legislation
Recommendation 78	Powers to revoke a licence should be available only to the licensing authority which issued that licence. However, enforcement officers in another area should have the power to: (a) suspend a licence when they consider this to be necessary in the interests of public safety; and (b) make recommendations to the home licensing authority as to appropriate sanctions, to which the home authority must have regard.	Page 200	Outside the scope of current legislation

HEARINGS AND APPEALS

Recommendation 79	The right to appeal against refusals to grant or renew taxi and private hire licences or to suspend or revoke them should be limited to the applicant or licence holder.	Page 202	Currently outside the scope of present Legislation
Recommendation 80	That the first stage in the appeal process in respect of refusals, suspensions or revocations of licences should be the right to require licensing authorities to reconsider the original decision. Appellants should have the right to bypass this stage and proceed direct to the magistrates' court. <i>(Page 206)</i>	Page 206	This recommendation could be considered as applicants could still bypass direct to Magistrates if they wish
Recommendation 81	That all taxi and private hire licensing appeals should be heard in the magistrates' court.	Page 209	Outside the scope of current legislation
Recommendation 82	The retention of an onward right of appeal to the Crown Court	Page 210	
Recommendation 83	Applicants for a vehicle licence for an opt-in vehicle should have a right of appeal to the Upper Tribunal if their application is refused on the basis of an objection by the Senior Traffic Commissioner.	Page 210	Outside scope of current legislation
Recommendation 84	That a County Court judicial review procedure along the lines provided under the Housing Act 1996 should be available to challenge taxi conditions set by licensing authorities. <i>(Page 212)</i>	Page 212	Outside scope of current legislation

Taxi Policies that impact on licence fees

Policy	Impact
Vehicle Testing Policy	Frequency and type of vehicle testing directly impact on vehicle licence fees'
Taxi Marshals	The cost of the taxi marshal service is funded from a £158 cost placed on hackney carriage proprietor licence fees. This was introduced in parallel with an increase in the night-time tariff to enable the trade to recoup the cost of the taxi marshal service from customers
Taxi Enforcement costs	Costs associated with determining whether a driver is fit and proper to hold a licence together with vehicle and operator enforcement costs are recovered from appropriate licence fees.
Driver Licence Administrative Costs	Costs of the administration is directly affected by the duration of licences and checks undertaken e.g DBS criminality checks, Medical Tests, DVLA motoring conviction checks