

LICENSING AND REGULATION COMMITTEE

14 June 2012

REFORMING THE LAW OF TAXIS AND PRIVATE HIRE SERVICES –
CONSULTATION PAPER

REPORT OF HEAD OF LEGAL SERVICES

Contact Officer: Cindy Tetstall Tel No: 01962 848 123 ctetstall@winchester.gov.uk

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

The Government has published the attached consultation paper, “Reforming the Law of Taxis and Private Hire Services”, and asked for comments to be returned by 10 September 2012.

This Report therefore provides Members with the opportunity to consider the implications of the paper and (in addition to any issues that might be raised at 14 June meeting) submit their comments to the Head of Legal Services by 31 July 2012.

At the time of the publication of this Report, it has not been possible to set out a detailed officer response to the paper.

RECOMMENDATION:

That the Report be noted and any detailed comments on the paper be forwarded to the Head of Legal Services by 31 July 2012

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1. The Law Commission's Consultation Paper – "Reforming the Law of Taxis and Private Hire Services" seeks to clarify and simplify the existing law on hackney carriages [referred to throughout the consultation and therefore in this report as "taxis"] and private hire vehicles and to promote more consistency in minimum safety standards across England and Wales, including better provision for disabled passengers.
2. The other key aim of the review is to deregulate aspects not linked to protecting public safety in order to encourage more competitive services. The Law Commission therefore intends to recommend a new Act of Parliament for taxi and private hire services.
3. No major changes to the way in which licensing is administered and enforced are proposed. As now, local authorities would be responsible for issuing licences, and for taking action (with the police) against those who break the law. In respect of taxis, local authorities would continue to have a standard setting role, over and above the national minimum safety standards. Matters such as geographical knowledge, fares and local requirements could continue to apply.
4. The Law Commission considers that the legal differences in the "two tier system" between taxis and private hire vehicles (often known as mini-cabs) should be retained as it allows for more targeted regulation.
5. The main changes that might follow as a result of the consultation are as follows:-
 - (1) National minimum safety standards for both taxis and private hire vehicles.
 - (2) Changes to standard-setting: additional local standards, above the national standards, would continue to apply to taxis (for example, geographical knowledge and vehicle requirements). However, for private hire vehicles, only the national standards would apply and there would be no scope for additional local standards. However comments are sought on possible exceptions; where local private hire standards may be retained, for example, in respect of signage.

(3) It would be easier for private hire services to operate on a national basis. The consultation seeks views on the suggestion that private hire operators would no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by the same licensing authority. Sub-contracting would be allowed, as is already the case in London.

(4) London would be regulated under the same flexible framework as the rest of England and Wales.

(5) Licensing authorities could no longer limit the number of taxi licences.[Winchester does not do so.]

(6) More enforcement powers for licensing officers against out-of-borough vehicles and drivers.

(7) Disability awareness training for drivers.

(8) Introduction of a statutory definition of “plying for hire” (but without changing it in substance).

(9) Weddings and funeral cars would no longer be exempted through primary legislation.

(10) Allowing leisure use of taxis and private hire vehicles.

(11) Bringing more vehicles within the licensing system (including for example limousines, motorbikes and pedicabs) – but giving the Secretary of State power to make exclusions, and to set separate standards, in respect of different categories of vehicle.

(12) Clearer exclusions for volunteers and other services where transport is not the main service provided, such as childminders.

(13) Powers for government to issue binding statutory guidance to create greater consistency in how taxi and private hire legislation is applied.

6. The Consultation also asks for comments on the following suggestions:-

(1) a new category of wheelchair accessible vehicles;

(2) extending operator licensing to taxi radio circuits;

(3) possible use of the term “taxi” in respect of private hire services if used in phrases like “pre-booked taxi only”;

(4) reintroducing a (revised) contract exemption;

(5) improving the enforcement powers of licensing officers; and

(6) a new “peak time” taxi licence that could only be used at particular times of day as decided by the licensing authority.

7. The full Consultation, together with an Impact Assessment and list of questions can be seen at Appendix 1.
8. The deadline for responses has been extended to 10 September 2012. Members are therefore asked to forward any detailed comments to the Head of Legal Services by 31 July 2012.
9. The Law Commission plans to publish a final report with a draft Bill in November 2013.

APPENDIX 1:

THE GOVERNMENT CONSULTATION PAPER:

“REFORMING THE LAW OF TAXIS AND PRIVATE HIRE SERVICES – CONSULTATION PAPER”

<http://lawcommission.justice.gov.uk/consultations/1804.htm>

Due to the size of this document, it has not been reproduced in paper format. If Members require a paper copy, please contact Democratic Services.

OTHER CONSIDERATIONS:

5 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

- 5.1 The report concerns issues which relate to the Outcomes of Active Communities and Prosperous Economy.

6 RESOURCE IMPLICATIONS:

- 6.1 It is not possible to forecast the full financial implications at this stage. Further details will be reported in due course.
- 6.2 It is anticipated that any changes would continue with the existing policy that charges are set on a full cost recovery basis. This would mean no net change in budgetary terms.

7 RISK MANAGEMENT ISSUES

7.1 At this stage, it has not been possible to prepare a detailed officer response to the paper and therefore assess the risk involved.

BACKGROUND DOCUMENTS:

None