

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee . Environmental
Services Portfolio Holder

5 July 2012

AUTHOR/S: Director – Health and Environmental Services

LAW COMMISSION TAXI REFORM CONSULTATION

Purpose

1. To prepare a response in respect of the law Commission consultation on Taxi and Private Hire legislative reform.
2. This is not a key decision because at this stage this is a response to a consultation document.

Recommendations

3. That The Licensing committee recommend to the Environmental Services Portfolio Holder that the consultation response be approved and submitted to the Law Commission as the formal response by South Cambridgeshire District Council.

Reasons for Recommendations

4. This response will form part of a national consultation to consider redrafting current legislation covering all licensing matters in respect of drivers, vehicle and operators licensed under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 part II

Background

5. The Law Commission is independent of the Government, it reviews the law, and makes provisional proposals for reform.
6. In July 2011 the Law Commission agreed to undertake a law reform project on the law of taxis and private hire vehicles. The project was proposed by the Department for Transport.
7. In England and Wales, both taxis and private hire vehicles must be licensed. There is a fundamental legal distinction between taxi and private hire services. Taxis, referred to as “hackney carriages” in much of the legislation, can be hailed on the street or work at a rank for immediate hire. Only taxis can do this, which is referred to in law as “plying for hire”. Alternatively, taxis can be booked in advance either directly with the driver or through a third party without the need for an additional licence. By contrast private hire vehicles cannot “ply for hire” and can only be booked in advance. Private hire drivers cannot take bookings directly and can only take passengers that have booked through a licensed operator. A person engaging in any of these activities without the correct licence is committing a criminal offence.
8. The consultation document proposes the following key changes

- National minimum safety standards for both taxis and private hire vehicles.
- Changes to standard-setting: additional local standards, above the national standards, would continue to apply to taxis (for example, topographical 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 we ask about possible exceptions where local private hire standards may be retained, for example, in respect of signage.
- It would be easier for private hire services to operate on a national basis. We suggest 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. Subcontracting would be allowed, as is already the case in London.
- London would be regulated under the same flexible framework as the rest of England and Wales.
- Licensing authorities could no longer limit the number of taxi licences.
- More enforcement powers for licensing officers against out-of-borough vehicles and drivers.
- Disability awareness training for drivers.
- Introduction of a statutory definition of “plying for hire” (but without changing it in substance).
- Weddings and funeral cars would no longer be exempted through primary legislation.
- Allowing leisure use of taxis and private hire vehicles.
- Bringing more vehicles within the licensing system (including for example limousines, motorbikes and pedicabs) – but giving the Secretary of State
- Clearer exclusions for volunteers and other services where transport is not the main service provided, such as childminders.
- Powers for government to issue binding statutory guidance to create greater consistency in how taxi and private hire legislation is applied.

9. South Cambridgeshire has by the rural nature of the district developed in a slightly different way to most Local Authorities in that we have very few hackney Carriages and a significant number of Private Hire, the current statistics are ;-
- Private Hire drivers – 818
 - Private Hire vehicles – 667
 - Private Hire operating companies – 138
 - Hackney Carriage drivers – 12
 - Hackney Carriage vehicles - 10
10. In addition to the numbers above, South Cambridgeshire District Council currently has no official taxi ranks in South Cambridgeshire.
11. Due to the small numbers of Hackney Carriages in South Cambridgeshire, certain questions within the consultation are not relevant to this authority, questions such as Zoning, quantity restrictions.
12. The consultation deadline is the 10th September 2012, it is anticipated that the findings from this nationwide consultation will be fundamental in drafting new legislation which, subject to Government approval, will be tabled during 2014/15.
13. In addition to the response submitted by South Cambridgeshire District Council (APPENDIX A), Mr Bebbington has also been invited to sit on a select working group instigated by the law Commission and involving approximately 15 persons

representing views of the trade, legal profession, Local Authorities and user groups. This group meets with the Commission to act as a steering group.

Considerations

14. To consider submitting a response for consideration by the Law Commission when developing future legislation

Options

15. Members may either submit a response or decline to do so, it is not compulsory to formulate a response.

Implications

16. There are no immediate implications arising from any consultation response submitted by the authority, however any response submitted will be considered in the future development of any new taxi/private hire legislation.

17.	Financial	There are no financial implications arising from this report
	Legal	There are no legal implications arising from this report
	Staffing	There are no staffing implications arising from this report
	Risk Management	N/A
	Equality and Diversity	N/A
	Equality Impact Assessment completed	NO – This is a consultation response only and does not affect any existing policy
	Climate Change	N/A

Consultations

18. South Cambridgeshire District Council are the consultees in this particular instance

Consultation with Children and Young People

19. Not applicable

Effect on Strategic Aims

20. Any response to the consultation will have no effect on the strategic aims of South Cambridgeshire District Council

Conclusions / Summary

21. The law Commission has embarked on a national consultation with a wide range of people including, the Public, trade, regulators and any persons or business who may have contact with the Taxi trade in general.
22. The purpose is to seek views on how to reform current legislation that in some cases dates back to the 1840's and is widely recognised as not fit for purpose in today's modern society.

23. It is envisaged that following this consultation process the Law Commission will draft new legislation with a view to it being introduced by 2015.

Background Papers: the following background papers were used in the preparation of this report:

Reforming the law of Taxi and private hire services – Law Commission

Contact Officer: Myles Bebbington – Licensing Officer
Telephone: (01954) 713132