

LICENSING COMMITTEE (NON LICENSING FUNCTIONS)

Agenda Item 8

Brighton & Hove City Council

Subject:	Consultation on Reforming the law of taxi and private hire services		
Date of Meeting:	28 June 2012		
Report of:	Head of Planning and Public Protection		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To report on the Consultation on Reforming the law of taxi and private hire services.

2. RECOMMENDATIONS:

That Committee endorses a response to the Law Commission that local authorities

- should be allowed to retain the power restrict numbers of hackney carriages which is current licensing policy;
- should be allowed to set distinctive local vehicle standards such as livery (provisional proposal 34);
- should have comprehensive powers to set taxi fares for consumer protection (provisional proposal 43);
- should be allowed to set standards for drivers, such as topographical knowledge testing for private hire drivers, (Q27);
- have adequate powers to control cross border hiring (1.15 of summary);

and this local authority would support any measures that would assist disabled passengers (Q57/63).

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 10 May 2012, the Law Commission launched consultation on reforming the law of taxi and private hire services.
- 3.2 Here is a link: <http://lawcommission.justice.gov.uk/consultations/1804.htm>

- 3.3 Included in the proposals are national minimum standards for both taxis and private hire vehicles; changes to standard setting; private hire operators no longer restricted to accepting or inviting bookings within a particular locality; London would be regulated as the rest of England and Wales; licensing authorities could no longer limit the number of taxi licences; more enforcement powers for officers; disability awareness training for drivers; introduction of a statutory definition of “plying for hire “; weddings and funeral cars no longer exempted; allowing leisure use of taxis and private hire vehicles; bringing more vehicles into the licensing system (e.g. including limousines, motorbikes and pedicabs); clearer exclusions for volunteers and other services where transport is not the main service provided (e.g. childminders); and powers for government to issue binding statutory guidance to create greater consistency in how taxi and private hire legislation is applied.
- 3.4 The Law Commission is also asking questions about
- 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.
- 3.5 The full summary can be found at appendix 1.
- 3.6 The consultation paper includes a list of provisional proposals and questions. Please see appendix 2 for a full list of those proposals and questions.
- 3.7 Although the consultation paper includes a long list of proposals and questions (74), officers believe that many questions are either not relevant or do not require a response. However, there are six points which officers feel are extremely important or particularly sensitive, namely that local authorities should be allowed to restrict numbers of vehicles (provisional proposal 54 says LA’s should no longer have the power to restrict taxi numbers, Q55/56 also refer); local authorities should be allowed to set local standards such as livery (provisional proposal 34); local authorities should have comprehensive powers to set taxi fares (provisional proposal 43); local authorities should be allowed to set standards for drivers, especially private hire drivers, (Q27); cross border hire (1.15 of summary); this local authority would support any measures that would assist disabled passengers (Q57/63).
- 3.8 Law Commission provisional proposal 60 states “We do not propose to introduce national quotas of wheelchair accessible vehicles”. Provisional proposal 61 “National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training”.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 This matter has been discussed at the Taxi Forum.

- 4.2 Consultation closes on 10 September 2012. The Law Commission aims to produce a report with their final proposals and a draft Bill by November 2013.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications associated with the recommendation in this report, other than for the use of officer time.

Finance Officer Consulted: Karen Brookshaw Date: 17/05/2012

Legal Implications:

- 5.2 The Licensing (Non Licensing Act) Committee is empowered to discharge the council's functions regarding licensing and registration and any associated or connected functions. Approving the proposed response to the consultation paper is therefore within its powers.

Lawyer Consulted: Liz Woodley Date: 18/06/2012

Equalities Implications:

- 5.3 Recommendations are designed to promote equality of opportunity, eliminate unlawful discrimination, promote participation in public life and meet the needs of disabled people. Improving access to taxis/Private Hire Vehicles (PHVs) is a priority action in the council's Equality Scheme. Improving access to services by public transport is included in the Local Area Agreement.

Sustainability Implications:

- 5.4 The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. Improving accessibility is one of the government's four shared transport priorities.

Crime & Disorder Implications:

- 5.5 Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime.

Risk and Opportunity Management Implications:

- 5.6 The transport industry should be safe, profitable and be a positive experience for all residents and visitors.

Public Health Implications:

- 5.7 Providing a range of transport options for all passengers improves physical, mental and social wellbeing.

Corporate / Citywide Implications:

- 5.8 Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 N/A

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To update Licensing Committee.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary document “Reforming the law of taxi and private hire services”
2. List of provisional proposals and questions.

Documents in Members’ Rooms

1. None.

Background Documents

1. None.