

AGENDA ITEM: 7

SUMMARY



Report for:	Licensing Health & Safety Enforcement Sub-Committee
Date of meeting:	Tuesday 28 th August 2012
PART:	1
If Part II, reason:	

Title of report:	TAXI LICENSING LAW REFORM PROPOSALS
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To advise the Committee of proposals to reform taxi and private hire licensing law
Recommendations	That Members note the contents of the report
Corporate objectives:	Safe and Clean Environment <ul style="list-style-type: none">Public safety standards, in respect of both licensed vehicles and their drivers, are a key focus of the proposed reforms, which include the introduction for the first time of national minimum safety standards.
Implications:	<u>Financial</u> The transition to a new taxi licensing system is likely to have cost implications in adopting and exercising the revised scheme, and revenue implications in terms of application fees – however, this report marks the very first stage in this process, and insufficient details are currently available to formally assess these implications at this time. <u>Value for Money</u> As 'Financial'
Risk Implications	Not applicable
Equalities Implications	An Impact Assessment has been produced by the Law Commission as part of their proposals
Health And Safety Implications	Not applicable

Consultees:	Consultation is being carried out by the Law Commission.
Background papers:	Law Commission Consultation Paper No 203: Reforming the Law of Taxi and Private Hire Services, and summary
Glossary of acronyms and any other abbreviations used in this report:	

1. CURRENT LEGISLATION

1.1. Dacorum Borough Council is responsible for the regulation of hackney carriage (taxi) and private hire services within its area. The key pieces of legislation under which these services are controlled are:

Town Police Clauses Acts of 1847 and 1889
Local Government (Miscellaneous Provisions) Act 1976
Transport Acts of 1980, 1981 and 1985
Disability Discrimination Act 1995
Equality Act 2010

A large number of minor Acts have also impacted upon certain aspects of the overall regulatory scheme.

1.2. Currently, the proprietors and drivers of hackney carriage vehicles, and the operators, proprietors and drivers of private hire vehicles, are required to obtain licences from the council to permit their conduct in the relevant role. A number of policies, standards, byelaws and conditions have been adopted by the council in respect of the administration and enforcement of these licence types.

1.3. The age of the primary legislation, coupled with the piecemeal way in which subsequent modifications have been applied, present numerous challenges, both for the trade and for regulatory authorities, in interpreting and reconciling outdated statutory provisions, and applying those provisions to new technological, political and economic developments. There is also significant variation amongst authorities in respect of the processes, policies, standards and application fees adopted, reflecting both local preferences and the lack (until recently) of any formal guidance from central Government as to how individual local authorities should be carrying on their functions.

2. PROPOSED REFORM

2.1. The House of Commons Transport Select Committee reported to Parliament in July 2011 on the need to reform taxi licensing laws, after considering numerous submissions on defects and problems arising from the current scheme of legislation. The Department for Transport subsequently proposed a programme of reform, which has been adopted by the Law Commission.

2.2. The Law Commission published a consultation document in May 2012, setting out a number of proposals for reform. The full consultation paper, which runs to more than 200 pages, is available via the Commission's website, at <http://lawcommission.justice.gov.uk/consultations/1804.htm>

2.3. The key proposals are:

- To retain the current distinction between taxi and pre-booked private hire services, and introduce a revised two-tier licensing system
- To introduce national minimum safety standards and conditions for both taxi and private hire vehicles and drivers (individual authorities would be permitted to specify more stringent standards for taxis, but not for private hire)
- To allow private hire operators to operate on a national or regional basis, permitting the use of vehicles and drivers licensed by a different authority, and to allow sub-contracting between operators
- To remove licensing authorities discretion to limit the number of taxis they will licence on unmet demand grounds
- New enforcement powers for council officers and police
- Mandatory disability awareness training for licensed drivers
- To permit leisure use of licensed vehicles by non-licensed drivers
- Widening the licensing scheme to encompass further vehicle types – e.g. motorbikes, tuk-tuks, pedicabs, as well as funeral and wedding car services
- New binding statutory guidance from the Government to ensure consistency in application of the revised laws

2.4. A separate document published by the Commission, which contains a fuller summary of the proposals at pages 8 to 15, is attached to this report as Annex A.

2.5. Representatives of the Law Commission have been invited to the Civic Centre on Thursday 30th August to give an overview of their proposals to Members and trade representatives.

2.6. The Commission's consultation on their proposals closes on the 10th September 2012. A response to the consultation on behalf of the authority has not currently been prepared nor sent.

3. TIMELINE

3.1. At this time, these proposals do not require any action to be taken by individual authorities, other than submission of consultation responses. The current licensing system will continue to operate until such time as any new legislation receives Royal Assent and is commenced.

3.2. The Law Commission have indicated that they intend to report the outcome of their review and consultation process to Parliament, and to submit a draft reform Bill, by November 2013. It would then be up to the Government to include the draft Bill within a legislative program, and the nature of the proposed changes would suggest that any subsequent debates and Committee hearings would be fairly lengthy.

3.3. The timeline for implementation of any changes is therefore likely to be around three years as a minimum, dependent upon the availability of Parliamentary time and the will of Parliament to reform the current laws.