

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
<b>GENERAL LICENSING COMMITTEE</b>	<b>9 SEPTEMBER 2014</b>

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<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
<b>LAW COMMISSION REPORT ON TAXI AND PRIVATE HIRE SERVICES</b>	<b>REGENERATION, LEISURE AND HEALTHY COMMUNITIES</b>	<b>NIKY BARRETT</b>	

## **SUMMARY AND LINK TO CORPORATE PRIORITIES**

A report summarising the Law Commissions Report on taxi and private hire services.

## **RECOMMENDATIONS**

That Committee note the report.

## **DETAILS AND REASONING**

On 23 May 2014 the Law Commission finally published its full report. The full report, which can be accessed on the Law Commission's website, is in excess of 200 pages containing 84 recommendations and a draft Taxi and Private Hire Vehicles Bill setting out in detail how the Commission would propose to enact their proposed legislative changes.

The following is a highlight of their recommendations which may be of particular interest to the Committee:

- (1) The retention of a two-tier system of taxis and private hire vehicles
- (2) The retention of quantity controls for taxis if it is in the "public interest" rather than an "unmet demand" test (and subject to three yearly review)
- (3) The introduction of national standards for taxi and PHV drivers, vehicles and dispatchers / operators (with Councils able to set additional standards locally for taxis only, not private hire)
- (4) The abolition of the concept of "plying for hire" and its replacement with specific legal offences which would prevent PHV Drivers from accepting "there and then" hirings
- (5) The role of a licensed PHV operator to be replaced by a licensed "dispatcher"
- (6) Allowing licensed PHV Dispatchers to take bookings from outside their licensed area and to use vehicles and drivers licensed by another local authority (the end of the "triple licence" system currently in place requiring an operator to only use vehicles and drivers licensed by the same Council which licences him)
- (7) Dispatchers to sub-contract bookings to any other dispatcher
- (8) Council enforcement officers will have powers (short of criminal prosecution) to enforce national standard conditions against all licensed drivers/vehicles irrespective of which Council licences them (power to give fixed penalty notices to be introduced)

- (9) Private Hire Licence Fees will be prescribed nationally by central Government to provide uniformity
- (10) Taxi Licence Fees will continue to be set locally on a cost-recovery basis
- (11) New power to require PHVs to “move on” if the officer considers the public may think they are available for immediate hire , or causing an obstruction or attempting to take work from ranked taxis
- (12) Unlicensed drivers could drive licensed vehicles but the presumption will be they are being used professionally unless the driver can prove to the contrary
- (13) A person will not have to own a vehicle to licence it (so a person leasing a vehicle could apply for a licence)
- (14) Councils should have the optional power to combine their taxi and private hire licensing areas to create “greater efficiency”

## WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below. A risk assessment has also been carried out. The table shows the implications in respect of each of these.

<b>FINANCIAL</b>	None
<b>LEGAL</b>	If enacted, the draft bill will require the Licensing Authority to completely review its policies and procedures for the regulation taxis and private hire vehicles
<b>RISK</b>	
<b>THE IMPACT ON EQUALITY</b>	None
<b>OTHER (see below)</b>	

<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

## BACKGROUND DOCUMENTS

Law Commissions Report on taxi and private hire services (Law Com No 347)