

Report from the Assistant Director – Housing and Public Protection

Reforming the Law of Taxi and Private Hire Services

Summary

1. This report advises members of a recent consultation from the Law Commission regarding proposals to reform the law relating to taxi and private hire services. It seeks members approval regarding the councils response to the consultation.

Background

2. In July 2011, the Law Commission agreed to undertake a law reform project on the law of taxi and private hire vehicles. The project was proposed by the Department of Transport. A consultation document has been produced which reviews the law and makes provisional proposals for reform. A full copy of the consultation documents can be found at <http://lawcommission.justice.gov.uk/consultations/1804.htm>, a summary is attached at Annex 1.
3. The law on taxi (hackney carriages) and private hire vehicles is fragmented, complex, and out of touch with 21st century life. The oldest taxi legislation that still applies dates from 1831 and the regime has been extended, amended and adapted ever since. Private hire vehicles legislation was not introduced until 1976 in response to growth in the unlicensed trade, and many regard it as hastily constructed and ill thought out.
4. Both taxi and private hire services are highly regulated. Safety is a key justification for the licensing system as a whole yet there are no national minimum safety standards for drivers and vehicles.
5. The main changes that might follow the Law Commissions provisional proposals include:

- a) National minimum safety standards for both taxi and private hire vehicles.
- b) Changes to standard-setting: additional local standards, above the national standards, would continue to apply for taxis. However private hire vehicles, only the national standards would apply and there would be no scope for additional local standards.
- c) It would be easier for private hire services to operate on a national basis.
- d) London would be regulated under the same flexible framework as the rest of England and Wales.
- e) Licensing authorities could no longer limit the number of taxi licences.
- f) More enforcement powers for licensing officers against out-of-borough vehicles and drivers.
- g) Disability awareness training for drivers.
- h) Introduction of a statutory definition of “plying for hire”.
- i) Weddings and funeral cars would no longer be exempted through primary legislation.
- j) Allowing leisure use of taxi and private hire vehicles.
- k) Bringing more vehicles within the licensing system, but giving the Secretary of State power to make exclusions, and to set separate standards, in respect of different categories of vehicles.
- l) Clearer exclusions for volunteers and other services where transport is not the main service provided.
- m) Powers for government to issue binding statutory guidance to create greater consistency in how taxi and private hire legislation is applied.

Consultation

6. The Law Commission has consulted a wide range of persons and organisations. The council has not undertaken a local consultation, although officers have made sure that Hackney Carriage and Private Hire Association are aware of this consultation along with Environmental Protection Officers and North Yorkshire Police.

Options

7. The provisional proposals and questions along with officers responses are attached at Annex 2.

8. Option 1 - Agree with the officer responses.

9. Option 2 - Amend officers responses.

Analysis

10. Officers are in broad agreement with regards to a number of the proposals, however a number of points need further consultation with licensing authorities.

Council Priorities

11. Reforming the law of taxi and private hire services supports the council priority of 'Get York Moving'.

Implications

12.

(a) **Financial**

Any financial implications relating to this proposed reform are not known at this time.

(b) **Human Resources (HR)**

There are no HR implications.

(c) **Equalities**

The reform of the law promotes wheelchair accessible vehicles and disability awareness training for drivers.

(d) **Legal**

There are no legal implications.

(e) **Crime and Disorder**

There are no crime and disorder implications.

(f) **Information Technology (IT)**

There are no IT implications.

(g) **Property**

There are no property implications.

(h) **Other**

There are no other implications.

Risk Management

13. There are no known risks associated with this report.

Recommendations

14. Members are asked to approve option 1 and instruct officers to submit the response to the Law Commission.

Reason: To enable to Council to provide a response to the Law Commission consultation.

Contact Details

Author:	Chief Officer Responsible for the report:		
Lesley Cooke Licensing Manager 01904 551515	Steve Waddington Assistant Director – Housing and Community Safety		
	Report Approved	√	Date 13/07/12
Specialist Implications Officer(s) Head of Legal & Democratic Services Ext: 1004			
Wards Affected:		All	√
For further information please contact the author of the report			

Annexes

- Annex 1** – Summary on the Law Commissions consultation paper
- Annex 2** – Provisional proposals and questions with officer responses