

Law Commissions Consultation on Reforming the Law of Taxi and Private Hire Services

Submitted by: **Head of Central Services**

Purpose

To inform the Committee of the views of their officers concerning the Law Commissions Consultation on Reforming the Law of Taxi and Private Hire Services.

1. Background

- 1.1 The Law Commission are currently consulting Local Authorities about reviewing Private Hire and Hackney Carriages.

The Terms of Reference are as follows:

To review the law relating to the regulation of Taxis and Private Hire Vehicles, with a view to its modernisation and simplification, having due regard to the potential advantages of de-regulation in reducing the burdens on business.

The process for consultation requires the Council to study the Consultation Document and make a response to the Law Commission by 10th September 2012.

Your officers have studied the document and have concluded that the following responses reflect the views of your officers.

Provisional Proposal (PP) (1) Agree – as it maintains a competitive market and provides choice for the public.

PP (2) Agree – it would be illogical to differentiate between various parts of the Country.

PP (3) Maintain that only motor cars (and at a later date stretch limousines subject to appropriate conditions and regulations) be restricted to the regime.

Question (Q) (4) Yes – as there are and would be set standards i.e. medicals and passing a driving test.

PP (5) Agree.

PP (6) – That the current situation be maintained and that stagecoaches are not included with the exclusions.

PP (7) – We accept that stretch limousines and novelty vehicles can be licensed – however, guidance should be issued to whoever licences them. Stretch limousines should be licensed at local level but novelty vehicles should be licensed by the Traffic Commissioner.

PP (8) – The proposal be agreed to and maintain the current position.

PP (9) – This should not be included in the regulation. Local authorities should not be involved.

PP (10) – Whatever the Secretary of State determines is OK. He should be able to make decisions i.e. national exclusions.

PP (11) – These vehicles should be included in the licensing regime as they regularly carry members of the public.

PP (12) – It is considered there are no merits in re-introducing the contract exemption.

PP (13) – It was agreed that engaging with the public should not be limited to streets.

Q (14) – Your officers had no views to this question.

PP (15) – The proposal was agreeable, in that anything that assists in enforcement and the concept of plying for hire should be put on a statutory footing in order to facilitate enforcement.

PP (16) – Agreed the proposal in that the critical factor regarding pre-booking is the method of engagement not the speed.

Q (17) – We see the advantages of adopting the Scottish definition but have concerns about the definition of a Public Place and consider that this should be tightened up with regards to “should not be limited to streets”.

PP (18) – Compellability should be retained.

PP (19) – Yes – pre booking should continue to be the only method.

PP (20) – Disagree with the proposal and feel that the status quo should remain – reason – there would inevitably be enforcement issues arising.

PP (21) – Agree the Secretary of State and Government Ministers should have the power.

PP (22) – Disagree – the term hackney carriage should remain.

Q (23) – No, private hire should not use the words taxi or cab – there should be no customer confusion, if the journey has not been pre-booked the driver should refuse.

PP (24) – Yes there should be national safety requirements.

PP (25) – Yes standards should be a minimum provided that local authorities maintain the ability to add additional higher standards.

PP (26) – Yes national safety standards should be mandatory.

PP (27) – Agree to national safety standards – but quality standards should be set at local level e.g. topographical test for drivers.

Q (28) – Yes and yes; however there should be national minimum standards relating to signage.

Q (29) – Problems would occur when national safety standards are implemented and have a financial cost to the proprietors.

Q (30) – Guidance should be sought from the H.S.E. or any other appropriate body. There may be differences between Hackney Carriages and Private Hire and both should be risk assessed.

PP (31) – Yes, but at a local level retain the power to add to any minimum conditions.

PP (32) – Yes, subject to Statutory Consultation.

Q (33) – By consultation with the proprietors of Hackney Carriages and Private Hire Vehicles and vehicle manufacturers, secondly there should be a requirement to refer to a technical advisory panel.

PP (34) – Yes, local authorities should retain the power.

Q (35) – No, there should be no statutory limit to set local taxi standards.

Q (36) – Yes, local authorities should retain the power to impose individual conditions.

Q (37) – It is best left to local arrangements.

PP (38) – Yes, authorities should have the option.

PP (39) – Yes, authorities should have the option to create or remove taxi zones within their area.

Q (40) – Yes with reservation – it would be useful, however it may present possible enforcement problems.

PP (41) – Agree that operators should not be restricted within a locality, however they should continue to only use vehicles and drivers licensed by the same authority that issued the Operators licence.

PP (42) – Agree no requirement needed.

PP (43) – Agree.

Q (44) – No.

Q (45) – Either of the options would be agreeable providing that the local authority retained the ability to exercise its discretion in individual circumstances.

PP (46) – Agree the proposal.

Q (47) – In relation to insurance cover standards should be in primary legislation.

PP (48) – Yes, should be retained as mandatory.

Q (49) – No – operator licensing should not be extended.

PP (50) – No – there should be no extension of the definition of operators.

Q (51) – Yes.

PP (52) – Yes – if acting outside its controlled district.

Q (53) – Yes – records should be kept.

PP (54) – Agreed.

Q (55) – Unable to think of any problems.

Q (56) – No – market fees would dictate and manage sustainable growth.

Q (57) – Yes – 1) may be impractical; 2) good idea.

Q (58) – No lower fees.

Q (59) – By allowing a longer life of the licence and dedicated rank space.

PP (60) – It has been noted not to introduce national quota's – however, it is felt that in order to promote wheelchair accessible vehicles that in Newcastle's case this could be overcome by deregulation and the conditions of issuing licences.

PP (61) – Yes, agree to the proposal.

PP (62) – Logically yes; practically there may be problems as information inside the vehicle.

Q (63) – Again logically yes, however it may prove difficult to enforce.

Q (64) – Yes.

Q (65) – This question has no relevance for Newcastle.

Q (66) – It would be reasonable to have the power to impound vehicles, however the practicality of doing so may prove difficult.

Q (67) – The use of fixed penalties would be a useful tool in the local authorities armoury so long as primary legislation enabled it.

PP (68) – Yes, officers should have the power.

Q (69) – Yes – by legislation.

PP (70) – Agree to the proposal.

PP (71) – No – disagree.

PP (72) – Consideration should be given to setting up special tribunals who would have a greater knowledge of the legislation, the local conditions and policies.

Q (73) – Following on from the previous answer, logically the next step would be to appeal to the Magistrate's Court.

Issues.

There are no issues in this report

Proposal :- That your officers responses to the Consultation document be adopted together with any amendments proposed at the meeting and the comments to be forwarded to the Law Commission.