

**Report of Head of Licensing and Registration**

**Report to Licensing Committee**

**Date: 26 June 2012**

**Subject: Law Commission Consultation Paper 'Reforming the Law of Taxi & Private Hire Services'**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. The Law Commission has been tasked with reviewing the existing Hackney Carriage and Private Hire legislation.
2. The Commission has committed itself to research, including meeting with Licensing Officers, and has produced a consultation paper on the reform proposals. The deadline for responses to the consultation is 10 September 2012.
3. Leeds City Council should respond to the consultation process and that should include the views of Elected Members, Officers and Legal advice to serve the interests of the public of Leeds.

**Recommendations**

4. That Officers consider the proposals and questions posed in the Law Commission Report, and prepare a draft response for Members to consider and comment on by 16 July 2012. Members are asked for their comments on the draft response by 31 July 2012 to enable a full response within the consultation timescales.

## 1 Purpose of this report

- 1.1 To inform Members of the consultation; give an overview of the issues in the consultation paper and to propose that a response is provided to the consultation by Officers on behalf of the council, after the draft has been considered by Members of the Licensing Committee.
- 1.2 To direct Members to the executive summary of the Law Commission report in the first instance, prior to the circulation of the draft Officer's response (this will be sent to all Members electronically. Additional information can be obtained from the link at 7.2).

## 2 Background information

- 2.1 The primary existing Hackney Carriage legislation dates back to 1847, with a variety of supplementary Acts in-between. The most relevant Act is the Local Government (Miscellaneous Provisions) Act 1976 which was brought into effect to deal with a previously unlicensed private hire service. The 1976 Act also updated legislation around hackney carriages (although it cannot be described as recent).
- 2.2 There have been frustrations around the various Acts which have not always mixed well with changes in society and developing technology. There are opposing views around the country on what shape reform should take, even between licensing officers. The constant pressure for reform from a variety of sources has resulted in the Law Commission undertaking the first stage of review.
- 2.3 The consultation paper sets out the **regulatory and licensing framework** and uses all of the interactions with the existing legislation to highlight **problems with the law and the case for reform**. The paper then addresses **provisional proposals for reform** across the whole of the key functions of licensing regulation and considers consumer benefits and the removal of some business restrictions as key factors.

## 3 Main issues

- 3.1 The paper is very much a mixed bag of proposals which need careful consideration and considered opinion. What seems to be evident is that some of the proposals have a sound basis for moving forward, i.e. a national minimum standard for drivers; whilst others seem to take little account of the reality of the safety and customer care issues facing the larger licensing authorities so often apparent in the trade. For example, removing some Local Authority powers and limiting the regulation on drivers to address bottom-line safety concerns only, which, in effect, might cause the removal of English comprehension testing or local knowledge testing conditions which are locally set. There are also missed opportunities, i.e. owners of licensed vehicle should not be subject to fit and proper tests or other forms of compliance.
- 3.2 It is very important, as one of the largest licensing authorities, that Leeds City Council provides a comprehensive, proportionate and robust response to the areas of concern and at the same time supports national improvements, taking the opportunity to contribute to the minimum standards.

- 3.3 It would be good practice for the response to have strong Member involvement with advice from the Council's legal officers and licensing officers.
- 3.4 Officers will prepare a draft response for Members' comments by 16 July 2012. Members are asked to ensure any comments are provided before 31 July 2012 to ensure the consultation deadline of 10 September 2012 is achieved. This timetable takes account of the traditional holiday period in August. The final agreed response to the consultation will be emailed to all Members of the Licensing Committee for their information.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Leeds City Council is an individual consultee and the response to this consultation is on behalf of Leeds City Council. The trade or other interested stakeholders should provide their own response to this consultation. On that basis there will be no external consultation feeding into our response.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 This is primarily a responsibility for the authors of the consultation paper but the Taxi & Private Hire licensing section can ensure wider knowledge of the paper by use of the Council's internet site, equality hub and media team. The public and other interested stakeholders will be advised that they need to make their own representations.

### **4.3 Council Policies and City Priorities**

- 4.3.1 All Council policies and city priorities will be considered when discussing the proposals and in drafting a response to the consultation.

### **4.4 Resources and Value for Money**

- 4.4.1 There are no resources or value for money issues as this is a response to a consultation document.

### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 The proposals for responding fall within the constitutional scope of the Licensing Committee and it is proposed that a Legal Services Officer will advise on the considerations prior to submission.

### **4.6 Risk Management**

- 4.6.1 Not applicable at this time.

## **5 Conclusions**

- 5.1 That a formal response is necessary from Leeds City Council

- 5.2 The details of the paper and the potential impact of proposals merit a considered and detailed response involving Members and Officers to meet the consultation deadline of 10 September 2012.

## **6 Recommendations**

- 6.1 That Officers consider the proposals and questions posed in the Law Commission Report, and prepare a draft response for Members to consider and comment on by 16 July 2012. Members are asked for their comments on the draft response by 31 July 2012 to enable a full response within the consultation timescales.

## **7 Background documents**

- 7.1 Law Commission Summary of reforming the Law of Taxi and Private Hire Services (forwarded by email to all Licensing Committee Members).
- 7.2 Law Commission Consultation Paper 203 – <http://www.lawcom.gov.uk> (see A-Z of projects >Taxi and Private Hire Services), which includes the summary at 7.1.