

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 14 August 2012

Subject: Law Commission Consultation Paper 'Reforming the Law of Taxi & Private Hire Services' – Draft Response for Approval

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. At the Licensing Committee meeting of 24 July 2012, Members asked that the draft response to the consultation return to the Licensing Committee for final approval. That draft response is attached to this report at Appendix A.

Recommendations

4. That Members approve or amend the draft response at Appendix A, agreeing a final version to return to the Law Commission before their deadline of 10 September 2012.

1 Purpose of this report

- 1.1 To share the draft response to the consultation with Members for any further discussion and any amendment before agreeing a final version to be submitted to the Law Commission by 10 September 2012.

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.
- 2.2 There have been difficulties 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.
- 2.4 At the 24 July 2012 meeting of the Licensing Committee, Members asked officers to draft a response to the consultation and email it to all committee members for any comments, before returning to committee with the final draft for approval.

3 Main issues

- 3.1 The paper contains a multitude of proposals which required careful consideration. 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 and vehicles; 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 Officers have now drafted a response which takes account of Members concerns that it is 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 proposed minimum standards.
- 3.3 Members should note that the draft response now also includes additional comments at Provisional Proposal 1 and Question 55 from the council's Transport Policy Section in City Development. These comments include greater detail of the

congestion and transport box issues Leeds could face with any increase in hackney carriage vehicles,

- 3.4 The draft response is at Appendix A for any further discussion and any amendment before agreeing a final version to be submitted to the Law Commission before 10 September 2012.

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 have been advised to provide their own response to this consultation.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 This is primarily a responsibility for the authors of the consultation paper but officers have ensured wider knowledge of the paper as requested by Members by sending details of the consultation to all Councillors, trade representatives, operators and associations by email and publishing details on the Council's internet site for the public.

4.3 Council Policies and City Priorities

- 4.3.1 All Council policies and city priorities were considered when discussing the proposals and in drafting the 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 Legal Services Officer have been involved in preparing the draft response at Appendix A.

4.6 Risk Management

- 4.6.1 Any risks to the council as proposed in the consultation paper have been highlighted in the draft response at Appendix A.

5 Conclusions

- 5.1 The draft response from Leeds City Council is attached at Appendix A for any final comments by Members before agreeing a final version.

6 Recommendations

- 6.1 That Members approve or amend the draft response at Appendix A, agreeing a final version to return to the Law Commission before their deadline of 10 September 2012.

7 Background documents

- 7.1 Law Commission Consultation Paper 203: “Reforming the Law of Taxi and Private Hire Services” – <http://www.lawcom.gov.uk> (see A-Z of projects >Taxi and Private Hire Services), which includes the summary at 7.1.