

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 25 June 2013

Subject: Law Commission interim report “Reforming the law of Taxi and Private Hire Service”

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| 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. Members will recall the Law Commission undertook national consultation during 2012 regarding reforming the law of Taxi and Private Hire. Officers prepared a detailed response to the list of provisional proposals and questions which was submitted to the Law Commission following consultation with the Licensing Committee.
2. That response took into account the views of Members. The Taxi & Private Hire trade were advised that they should make their own separate response to the consultation.
3. The Law Commission has now produced its interim proposals prior to preparing a draft Bill at the end of 2013 and is not inviting further consultation at this stage.
4. Whilst there are strong indicators of reform or ‘no change’ in some of the proposals there is also insufficient information or detail to enable accurate comment for Members until the draft parliamentary bill is produced in late 2013.
5. The Law Commission summary of the main issues has been prepared at **Appendix 1**.

Recommendations

6. That Members note the report and make any observations they consider appropriate in the circumstances.

1 Purpose of this report

- 1.1 To inform Members of the publication and key issues outlined in the interim proposals of the Law Commission on reforming the law of Taxi and Private Hire service.

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 at the time set out the regulatory and licensing framework and used all of the interactions with the existing legislation to highlight proposals with the law and the case for reform. The paper then addressed 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 The consultation has now completed, the Law Commission has considered the responses received, and has produced this interim statement in advance of finalising proposals to draft new legislation later this year.

3 Main issues

- 3.1 The full interim statement of the Law Commission is attached at **Appendix 1**. It is very difficult to assess the full impact of the proposals, although some, for example the deregulation of the Private Hire trade, will be far reaching, not only in how a Private Hire service is provided to the public but also the role of the Local Authority and significant challenges for enforcement activity.
- 3.2 The Law Commission propose there will be national driver and vehicle standards for the taxi and private hire industry there would remain some local authority control in terms of being able to regulate the numbers of taxis and deal with signage. Taxi services would also remain very local and, as now, would only be able to rank and respond to 'hailings' (flag downs) within the licensing district.

- 3.3 The Law Commission report also seeks to introduce “tougher powers” to enable enforcement officers to stop and impound licensed vehicles and also issue fixed penalty tickets for certain offences yet to be defined.
- 3.4 Currently, if there is a legal challenge to any licensing conditions it would go to full judicial review but it is proposed to change that, so such challenges could be heard on a simplified basis before a District Judge in a County Court. Licensing decision appeals would be heard in the Magistrates Court.
- 3.5 The impact on how these proposals would affect the Licensing Committee cannot be yet assessed and similarly the enforcement function in how the Authority would deal with offending drivers or vehicles from outside of the district is unknown or how the local Authority can influence or express its concerns. The next steps are that the Law Commission will present a draft Bill to the Government towards the end of 2013, but the events after that cannot be predicted.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 At this time there is no further consultation to take place but when further information is made public Officers will provide an update report for Licensing Committee.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Any Equality, Diversity, Cohesion or Integration matters will need to be considered by the Law Commission before they finalise their proposals.

4.3 Council Policies and City Priorities

- 4.3.1 Council policies and city priorities will be considered when more information has been presented by the Law Commission so that a more comprehensive impact assessment can be prepared.

4.4 Resources and Value for Money

- 4.4.1 At this stage there are no resource or value for money issues as this is an information report only.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 At this time there are no issues that can be comprehensively addressed either in terms of the scope of the Licensing Committee or the impact upon currently licensed services.

4.6 Risk Management

- 4.6.1 No formal response is required from Leeds City Council at this time, but Officers will further report to the Licensing Committee when they have more information.

5 Conclusions

- 5.1 It seems some of the proposals would have significant effect on the Private hire service provision, the role of the Council in decision making on local issues, enforcement issues and other implications, there is insufficient information available at this time to brief Elected Members further.

6 Recommendations

- 6.1 That Members note the report and make any observations they consider appropriate in the circumstances.

7 Background documents

Law Commission Interim Statement – Taxi & Private Hire

<http://www.lawcom.gov.uk> (see A-Z of projects>taxi & private hire service)