

FLINTSHIRE COUNTY COUNCIL

REPORT TO: LICENSING COMMITTEE

DATE: THURSDAY, 3 JULY 2014

REPORT BY: CHIEF OFFICER, PLANNING AND THE ENVIRONMENT

SUBJECT: THE FUTURE OF TAXI LEGISLATION

1.00 PURPOSE OF REPORT

1.01 To advise Members of the proposals put forward by the Law Commission in respect of their review of taxi licensing legislation.

2.00 BACKGROUND

2.01 The existing legislation relating to Hackney Carriages dates back to 1847 and that for Private Hire to 1976. There is also a lot of case law which is confusing and sometimes contradictory in nature. The legislation has also not kept up with the rapidly evolving communication technology of the last 20 years.

2.02 The existing regime is based upon two distinct forms of operation:- Hackney Carriages (e.g. like a London black cab) that can ply for hire, pick up passengers on the street and wait at dedicated hackney stands or ranks, and

Private Hire Vehicles which cannot ply for hire and have to be pre-booked via a licensed Operator.

2.03 Local authorities licence vehicles with 8 seats or less. Larger minibuses, coaches and buses are licensed by the Driver and Vehicle Standards Agency.

2.04 Flintshire currently licences 318 private hire vehicles, 72 private hire operators and 6 hackney carriages.

3.00 CONSIDERATIONS

3.01 The proposed new regime aims to have the same basic principles of safe vehicle and safe driver - but with less bureaucracy.

3.02 It will preserve the existing distinct types of operation but will remove the archaic term hackney carriage in favour of 'taxi' and keep the phrase 'private hire vehicle'.

3.03 Administration of the licensing regime and enforcement will continue to be carried out at local level by Licensing Authorities.

3.04 In a significant change from the current arrangement whereby individual licensing authorities have their own suite of locally adopted licence conditions it is proposed that conditions will be standardised across England and Wales and will relate to 4 objectives:-

Public Safety
Accessibility
Enforcement
Environmental Protection

3.05 Licence fees will continue to be charged on a cost recovery basis and the proposal is to have a uniform set of fees to discourage applicants going to wherever is cheapest.

3.06 The current role of Private Hire Operator will be replaced by that of a dispatcher. These licensed individuals will dispatch the vehicle and driver to fulfil a pre-booking. They must ensure that this is by a licensed driver using a licensed vehicle. They will also have to ensure that the required records are made and retained.

3.07 This will facilitate more flexibility and allow 'cross border working' i.e. dispatchers will no longer be limited to using drivers and vehicles from their own licensing area. It is held that because the national standards will be in place all vehicles and drivers will meet acceptable levels.

3.08 Enforcement will be strengthened because licensing officers will be able to take action in respect of any driver or vehicle anywhere. There will be new powers to stop a licensed vehicle on the road (currently only possible with police assistance). Vehicles used for touting (plying for hire when not licensed as a taxi) can be impounded. Fixed penalty notices will be able to be issued for breaching any provision in the new national standards.

3.09 Accessibility is one of the new objectives. Disability awareness training will become a pre-condition of the grant or renewal of a licence. There will be a new duty to stop when hailed because of the current tendency of some drivers to go past a disabled person because they perceive that time will be wasted by assisting such a customer.

4.00 RECOMMENDATIONS

4.01 That Members note the changes that are proposed in respect of taxi and private hire legislation.

4.02 That further reports are prepared for the Licensing Committee as the Government's intentions in respect of the Law Commission Review

become clearer, and secondary legislation, guidance and the new national standards are published.

4.03 Should Members wish to read the full 290 page Law Commission report following their review of taxi licensing legislation it is available on their website (lawcommision.gov.uk).

5.00 FINANCIAL IMPLICATIONS

5.01 None in respect of this report but there will be future implications dependent upon the extra work involved for the Licensing Authority and the level at which licence fees are set.

6.00 ANTI POVERTY IMPACT

None

7.00 ENVIRONMENTAL IMPACT

7.01 None in respect of this report but vehicle emission limits are likely to feature in the proposed national standards for taxi and private hire vehicles.

8.00 EQUALITIES IMPACT

8.01 None in respect of this report but accessibility is one of the objectives in the proposed regime and will lead to more equitable treatment of customers with physical or mental impairment.

9.00 PERSONNEL IMPLICATIONS

9.01 None in respect of this report but assessment will need to be made in future regarding the additional workload associated with the new regime.

10.00 CONSULTATION REQUIRED

None

11.00 CONSULTATION UNDERTAKEN

None

12.00 APPENDICES

Law Commission Executive Summary

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976
Law Commission Report - Taxi and Private Hire Services

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