

FLINTSHIRE COUNTY COUNCIL

REPORT TO: LICENSING COMMITTEE

DATE: 24TH SEPTEMBER 2012

REPORT BY: DIRECTOR OF ENVIRONMENT

SUBJECT: LAW COMMISSION CONSULTATION ON THE
FUTURE OF TAXI AND PRIVATE HIRE LEGISLATION

1.00 PURPOSE OF REPORT

1.01 To inform Members of the Law Commission consultation in relation to Taxi and Private Hire Legislation.

2.00 BACKGROUND

2.01 In July 2011 the Law Commission agreed to undertake a law reform project relating to taxis and Private Hire Vehicles (PHVs). The Department for Transport (DfT) proposed the project, but in such cases the Law Commission is independent of Government.

2.02 The main legislation on taxis (hackney carriages) dates from 1847 and the legislation relating to private hire vehicles (mini-cabs) from 1976. There has also been a large volume of often conflicting case law built up over that period.

2.03 On 10 May 2012 the Law Commission published its provisional proposals along with associated questions. It is a long and complex document of nearly 250 pages. All parties have until mid September 2012 to submit responses. Details are available on the Commission's website: <http://lawcommission.justice.gov.uk/ons/1804.htm>

2.04 The Law Commission intends that the consultation will be its main information gathering exercise. After the consultation the Commission will analyse responses and reconsider the proposals. The Law Commission aims to produce a report containing its final proposals and a draft Bill by November 2013.

2.05 Flintshire has responded to the consultation by working with the other local authorities in Wales to formulate a joint response co-ordinated by the Institute of Licensing (Wales).

3.00 CONSIDERATIONS

3.01 The proposals retain the distinction between taxis – which can “ply for hire” on the street or a cab rank – and private hire vehicles which can

only be pre-booked. Flintshire, in conjunction with the other Welsh authorities, would favour a single tier system because the distinction is not readily understood by the public who simply want a safe reliable means of transport at reasonable cost.

- 3.02 The existing legislative structure means that each local authority has set up its own set of standards in the form of licence conditions such as age of vehicle, specification of vehicle, signage requirements, vehicle inspection frequencies, etc. This leads to confusion and inconsistency for the trade, customers and enforcing authorities. One of the Law Commission proposals is to have a UK wide set of standards which will deliver the desired 'safe driver and safe vehicle' concept.
- 3.03 It is understood that in Wales the Welsh Ministers will have to bring in separate legislation to that which will have effect in England in response to the Law Commission findings. As Flintshire is a border County it is a matter of concern that standards may differ between the two countries and therefore perpetuate the existing inconsistencies that cause concern to the trade.
- 3.04 Another current contentious area is restrictions on where vehicles can operate. The Law Commission proposal is that a private hire firm could work freely across the country, without geographical or licensing restrictions. This would contribute to widening consumer choice and to making services cheaper and more competitive.
- 3.05 Private hire operators would also be able to take bookings outside their own local area which is not currently the case.
- 3.06 There is a proposed requirement that all new taxi and private hire drivers should have disability awareness training. The consultation also asks whether there should be a specific licence for accessible vehicles.
- 3.07 Improved enforcement powers are also suggested.

4.00 RECOMMENDATIONS

- 4.01 That Members note the Law Commission consultation on the future of taxi and private hire licensing and that draft legislation may be forthcoming at the end of 2013

5.00 FINANCIAL IMPLICATIONS

- 5.01 None at present though there may be implications when the nature of the proposed changes become clearer once the Law Commission issues its findings

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 ENVIRONMENTAL IMPACT

6.01 None

8.00 EQUALITIES IMPACT

8.01 The proposals seek to improve drivers knowledge and awareness of equalities issues

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

None.

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