

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
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TO: Licensing Committee 18/07/2012

WARDS: All

LAW COMMISSION REVIEW: REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

1. INTRODUCTION

- 1.1 The Law Commission is undertaking a review of the legislation under which Hackney Carriages and Private Hire Vehicles (and the drivers and operators of those vehicles) are regulated. Their intention is to provide a report with final proposals and a draft Bill by November 2013.
- 1.2 A consultation is currently being undertaken which is the only opportunity for the public to directly provide their comments on the proposals. It is not clear whether there will be any additional consultation with statutory bodies.
- 1.3 A summary document prepared by the Law Commission is attached to the report as Appendix A and all responses to the consultation must be provided no later than 10 September 2012. The consultation period has been extended from the previous closing date of 10 August 2012.

1.4

2. RECOMMENDATIONS

- 2.1 Members are recommended to:

Review the Law Commission's summary document attached to the report as Appendix A and agree to provide any comments that they wish to have incorporated in to the Council's response to the Licensing Team by 10 August 2012.

3. BACKGROUND

- 3.1 In July 2011, the Law Commission agreed to undertake a law reform project that was proposed by the Department for Transport on the law of taxis and private hire vehicles.
- 3.2 The Commission has released a consultation paper that reviews the law, and makes provisional proposals for reform. A summary document has also been produced and this is attached to the report as Appendix A.
- 3.3 The key proposals, in summary, are:
 - 3.3.1 National minimum safety standards for both taxis and private hire vehicles.
 - 3.3.2 Changes to standard-setting: additional local standards, above the national standards, would continue to apply to taxis (for example, topographical knowledge and vehicle requirements). However, for private hire vehicles, only the national standards would apply and there would be no scope for additional local standards. However we ask about possible exceptions where local private hire standards may be retained, for example, in respect of signage.
 - 3.3.3 It would be easier for private hire services to operate on a national basis. We suggest private hire operators would no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by the same licensing authority. Subcontracting would be allowed, as is already the case in London.
 - 3.3.4 London would be regulated under the same flexible framework as the rest of England and Wales.
 - 3.3.5 Licensing authorities could no longer limit the number of taxi Licences.
 - 3.3.6 More enforcement powers for licensing officers against out-of-borough vehicles and drivers.
 - 3.3.7 Disability awareness training for drivers.
 - 3.3.8 Introduction of a statutory definition of “plying for hire” (but without changing it in substance).
 - 3.3.9 Weddings and funeral cars would no longer be exempted through primary legislation.
 - 3.3.10 Allowing leisure use of taxis and private hire vehicles.

- 3.3.11 Bringing more vehicles within the licensing system (including for example limousines, motorbikes and pedicabs) – but giving the Secretary of State and Welsh Ministers power to make exclusions, and to set separate standards, in respect of different categories of vehicle.
 - 3.3.12 Clearer exclusions for volunteers and other services where transport is not the main service provided, such as child minders.
 - 3.3.13 Powers for government to issue binding statutory guidance to create greater consistency in how taxi and private hire legislation is applied.
- 3.4 A number of questions have been posed as part of the consultation. These cover:
- 3.4.1 a new category of wheelchair accessible vehicles;
 - 3.4.2 extending operator licensing to taxi radio circuits;
 - 3.4.3 possible use of the term “taxi” in respect of private hire services if used in phrases like “pre-booked taxi only”;
 - 3.4.4 reintroducing a (revised) contract exemption;
 - 3.4.5 improving the enforcement powers of licensing officers; and
 - 3.4.6 a new “peak time” taxi Licence that could only be used at particular times of day as decided by the licensing authority.
- 3.5 The consultation period closes on 10 September 2012.
- 3.6 The most significant change as far as Cambridge is concerned could be their proposal to almost totally separate hire car and hackney carriage licensing, removing almost all powers to regulate the private hire trade currently exercised by the City Council.
- 3.7 In many towns and cities in England it is already the case that hackney carriage and private hire trades are strongly separated. Some councils do not permit private hire cars to install meters, for example. This is not the case in Cambridge where many operators control through the same public telephone numbers both hackney carriages and private hire cars, hire cars use meters set at the same rates as regulated hackney carriage fares and all hackney carriages and private hire cars are treated as public transport by allowing them into city centre areas where other traffic is not admitted. Thus all hackney carriages and private hire cars are eligible to obtain transponders to pass through the city centre bollards. Because of the statutory Air Quality Management Area in central Cambridge, great control is exercised over vehicle ages in order to limit excess pollutants.

- 3.8 Most of the above provisions by hire cars would no longer be feasible if any operator anywhere in the country could operate hire cars in Cambridge with no greater requirement than that the vehicle has passed an MOT test. Control of pollution would have to be exercised by the County Council through limiting the issue of transponders to vehicles suitable to use the Air Quality Management Area. Bookings would have to be separated between hackney carriages and private hire cars. The Law Commission assumes that private hire cars would provide a cheap and cheerful alternative to hackney carriages.
- 3.9 The Council may take the view that this is not a 21st century approach to the public's needs. Although hiring at ranks remains a significant part of taxi provision in Cambridge, especially at the railway station and late at night in the city centre, technology already provides for instant hiring by phone and online which will increasingly blur the distinction between traditional and newer methods of hiring. A thorough modernisation of taxi legislation should recognise this and not seek to entrench old distinctions.

4. CONSULTATIONS

- 4.1 Members are requested to provide any comments that they wish to have incorporated in to Council's response to the Licensing Team. The response will then be circulated to Members prior to submission to the Law Commission.
- 4.2 This is a public consultation and Members may therefore provide comments directly to the Law Commission.

5. OPTIONS

- 5.1 The Committee may resolve to either:

5.1.1 Review the Law Commission's summary document attached to the report as Appendix A and

5.1.1.1 endorse the points in paragraphs 3.6 to 3.9 above

5.1.1.2 agree to provide any further comments that they wish to have incorporated in to the Council's response to the Licensing Team by 10 August 2012.

5.1.1.3 authorise the Chair and Vice-Chair to agree the final version of the response to be submitted before the close of the consultation.

or

5.1.2 Review the Law Commission's summary document and agree to provide any individual responses directly to the Law Commission.

6. CONCLUSIONS

- 6.1 Comments are being sought by the Law Commission to shape the way that the law of taxi and private hire services is reformed. This consultation may be the only opportunity that the Council has to provide an input in to any new legislation.
- 6.2 All responses must be submitted no later than 10 September 2012.

7. IMPLICATIONS

(a) **Financial Implications**

There are no financial implications associated with this report.

(b) **Staffing Implications**

Existing staffing resources will collate and draft the response for submission to the Law Commission.

(c) **Equal Opportunities Implications**

There are no apparent equal opportunity implications.

(d) **Environmental Implications**

There are no apparent environmental implications.

(e) **Community Safety**

There are no apparent community safety implications

APPENDICES

Appendix A

Law Commission Document: Reforming the Law of Taxi and Private Hire Services - Summary

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

[Law Commission Document: Reforming the Law of Taxi and Private Hire Services – A Consultation Paper](#)

[Law Commission Document: List of Provisional Proposals and Questions](#)

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