

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 23rd July 2014

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WARD(S): ALL

PART I

FOR INFORMATION

LAW COMMISSION REVIEW AND RECOMMENDATIONS FOR TAXI AND PRIVATE HIRE SERVICES

1. **Purpose of Report**

To advise Members on the legislative reforms proposed by the Law Commission for Taxi and Private Hire Services.

2. **Recommendation(s)/Proposed Action**

The Committee is requested to note the recommendations made by the Law Commission.

3. **Community Strategy Priorities–**

- **Being Safe, Feeling Safe**
- **A Cleaner, Greener place to Live, Work and Play**
- **Prosperity for All**

4. **Other Implications**

(a) Financial

There are no financial implications at this time.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
None – Information only	None – Information only	None – Information only

(c) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 of The Human Rights Act 1998 apply:

Article 1 of the First Protocol– Every person is entitled to a peaceful enjoyment of his or her possessions including the possession of a licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(d) Equalities Impact Assessment

A full impact assessment has been conducted by the Law Commission as part of the review process which indicates that there will be a negative impact on business and competition areas but not necessarily on equality groups.

(e) There are no workforce implications at this time.

5. Supporting Information

5.1. On 23rd May 2014, the Law Commission published its final report and draft Bill on the reform of the law governing Taxi and Private Hire Services. The full report consists of 290 pages detailing 82 recommendations with 77 clauses contained within the Bill, the key elements of which are the following:

- The two-tier system, which distinguishes between taxis (which can be hailed in the street or from ranks) and private hire (which must be pre-booked), is to be maintained.
- The creation of new offences to distinguish more clearly between taxis and private hire vehicles, in order partly to deal with the advent of mobile phone apps which have blurred this distinction. The imprecise concept of “plying for hire” is abandoned and a prohibition of carrying passengers for hire without a licence, alongside a new offence making it unlawful for anyone other than a local taxi driver to accept a journey starting “there and then” is introduced.
- The introduction of a statutory definition of pre-booking in order to create a clear distinction between a taxi in its licensing area and a private hire vehicle. For private hire vehicles, advance price information must be available on request, whereas taxis can be hailed for a journey beginning there or then with no need for arrangements in advance.
- Private hire operators will no longer be limited to using drivers and vehicles from their own licensing area, nor will they be limited to bookings within that area.
- National standards will be introduced to ensure uniformity of regulation and address the disparities which currently exist between licensing authorities. The national standards will continue to be administered by local authorities, which can also decide to impose additional conditions, subject to proper consultation. Fares will also be left to local authorities to decide.
- Councils will still be able to limit the number of taxi licences they issue subject to a new test of “public interest” in place of the old “unmet demand”.

- Increased powers will be given to licensing officers to improve enforcement, including a power to stop a licensed vehicle on the road without a police officer present.
- The procedure for hearings and appeals will be standardised across England and Wales

5.2. The Law Commission has published a full summary of the proposals and recommendations which is attached at **Appendix A** of the report.

5.3. It is anticipated that the draft Bill will take approximately 18 months to 2 years to go pass through Parliament before receiving Royal assent and it will undoubtedly have a major impact on all policies and procedures and aspects Private Hire and Hackney Carriage licensing within local authorities and the trade.

5.4. Once it is known when the Bill is to be enacted, a report will be put before the Licensing Committee detailing the final legislative changes and national requirements. The Committee will be asked to recommend a full review of all policies and procedures (subject where necessary to a full consultation with all relevant stakeholders).

6. Comments of Other Committees

None.

7. Conclusion

The Licensing Committee are asked to note the recommendations made by the Law Commission and that further updated reports will be put before the Committee during the progress of the Bill through Parliament.

8. Appendices Attached

'A' - Law Commission Recommendations.

9. Background Paper

None.