

REPORT TO LICENSING COMMITTEE

Time and Date of Hearing: 17:30 22 JULY 2014 PART 1 Matter

Report of: Principal Licensing Officer

Type of Application: report on the outcome of the Law Commission review of Taxi and Private Hire Services

Legislation: PROPOSALS FOR NEW LEGISLATION

Ward Application Refers to:

Not Applicable

Applicant: Not applicable.

Premises Address: Not Applicable

1. What is the report about?

- 1.1 To advise the Licensing Committee of the outcome of the Law Commission findings in relation to modernising the taxi and private hire services. The Commission started the review with a consultation in 2011 and submitted the final report to the Lord Chancellors Office on the 23 May 2014.

2. Are there any representations?

- 2.1 There is no provision in the legislation for anyone to submit representations relating to this kind of application.

3. Report details:

- 3.1 A large number of issues needed to be addressed and the major matters affecting the trade locally are set out below. All of the proposals will affect the trade in some way but only the most important and significant are identified in this report. The full findings of the Law Commission are addressed in a 290 page document and can be found [here](#)
- 3.2 The full list of proposals are set out in the appendix to this report but probably the most significant in relation to Exeter taxi licensing are as follows;
- The interchange of wording between taxis, hackney carriages and private hire is to be removed. Instead vehicles that can be flagged down will be taxis and those that must be pre-booked will be Private Hire Services (PH), the commonly used term of PH Operator is to go and the term dispatcher used to replace it.
 - A common National standard for all PH vehicles, drivers and dispatchers will be introduced. Secondary legislation will be put in place to set the minimum standards for all councils.
 - The standards set for taxis services will also be set on a mandatory basis but additional conditions may be added by the Licensing Authority.
 - PH companies will not be permitted to use the word taxi or any other word resembling taxi on any vehicle; on any dispatching office or in any advertisement for the PH services on offer.

- Quantity restrictions will be permitted but on a different footing to that currently in place. The old “unmet demand” test is to go as it is considered inappropriate and it is likely to be replaced with public interest test combined with a requirement to review three yearly and to consult widely on the proposal to maintain limits. Additionally a proposal is contained in the recommendations which will allow for the premiums attached to plates in restricted authority areas to be retained **except** in authorities where de-limiting occurs even if restriction is re-introduced at a later date.
- Among the most radical of proposed changes is the introduction of a new tier of appeal. The proposal is to have a standardised appeal process for all forms of licence and irrespective of whether the decision being challenged is a refusal of an application for a licence a suspension or revocation. In simple terms all initial decisions should be at officer level with the 1st appeal to the committee to reconsider the decisions and a second appeal to the magistrates Courts and a further right to appeal to the Crown Court after that.
- The term “plying for hire” in relation to PH services is to be removed as it has become almost impossible to establish if a person who is in the car has pre-booked or has used modern technology to show the vehicle had been booked there and then (perfectly lawful at present). Instead ALL bookings for PH services must be made through a dispatcher who will be required to keep records in a prescribed form.

4. What are the legal aspects?

- 4.1 The proposals contained in the report are those put out by the Law Commission as proposals for the regulators to consider and eventually approve. They have no legal status at present but may be considered as a very useful tool to use to develop future policy and begin consultations with the relevant trade organisations in order to prepare for the future.
- 4.2 No consideration as to resource implications have been given as it is not possible to determine what, if any extra resources are necessary until the primary and indeed secondary legislation is made available.
- 4.3 The proposals contained in the report are unlikely to have any financial impact on the Licensing Authority as the procedures for full cost recovery are to be retained in the final legislation..

5. Recommendations:

- 5.1 The Licensing are asked to note the content of the report and supporting documents.

Environmental Health and Licensing Manager

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None