

Possible reform of the law relating to hackney carriages and private hire vehicles
Licensing and Environmental Health Committee, 12 October 2011, item 7

Committee: Licensing & Environmental Health

Agenda Item

Date: 12 October 2011

7

Title: POSSIBLE REFORM OF THE LAW
RELATING TO HACKNEY CARRIAGES AND
PRIVATE HIRE VEHICLES

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Summary

1. This report is to inform members of the report of the Commons Select Transport Committee on possible reforms to the law relating to taxis and private hire vehicles.

Recommendations

2. That members note the report.

Financial Implications

3. None. There are no costs associated with the recommendations.

Background Papers

4. The following papers were referred to by the author in the preparation of this report.
 - Seventh report of the Commons Transport Select Committee "Taxis and Private Hire Vehicles: the Road to Reform" available online at <http://www.parliament.uk/business/committees/-a-z/commons-select/transport-committee/publications>

Impact

- 5.

Communication/Consultation	It can be anticipated that any firm proposals to amend the law will be the subject of government consultation.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal	None.

Implications	
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. The Transport Committee is a cross party committee chaired by Mrs L Ellman appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Transport and its associated public bodies. In its seventh report it considered issues relating to hackney carriages and private hire vehicles. The focus of the report was initially on cross border hirings in the light of recent case law but the overall conclusion is that there should be a thorough overhaul of the relevant legislation. The Committee is recommending that the Government should not refer the matter to the law commission but should engage with the trade, local authorities and users about the objectives of future legislation. There is also a recommendation that the Government should commit to reform the law within the lifetime of this parliament.
7. The Committee considered evidence as to whether it was appropriate to maintain the separate legal regimes for hackney carriages and PHVs. Without giving reasons the Committee appears to have concluded that the distinction between the services should be maintained but that there should be one Act of Parliament governing both trades (current legislation being the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976).
8. At present local authorities adopt different standards with regard to licensing. In terms of the types of vehicle being licensed and the standards required of drivers the Committee felt that issues which relate directly to public safety, such as the level of CRB check drivers require, the roadworthiness of vehicles and the prevention of the licensing of drivers whose licence has been revoked by another licensing authority shortly thereafter should be dealt with by national standards. In areas not relating to public safety however, the Committee appeared to have favoured a degree of local discretion. The only example cited of this in the committee report is whether or not to require a knowledge test.
9. At present income from licensing must be ring-fenced for activities within the district. The Committee recommends that the Government should consider reviewing this requirement in any review of the legislation.
10. Where there has been a breach of the licensing legislation the only options at present are a suspension of the licence (either by the Committee or under delegated powers); a formal caution or a prosecution. The Committee recommend that offences under the legislation should be capable of being

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dealt with by fixed penalty notices. Given the trend towards fixed penalty notices in other areas of the law it is highly likely that this recommendation will be accepted if the law is reformed.

11. It appears there were mixed views placed before the Committee on the issue of cross border hiring. The Committee appear to be in favour of prohibitions on this practice. It recommended that:

- (i) Licensing authorities ought to be able to combine to form larger licensing districts.
- (ii) Licensing authorities should be able to impose a condition that vehicles must be principally operated within the district by which they are licensed and that a similar condition should be allowed in relation to drivers' licences. A breach of such conditions could lead to the issue of fixed penalty notices or prosecutions.

12. The Committee recommended timescale for Government action is:-

- (i) Government to publish policy proposals before the end of 2011.
- (ii) Consultation exercise 2012.
- (iii) Draft legislation to be introduced in 2013-14 with legislative reform to be concluded before the next general election.

13. There can be no doubt that a reform of the law relating to the hackney carriage and private hire trades is long overdue. The 1847 Act pre-dates motor vehicles and telephones. The 1976 Act pre-dates mobile phones and the internet. The idea of both trades being subject to the same legislation subject to only such differences as are necessary to maintain the distinction between vehicles which may rank up/ply for hire and those which must be pre-booked is particularly attractive. The Committee did not consider the practice of fixing fares for hackney carriages or the ability of district councils to limit the number of hackney carriage licences granted. Doubtless these matters will be dealt with as part of any government consultation.

Risk Analysis

14. There are no risks associated with this report.