

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 12

Brighton & Hove City Council

Subject:	Law Commission Interim Statement on reforming the law of taxi and private hire services		
Date of Meeting:	27 June 2013		
Report of:	Head of Planning and Public Protection		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To report on the Interim Statement from the Law Commission on reforming taxis and private hire legislation.

2. RECOMMENDATIONS:

- 2.1 That Committee notes the interim statement.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 10 May 2012, the Law Commission launched consultation on reforming the law of taxi and private hire services.
- 3.2 Here is a link: <http://lawcommission.justice.gov.uk/ons/1804.htm>
- 3.3 On the 09 April the Law Commission published an Interim Statement on its consultation regarding the reform of taxis and private hire law. This statement can be found at appendix 1.
- 3.4 Key points for us locally:
 - Limitation (hackney quantitative controls) policies will remain within the discretion of licensing authorities which would permit current Council policy of restricted numbers and managed growth. New limited districts would not allow plate transfer to preclude plates selling at premium (commercial value of hackney carriage licence).
 - Local authority discretion to set local standards for hackney carriages (but not for private hire). Allows local policies like livery and CCTV. CCTV licence conditions for private hire vehicles could be an issue.
 - Compellability to tackle the problem of taxi drivers failing to stop for disabled passengers.

- Mandatory disability awareness training, which will inform our accessibility policy.
- Secretary of State (DfT) retains powers to set standards to promote accessibility to balance local and national control. Defining an accessible vehicle and proportions of accessible vehicles in fleet still an issue.

3.5 The Government previously responded to the consultation by the Law Commission

- Reforming Quantity Controls: The Government agrees that licensing authorities should no longer have the power to restrict taxi numbers recommending special transitional measures in place, like staggered or phased removal of the power to control taxi numbers.
- Accessibility: The Government on people with disabilities recognises the importance of taxis and PHVs, considers issues difficult, stresses non-regulatory measures preferable, and
- Accessibility: The Government is concerned about the burden that a statutory obligation for disability awareness training would place on the trade and is not convinced that the benefits would justify the costs.

3.6 The Government's full response can be found at appendix 2.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 This matter has been discussed at the Taxi Forum.

4.2 Consultation closed on 10 September 2012. The Law Commission aims to produce a report with their final proposals and a draft Bill by November 2013.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no direct financial implications associated with the recommendation in this report, other than for the use of officer time.

Finance Officer Consulted: Jeff Coates

Date: 17/05/13

Legal Implications:

5.2 The legal implications are contained within the body of the report.

Lawyer Consulted:

Rebecca Sidell

Date: 13/06/13

Equalities Implications:

5.3 Policies should promote equality of opportunity, eliminate unlawful discrimination, promote participation in public life and meet the needs of disabled people. Improving access to taxis/Private Hire Vehicles (PHVs) is a priority action in the

council's Equality Scheme. Improving access to services by public transport is included in the Local Area Agreement.

Sustainability Implications:

- 5.4 The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. Improving accessibility is one of the government's four shared transport priorities.

Crime & Disorder Implications:

- 5.5 Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime.

Risk and Opportunity Management Implications:

- 5.6 The transport industry should be safe, profitable and be a positive experience for all residents and visitors.

Public Health Implications:

- 5.7 Providing a range of transport options for all passengers improves physical, mental and social wellbeing.

Corporate / Citywide Implications:

- 5.8 Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 N/A

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To update Licensing Committee.

SUPPORTING DOCUMENTATION

Appendices:

1. Interim Statement from the Law Commission
2. Governments response to the Law Commissions consultation

Documents in Members' Rooms

1. None.

Background Documents

1. None.