

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

22 MAY 2013

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Report prepared by Neil Harris

1. LAW COMMISSION INTERIM STATEMENT ON THE REGULATION OF HACKNEY CARRIAGE AND PRIVATE HIRE SERVICES

1.1 Issue for Decision

1.1.1 To consider an information report setting out the Law Commission's Interim Statement on the regulation of Hackney Carriage and Private Hire services.

1.2 Recommendation of the Head of Democratic Services

1.2.1 That the report be noted.

1.3 Reasons for Recommendation

1.3.1 In July 2011 the Law Commission began working on a project to review the law on the regulation of taxis and private hire vehicles. In May 2012 a consultation document with a number of proposals was published and the Council commented on these proposals. 3000 written responses to the consultation were received. The Law Commission have now considered all of the responses and has decided to issue an interim statement outlining the key decisions they have reached, in view of the number of concerned stakeholders. Their recommendations will be formulated into a final report and draft Bill by the end of this year.

1.3.2 This is not the final report and final recommendations may differ as a result of work on developing policy. The decision on whether to accept the final policy proposals will rest with government. The principal indications arising from this interim statement (a copy of which is attached as an appendix to this report) are as follows;

- The retention of a two tier system;

- No longer recommending the abolition of quantity controls:

However, it is indicated that any authority moving to introduce quantity controls would no longer be able to have a system where vehicle licences would be transferrable and these licences would, therefore, no longer have a saleable value. It will also be recommended that the Secretary of State should consider the future of licence transfers for those authorities which already have quantity controls. The current position would still continue until the Secretary of State has considered the future of licence transfers.

- Continuing to recommend the introduction of national safety standards for both taxi and private hire services, set by the Secretary of State on safety, accessibility and enforcement. That local authorities would retain the ability to impose additional local conditions for Hackney Carriages but that only national standards should apply to private hire services. It is therefore likely that local conditions such as local knowledge tests would no longer be retained. Although, national standards may include driver training and signage on vehicles;
- The freeing up of cross-border working for private hire services;
- Continuing to support the retention of private hire operator licences for dispatch functions.
- In terms of enforcement recommendations will include a range of tougher powers for Licensing Officers including the ability to stop licensed vehicles, impounding and fixed penalties schemes. Recommending that these powers should apply in respect of 'out of area' vehicles.

1.4 Alternative Action and why not Recommended

1.4.1 This is an information only report.

1.5 Risk Management

1.5.1 There are no significant risk management issues at this stage.

1.6 Other Implications

1.6.1

1. Financial
2. Staffing
3. Legal

4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement
9. Asset Management

1.7 There are no implications arising from this report.

1.8 Relevant Documents

1.8.1 Appendices

1.8.2 Appendix 1 - Law Commission Interim Statement on the regulation of Hackney Carriage and Private Hire services

1.8.3 Background Documents

1.8.4 None