

## Law Commission launch consultation on draft proposals for reforming taxi and private hire licensing laws



Clearer rules governing taxis and private hire vehicles could bring stretch limousines and bicycle rickshaws into the licensing system but keep charity volunteers and childminders out of it, the Law Commission said today.

The Law Commission for England and Wales, which advises the Government on law reform, has launched a public consultation seeking views on proposed changes to the way in which taxis and private hire vehicles (often referred to as minicabs) are regulated.

The proposals retain the important distinction between taxis – which can “ply for hire” on the street or a cab rank – and private hire vehicles which can only be pre-booked.

### **National Standards and no limitations**

But all vehicles would be subject to national minimum safety standards and, for private hire vehicles, these would replace more than 340 sets of local regulations. This will reduce the burden on business because, once appropriately licensed, a private hire firm could work freely across the country, without geographical or licensing restrictions. This would contribute to widening consumer choice and to making services cheaper and more competitive.

The provisional proposals published today follow a detailed review of the current law, some of which dates back to 1831 and is still in force.

Few of the proposals would affect the iconic London “black cab”. But outside the capital, taxi numbers could no longer be restricted by local authorities and private hire operators would be able to take bookings outside their own local area.

Licensing could be extended to limousines, motorcycle “taxis” and bicycle rickshaws (or “pedicabs”), which under current law may avoid the safety and driver training requirements imposed on taxis and private hire vehicles. But greater legal clarity would ensure that volunteers who give up their time to drive elderly people or childminders who collect children as part of their work would no longer risk being caught by licensing rules.

Among the other provisional proposals is a requirement that all new taxi and private hire drivers should have disability awareness training. The consultation also asks whether there should be a specific licence for accessible vehicles.

And where drivers or operators do break the rules, the consultation suggests that improved enforcement powers should be available, including impounding vehicles.

Frances Patterson QC, the Law Commissioner with responsibility for the project, said:

*"Our review provides a great opportunity to streamline and improve taxi and private hire legislation and we look forward to engaging with as many people as have an interest in this varied and important transport sector."*

The consultation is open until **10 August 2012**. The Commission's provisional proposals and consultation questions are outlined in the paper, "Reforming the law of taxi and private hire services", which is available on the Commission's website, <http://lawcommission.justice.gov.uk/consultations/1804.htm>

The Law Commission plan to publish their final report and Bill by November 2013.

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### **Conditions and advice**

A complete list of conditions appropriate to hackney carriage and private hire vehicle and drivers licences may be found at the link below.

[\*\*Conditions and advice for hackney carriage and private hire drivers\*\*](#)

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### **Taxi Marshals (now called Street Marshals):**

The marshals will soon be wearing head-cams. These are small video cameras worn on the head of the marshal and have now been 're-badged' as Street Marshals, although their remit remains the same.

Anyone transgressing, being aggressive or not complying with reasonable requests may be recorded doing so. The recording may be shown to the Regulatory Committee in the event that a driver is brought before them.

Once again, it is the corner in Warwick Street next to KoKos that is giving major concern. Please always ensure that you send anyone that needs a taxi across the road to the taxi rank outside Dukes. The public will then eventually start to use this rank as a matter of course rather than blocking the corner. Don't be responsible for someone being injured or worse there.

Remember, your actions may be captured on video!

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## **Disability awareness training**

There has been much made of this course in one way or another. The Council, through their Regulatory Committee feel that the 1,000,000 registered disabled people in this country should be considered in the same way that any other citizen in this District. The course does not cover just wheelchair disabilities but also visual impairment, autism, depression and many other seldom covered disabilities

There are only a few drivers left to take the course and most feedback has been positive.

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## **IMPORTANT NOTES:**

### **Vehicle Licence Renewals**

At all annual renewals of vehicle licences, it is required that the vehicle has successfully passed a full inspection at one of the council's three nominated garages no more than three weeks before the renewal date. This inspection includes an MOT inspection. As many of the requirements of the vehicle inspection necessary for safety is covered at the same time as the MOT, they are not duplicated on the separate form that the garages complete for the council. In other words, if the points were not covered by the MOT, as in the past, a separate test would be required in addition to the MOT test. It is important to realise that, when an inspection is required, the items covered by the MOT are part of that requirement. In summary, the test is not just an MOT, or just an inspection, it is a combination of both and one cannot be completed without the other.

### **Change of vehicle**

Before changing your vehicle, it is important to take certain factors into account. At whatever time during the twelve month of the vehicle licence you decide to change your vehicle and whatever current MOT it holds when you purchase it, you will still need:

- To pay the current fee for the transfer of the vehicle
- To have the vehicle inspected at one of the three nominated garages
- At the renewal of the vehicle licence have the vehicle inspected again, despite this possibly being a short time after the acquisition of the vehicle.

The other option that is available is that you can treat the newly acquired vehicle as a new licence and pay just the annual fee applicable at the time. This will necessitate an inspection/MOT but the vehicle will not need a further inspection for twelve months and the transfer fee would not be applicable. This is, of course, subject to the necessity for vehicles over five years old being subject to two inspection/MOTs per year.

This procedure is followed by other councils in the area.

## **Age of vehicles**

Existing currently licensed vehicles over 5 years old will be issued a six monthly licence only and must have successfully passed a full inspection at one of the council's three nominated garages no more than three weeks before the renewal date.

## **Temporary vehicle licences**

Temporary vehicle licences for hackney carriage/private hire vehicles are issued under the following conditions:

- The temporary vehicle complies with the current age restrictions
- The temporary vehicle is fully insured for the driver/company using it
- The temporary vehicle has had an inspection/MOT at one of the council's three nominated garages no earlier than three weeks before the date it is to be licensed.
- The original plates from the existing licence are surrendered to the council before the temporary plates are issued.
- A transfer form is completed and the current fee paid
- Before the original vehicle is relicensed, a transfer form, changing the licence back to that vehicle must be completed, the current transfer fee paid and a new inspection/MOT carried out by a nominated garage. This will not obviate the need for an inspection when the vehicle licence is renewed at the end of the 12 months vehicle licence.
- The temporary plates must be returned before any further ones are issued.

If you are claiming the replacement vehicle through your insurance, you should make them aware of the charges to avoid having to pay them yourself.

## **Licensing and Plates**

Licences will be issued and plates made at the earliest opportunity, but *no guarantee* is given that this will be able to be done on the same day that they are applied for. The Licensing Team undertake that vehicle licences will be issued within a maximum period of five working days, depending on staffing levels at the time of application.

## **Appointments at Riverside House**

Appointments may be made between 10:00 and 12:00 to discuss applications, etc. with a member of the licensing team.

It is always advisable to make an appointment if you wish to speak with a member of the Licensing Team. Every effort will be made to accommodate random visits, but this will be dependent upon staffing levels at the time. In order to prevent a wasted journey and wasted time, appointments are always recommended.

If an urgent random visit is felt necessary, please confine this to the hours of 10:00am to 12:00pm and 2:00pm to 4:00pm when there is an increased possibility that you can be seen.

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Please keep checking back for news and updates and if there is anything that you would like adding, please contact me. If it is news, relevant and, of course, printable, I will do my best to include it.



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