

Hackney Carriage and Private Hire Licensing

Law Commission – Consultation Paper – Taxi and Private Hire Licensing Legislation Reform.

1.0 Purpose

1.1 To formulate a response from Sheffield City Council to the questions raised by the law commission through its review of the current legislation and its intention to write new legislation for the taxi and private hire licensing.

2.0 Background

2.1 Central Government has instructed the Law Commission to review and consult on the current legislation that governs taxi and private hire licensing. Following the consultation the Law Commission have been asked to formulate a new piece legislation to replace the existing outdated legislation that applies to this area of licensing.

2.2 This is the biggest legislative reform that has ever been seen in the taxi and private hire sector. The current legislation is some of the oldest still used in courts and by Councils. The legislation will change and therefore we need to ensure that Sheffield City Council submits its views on the proposed changes.

2.3 The current legislation is one of the most challenged pieces of legislation and the Local Government (Miscellaneous Provisions) Act 1976 has many times been the subject of Crown and High Court Hearings. The opportunity to design a piece of legislation fit the 21st Century and beyond should not be overlooked.

2.4 This is your opportunity as a Licensing Committee to have a voice in the consultation process.

2.5 Sheffield City Council has been at the forefront in licensing and is known as a lead Authority rather than one that just follows others. The Council has set high standards for its licensees for a reason and any erosion of those standards should be challenged.

2.6 As part of the consultation the Law Commission produced a consultation document which has been circulated electronically to all members of this Committee on 18th May 2012.

2.7 As part of the 253 page document there are 73 provisional proposals and questions. The Chief Licensing Officer in consultation with Senior Officers and Legal Services has drafted responses to those proposals and questions attached as an appendix to this report.

2.8 A draft of this report was circulated to representatives of the trades associations at the scheduled consultation meeting.

2.9 The consultation paper has been available from the Law Commission from June 2012. The Law Commission has undertaken many road shows and meetings with interested parties, both trade and officers.

2.10 Any correspondence received in respect of this report is attached.

3.0 Financial implications

- 3.1 There is a multitude of ways that this may affect the Council. The new Legislation could introduce standard statutory fees for licenses. This may well be above or below what we as a Council currently charge.
- 3.2 Currently Councils cannot use any of the income from Driver licenses for enforcement or non administrative work of the service. This restricts currently the amount of enforcement undertaken and investment in the service beyond normal maintenance and upgrades of hard and software.
- 3.3 If the legislation allowed any surpluses to be re-invested into the Licensing service then this would be good news for the Council the service is currently self financing and would continue to be so if this was the case.

4.0 Recommendations and Outcomes

- 4.1 The Sub –Committee consider the report and accept the details of the response and allow the Chief Licensing officer to submit the contents of the attached response to the law commission as Sheffield City Councils response.
- 4.2 The Sub –Committee considers the contents of the response attached and makes changes to the response, stating the changes required and to if anything is to be added or excluded.
- 4.3 The Sub Committee decline the opportunity to respond as a Council.

Steven Lonnia
Chief Licensing Officer
Licensing Service
4th September 2012