
**RESPONSE TO THE LAW COMMISSION CONSULTATION ON REFORMING THE LAW
OF TAXI AND PRIVATE HIRE SERVICES**

Purpose of Report

1. To invite Members to approve a response by Members of the Licensing Committee to the Law Commission's Consultation on Reforming the law relating to taxi and private hire services

Information and Analysis

2. In July 2011, the Law Commission agreed to undertake an independent law reform project in respect of the legislation relating to hackney carriages and private hire vehicles, their drivers and Operators. Their terms of reference were the need to update and simplify of the law and consider the potential advantages of deregulation in reducing the burdens on business and increasing economic efficiency.
3. They have now published a consultation paper on their provisional proposals. The Consultation commenced on 10 May 2012 with an original closing period of 10 August 2012, however on 01 June 2012 the period of consultation was extended by one month and the closing date is now 10 September 2012.
4. The Commission has stressed that these proposals are only provisional, so that they can form the basis of a discussion on consultation. They also concede that their final report is likely to differ substantially from the provisional proposals they now make.
5. The main changes extracted from the consultation document include:
 - (a) National minimum safety standards for both taxis and private hire vehicles.
 - (b) Additional local standards, above the national standards would continue to apply to taxis only (e.g. local knowledge tests and vehicle requirements). and there would be no scope for additional local standards in respect of private hire vehicles although possible exceptions may be permitted, e.g. in respect of signage.
 - (c) Private hire operators to be no longer restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by the same licensing authority. Sub-contracting to be allowed (as is already the case in London).
 - (d) Licensing authorities to be no longer able to limit the number of taxi licences
 - (e) More enforcement powers to be given to licensing officers including cross border enforcement

- (f) Wedding and funeral cars to be no longer automatically exempted from licensing
 - (g) Leisure use of taxis and private hire vehicles to be permitted
 - (h) Clearer exclusions to be provided for volunteer drivers
 - (i) A form of the old Section 75 contract exemption to be resurrected
 - (j) “Peak time” taxi licences to be introduced
6. The list above provides only a “flavour” of the consultation which contains 73 proposals and/or questions. The main issue for Licensing Authorities is an apparent determination to keep a two tier system (i.e. hackney carriages and private hire services) rather than take the opportunity to simplify the entire legislation with a one tier service providing both public and private hire. A response has been prepared for Members’ consideration and is attached as **Appendix A**. This response is also the joint response of the other Tees Valley Authorities. Members will note that many of the responses reflect the promotion of a one tier system
7. The Taxi Law Commission has indicated that they intend to publish a draft Bill in November 2013 for Parliamentary consideration.

Legal Implications

8. There are no issues that the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the response.

Crime and Disorder Act 1998 Section 17

9. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The contents of the Appendix to this report do not impact on this responsibility

Recommendation

10. Members are invited to make additional comments and/or approve the response to the consultation.

Richard Alty
Director of Services for Place

Background Papers

None

Appendices

Appendix A The Response of Darlington Council’s Licensing Committee to the Law Commission Consultation “Reforming the Law of Taxi and Private Hire Services”

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RESPONSE TO PROVISIONAL PROPOSALS & QUESTIONS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. *(Page 160)*

A one-tier system would remove the distinction between regulation of taxis and PHVs and simplify the entire licensing structure. The Public neither know nor care about the difference and one tier would remove many of the concerns about issues such as illegal plying for hire. The Law Commission does not appear to appreciate that most illegal plying is undertaken by licensed private hire vehicles either “on a frolic of their own” or acting on the instructions of their private hire operator. We suggest a regime where there was a requirement of an operator licence, vehicle licence and driver licence and within which vehicles could ply for hire, pick up at designated ranks or hailing points or be pre-booked. This is similar to the activities of hackney carriages in the current regime with the addition of an operator, given that many HCs already work through PH operators. Fares could be regulated, as now, on a taximeter for public hire i.e. un-booked journeys (this is the maximum that can be charged) while pre-booked journeys could be subject to negotiation with the provision that they do not exceed the metered fare.

A single tier system, with national minimum standards for vehicles and the ability for the licensing authority to set local requirements in relation to plates etc. (for all vehicles) would be simple and cost effective. Exemptions could then, as now, be permitted for novelty & executive hire.

While the main problems with single tier would be the issue of rank space this could be resolved by the use of hailing points and the reservation of ranks for wheel chair accessible vehicles only.

We do not accept that a single tier would lead to wholesale unlicensed vehicles – indeed we believe the opposite would be the case.

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. *(Page 162)*

We do not have a view other than to acknowledge that this may have a disproportionate effect on London.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. *(Page 164)*

We agree with the proviso of exemptions for novelty vehicles (from standard conditions etc). We would wish to see the regime extended to include mini-buses up to 16 seats given our experience that drivers whose licences are revoked for criminal and other matters frequently continue to drive but in small mini buses which are exempt from the licensing regime.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? *(Page 164)*

More expertise is needed for some licensing e.g. horse drawn carriages where veterinary requirements add both cost and expertise to the licensing process, however this is outweighed by public safety issues. On balance we agree that other modes of transport should be included with the proviso that local requirements can prevail.

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. *(Page 165)*

Either all Limousines & PSVs up to 16 seats should be included in the licensing regime or alternatively be subject to the same driver standards as taxis. Within the Tees Valley we have evidence of 9-16 seat vehicles currently being regularly used for private hire work and also often being driven by persons who have been found to be unsuitable by the licensing authority (e.g. licences revoked for serious criminal matters). We would suggest that if the Traffic Commissioners retain jurisdiction they should require CRB checks, medicals etc.

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. *(Page 166)*

Agreed

Provisional proposal 7 The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. *(Page 167)*

Agreed but please see response to Provisional Proposal No 5.

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. *(Page 168)*

There should be a clear definition of what a “volunteer driver” is and also what “in the course of a business” means. There are volunteer drivers who achieve 500-1000+ miles per week driving to hospitals and this could be viewed as a business. In addition this could provide loopholes for nightclubs etc to provide virtual private hire services. The added concern is that such arrangements are usually made for transporting vulnerable people. If exemptions are given the drivers & vehicles should be subject to rigorous vetting. We would propose exemptions either locally or through the Secretary of State for roles such as childminders who are already subject to rigorous checks.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:
(a) carpooling; and (b) members clubs? *(Page 170)*

We agree that carpooling should be exempt but would suggest that a robust definition be provided for “members clubs”. We would suggest that the burden of proof should rest with the driver.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. *(Page 171)*

We suggest that there should be one regime only for England & Wales. We would suggest that the Secretary of State builds in provision for local exclusions and also makes any proposals subject to full consultation.

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. *(Page 172)*

We agree that funeral cars should be excluded from the licensing regime. We would support exclusion of wedding cars on the basis that the hiring is restricted to transport to the ceremony venue and onward transport to the reception only. We would suggest that clear definitions are provided to avoid future confusion.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers' exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? *(Page 174)*

We strongly disagree with this suggestion. The purpose of the licensing regime is to protect the public and frequently such contracts are to carry vulnerable passengers. The contract exemption was removed to ensure that vulnerable children and adults were not being transported by drivers without proper vetting (enhanced CRB etc) and in vehicles that had not been properly checked for safety. It would be a backward step to return to the old situation. The ability for the licensing authority to consider applications for exemptions could be built in.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to "streets". *(Page 175)*

We agree that this should be extended to "any place within the district."

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? *(Page 177)*

In principal there is no reason why airports should be treated differently to places such as railway stations.

Provisional proposal 15

The defining feature of taxis, the concept of "plying for hire", should be placed on a statutory footing and include:

- (a) references to ranking and hailing;
- (b) a non-exhaustive list of factors indicating plying for hire; and
- (c) appropriate accommodation of the legitimate activities of private hire vehicles. *(Page 181)*

If a single tier system was agreed there would be no need for such definitions. If a 2 tier system is however retained then it would be useful to have such a definition.

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. *(Page 181)*

This would not be of concern if a single tier system was adopted

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? *(Page 182)*

This would not be of concern if a single tier system was adopted as taxis can be pre-booked the concept of “a public place” may bring confusion.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. *(Page 182)*

We agree with this proposal and would wish to indicate that in the event of a 2 tier system being retained it should extend to include private hire also.

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. *(Page 183)*

A single tier system would remove the need to differentiate.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. *(Page 184)*

We totally disagree with this proposal. We have evidence of people claiming to be “mechanics” and driving licensed vehicles (allegedly to “test” them) without the requisite driver licence at 4 am and also people “just carrying friends” even when the passengers have confirmed that is not the case. Benson & Boyce clarified this in respect of PHVs once and for all. The only constraint on use of a family vehicle is that the driver holds the relevant licence and so there would not be any hardship to the family.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. *(Page 185)*

Although we would prefer the legislation to be sufficiently clear so as not to need statutory guidance we accept that there may be justification for statutory guidance.

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. *(Page 185)*

A single tier system would remove the need for such differentiation. The public refer to both HCs & PHVs as “taxis”. We support a single tier system with the universal use of the word “taxi”.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? *(Page 186)*

A single tier system would resolve this issued, however if the current 2 tier system is to be retained the use of “taxi” or “cab” should **not** be permitted as it causes greater confusion to the public.

A REFORMED REGULATORY FRAMEWORK**Provisional proposal 24**

Taxi and private hire services should each be subject to national safety requirements. *(Page 188)*

We agree that all vehicles and drivers should be subject to mandatory safety standards whether in a single or 2 tier regime. We also believe that there should be the power for licensing authorities to impose additional requirements according to local need. We would advocate a single tier system with taxis required to have roof and other specified signage. We would seek a full consultation on what the proposed national standards are to be.

We are aware that other respondents have advocated dual insurance cover (i.e. public and private hire) for PHVs in the event of the retention of a 2 tier system. We oppose this. There is no need for private hire to have cover for public hire and if an illegal activity of plying for hire by such vehicles occurs we are aware that insurance companies indemnify 3rd parties but then may seek to recover from the uninsured driver. We would however urge that all insurance companies offering either public or private hire insurance should have a clause on the policy stating that all cover is subject to the relevant licensing authority licences being held.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. *(Page 189)*

We agree subject to paragraph 1 of our response to proposal 24

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. *(Page 189)*

We agree subject to paragraph 1 of our response to proposal 24.

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

We disagree with this proposal and believe that local determination of standards should be retained especially those concerned with the driver's ability to communicate, particularly when English is not their first language. We frequently have experience of complaints from the public about drivers not knowing their way around an area (particularly if they are from a different licensing area) despite the availability of satellite navigation equipment.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

This would depend on what the national standards were. If the 2 tier system is to be retained we would encourage the ability of licensing authorities to require signage specific to private hire needing to be pre-booked & display of local operators etc.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

We support national standards for all vehicles There needs to be consideration about any period of transition and also the question of grandfather rights for current vehicles if there is to be wholesale change.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

No

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should *only* cover conditions relating to safety. (Page 192)

We would support a flexible approach so that if the Secretary of State sets minimum standards then the licensing authority could set other conditions that they deem reasonably necessary. The other alternative is to extend the scope of the Secretary of State to include other issues.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Yes we agree that full consultation on the standards is essential

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? *(Page 193)*

We believe this could be achieved through the use of organisations such as IOL & NALEO. They could consult their membership groups and their findings could be fed into a technical advisory panel.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. *(Page 193)*

We agree with this proposal and in the event of a 2 tier system believe it should be extended to PHVs

Question 35

Should there be statutory limits to licensing authorities' ability to set local taxi standards? *(Page 194)*

We believe this would be better dealt with by guidance rather than statutory limits.

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? *(Page 194)*

Licensing Authorities currently do not have the power to impose conditions on HC drivers nor do they have the power to require an operator licence for operation solely of HCs. We would support a one tier system with national requirements on CRBs, dealing with DSA tests, criminal offences, medicals, disability awareness, legislation tests etc but with also local flexibility to set special conditions e.g. requirement to undertake a Driver Improvement Test, re-sit a knowledge test etc as part of a disciplinary process and a direct alternative to suspension or revocation of licence.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? *(Page 195)*

We believe that this is best left to local arrangements.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. *(Page 196)*

We agree that this should be the case. The 5 Tees Valley Authorities who are responding jointly to this consultation have already worked to harmonise policies and conditions for drivers and vehicles and a copy of the harmonisation document is attached at Appendix 1 for your consideration.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

The 5 Tees Valley Authorities who are responding do not have issues re zoning, however we believe that the issue of fares should not be a consideration when deciding on this matter. HC fares are a **maximum** & less can be charged. We agree the matter should be left to the licensing authority.

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

We totally disagree with this proposal. A large proportion of the Trade currently only work the peak times. The issue of peak time licences would be impossible to properly regulate and enforce and would make the system far more complicated.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

We would prefer more information on this proposal before commenting fully. We do however envisage that it could lead to vehicles being licensed in one area and totally operating in another which would give the latter area the enforcement burden without the licence fee. We propose a single tier system where non- booked work could be limited to the licensing district. We anticipate that a proportion of the Trade would oppose this proposal as it flies in the face of localism.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out of- area drop offs. (Page 199)

We agree with this proposal.

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

We agree that maximum fares for un-booked work should be set. We support a single tier system with negotiated fares for pre-booked work subject to the fare being no greater than the metered fare.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

See our response to Proposal 43. We believe that the metered fare should be the maximum. If a fare is negotiated for a pre-booked contract, e.g. £20, the meter should be engaged. If the metered fare is £25 then £20 should be charged. If the metered fare is £18 then £18 should be charged

REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING**Question 45**

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

- (a) set out in primary legislation; or
- (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

We believe it should be included in primary legislation with accompanying regulations to cover relevant convictions, Group II medical standards etc but be more robust than the Licensing Act 2003 (personal licences) given the position of trust that drivers hold.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

This should relate to licensed proprietors as the vehicle owner is not always the person licensed (e.g. hire cars in insurance cases etc). We believe there should be a fit and proper test but that it should not be as stringent as for drivers. We note that Transport for London requires information re financial viability, good character etc and suggest this would be a good starting point. Given the problem with the transportation of drugs in licensed vehicles we would invite the TLC to consider what their view would be of a licensed proprietor with previous convictions for supplying drugs.

Question 47

Should national vehicle safety standards be either:

- (a) set out in primary legislation; or
- (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

We would support primary legislation with regulations.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 20)

Given the increase in HCs being operated through an operator we would support operator licensing for both types of vehicle. The obvious solution is to create a one tier system with operator, vehicle & driver licensing.

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis?
(Page 208)

Yes – please see our response to proposal 48.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries.
(Page 209)

If the intermediary is dealing direct with a licensed operator then this would not be necessary. If dealing direct with the driver it would be necessary.

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 209)

Yes

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

We agree with this proposal subject to the proviso that the sub contracting is to another licensed private hire operator and that there is a proper audit trail of records.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?
(Page 210)

Yes to enable an audit trail in the event of complaints etc

REFORMING QUANTITY CONTROLS**Provisional proposal 54**

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

We agree with this proposal and believe that market forces should determine numbers. We accept that this could initially cause problems in places with limited ranks but use of hailing points etc can address such issues.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

See our response to proposal 54 above. There may initially be a glut of vehicles and issues re rank space but these would resolve due to market forces, hailing points etc.

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? *(Page 215)*

We believe that this proposal would be too difficult to administer and therefore do not support it.

TAXI AND PRIVATE HIRE REFORM AND EQUALITY**Question 57**

Should there be a separate licence category for wheelchair accessible vehicles?

This could involve:

- (1) a duty on the licensee to give priority to disabled passengers; and
- (2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. *(Page 217)*

It is difficult to see how this would work given the wide range of disabilities. It may also have the opposite effect of that sought and restrict the number of vehicles licensed.

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? *(Page 217)*

Several of the Tees Valley LAs have introduced this and it has not had any effect whatsoever on accessible vehicle numbers. A more appropriate incentive may be VAT relief on such vehicles

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? *(Page 217)*

Please see our response to Q 59 – re VAT relief.

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. *(Page 218)*

We support this proposal. We believe that quotas may actually reduce availability

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. *(Page 219)*

While we support this in principle several factors need to be considered, such as who will provide training, how accessible will it be, what cost will there be & who will bear the cost.

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

Yes – we support this proposal

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

There is already a compellability requirement on HC drivers and this should continue. It should apply to all passengers as not all disabilities are immediately recognisable.

REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

We support this proposal in principle but within set parameters. We do not envisage officers stopping vehicles while driving but directing them to given places. Consideration does not appear to have been given to the fact that many offences are committed in unlicensed vehicles.

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

A single tier system would stop the current system of private hire vehicles illegally plying for hire. For completely unlicensed vehicles there should be higher penalties particularly for the proprietor e.g. impounding/destruction of vehicle.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

We support this proposal in principle but there needs to be consideration of the practicalities of such activity e.g. who would impound, where would vehicle be stored etc.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

We would support the use of fixed penalties for specified offences (e.g. failure to wear badge etc) witnessed by officers and also for construction and use offences subject to specified officer training, We would not support the use of fixed penalties for more serious offences such as illegal plying.

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. *(Page 225)*

We support this proposal within specified parameters

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? *(Page 226)*

We would support this proposal limited only to suspension rather than revocation which would be a matter for the issuing authority. This would enable officers to suspend unsafe vehicles and in specific cases, unsafe drivers.

REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. *(Page 230)*

We agree with this proposal.

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. *(Page 231)*

If the decision has been made by officers under delegated powers we agree that there should be an appeal to the Licensing Committee. If however the Committee has made the decision we do not see the point in asking to reconsider. It would be costly and require a further structure of Committee. National standards should prevent inconsistencies

Provisional proposal 72

Appeals should continue to be heard in the magistrates' court. *(Page 232)*

Currently some HC matters go straight to the Crown Court. We agree that all matters should be referred to the Magistrates Courts.

Question 73

Should there be an onward right of appeal to the Crown Court? *(Page 233)*

We do not support this. This is currently the situation and is often used by disreputable trade members to extend the period in which they can continue to drive pending the outcome of both hearings which can take many months. The Licensing Act 2003 & Gambling Act 2005 have only one right of appeal – to the Magistrates Courts. We cannot see the need for a different approach in respect of taxi matters. We would also

suggest that the provisions of the Road Safety Act 2006 be incorporated into any new primary legislation to permit suspensions and revocations forthwith on grounds of public safety, despite the right of appeal.