
Licensing and Protection Panel

Report of the meeting held on 28th January 2014

Matters for Information

9. HACKNEY CARRIAGE AND PRIVATE HIRE LAW REFORMS

The Panel has been apprised of details of a government review into the law covering hackney carriage and private hire licensing.

The House of Commons Transport Select Committee had recommended a review of the law, which dates back to 1847 following a High Court challenge involving cross border leasing. The aim of the review carried out by the Law Commission, was to examine the legal framework relating to the regulation of taxis and private hire vehicles with a view to simplifying and modernising the legislation.

An interim statement setting out the key decisions, which include the introduction of minimum safety standards and conditions for both taxis and private hire services and national mandatory standards for private hire vehicles, was published in April 2013 following a four month consultation. The final report and draft Bill is expected in April 2014 and the timeline for the implementation of any changes will be dependent upon Parliament's decision on whether to reform the current laws and enact the Bill.

The Panel has been advised that a full assessment of the likely cost, revenue and resource implications involved in the transition to a new system will not be possible until more detail had been provided.

10. DRIVING STANDARDS AGENCY DRIVER TESTING

The Panel has been updated on current waiting times for Driving Standards Agency (DSA) private hire and hackney carriage driver tests following concerns by an operator that these were excessive.

The Panel approved the replacement of 'in house' testing with the nationally recognised DSA tests in 2012 and had been advised at a previous meeting that the DSA had put mechanisms in place to address such problems.

Consequently the Panel has been reassured that waiting times have now been reduced, allowing drivers to book tests at both Cambridge and Cardington (Bedford) centres within one week of application. No new complaints have been received and the Panel has asked that operators be informed of the positive outcome of their complaint at a meeting planned for February.

11. MOBILE HOMES ACT 2013

The Panel has authorised the Head of Environmental and Community Health Services to determine and issue licences, enforce the provisions of and initiate prosecutions under the Mobile Homes Act 2013, after consultation with the Chairman and Vice Chairman of the Panel when necessary.

The 2013 Act attempts to address problems with unscrupulous site owners and site conditions highlighted in a report by the Communities and Local Government Select Committee. It amends the outdated and ineffective Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 which already fall within the remit of the Panel.

The majority of the Act, which came into effect on 26th May 2013, relates to pitch fees and selling or gifting homes and brings the licensing regime for mobile homes sites more closely in line with other local authority licensing regimes. Enforcement will commence on 1st April 2014 and appeals against compliance notices will be made to a residential property tribunal rather than the Magistrates' Court.

Members noted that guidance on the setting of fees has not yet been issued. However, it was estimated that income from annual licenses will be around £2k and the associated duties will be absorbed by existing staff.

12. THE FOOD SAFETY AND HYGIENE (ENGLAND) REGULATIONS 2013.

The Panel has been advised of the consolidation of the two national Statutory Instruments (SIs) covering food safety and food hygiene into the Food Safety and Hygiene (England) Regulations 2013.

The Regulations came into force on 31st December 2013 as an attempt on behalf of the Government to reduce the legislative burden on food businesses.

The Panel has updated its scheme of delegations, which already include the enabling Act, in response to the new Regulations and in so doing has authorised the Head of Environmental and Community Health Services to appoint authorised persons to enforce the provisions of the Regulations and initiate prosecutions after consultation with the Chairman and Vice Chairman of the Panel.

13. LICENSING AND PROTECTION APPLICATIONS SUB-GROUP.

The Panel has noted details of the three meetings of the Applications Sub-Group that took place on 1st and 23rd July and 22nd August 2013.

J W Davies
Chairman