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Planning, Regulatory and Licensing Report

Date Written	15th June 2015
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Service Area	Trading Standards, Licensing and Transport
Exempt/Non Exempt	Non exempt
Committee Date	24 th June 2015

To: Chairman, Ladies and Gentlemen

INTENDED USE POLICY FOR HACKNEY CARRIAGE VEHICLES

PURPOSE OF THE REPORT:

To consider the introduction of an Intended Use Policy for Hackney Carriage Vehicles

1.0 INTRODUCTION AND BACKGROUND

- 1.1 Historically prospective drivers and owners of Hackney Carriage Vehicles submitted applications to the district in which they intended working. A number of test case judgments however have changed this resulting in a need for authorities to amend their licensing policies and procedures
- 1.2 The judgment in the Stockton v Fidler case ruled that a licensed Hackney Carriage, once licensed by one authority, could be used for Private Hire work anywhere in the country. This has resulted in an increase in applications to this and other neighbouring authorities from persons living in areas some distance from the County Borough.
- 1.3 Licensing authority requirements can vary significantly with many requiring comprehensive training and local knowledge tests for drivers, dress codes or specific colours for Hackney Carriage etc. It is believed that some applicants are applying to authorities outside their area where they assume it may be quicker, cheaper and/or less onerous to apply for a Hackney Carriage licence and then operating as private hire vehicles in their home areas. This causes issues for the authority where the

vehicle/driver actually works, is unfair to local licensees who have complied with local requirements, and flouts the aims of the original legislation.

- 1.4 There is also a risk that drivers and vehicles licensed by this Authority could be committing offences in areas where we are unable to adequately police or monitor.
- 1.5 The Newcastle v Berwick test case however ruled that a Licensing Authority could trigger its discretion to refuse or revoke the Hackney Carriage proprietor's licence where the vehicle is not being used predominantly or entirely within the licensing authority's jurisdiction. In order for Merthyr Tydfil County Borough Council to apply that discretion the authority needs to adopt and implement an 'Intended Use Policy'
- 1.6 A proposed Intended Use Policy is attached at Appendix 1. The Policy informs applicants that they face refusal or revocation if evidence is obtained of the Hackney Carriage not being operated predominantly within the Merthyr Tydfil County Borough area.
- 1.7 The Policy will need other supporting mechanisms as on its own it will rely on enforcement in other local authority areas to gather evidence that the vehicles are being operated predominantly there rather than in the Merthyr Tydfil County Borough. Remote operating areas currently include Bristol and Birmingham.
- 1.8 It is proposed that the Intended Use Policy is put out to public consultation for a six week period with a view to bringing the matter back before this Committee for approval and or amendment.

2.0 FINANCIAL IMPLICATION(S)

- 2.1 None

3.0 EQUALITY IMPACT ASSESSMENT

- 3.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. It has been found that a full assessment is not required at this time. The form can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.

4.0 SINGLE INTEGRATED PLAN AND SUSTAINABILITY IMPACT SUMMARY

- 4.1 The Community Plan & Sustainability Impact Assessment has been completed and the proposals may have a positive impact on People enjoy a vibrant, attractive, safe and sustainable place in which to live, work, play and visit and Financial Sustainability of Public services. No negative impacts or threats have been identified.

5.0 RECOMMENDATION(S) that

5.1 The proposed policy as set out in paragraph 1.6 is approved for consultation as outlined in paragraph 1.8

I await Councillors' decision.

ELLIS COOPER
CORPORATE DIRECTOR (PLACE AND TRANSFORMATION)

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Intended Use Policy		Attached as appendix 1

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.