

PLANNING, LICENSING AND REGULATORY COMMITTEE

Date Written	18 th September 2015
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Exempt/Non Exempt	Trading Standards, Licensing and Transport
Committee Date	14 th October 2015

To: Chair, Ladies and Gentlemen

Intended Use Policy for Hackney Carriage Vehicles

1.0 SUMMARY OF THE REPORT

1.1 This report recommends that the Planning Licensing and Regulatory Committee approves the introduction of an Intended Use Policy relating to the Licensing of Hackney Carriage Vehicles. The Authority intends to prevent Hackney Carriage Vehicles licensed by Merthyr Tydfil County Borough Council operating predominantly outside the County Borough.

2.0 RECOMMENDATION(S)

2.1 The Proposed Intended Use Policy is approved.

3.0 INTRODUCTION AND BACKGROUND

3.1 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

3.2 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.

- 3.3 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.
- 3.4 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.
- 3.5 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'
- 3.6 On the 24th June 2015 this Committee agreed to the draft Intended Use Policy (appendix 1) would be put to public Consultation for a six week period.
- 3.7 A period of consultation took place between the 6th July and the 14th August. All current Hackney carriage Vehicle License holders were written to and the policy and questionnaire were held on the Cwm Taf Consultation Hub. The Consultation was publicised on the Authorities Website and promoted via the Facebook and Twitter Pages.
- 3.8 Consultees were asked if they agreed with the introduction of the policy and for any additional comments. A total of five responses, all via the Cwm Taf Consultation Hub, were received. Three of the responses answered yes they were in agreement to the introduction of the policy and two responded they were undecided.

4.0 FINANCIAL IMPLICATION(S)

4.1 None

**ELLIS COOPER, CORPORATE DIRECTOR
(PLACE AND TRANSFORMATION)**

**COUNCILLOR CHRIS BARRY,
PORTFOLIO MEMBER FOR
REGENERATION, PLANNING AND
COUNTRYSIDE**

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Intended Use Policy		Attached
Does the report contain any issue that may impact the Council's Constitution?		No