



REPORT TO:	Licensing Committee
DATE:	11 th June 2014
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Licensing Officer licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Proposed Hackney Carriage Intended Use Policy

1. PURPOSE OF THE REPORT

1.2 To present to Members a proposed Hackney Carriage Intended Use Policy, for their consideration.

2. EXECUTIVE SUMMARY

2.1 For Members to consider approving a policy regarding the intended use of hackney carriage vehicle licences granted in the County.

3. BACKGROUND INFORMATION

3.1 It was recognised by members of the Director of Public Protection Wales (DPPW) Licensing Technical Panel that Authorities were receiving significant number of applications and enquiries from hackney carriage proprietors and drivers who reside outside the Council area.

3.2 It is entirely lawful for a hackney carriage licensed by one authority to undertake pre-booked hirings (private hire) outside of the authority Area. This could lead to a situation where a significant number of hackney carriages licensed by an authority, undertakes private hire work entirely outside of that Council area.

3.3 Whilst the current situation is not unlawful, it is not ideal from an enforcement point of view for vehicles to be operating predominantly outside of the local authority area where they are licensed. This makes it more difficult for Officers to monitor and enforce.

3.4 Enforcement Officers are not able to carry out compliance or enforcement duties in other Local Authority areas. It is also very difficult to monitor vehicles easily if they rarely operate within their area and this could have significant safety issues.

- 3.5 The authority does not currently have regard to whether an applicant for a hackney carriage licence intends their vehicle, if licensed, to be used predominantly for the purpose of private hire bookings outside of the County. In addition the Council currently has no means of ascertaining if the proprietor of a hackney carriage vehicle intends to operate within the County or if the vehicle will be used predominantly for the purpose of private hire work outside of the County
- 3.6 The DPPW Licensing Technical Panel recognised the safety implications of vehicles who operated in the manner stated above and referred to the High Court judgment in the case of Newcastle City Council v Berwick upon Tweed Council [2008] when drafting up a policy. The following statements were made in this judgement –
- a) *“It was the intention behind the licensing system that it should operate in such a way that the authority licensing hackney carriages is the authority for the area in which those vehicles are generally used”*
 - b) *“A licensing authority, properly directing itself, is entitled and indeed obliged to have regard to whether in fact the applicant intends to use that hackney carriage predominantly, or entirely, remotely from the authority’s area”*
 - c) *“It must be desirable for an authority issuing licences to hackney carriages to be able to restrict the issuing of those licence to proprietors and drivers which are intending to ply for hire in that authority’s area”*
 - d) *“While I cannot at the moment conceive of it being rational to grant a licence to those who intend to operate their hackney carriages remotely from [the local authority’s area] I am not prepared to say that it is bound to be unlawful”*
 - e) *“There will be proprietors who wish to use their vehicles in a number of different authorities’ areas and in that case no doubt there will be flexibility in the exercising of the discretion. Matters such as where the proprietor is based and where most of the business comes from will be material matters to consider”.*
- 3.7 The DPPW recommend that the policy is adopted by all Local Authorities in Wales. This is to ensure a consistent and transparent approach across Wales when determining the intended use of hackney carriage vehicles.

4. **CONSULTATION**

- 4.1 Contrary to usual practice, Officers sought approval from the Head of Planning and Public Protection, to deviate from our existing Policy Process, and consult with the licensed trade and interested parties before presenting it to Members of the Licensing Committee. The purpose of

this change was to minimise any delay in Members' making a decision on this important policy, and to avoid any need to have to report back again to Members after the consultation period had ended.

4.2 Members will be aware that they were included as part of the consultation process, along with all Elected Members, Town and Community Councils, all licence holders, and trade associations.

4.3 As a result of the consultation, we have not received any objections to the proposed Intended Use Policy for Hackney Carriage vehicles.

4.4 It is worthy of note that one of the main Taxi operators in the County are fully supportive of the Policy, and have been invited along to the meeting, along with all other individuals that had responded to the consultation.

5. **RECOMMENDATION**

5.1 That Members support the proposed Intended Use Policy and recommend to Full Council the adoption of such policy.