



REPORT TO:	Licensing Committee
DATE:	10 th September 2014
LEAD OFFICER:	Head of Planning and Public Protection
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SUBJECT:	Proposed revised Hackney Carriage Byelaws

1. PURPOSE OF THE REPORT

- 1.2 To present, to Members, revised Byelaws relating to Hackney Carriage regulation, for their consideration.

2. EXECUTIVE SUMMARY

- 2.1 For Members to consider approving the Department for Transport Model Byelaws under Section 68 of the Town Police Clauses Act 1847.

3. BACKGROUND INFORMATION

- 3.1 The Council, as the Licensing Authority, has the responsibility under the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976 for the licensing of Hackney Carriages and their drivers.
- 3.2 Since reorganisation in 1996 the Council has exercised this responsibility through the Council's Hackney Carriage and Private Hire Licensing Conditions (The Blue Book) and through Byelaws relating to Rhyl and Prestatyn only.
- 3.3 Expert Legal advice has recommended that the Council adopt Byelaws which cover the whole of the County to ensure that they accurately reflect changes in legislation and to ensure a fair, transparent and consistent approach is taken when determining enforcement and other issues relating to hackney carriage vehicles and drivers.
- 3.4 Section 68 of The Town Police Clauses Act 1847 allows a local authority

to make Byelaws for regulating the conduct of the proprietors and drivers of Hackney Carriages within their authority area.

- 3.5 The Department for Transport has produced a set of Model Byelaws as a basis for local authorities to use and it is not the intention to deviate from these model Byelaws, which can be found at Appendix A.
- 3.6 Making byelaws under s68 of the Town Police Clauses Act 1847 is a Council function (as opposed to an Executive function) under the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007. A report will therefore need to be presented to Full Council at a later date if Members are minded to support the model Department for Transport Byelaws.
- 3.7 The current Byelaws relate to the Rhyl and Prestatyn only and were confirmed on the 25th January 1972 (for Rhyl) and the 18th April 1975 (for Prestatyn) by the Secretary of State. Should the Council adopt the model Byelaws the Rhyl and Prestatyn Byelaws will be repealed.

4. **CONSULTATION**

- 4.1 Should Members be minded to support the proposed Department for Transport Model Byelaws, Officers will start formal consultation with all Hackney Carriage Proprietors and licensed drivers.
- 4.2 Any representations following the consultation will be reported to Full Council for Members consideration. Should Members be minded to adopt the Model Byelaws confirmation by the Welsh Assembly Government will then need to take place.

5. **RECOMMENDATION**

- 5.1 For Members to support the proposed Department of Transport Model Byelaws found at Appendix A and authorise Officers to commence consultation as detailed in 4.1 above.