

Report To: County Council

Date of Meeting: 1st December 2015

Lead Member / Officer: David Smith – Lead Member Public Realm

Report Author: Graham Boase - Head of Planning and Public Protection
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Title: Proposed revised Hackney Carriage Byelaws

1. What is the report about?

1.1 The purpose of this report is to ask Members to approve the revised Byelaws in respect of Hackney Carriages.

2. What is the reason for making this report?

2.1 The reason for this report is to seek to adopt revised and up to date byelaws to ensure a fair, transparent and consistent approach when determining any hackney carriage enforcement issues.

2.2 The reason for bringing the report to Full Council is that 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.

3. What are the Recommendations?

3.1 That the Department for Transport Model Byelaws, as set out in Appendix 1, to this report, be adopted.

3.2 To allow Officers to send the Model Byelaws to the Welsh Assembly Government for confirmation.

4. Report details.

4.1 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 and enforcement of Hackney Carriages and their drivers.

4.2 Since local government 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.

4.3 Legal Services have advised us that the Council should 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.

4.4 The Department for Transport (DfT) has produced a set of Model Byelaws as a basis for local authorities to use (Appendix 1). We intend to adopt these model byelaws.

4.5 Officers presented a report to Members of the Licensing Committee in September 2014 recommending adopting the DfT Model Byelaws and consulting with all Hackney Carriage Proprietors and Drivers.

5. How does the decision contribute to the Corporate Priorities?

5.1 The policy will contribute to economic growth/developing the economy/protection of vulnerable people by regulating the hackney carriage sector in the county

6. What will it cost and how will it affect other services?

6.1 An Equality Impact Assessment has been carried out and can be viewed at Appendix 2.

6.2 The only costs associated with this review is the requirement to advertise the byelaws in the local press. The rest of the review has been undertaken within existing service budgets. The costs of implementing the byelaws will be covered within existing service budget.

7. What consultations have been carried out?

7.1 Consultation has taken place with Licensing Committee and all Hackney Carriage Proprietors and Drivers. As a result of that consultation, no representations or comments have been received.

8. Chief Finance Officer Statement

8.1 The costs of implementing the revised byelaws relating to hackney carriage enforcement issues should be maintained within exiting budgets. Robust budget monitoring arrangements are in place to ensure that this is the case.

9. What risks are there and is there anything we can do to reduce them?

9.1 By not having up to date Byelaws in place creates inconsistencies throughout the County, therefore it is important, to enable better regulation, to adopt the model Byelaws.

10. Power to make the Decision

10.1 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.