

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **LICENSING COMMITTEE**

DATE: **THURSDAY, 15 MAY 2014**

REPORT BY: **DIRECTOR OF ENVIRONMENT**

SUBJECT: **INTENDED USE POLICY FOR HACKNEY
CARRIAGES LICENSED WITHIN FLINTSHIRE**

1.00 **PURPOSE OF REPORT**

- 1.01** To request that Members consider the implementation of an Intended Use Policy for Hackney Carriage applications that will apply to:
- New Hackney Carriage Applications
 - Renewal of existing Hackney Carriage Licenses
 - Transfer of existing Hackney Carriage Licenses

2.00 **BACKGROUND**

- 2.01** It has previously been reported to Members that the Authority has licensed a number of applications for Hackney Carriages from persons living outside of Flintshire, and still continue to receive a significant number of applications.
- 2.02** Recent High Court cases have deemed that it is entirely lawful for a hackney carriage licensed by one authority to undertake pre booked hiring's (private hire) outside of that authority area. This would mean that hackney carriages licensed within Flintshire could be used for private hire bookings for operators who are based outside of the Flintshire area. Also, hackney carriage vehicles from other authorities which may not meet Flintshire's vehicle specification could be used as private hire vehicles in the Flintshire area.
- 2.03** This Authority does not currently have regard to whether an applicant for a hackney carriage licence or the proprietor of a hackney carriage vehicle intends to work within Flintshire or if the vehicle will be used predominantly for the purpose of private hire work outside of Flintshire.
- 2.04** Whilst the current situation is not unlawful, it is not ideal from an enforcement point of view for vehicles to be operating outside of the local area where they are licensed
- 2.05** Monitoring of licensed vehicles is a routine part of the taxi licensing function and ensures that licensed vehicles are operating in compliance with the Authority's licence conditions. Such monitoring is

often undertaken jointly with colleagues in North Wales Police or with VOSA who are able to assess the roadworthiness of the vehicle, thereby promoting the safety of the public travelling in licensed vehicles.

2.06 Flintshire County Council was nominated a 'First Phase Authority' under the Disability Discrimination Act. Therefore all our hackney carriage vehicles must be purpose built or a specialist conversion and must be provide full disabled access. Many neighbouring Authorities do not operate such a specialist fleet and licence ordinary saloon cars as hackney carriages.

2.07 In addition to the above, there are enforcement issues where licensed vehicles predominately operate outside of the area where they are licensed. There is the temptation to unlawfully ply for hire and this is an issue for that authority.

3.00 CONSIDERATIONS

3.01 An Intended Use Policy for Hackney Carriages is proposed (see Appendix A). The effect of the policy would be that for the following types of application:

- New Hackney Carriage Licence
- Renewal of Hackney Carriage Licence
- Transfer of a Hackney Carriage Licence

The applicant would need to indicate on the application form whether they intended to predominantly operate in Flintshire.

3.02 Where the applicant indicates that the vehicle will not operate within Flintshire, careful consideration will be given to the application. For vehicles that are licensed, if it is believed that the vehicle is not operating predominantly in Flintshire, then an investigation will take place and where it is determined that the vehicle is not operating within the policy then there will be a presumption that the licence will be reviewed. Each application will always be dealt with on its individual merits but the policy will give an indication to applicants of the matters that the licensing authority will take into consideration.

3.03 Delegated powers would fall to the Licensing Team Leader or the Community Protection Manager, however, it is proposed that any decision to proceed with formal action should also be brought before the Licensing Sub Committee for final determination.

3.04 The basis of this Policy was devised and created by the Directors of Public Protection Wales Licensing Technical Panel, and all the Wales authorities were asked to contribute.

3.05 Neighbouring authorities within Wales are considering implementation of this policy. Neighbouring Authorities in England are also considering implementation of a similar policy.

4.00 RECOMMENDATIONS

- 4.01** That Members agree to implement the proposed Intended Use Policy
- 4.02** That Members agree to delegate to the Licensing Team the power to consider and determine a licence where the applicant has indicated that they do not propose to operate predominantly in Flintshire.
- 4.03** That Members agree to delegate to the Licensing Team the power to suspend or revoke a licence where it has been deemed that the Hackney Carriage is not being used predominantly within Flintshire, before a Licensing Sub Committee considers the matter before a final determination.

5.00 FINANCIAL IMPLICATIONS

- 5.01** Any applicant or licence holder has the right of appeal to the refusal, suspension or revocation of a licence which may involve a cost to the authority.

6.00 ANTI POVERTY IMPACT

- 6.01** None

7.00 ENVIRONMENTAL IMPACT

- 7.01** None

8.00 EQUALITIES IMPACT

- 8.01** None

9.00 PERSONNEL IMPLICATIONS

- 9.01** None

10.00 CONSULTATION REQUIRED

- 10.01** None

11.00 CONSULTATION UNDERTAKEN

- 11.01** None

12.00 APPENDICES

- 12.01** Appendix A – Proposed Intended Use Policy

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

Local Government (Miscellaneous Provisions) Act 1976

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