

LICENSING COMMITTEE
15 MAY 2014

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at County Hall, Mold on Thursday 15 May 2014.

PRESENT: Councillor Tony Sharps (Chairman)

Councillors: Glyn Banks, David Cox, Rosetta Dolphin, Ian Dunbar, Jim Falshaw, Brian Lloyd, Hilary McGuill, Mike Reece

APOLOGIES:

Councillor Brian Dunn

IN ATTENDANCE:

Solicitor, Team Leader, Licensing and Team Manager, Committee Services

1. MINUTES

The minutes of the meeting held on 9 May 2013 had been circulated with the agenda.

RESOLVED:

That, subject to the apologies being recorded for Councillors Banks and McGuill, the minutes be approved as a correct record and signed by the Chair.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. INTENDED USE POLICY FOR HACKNEY CARRIAGES LICENSED WITHIN FLINTSHIRE

The Team Manager, Licensing, introduced the report on the recommended implementation of an Intended Use Policy for Hackney Carriage applications that would apply to new Hackney Carriage applications, renewal of existing Hackney Carriage licenses and the transfer of existing Hackney Carriage licences.

Recent High Court cases had deemed that it was entirely lawful for a hackney carriage license by one authority to undertake pre booked hiring's (private hire) outside of that authority area. That would mean that hackney carriages licensed within Flintshire could be used for private hire bookings for operators who were 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.

Flintshire did not currently have regard to whether an applicant for a hackney carriage licence or the proprietor of a hackney carriage vehicle intended to work within Flintshire or if the vehicle would be used predominantly for the purpose of private hire work outside of Flintshire. Whilst the current situation was not unlawful, it was not ideal from an enforcement point of view for vehicles to be operating outside of the local area where they were licensed.

Monitoring of licensed vehicles was a routine part of the taxi licensing function and ensured that licensed vehicles were operating in compliance with the Authority's licence conditions. Such motoring was often undertaken jointly with colleagues in North Wales Police or with VOSA who were able to assess the roadworthiness of a vehicle, thereby promoting the safety of the public travelling in licensed vehicles.

On application forms for hackney carriage licences, applicants would need to indicate on the forms whether they intended to predominantly operate in Flintshire. If an applicant indicated that the vehicle would not operate within Flintshire, careful consideration would be given to the application. For vehicles that were licensed, if it was believed that the vehicle was not operating predominantly in Flintshire, an investigation would take place and where it was determined that the vehicle was not operating within the policy, there would be a presumption that the licence would be reviewed. Each application would be dealt with on its own merits but the policy would give an indication to applicants of the matters that the licensing authority would take into consideration.

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

The basis of the policy was devised and created by the Directors of Public Protection Wales Licensing Expert Panel, and all Welsh authorities were asked to contribute. Neighbouring authorities within Wales were considering implementation of the policy and neighbouring authorities in England were also considering implementation of a similar policy which Members were supportive of.

RESOLVED:

- (a) That the proposed Intended Use Policy be agreed;
- (b) That delegated powers be given to the Licensing Team Leader or the Community Protection Manager to consider and determine a licence where the applicant has indicated that they do not propose to operate predominantly in Flintshire; and
- (c) That delegated powers be given to the Licensing Team Leader or the Community Protection Manager to suspend or revoke a licence where

it was deemed that the hackney carriage was not being used predominantly within Flintshire, before a Licensing Sub Committee considers the matter before a final determination.

4. **MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were no members of the press or public present.

(The meeting commenced at 10.00 a.m. and ended at 10.25 a.m.)

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Chairman