Dear Sir/Madam,

The Cabinet Member for Planning and Public Protection (Councillor N.J.P. Phillips) is to consider the following report and make a decision on Monday, 25th October at 4.30 p.m. in Committee Room A, Town Hall, Nuneaton.

Yours faithfully,

CHRISTINE KERR
Chief Executive

AGENDA

PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Yorkshire Bank on the opposite side of the road.

Please exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.
2. **PUBLIC CONSULTATION** - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.

3. **HACKNEY CARRIAGE/PRIVATE HIRE LICENSING POLICIES** – Report of the Assistant Director – Planning and Public Protection attached. (Page 2)
## Agenda item: 3

**INDIVIDUAL CABINET MEMBER DECISION**

**Report Summary Sheet**

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<th>25&lt;sup&gt;th&lt;/sup&gt; October 2010</th>
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<tr>
<td>Subject:</td>
<td>Hackney Carriage/ Private Hire Licensing Policies</td>
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<td>Portfolio:</td>
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<td>From:</td>
<td>Assistant Director Ian Powell</td>
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**Summary:** To report on the outcome of a consultation exercise and seek approval to the recommendation of the Licensing Committee to adopt a policy relating to the licensing of Hackney Carriage Vehicles, with the intention that those licensed by the Council work primarily within the Borough.

**Recommendations:** That the Licensing Committee recommendation be adopted.

**Reasons:** To facilitate regular inspection and enforcement of vehicles licensed by this authority but may have been working outside of the area.

**Options:** Reject the proposed policy amendment

**Subject to call-in:** Yes

**Forward plan:** No

**Corporate Priorities:**
- **Aim 2:** To work in partnership to reduce the level of crime and disorder so that the community is and feels safer.
- **Aim 2 – Priority 3:** Use of the Council’s enforcement powers to support community safety initiatives

**Relevant statutes or policy:**
- Town Police Clauses Act 1847
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<th>Equal Opportunity Implications:</th>
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**Contact Details:**  
Les Jackson – Principal Business Regulation and Support Officer  
024 7637 6228
1. Purpose of Report

To report on the outcome of the consultation exercise relating to the recommendation of the Licensing Committee to adopt a policy of not granting or renewing hackney carriage vehicle licences [i.e. does not licence hackney carriage vehicles] if it is intended that they are to be used primarily outside the Borough.

2. Recommendation

The Council adopts the policy recommended by Licensing Committee of not granting or renewing hackney carriage vehicle licences [i.e. does not licence hackney carriage vehicles] if it is intended that they are to be used primarily outside the Borough.

3. Background

3.1 There have been concerns for some time about vehicle proprietors operating their hackney carriage vehicles licensed by this authority primarily as private hire vehicles outside the Borough. There have been regular discussions between successive Chairs of this Council’s Licensing Committee and Coventry City Council’s Licensing Committee about ways to control the issue.

3.2 The Local Government (Miscellaneous Provisions) Act 1976 acknowledges that hackney carriages may be used for private hire work (pre bookings) and these pre bookings may start and end outside the area in which the vehicle is licensed. The problems have arisen due to proprietors effectively signing on with operators in other areas meaning the vehicles are not available for use in the area in which they are licensed and also causing an over supply in the area in which they are being used. Furthermore enforcement checks also become difficult as reliance is placed on the authority in which the vehicle is operating.

3.3 Similar problems have existed throughout the country in recent years, the most high profile being in the north-east which has culminated in a Judicial Review involving Newcastle City Council and Berwick upon Tweed Borough Council. The outcome of that Judicial Review means that it is now clear that
the Council may take into account where and how proprietors propose to operate their hackney carriages when deciding on an application.

3.4 In light of this Licensing Committee has recommended (minute 74 2009) that that the Council adopt a policy of not granting or renewing hackney carriage vehicle licences [i.e. does not licence hackney carriage vehicles] if it is intended that they are to be used primarily outside the Borough.

3.5 Matters of Hackney Carriage Policy are the responsibility of the Executive and when the Licensing Committee recommendation was originally brought forward for consideration by the Cabinet Member (16th June 2010), it was agreed that a consultation exercise should be carried out prior to a decision being made.

3.6 Subsequently, letters were sent to all hackney carriage proprietors informing them of the recommendation and inviting comments by 1st September, 2010. Details were also published on the Council's website.

3.7 Although a number of telephone enquiries were received during the consultation period only 2 responses have been received, both of these from proprietors who work primarily within the Borough.

3.8 The first response is in the main about vehicles licensed by other authorities working in this Borough and suggests that a similar policy to that proposed should be adopted nationwide. As stated previously, it is perfectly legitimate for hackney carriages to pick up pre-bookings outside of their licensed area although they can not accept flag downs. If sufficient evidence of a flag down was received then the Council could prosecute for illegal plying for hire and the appropriate licensing authority would be informed.

3.9 The second response accepts that vehicles working predominantly outside the area is wrong and endorses the proposal. The response then goes on to make suggestions regarding other aspects of licensing (the provision of additional rank spaces and licence conditions) which will be responded to separately.

3.10 Should the recommendation be accepted, then any proprietor who may be aggrieved by a refusal of a licence in accordance with the policy would have the right of appeal to the Licensing Committee.

IAN POWELL