

DEPARTMENT OF ENVIRONMENT HOUSING AND NEIGHBOURHOODS**ORIGINATING SECTION: PUBLIC PROTECTION SERVICE****REPORT TO: LICENSING COMMITTEE****15:07:14****TITLE : UPDATE ON INTENDED USE POLICY ACROSS LANCASHIRE AUTHORITIES****1. PURPOSE**

To inform and seek the Licensing Committee's views of the proposed introduction of an intended use policy in Blackburn with Darwen, following a representation from the trade.

2. RECOMMENDATIONS

For members to note the report and decide whether to support the introduction of an intended use policy or whether it is satisfied that the current arrangements provide sufficient control.

3. KEY ISSUES

Over recent years there has been an increasing problem within certain areas of Lancashire of Hackney Carriages being licensed by one authority but exclusively carrying out private hire work in other areas. Rossendale Borough Council currently has many licensed vehicles working in other areas. At a meeting of the Lancashire Licensing Officer Group this issue was discussed where the Licensing Officer from Preston City Council confirmed that they had introduced an intended use policy. It was suggested that if all Council's within Lancashire were to do the same collectively it could potentially eradicate the problem. A copy of Preston's can be found at appendix 1

Members will recall that an intended use policy report was brought before them in November 2013, and at that time the recommendation from the Committee was to introduce a policy . The matter was then consulted upon with the trade. It was discussed at the Taxi forum on 22nd January 2014, where the introduction of such a policy received some support. The minutes were distributed to all the operators and comments were sought. On 28th February an email was received opposing the introduction of an intended use policy on the grounds of human and employment rights see appendix 2.

In light of the representation the issue has been brought back to the Licensing Committee for further review.

4. RATIONALE

An intended use policy would introduce an additional element to the application process so that the Council will assess the intended use of the vehicle at the point of application for a new licence, the renewal of a licence, transfer of ownership and /or change of vehicle. The policy could also include a presumption that a licence holder would be referred to committee if they were found to be using the vehicle contrary to its previously stated use. Each case would be considered on its own merits.

5. POLICY IMPLICATIONS

The expertise of the Licensing Committee in this area of work is recognised, The Licensing Committee should consider the proposals and their recommendations will be forwarded to the Executive Member as part of the consultation process.

6. FINANCIAL IMPLICATIONS

N/A

7. LEGAL IMPLICATIONS

Following recent high court decisions the current legal position is as follows :

A hackney carriage vehicle which is licensed in one area, can be used to carry out pre booked private hire work on behalf of an operator licensed by a different local authority (ie they are able to work anywhere in the country)

In the proper exercise of its statutory discretion under section 37 of the Town Police Clauses Act 1847, a licensing authority is obliged to have regard (a) to whether the applicant intends that the hackney carriage if licensed will be used to ply for hire within the area of the authority, and (b) whether the applicant intends the hackney carriage will be used (either entirely or predominantly) for private hire remotely from the area of that authority.

A licensing authority may in the proper exercise of its discretion under section 37 refuse to grant a licence in respect of a hackney carriage that is not intended to be used to ply for hire within its own area and/or is intended to be used (either entirely or predominantly) for private hire remotely from the area of that authority

In determining whether to grant a licence under section 37, a licensing authority may require an applicant to submit information pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976 in order to ascertain the intended use of the vehicle

8. RESOURCE IMPLICATIONS

Resources will be needed to formulate an intended use policy and to consult with the relevant organisations; however these will be sourced within the Public Protection Service

9. CONSULTATIONS

As in November 2013 the Committee resolved to support the adoption of an intended use policy, it was decided at that meeting that a consultation would need to be carried out with the trade. This was undertaken via the taxi forum on 22nd January 2014.

10 . CONTACT OFFICER

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