

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 6

meeting date: 22 MARCH 2011
 title: CONDITIONS ATTACHED TO OPERATORS LICENCE AND HACKNEY CARRIAGE LICENCES – CONSULTATION RESPONSE AND CONFIRMATION OF CHANGES
 submitted by: CHIEF EXECUTIVE
 principal author: HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

1.1 To inform Committee about the results of the consultation exercise carried out following Committee's decision to amend private hire operators licences, and approve in principle amendment of hackney carriage vehicle and driver licences, taken at the meeting on 23 November 2010.

1.2 Relevance to the Council's ambitions and priorities

- Council Ambitions - }
- Community Objectives - } The Council aims to ensure the health and safety of residents. The proposed changes are made in the interests of public safety.
- Corporate Priorities - }
- Other Considerations - }

2 BACKGROUND

2.1 Following complaints from adjacent areas, and the receipt of the decision in the case of Stockton on Tees vs Fidler, Committee considered whether or not the Council should take action to limit the type of work that hackney carriage drivers could carry out in reliance on their hackney carriage driver licences issued by this Council.

2.2 The Stockton on Tees case established that the power of a hackney carriage driver to carry out private hire work applies to private hire work in any area of the country, not simply within the area of the licensing authority.

2.3 The recommendation of Committee on 23 November was as follows.

5.1 Authorise the Legal Services Manager to consult licence holders about amendments to the private hire operator, hackney carriage driver and hackney carriage vehicle licence conditions.

5.2 Authorise the Legal Services Manager with effect from 1 February 2011 to amend the conditions attached to an operators licence as set out above (ie in the main body of the report).

5.3 Request the Legal Services Manager to report to the next meeting of Committee about the responses received to the Council's proposed changes to licence conditions.

- 2.4 A letter was sent to all private hire operators and hackney carriage drivers or vehicle licence holders on the 16 December 2010. The letter contained the following information:
- ‘Changes to licensing conditions – the Council’s Licensing Committee has been considering whether or not to amend the conditions attached to operators licences and hackney licences.
- 2.5 The purpose of this is to address issues arising from a recent legal decision which clarified the extent to which those holding a hackney carriage licence can carry out private hire work in other areas.
- 2.6 The Council’s Licensing Committee considered a report about these matters on 23 November 2010. If you wish to read the report, this is available on the Council’s website or you can telephone Julie Holdsworth on 01200 414426 to request a paper copy. The proposed changes to the licence are outlined in the attached note.
- 2.7 If you wish to respond with your views on the proposed changes to the licensing additions, I would be obliged if you would be so kind as to do so by writing or e-mailing on or before the 28 January 2011’.
- 2.8 Attached as Appendix 1 is a copy of the explanatory note which was included with the letter.
- 2.9 To date no consultation responses have been received.
- 2.10 All operators licences issued on 1 February 2011 had the new condition attached, no objections have been made by operators.
- 2.11 The resolution of Committee relating to drivers required the matter to be reconsidered by Committee.
- 3 ISSUES
- 3.1 Members gave careful consideration on the 23 November 2010 to the impact of the conditions on the ability of licence holders to follow their chosen method of earning a living.
- 3.2 However, it was also pointed out to Members that until clarification of the legal position, all hackney carriage drivers licensed by the Council would not have anticipated that their licence from this Council would have covered them to work in any other area.
- 3.3 The Local Hackney Association has indicated informally that it supports the Council’s approach to this matter, and the absence of any objections would seem to demonstrate that this is not a matter about which hackney licence holders object.
- 4 RISK ASSESSMENT
- 4.1 The approval of this report may have the following implications
- Resources – N/A
 - Technical, Environmental and Legal – The Council can reconsider this matter at any time should licence holders experience difficulty complying.

- Political – N/A
- Reputation – N/A

5 RECOMMENDED THAT COMMITTEE

- 5.1 Confirm the amendment to the private hire operators licence.
- 5.2 Authorise an amendment to hackney vehicle and driver licences to secure licence holders agreement to carrying out work only within the area of the Council in reliance on their Ribble Valley licence.

HEAD OF LEGAL AND DEMOCRATIC SERVICES

For further information please ask for Diane Rice, extension 4418.