



Report of the Director of Legal and Democratic Services

Licensing and Regulatory Panel

Date: 5 September 2006

Subject: HACKNEY CARRIAGE PROPRIETOR'S LICENCES ISSUE

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Executive Summary

Two Hackney Carriage Proprietor's Licences have become available for reissue. This report gives details of the procedure that will be used to invite and evaluate applications for the two licences for the Panel's information.

The procedure meets the requirements of the recommendations from the Scrutiny Board (Central and Corporate Functions) Inquiry dated 9 September 2003 regarding the allocation criteria for Hackney Carriage Proprietor's Licences.

A full consultation has been carried out with the trade, and no comments were received.

Applications for the two licences will be advertised in the local press in the usual manner.

1.0 Purpose of this Report

- 1.1 To report details of the method of issue for 2 Hackney Carriage Proprietors Licences that have become available for reissue and the results of the trade consultation for the Licensing and Regulatory Panel's information only.

2.0 Background Information

- 2.1 On 28 May 2002, the Chief Legal Officer took a delegated decision to grant 135 Hackney Carriage Proprietor's Licences to meet an identified significant unmet demand. Along with applications for the licences, a number of representations were also received from the trade at the time challenging the criteria and procedure being used to issue the licences.
- 2.2 As a result legal advice was sought in October 2002. The criteria and procedure was amended in accordance with the advice received in January 2003 and a new condition was introduced to seek to control the circumstances in which such a licence could be transferred.
- 2.3 In June 2003 Scrutiny Board (Central and Corporate Functions) received a request for scrutiny from members of the hackney carriage trade regarding the allocation criteria for the licences. The Board conducted the Inquiry and received evidence from representatives of the trade and from Legal and Democratic Services on the issue. After considering the evidence, the Board made a number of recommendations in its final report dated 9 September 2003. The Executive Summary listing those recommendations is attached at Appendix A.
- 2.4 The issue of the 135 licences was completed on 8 November 2005.

3.0 Main Issues

- 3.1 2 of the 135 licences have now become available for reissue. These 2 licences will be issued in accordance with the revised criteria and procedure detailed in Appendices B to D, which take into account the recommendations of Scrutiny Board (Central and Corporate Functions) detailed at Appendix A.
- 3.2 Consultation was carried out with hackney carriage trade associations, independent proprietors and private hire operators in accordance with Recommendation 1 from Appendix A in July 2006. There is no material change to the application criteria or process from the last issue, other than the change in 3.4 of this report in response to a further recommendation, so there was no requirement to carry out the wider consultation recommended by Scrutiny Board (Central and Corporate Functions). There were no comments raised by the trade in response to the consultation.
- 3.3 Licensing and Regulatory Panel will recall their decision taken to implement a corporate customer care plan for Hackney Carriages in Leeds at their meeting on 9 May 2006. This meets the requirements of Recommendation 2 from Appendix A and the requirement to provide a customer care plan as part of the application process for the licences has now been removed from the attached criteria and process accordingly.
- 3.4 A Panel of three officers from Legal and Democratic Services will consider and evaluate all applications received for the two licences. This meets the requirements of Recommendation 3 from Appendix A.

3.5 Any appeals will be referred to Licensing and Regulatory Panel for consideration. This meets the requirements of Recommendation 4 of Appendix A.

4.0 Implications for Council Policy and Governance

4.1 None.

5.0 Legal and Resource Implications

5.1 Hackney Carriage Proprietor's Licences are granted by the local authority under section 37 of the Town Police Clauses Act 1847.

5.2 The criteria and process a local authority uses to evaluate applications for licences is at its own discretion, but clearly that process needs to be transparent with sound reasoning to support it. The criteria and process that will be used to issue these licences in Leeds is supported by legal advice and the Council's Scrutiny Board (Central and Corporate Functions).

5.3 There are no resource implications for the issue of these licences as they form part of the additional 135 licences issued to address the unmet demand from the last independent survey in 2002.

6.0 Conclusions

6.1 The Chief Legal Services Officer will be asked to take a Delegated Decision to issue the 2 licences in accordance with the criteria and procedure attached at Appendices B to D.

7.0 Recommendations

7.1 That Licensing and Regulatory Panel note the content of this report. An advert will be placed in the local newspaper inviting applications for the 2 licences as soon as the Delegated Decision has been taken by the Chief Legal Services Officer.

APPENDICES

- A. Recommendations from Scrutiny Board (Central and Corporate Functions) Final Report dated 9 September 2003.
- B. Hackney Carriage Proprietor's Licence – Application Guidance.
- C. Hackney Carriage Proprietor's Licence – Criteria Justification.
- D. Hackney Carriage Proprietor's Licence – Application Form.