



SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 12th September 2013

Subject: Private Hire and Hackney Carriage Licensing

Author of Report: Steven Lonnia Chief Licensing Officer,
Business and Strategy, Place Portfolio

Summary: Report –Hackney Carriage Application Policy
(use of vehicle)

Category of Report: OPEN

Hackney Carriage Application Policy (use of vehicle)

1. Purpose

- 1.1 To consider the need for Sheffield City Council to introduce a policy in relation to the Hackney Carriage Vehicles it licenses and where those vehicles will trade and be used.

2. Background

- 2.1 In November 2008 the High Court made a decision in a case (Newcastle CC v Berwick B C. Case No: CO/6448/2007) that changed the way in which Licensed Hackney Carriages were used by proprietors.
- 2.2 The case stated primarily that a Hackney Carriage could operate anywhere in England and Wales taking pre-booked jobs (acting as a Private Hire vehicle) so long as the vehicle and driver were properly licensed somewhere. And both were licensed by the same Authority.
- 2.3 This has now led to the increase population of out of Town Hackney carriages working within the Sheffield District and other major Cities. It has also led to a lesser extent some of Sheffield Licensed Vehicles working elsewhere.
- 2.4 The Council currently limits the number of hackney carriages that it will licence within the city at 857. Having a limitation policy means that this problem of issuing licenses that may be used elsewhere is small. Licenses are only issued when the number is below the limit or a person replaces a current vehicle.

3. Current Application Policy

- 3.1 Under the limitation Policy, any application submitted for a Hackney Carriage Vehicle that is not to replace a currently licensed vehicle and if licensed would increase the numbers licensed beyond the limit has to be referred to the Licensing Sub Committee for determination.
- 3.2 If the Application is refused by the Licensing Sub Committee on the grounds of limiting the numbers then the person has a right of appeal to the Crown Court.
- 3.3 Officers have no delegated powers to refuse an application.
- 3.4 An applicant has to have "possession" of a vehicle and cannot make an application if not.
- 3.5 The vehicle has to meet the Sheffield City Council Hackney Carriage Vehicle specification.

6. Consultation

- 6.1 This report was circulated as a draft report to all trade associations and raised at the monthly taxi liaison group.
- 6.2 Trade Association representatives have been invited to this meeting. Any written representations will be attached to this report.

7. Financial Implications

- 7.1 There are no financial implications or risk to the Council with this Policy.

8. Options

- 8.1 Consider the need for a Hackney Carriage Application Policy.
- 8.2 Accept the officer recommendations made in section 5 of the report.
- 8.3 Formulate a policy differing from the recommendations.

TRADE REPRESENTATIONS

GMB trade union – Response to Policy items for 12th September 2013.

Having consulted with our reps we have the following response, hopefully one of our reps will be at the meeting but should that not be the case please accept this as a formal response:

GMB concerns are:

Driver referrals:

1. Is this a '2 strikes and you're out policy' and if so why not 3, 4 or even 5 depending on the severity of the accusation etc? We would expect clear and concise guidance around the need for the policy change (i.e evidence of how any such change will improve the service for owners and stake holders alike and how it will be measured).

2. We would suggest that any change to the current policy should be developed and agreed through the Taxi forum.

Hackney use policy:

1. There are no examples of what or how the question would be posed on the licence application or renewal and unless we can see this we can't see how we are to be expected to respond.

2. Would the new policy restrict business and if so wouldn't that be to the detriment of the businesses in Sheffield? It is not evident in the proposal that this has actually presented any problem of a significant proportion to the Council. Again we would like to see more evidence of the need for the policy change and a proposal that outlines how the change will improve the service for owners and stake holders alike and how any improvement will be measured.

3. We would suggest that any change to the current policy should be developed and agreed through the Taxi forum.

Peter Davies
GMB

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