

Disapplication of Private Hire Operator Licence Conditions

SUMMARY

- 1.1 On 29 August 2013 a report was considered by the Taxi Licensing and Appeals Committee in relation to the use of third party vehicles by Private Hire Operators. The report summarised the results of a consultation and made recommendations.
- 1.2 The Committee resolved to adopt the provisions, as set out in the report, as additional conditions, to be attached as appropriate to Private Hire Operators licences, Private Hire Vehicle licences, and Hackney Carriage Vehicle licences with effect from 1 October 2013.
- 1.3 A letter has been received from Mr Kevin Rowland who represents Chads Cars Ltd requesting that Conditions 34 – 38 inclusive are not attached to the Operator's Licence for Chads Cars Ltd.

RECOMMENDATION

- 2.1 To reject the request from Chads Cars Ltd that standard conditions 34 – 38 inclusive are not attached to the Operator's Licence for Chads Cars Ltd, at its next renewal.

REASONS FOR RECOMMENDATION

- 3.1 The rationale for the decision made by Committee in August 2013 remains valid.
- 3.2 The decision made by Committee in August 2013 is lawful.

SUPPORTING INFORMATION

- 4.1 On 29 August 2013, a report was considered by the Taxi Licensing and Appeals Committee in relation to the use of third party vehicles by Private Hire Operators. The report summarised the results of a consultation and made recommendations.

- 4.2 The Committee resolved to adopt the provisions set out in the report, as additional conditions, to be attached as appropriate to Private Hire Operators licences, Private Hire Vehicle licences, and Hackney Carriage Vehicle licences with effect from 1 October 2013. These are set out at Appendix 2.
- 4.3 Two letters have been received from Mr Kevin Rowland who represents Chads Cars Ltd requesting that standard conditions 34 – 38 inclusive are not attached to the Operator's Licence for Chads Cars Ltd when it is renewed in the near future. These are attached at Appendix 3.
- 4.4 The view of Chads Cars Ltd is that a licensing authority cannot attach conditions to a private hire operators licence in respect hackney carriages, whether they be licensed by that authority or any other authority. They go on to set out the reasons why they believe this to be so.
- 4.5 An identical request from Albatross Cars Ltd was considered at the last Taxi Licensing and Committee meeting on 20 February 2014.
- 4.6 Officers do not agree with the arguments set out by Chads Cars Ltd. Specifically, the additional conditions introduced in August 2013 were not targeted at hackney carriage vehicles but rather to the use of any third party vehicle of whatever sort, by an operator. That such third party vehicles may include hackney carriages does not detract from the fundamental basis for the introduction of the said conditions i.e. the preservation of public safety, and the need for the fare paying to be confident that their interests are suitably safeguarded. On this basis, officers are advised that the decision made by Committee in August 2013 is lawful.
- 4.7 The Committee is therefore requested to reject the request by Chads Cars Ltd.

OTHER OPTIONS CONSIDERED

- 5.1 None

This report has been approved by the following officers:

Legal officer	Olu Idowu
Financial officer	-
Human Resources officer	-
Estates/Property officer	-
Service Director(s)	John Tomlinson
Other(s)	-

For more information contact:	Michael Kay 01332 641940 michael.kay@derby.gov.uk
Background papers:	Taxi Licensing and Appeals Committee Report – 29 August 2013
List of appendices:	Appendix 1 – Implications Appendix 2 – Amendments to Conditions Agreed on 29 August 2013

	Appendix 3 – Letters received from Kevin Rowland
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IMPLICATIONS

Financial and Value for Money

- 1.1 None arising from this report.

Legal

- 2.1 As set out in paragraph 4.5 of the report.

Personnel

- 3.1 None arising from this report.

Equalities Impact

- 4.1 Any decision made will apply to all Private Hire Operators.

Health and Safety

- 5.1 None arising from this report.

Environmental Sustainability

- 6.1 None arising from this report.

Property and Asset Management

- 7.1 None arising from this report.

Risk Management

- 8.1 None arising from this report.

Corporate objectives and priorities for change

- 9.1 The information set out in this report supports the corporate priorities that the Council provides good quality services that meet local needs.