

Appeal against Conditions on Operator's Licences by Albatross Cars Ltd and Chads Cars Ltd

SUMMARY

- 1.1 On 23 October 2014 District Judge Strongman gave his judgement on the Appeal against Conditions on Operator's Licences by Albatross Cars Ltd and Chads Cars Ltd
- 1.2 Having withdrawn their appeal against condition 32, 34, 35, 36 and 28 following the prior agreement of revised wording by both parties the only condition that required adjudication on was condition 37.
- 1.3 District Judge Strongman allowed the appeal with regard to condition 37 and directed that the condition be amended as indicated in the judgement.

RECOMMENDATION

- 2.1 That committee notes the report.

REASONS FOR RECOMMENDATION

- 3.1 To uphold the judgement made by District Judge Strongman.

SUPPORTING INFORMATION

- 4.1 Late last year, to address public safety concerns associated with the unregulated use of third party vehicles in Derby, the Council introduced some additional licence conditions to private hire operators' licences.
- 4.2 Two local private hire operator companies, Albatross Cars Ltd and Chads Cars Ltd, appealed against the imposition of the new conditions on their licences on the basis that they were unlawful, because it amounted to using private hire legislation to regulate hackney carriages.
- 4.3 On 23 October 2014 District Judge Strongman handed down his judgement on the Appeal against Conditions on Operator's Licences by Albatross Cars Ltd and Chads Cars Ltd.

- 4.4 At the hearing, minor changes to the wording of all but one of the additional conditions were agreed between the Council and Albatross Cars Ltd and Chads Cars Ltd and subsequently the two operators withdrew their appeals in relation to those conditions.
- 4.5 Having withdrawn their appeal against conditions 32, 34, 35, 36, the only condition that required adjudication on was condition 37.
- 4.6 This condition required that operating companies notify passengers in advance of a booking that a vehicle other than one of their own registered cars could be sent to pick them up.
- 4.7 District Judge Strongman determined that the Council acted lawfully in attaching additional conditions but considered that the wording of the condition needed to be set out with more clarity.
- 4.8 Subsequently, District Judge Strongman allowed the appeal with regard to condition 37 and directed that the condition was amended as indicated in his judgement, which is attached at Appendix 2 for information.
- 4.9 In effect, the end result remains the same as the Council originally intended in that users of private hire vehicles are made aware that a vehicle other than one licensed by the Council may be sent to pick them up, so they can exercise a choice whether or not to carry on with the booking.
- 4.10 The judgement related to Albatross Cars Ltd and Chads Cars Ltd operator licences only. Having regard to the judgement and in order to ensure future consistency, all current holders of operator licences were consulted on the implementation of the revised conditions on renewal of their operator's licence. No objections were received about this proposal and so this will be rolled out accordingly.

OTHER OPTIONS CONSIDERED

- 5.1 None applicable

This report has been approved by the following officers:

Legal officer	Lucie Keeler
Financial officer	n/a
Human Resources officer	n/a
Estates/Property officer	n/a
Service Director(s)	n/a
Other(s)	Michael Kay

For more information contact:

Background papers:

List of appendices:

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None

Appendix 1 – Implications

Appendix 2 – District Judge’s Judgement, 23 October 2014

IMPLICATIONS

Financial and Value for Money

1.1 There are no implications in this respect arising from the report.

Legal

2.1 As set out in the report.

Personnel

3.1 There are no implications in this respect arising from the report.

IT

4.1 There are no implications in this respect arising from the report.

Equalities Impact

5.1 There are no implications in this respect arising from the report.

Health and Safety

6.1 There are no implications in this respect arising from the report.

Environmental Sustainability

7.1 There are no implications in this respect arising from the report.

Property and Asset Management

8.1 There are no implications in this respect arising from the report.

Risk Management

9.1 There are no implications in this respect arising from the report.

Corporate objectives and priorities for change

10.1 The information set out in this report promotes and supports **better outcomes for our communities and more efficient and effective services.**