

## FOR PUBLICATION

### THE USE OF HACKNEY CARRIAGES LICENSED BY OTHER AUTHORITIES

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MEETING: TAXI CONSULTATIVE COMMITTEE

DATE: 20 JANUARY 2016

REPORT BY: LICENSING MANAGER

WARDS: ALL

COMMUNITY FORUMS: ALL

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#### 1.0 **PURPOSE OF REPORT**

1.1 To suggest changes to the Hackney Carriage and Private Hire Licensing Policy with regard to the use of non-Chesterfield Hackneys as private hire vehicles with the controlled area of Chesterfield Borough Council.

#### 2.0 **BACKGROUND**

2.1 The Hackney Carriage and Private Hire Licensing Policy states that private hire operators can only use vehicles licensed by Chesterfield Borough Council under the terms of their licence (schedule 7 paragraph 2.2). By definition, those vehicles can only be used by drivers licensed by the same council.

2.2 This part of the policy has been challenged by a local operator who has cited a legal precedent that, in his opinion, allows for hackney carriages from one controlled area to work as a private hire in other controlled areas.

2.3 The main case referred to by the operator is Stockton-On-Tees Borough Council v Fidler, Hussain and Zamanian (2010) which created a High Court precedent. The judgement identified that once a vehicle is licensed as a hackney carriage it remains a hackney carriage for the duration of that licence, wherever it is

located, and can therefore be used for pre-booked (private hire) purposes in any district within England and Wales. The judgement makes clear that it is not an offence for a licensed private hire operator to take bookings and then despatch a hackney carriage licensed by another district to undertake the booking.

2.4 Some councils, including Rossendale Borough Council, have licensed large numbers of hackney carriages that work as private hires across the country. Rossendale, for example, has a population of 65,000 people but has licensed 1,560 hackneys.

2.5 The situation creates a number of potential difficulties for the licensing authority and enforcement agencies, members of the public and the taxi trade in general. These difficulties include:

- a) Possible prejudice to public safety;
- b) Inconsistent standards, such as poor local knowledge;
- c) Inability of Chesterfield Borough Council officers to enforce or undertake spot checks on these vehicles;
- d) Confusion from the public over wheelchair accessibility requirements;
- e) Loss of income to the local authority

2.6 Non-Chesterfield hackneys have been resisted for some time, this decision will create opportunities for others to exploit.

2.7 It is accepted within the trade that the process of obtaining a drivers licence in Chesterfield is harder than in many other local authority areas. This makes the possibility of obtaining a licence elsewhere but driving here more attractive to some. It is anticipated this will increase.

2.8 In order to enhance the necessary safeguards and mitigate the impact on public safety it is proposed to amend schedule 7 of the Hackney Carriage and Private Hire Licensing Policy. Suggestions on amendments are included at Appendix A.

### 3.0 **SCOPE**

3.1 Following this meeting all private hire operators will be consulted before a report is prepared for the Appeals and Regulatory Committee.

#### 4.0 **RECOMMENDATION**

- 4.1 Members of the committee consider the report and provide feedback as necessary by 05/02/16 prior to a wider consultation.

For further information on this report contact the Licensing Manager,  
Trevor Durham, on 01246 345203.

APPENDIX A

Suggested amendments for hackney carriages from an area other than Chesterfield that are working for a Chesterfield operator.	Purpose
1) The hackney carriage must comply with all the requirements of a hackney from the local authority that licensed them as a hackney.	To ensure the vehicle complies with its own licensing policy and regulations.
2) The hackney carriage must be registered on the licence of a Chesterfield private hire operator, with all the implications that brings.  3) This registration to include details of who is driving the vehicle every time it is used.	To ensure that bookings are recorded by the operator.
4) Private hire operators engaging the services of a non-Chesterfield hackney carriage must satisfy themselves that the driver is licensed by the relevant authority to drive the vehicle.	To ensure operators accept their responsibility of ensuring vehicles are driven lawfully.
5) The vehicle must not have more than one taximeter installed.	To avoid confusion by passengers.