



Name of meeting: Licensing & Safety Committee
Date: 4 November 2015

Title of report: Briefing Paper - Rossendale

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Is it in the Council's Forward Plan?	Yes
Is it eligible for "call in" by Scrutiny?	Not Applicable
Date signed off by Director & name	Jacqui Gedman - 09/09/15
Is it signed off by the Director of Resources?	David Smith - 10/09/15 <i>Debbie Hogg on behalf of</i>
Is it signed off by the Assistant Director – Legal, Governance & Monitoring?	Julie Muscroft - 10/09/15
Cabinet member portfolio	Cllr Steve Hall – Planning, Highways & Open Spaces

Electoral wards affected and ward councillors consulted: ALL

Public or private: Public

1. Introduction

This briefing paper has been brought to Committee at the request of the Chair of the Licensing & Safety committee, Cllr Smith to inform Members of the current status nationally of issues arising out of Rossendale.

2. The Law

The decision in R (APP NEWCASTLE CITY COUNCIL) –V- BERWICK-UPON-TWEED BOROUGH COUNCIL [2008] EWHC 2369 made it clear that once a vehicle has been licensed as a hackney carriage it is a hackney carriage for the duration of that licence, wherever it is currently located, and can therefore be used for pre-booked purposes in any district in England and Wales. Additionally it is not an offence for a licensed private hire operator to take bookings for, and then dispatch a hackney carriage licensed by a district which is different from that which licenses the operator, a hackney carriage can lawfully be used to pre-booked work outside its district.

3. Drivers licensed outside of Kirklees

Rossendale Borough Council does not limit the number of hackney carriage driver licences that they issue. This had led to a huge increase in applications for hackney carriage and driver applications. It is widely reported that the numbers in Rossendale have increased year on year and as at 24th July 2015 the public register at Rossendale shows that over 2000 hackney carriages are licensed in Rossendale and over 2500 hackney carriage drivers. The public register at the same date shows that there are only 6 private hire drivers licensed in Rossendale and one private hire vehicle. There is clearly a disproportionate amount of hackney carriage drivers and vehicles compared to private hire drivers and vehicles.

An issue of growing concern across Yorkshire and the North West is the amount of drivers choosing to license with Rossendale Council. There is currently no national law that requires drivers to register with the local authority in which their base is situated and the majority of their work takes place, though traditionally this has been the understood way of working.

There will always be an amount of travel occurring 'cross-border' from one local authority to the next as drivers take clients to their destinations. This will increase further in October when as a result of the deregulation Act 2015 a licensed private hire operator in one district can lawfully sub-contract a booking

Recently however, an increasing number of drivers living, based and almost exclusively driving within Kirklees and other areas of the Combined Authority (CA) are applying for their licence at Rossendale. This concern is echoed by each district of the CA and also Authorities such as Manchester, Oldham and other areas.

The main issues with cross border licensing are:

Licensing fees are paid to Rossendale but enforcement is undertaken by CA officers, the costs of which are not being met by fee income. Other authorities are challenging Rossendale on this basis.

Drivers that have had their licence revoked in CA areas can apply to authorities for a Hackney Carriage license that permits the driving of Private Hire cars anywhere. Whilst we do have a good information sharing protocol in place to mitigate this, the principle is a national concern that authorities are lobbying Government to consider.

Kirklees are currently taking steps to ensure our enforcement officers can enforce Rossendale's conditions on drivers operating here, although this still won't address the cost issue.

Legally, there is currently nothing that Kirklees can do to lawfully prevent out of area hackney carriages operating through local firms.

Rossendale have just finished a consultation with their trade whereby they are hoping to introduce a number of new processes, policies and conditions. One of these is "An Intended Use" policy whereby if a hackney driver cannot satisfy them that they will be working in the Rossendale area they may not be granted a licence or have an existing licence renewed. Officers are observing this to see whether or not this Policy is actually introduced.

4. Government Response

The Law Commission did look to improve the enforcement of conditions. A draft Taxi Bill published in 2014 suggested an introduction of national standards for private hire and minimum standards for taxis designed to make enforcement easier, particularly cross-border enforcement and also new powers to licensing officers to deal with a number of other enforcement matters.

When the Bill was published in May 2014 the Government had one year to respond. To date no response has been forthcoming from the newly elected Government either.

5. Conclusion

The report informs the Committee of the current position nationally on the position of Rossendale as it currently stands.

6. Recommendations

Committee is asked to note the contents of the report.

7. Cabinet portfolio holder recommendation**8. Contact officer and relevant papers**

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