

Appendix 1

Proposed Intended Use Policy for the Licensing of Hackney Carriages

1) Reasons for Policy

1.1 The Council wishes to ensure that applications for the granting of Hackney Carriage licences are determined in accordance with the aim of maintaining the safety of the public through having safe vehicles, fit and proper drivers and appropriate conditions of hire. This is best achieved through a licensing regime that can be applied and enforced by the local Licensing Authority as described by the High Court in its judgement and the declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008].

2) Applications for the New Grant and Renewal of a Hackney Carriage Licence

2.1 Applicants for new Hackney Carriage vehicle proprietor licences and renewals of licences shall be expected to demonstrate a bona fide intention to ply for hire within the local authority area of the Borough of South Ribble under the terms of the licence for which application is being made.

2.2 Each application will be decided on its merits. However, there will be a presumption that applicants who do not intend to entirely or predominantly ply for hire within the local authority area of the Borough of South Ribble will not be granted a hackney carriage vehicle licence authorising them to do so.

2.3 Even where the applicant intends to ply for hire, to a material extent, in the Borough of South Ribble local authority area, if the intention is also to trade in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

2.4 All applicants will be expected to complete an Intended Use Declaration as part of the application process. The Declaration will be as follows (or will be drafted in such a way to have a similar effect and meaning):

DECLARATION FOR THE INTENDED USE OF HACKNEY CARRIAGES

I have been advised that, in carrying out its functions under section 37 of the Town Police Clauses Act 1847 and section 57(1) of the Local Government (Miscellaneous Provisions) Act 1976, the Council expects applicants for Hackney Carriage vehicle licences to demonstrate a bona fide intention to ply for hire within the administrative area of the Council.

I hereby declare that it is my intention that the vehicle licensed by me will be used entirely and/or predominantly in the Borough of South Ribble and I understand that should this not be the case either at the date hereof or at any time thereafter, the Council may suspend, revoke or

refuse to renew the licence under Section 60(1) (c) Local Government (Miscellaneous Provisions) Act 1976.

Name: _____

Vehicle Registration: _____

Signed: _____

Date: _____

3) Transfer of Ownership of Hackney Carriage

3.1 The transferee of a licensed Hackney Carriage shall be asked to inform the Authority whether they have a bona fide intention to ply for hire within the Borough of South Ribble local authority area. Transferees should note the obligation under Section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to an Authorised Officer, information which may reasonably be required by him/her for the purpose of carrying out his/her functions under the legislation.

3.2 Transferees of existing licences shall be expected to have a bona fide intention to ply for hire with the Borough of South Ribble local authority area under the terms of the licence in respect of the vehicle being transferred.

3.3 Where the transferee of a licensed Hackney Carriage is found to have no intention to ply for hire, to a material extent, within the Borough of South Ribble local authority area and/or intends to trade in another local authority area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence. Where the transferee proposes to operate remotely from the Borough of South Ribble, there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

3.4 All applicants will be expected to complete an Intended Use Declaration as part of the application process, as above.

4) Change of Vehicle – When a Proprietor replaces a Licensed Vehicle

4.1 Applicants seeking the granting of a Hackney Carriage vehicle proprietor's licence for a vehicle intended to replace another licensed vehicle shall be asked to inform the authority of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire, to a material extent, within the Borough of South Ribble will not have the new licence granted.

4.2 Even where the applicant intends to ply for hire to a material extent in the Borough of South Ribble, but the intention is also to trade in another local authority area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

4.3 All applicants will be expected to complete an Intended Use Declaration as part of the application process, as above.

5) Revocation or Suspension of Licence

5.1 Where a licence has been granted under the terms that the applicant intends to ply for hire, to a material extent, within the Borough of South Ribble but is subsequently found not to be plying for hire, to a material extent, in the Borough of South Ribble and/or to be trading in another local authority area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, there will be a presumption that the licence will be reviewed by the Authority which could lead to the suspension or revocation of that licence. Each case will be decided on its own merits.

6) Exceptional Circumstances

6.1 Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire, to a material extent, within Borough of South Ribble will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist, will be expected to be able to satisfy the Authority, at a meeting of the General Licensing Committee, that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

This Policy was adopted by General Licensing Committee on XX XXXX 2017

Signed:

A handwritten signature in cursive script that reads "A. Glover". The signature is written in black ink on a white background.

Interim Licensing Manager

XX XXXX 2017