

REPORT TO	ON
Full Council	22 November 2017



September 2017

TITLE	REPORT OF
Proposed Adoption of an Intended Use Policy	Denise Johnson

Is this report confidential?	No
------------------------------	----

### 1. PURPOSE OF THE REPORT

The report invites full Council to formally adopt the draft Intended Use Policy (Appendix 1 to the attached report).

### 2. RECOMMENDATIONS

Members of full Council are requested to

- 2.1 formally adopt the draft Intended Use Policy (Appendix 1 to the attached report); and
- 2.2 endorse the consequent proposed amendment to section 6.14 of the current Licensing Policy (as set out in section 7.3 to the attached report).

### 3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	x	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	x

### 4. BACKGROUND TO THE REPORT

4.1 On 17 October 2017, members of the General Licensing Committee received a report proposing the formal adoption of a draft Intended Use Policy. The Committee had previously received reports outlining certain case law which confirmed that a Hackney Carriage vehicle can be used for pre-booked (ie Private Hire) work outside the district in which the vehicle has been licensed, even if the Licensing Authority is some considerable distance from the district in which the vehicle is undertaking the pre-booked work.

4.2 In response, many local authorities have introduced an Intended Use Policy; this obliges Hackney Carriage proprietors to declare that they will primarily operate the vehicle as a Hackney Carriage within the area of that Licensing authority, rather than use the legal principle in section 4.1 above to drive as a Private Hire vehicle elsewhere.

4.3 The report set out details of a consultation exercise with the trade which had taken place throughout the month of August 2017. A summary of the consultation responses is set out in section 9 of the attached report.

4.3 A copy of the report submitted to members of the General Licensing Committee (along with associated appendices) is attached to this covering report.

4.4 After due consideration, the General Licensing Committee agreed with the officer recommendation to adopt the draft Intended Use Policy, and confirmed its intention to forward the report and documentation to full Council on 22 November 2017 for formal adoption.

4.5 Adoption of the draft Intended Use Policy would also require a relatively minor change to the wording of section 6.14 of the current Licensing Policy; details of this are given at section 7.3 of the attached report.

## 5. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

### 5.1 Comments of the Statutory Finance Officer

There are no financial implications arising from this report.

### 5.2 Comments of the Monitoring Officer

The legal implications are set out in the body of the report. There will be a right of appeal to the Magistrates Court for any refusal or revocation of a licence.

<b>Other implications:</b>	
▶ <b>Risk</b>	The Licensing regime has traditionally been predicated upon local control over drivers licensed with the local authority in whose area they operate. The growing national trend towards “out of town” drivers could be seen as undermining this approach. This report identifies an additional / proportionate measure which members my wish to adopt to strengthen their position.
▶ <b>Equality &amp; Diversity</b>	None
▶ <b>HR &amp; Organisational Development</b>	None
▶ <b>Property &amp; Asset Management</b>	None
▶ <b>ICT / Technology</b>	None

## 6. BACKGROUND DOCUMENTS

Attached report to General Licensing Committee on 17 October 2017 - Proposed Adoption of an Intended Use Policy  
Appendix 1 – draft Intended Use Policy  
Appendix 2 – Equalities Impact Assessment for Intended Use Policy

SMT Member's Name – Denise Johnson  
Job Title - Director of Development, Enterprise & Communities

Report Author:	Telephone:	Date:
Peter Haywood	01772 625578	1.11.17