

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: Sheela Dutton
Report of: Principal Solicitor Congleton Borough Council
Title: Hackney Carriage and Private Hire Drivers' Licence Conditions

1.0 Purpose of Report

- 1.1 Cheshire East will be the licensing authority for the function of licensing hackney carriage and private hire drivers from 1st April 2009.
- 1.2 The report proposes standard conditions to be attached to the 3 year dual licences to be granted for drivers of Hackney Carriages and Private Hire vehicles
- 1.3 The proposed conditions are attached at the end of the report.

2.0 Decision Required

- 2.1 To approve the proposed licence conditions for the purpose of a consultation exercise with the holders of current hackney carriage and private hire drivers' licences.

3.0 Financial Implications for Transition Costs

- 3.1 The costs of the consultation exercise will be met from the existing budgets of the constituent authorities of Cheshire East.

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 If the conditions for licensing hackney carriage and private hire drivers are not in place by 1st April 2009 Cheshire East will rely on the provisions of the Transitional Regulations¹ in order to perform its statutory function as the licensing authority from Day One.

6.0 Risk Assessment

- 6.1 Failure to carry out a consultation exercise prior to the introduction of the conditions could lead to a legal challenge about their validity.

7.0 Background and Options

- 7.1 A hackney carriage/private hire driver's licence is required in work as a hackney carriage and/or private hire driver.
- 7.2 The proposed conditions have been drawn from the conditions currently in force in the three constituent authorities of Cheshire East. They have been chosen to reflect the best of the current practices from those authorities.
- 7.3 It is proposed to hold a 6 week consultation exercise with the existing holders of Hackney Carriage and Private Hire Drivers Licenses in the 3 districts.
- 7.4 The result of the exercise will be reported to a further meeting of the Committee to enable a final decision to be made with a view to the introduction with effect from 1st April 2009.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have Hackney Carriage and Private Hire Drivers licence conditions in place is a Year One requirement.

9.0 Reasons for Recommendation

- 9.1 The recommendation is made with a view to ensuring that Cheshire East is in position to carry out the licensing function from Day One. It also recognises that the holders of existing licences should have an input and for this reason it recommends the holding of a consultation exercise prior to a final decision being taken by the Committee.

1 Local Government (Structure Changes)(Transitional Arrangements)(No.2) Regulations 2008

For further information:

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Background Documents:

Current hackney carriage and private hire drivers' conditions of the 3 districts