

COMMITTEE: CENTRAL LICENSING COMMITTEE

DATE: 21 NOVEMBER 2011

TITLE: TO ABOLISH THE HACKNEY ZONES WITHIN GWYNEDD

PURPOSE: FOR DECISION

AUTHOR: HEAD OF REGULATORY SERVICES

1. BACKGROUND

1.1 The Licensing Committee resolved at its last meeting on 19th September 2011:

RESOLVED to inform the industry that the three hackney vehicles zones will be abolished and Gwynedd will operate as one zone from 1 January 2012 onward.

1.2 The industry has been informed of the decision of the Licensing Committee. The Committee should be aware that the decision to abolish zones has not been well received by some members of the industry.

2. IMPLEMENTATION OF ONE HACKNEY VEHICLE ZONE ACROSS GWYNEDD

To implement the Committee's decision that Gwynedd to operate as one zone for hackney vehicles from 1 January 2012, approval needs to be given to specific changes in the Licence Conditions and Licence Terms relating to Hackney Vehicles.

2.1 At a minimum, for Gwynedd to operate as one Hackney Vehicle zone,

a) the General Condition (d) of the Licence Condition, namely

‘The ZONES of Arfon, Dwyfor, Meirion will be retained as at present.’

will need to be deleted.

b) The restriction upon working outside the Area zone of issue, which is currently imposed by a term contained Hackney Vehicle licences, namely

‘to ply for hire within the xxxx area of the council’

where either the word ‘Arfon’, ‘Dwyfor’ or ‘Meirionydd’ is inserted in place of xxxx, will need to be deleted.

The effect of deleting this Licence Condition and Licence term will be to allow Hackney Vehicles licensed in any of the three Areas to operate across the whole of Gwynedd.

This change would resolve the inconsistent situation which arises on Area borders where a licensed Hackney driver can operate in each of the adjoining Areas but must use vehicles licensed in each Area. It could also help to relieve shortages of Hackney Vehicles which might arise in one Area if a large event were being held as Hackney Vehicles from across Gwynedd could ply for hire at the event.

However, the Committee may decide that, in view of the opposition to the decision to abolish the zones by some members of the industry that the introduction of the revised arrangements be postponed to allow consultation to take place.

Decision 1

Does the Committee wish to proceed with the abolition of the current restriction regarding vehicles operating across Gwynedd on 1st January 2012

or

Does the Committee wish to postpone the implementation of its decision to allow more time for consultation with the industry to take place?

2.2 If the Committee decides to proceed with the abolition of the current restriction regarding vehicles operating across Gwynedd on 1st January 2012 (see Decision 1 above), the existing differences between the Hackney Vehicle Licence Conditions applicable in the three Areas need to be considered.

Arfon, Meirionydd and Dwyfor Zones share the same conditions except for the additional special conditions which apply in the Arfon Zone, namely

- i. that the number of licences be restricted to 98 except in the case of licences for vehicles that are between new and three years old and are a side loading wheel chair accessible vehicles, and
- ii. that in the event of any of the existing 98 licences being surrendered or revoked, the licence will only be re-issued to a vehicle that is between new and three years old and is a side loading wheel chair accessible vehicle.

It should be noted that in Arfon, the existing 98 licences can be transferred by the existing licensee to replacement vehicles which do not have to be vehicles adapted for disabled access. An existing vehicle licence which is exempt from disabled access requirements (i.e. one of the existing 98) may also be transferred from a current licensee to another person, who 'inherits the grandfather rights' of that licence and is therefore not required to provide a vehicle with disabled access.

The Committee may decide to **delete** the current special licence conditions which only apply in Arfon. In view of the terms of the Equalities Act 2010, the Committee may find its decision challenged if it attempts to withdraw an existing provision of services for disabled persons. It is not recommended that the Committee proceed with deleting this provision.

Alternatively, the Committee may decide to **extend** the current special licence condition restricting the issue of additional licences and the re-issue of any of the existing licences upon them being surrendered or revoked to vehicles adapted for disabled access which currently only applies in Arfon to the other Areas of Gwynedd. This would extend the existing provision of services for disabled persons across all parts of the County. It would however impose the additional cost of providing a vehicle adapted for disabled access on persons wishing to enter the industry unless they were able to purchase a licensed vehicle from an existing licensee and have the licence transferred to them.

A third option would be to **retain** the current Area differences in the Licence Conditions. This option would not impose any additional costs upon the industry nor

remove the provisions with regard to disabled access vehicles but would not be in keep within the spirit of the decision to abolish the zones. It is not recommended that the Committee proceed with deleting this provision.

Decision 2

Does the Committee wish to proceed with the abolition of the current restriction regarding the prohibition on the issue of additional licences, and the re-issue of any of the existing 98 licences upon them being surrendered or revoked, in Arfon to vehicles (unless they are between new and three years old and are side loading wheel chair accessible vehicles) on 31st December 2012,

or

Does the Committee wish to extend the current restriction regarding the prohibition on the issue of additional licences, and the re-issue of any of the existing 98 licences upon them being surrendered or revoked, in Arfon to vehicles (unless they are between new and three years old and are side loading wheel chair accessible vehicles) to licences issued in Dwyfor and Meirionydd from 1st January 2012 onwards,

or

Does the Committee wish to retain the current restriction regarding the prohibition on the issue of additional licences, and the re-issue of any of the existing 98 licences upon them being surrendered or revoked, in Arfon to vehicles (unless they are between new and three years old and are side loading wheel chair accessible vehicles) until further notice?

3. RECOMMENDATION

3.1 That the Committee postpone the abolition of Zones to allow consultation with the industry to take place.