

COMMITTEE: CENTRAL LICENSING COMMITTEE
DATE: 19 SEPTEMBER 2011
TITLE: TO ABOLISH THE HACKNEY ZONES WITHIN GWYNEDD
PURPOSE: FOR DECISION
AUTHOR: HEAD OF REGULATORY SERVICES

I. BACKGROUND

- 1.1 Prior to local government re-organisation in 1996, it was the responsibility of the District /Borough Councils to licence hackney vehicles, which gave permissions for the vehicle to work as a hackney in that area alone. There was no legal right for a hackney vehicle to work, as a hackney, outside the area for which it was licensed. Therefore, a vehicle that was licensed as a hackney in Arfon could only work as a hackney in Arfon; Meirionydd in Meirionydd and Dwyfor in Dwyfor.
- 1.2 Prior to 1996, in the 3 preceding councils, the conditions in Arfon were different to the conditions in the other 2 councils, because a survey commissioned by them showed that there was no need for any more hackneys and the number of hackney vehicle licences was restricted to 96. There was no restriction on numbers in the other 2 councils.
- 1.3 In 1996, on the creation of Gwynedd, it was decided to retain the 3 areas, or zones, and retain the different conditions. There was a cap on the numbers in Arfon whereas there was no such restriction in the remainder of the County. To justify keeping this specific condition in Arfon, there was a requirement to hold a 3 yearly survey.
- 1.4 Following discussions with the industry the Licensing Committee decided in 2006 to do away with the restriction on numbers but impose new conditions, in Arfon alone. The 96 owner, or 98 by then (because a horse and cart, as well as one other vehicle was licenced by the Committee) would receive protection with regard to the conditions and any new applicant would have to have a vehicle which was less than 3 years old but was also suitable for a wheelchair.
- 1.5 We now believe that it is time for us to consider doing away with these 3 zones so that everyone in Gwynedd operates under the same conditions. The Best Practice Guidance published by the Ministry of Transport in 2010 encourages Councils to do away with any zones, on the basis of fairness, conformity and to ease enforcement.
- 1.6 The world has changed much since the legislations which primarily regulates this industry, namely the Town and Police Clauses Act 1847 came into force, and the environment we are seeking to work in is constantly changing. At the beginning of my report I was emphasising that a hackney cannot work outside its zone. But, because of a recent court judgement, a hackney vehicle can work anywhere, by working as a private hire, inside or outside the County. A consequence of this is that it is nearly impossible to carry out enforcement work within the county with regard to controlling hackney vehicles and zonest.

Therefore, it is possible for a hackney to be licensed in Arfon but working, totally legally, in Dwyfor and Meirionydd, so long as it is working as a private hire and conforming to the rules that relate to private hire with regard to pre-booking and agreeing the fare in advance.

We do not believe that the current arrangements are sustainable.

2. RECOMMENDATION

- 2.1 That we consult with the industry and submit a comprehensive report to the next meeting of the Committee on the way forward with regard to keeping the 3 zones or not.