

Subject: Review Decision-Hackney Carriage Vehicle Licence Condition 5.10 and Private Hire Vehicle Condition 4.10
Status: For Publication

Report to: Licensing Committee
Date: 2nd December 2008

Report of: Executive Director of Business

Portfolio

Holder: Finance and Resources

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

- 1.1 To request elected members of the Licensing Committee review a decision of the Licensing (Taxi/Private Hire) Sub-Committee
- 1.2 To request elected members of the Licensing Committee clarify Hackney Carriage Vehicle Licence Condition 5.10 and Private Hire Vehicle Condition 4.10

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective/s.
- Delivering Quality Services to Customers (Customers, Improvement)
 - Well Managed Council (Improvement, Community Network)

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 There are no specific risk issues for members to consider arising from this report.

4. BACKGROUND AND OPTIONS

- 4.1 At a meeting of the Licensing (Taxi/Private Hire) Sub-Committee on 18th August 1999 it was resolved:

- i) that with effect from 1st September 1999, in respect of vehicles licensed to carry in excess of four passengers, it be a condition of the vehicle licence that all rows of seats have direct access to a minimum of one door; all doors to be capable of being opened from inside and outside the vehicle
 - ii) that in respect of those vehicles currently licensed by the Council which would not satisfy the criteria outlined in resolution (i) above, authority be given to issue licences for a period of three years from the date the vehicle was first licensed
 - iii) that the Chief Executive Officer write to advise all existing licence holders of these changes and that he similarly advise the testing garages
 - iv) that the Chief Executive Officer seek information on the practices of a sample of licensing authorities in the matter
- 4.2 The minutes of the Licensing (Taxi/Private Hire) Sub-Committee on 18th August 1999 are at Appendix A
- 4.3 Hackney Carriage Vehicle Licence Condition 5.10 and Private Hire Vehicle Condition 4.10 state:
- in the case of a vehicle licensed to carry in excess of 4 passengers, all rows of seats shall have direct access to a minimum of one door. All doors shall be capable of being opened from inside and outside the vehicle;
- 4.4 The Hackney Carriage and Private Hire Vehicle Licence Conditions are at Appendix B
- 4.5 The Licensing Unit reports that the above determination at 4.1 of this report was never implemented
- 4.6 The Licensing Unit further reports that the original report accompanying the determination at 4.1 of this report is not available
- 4.7 The Licensing Unit further reports that as of 13/11/08, there are 37 vehicles licensed by Rossendale Borough Council that will require inspection following the determination of the Licensing Committee
- 4.8 Local Government (Miscellaneous Provisions) Act 1976 S. 47, licensing of hackney carriages
- 1) A District Council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the District Council may consider reasonably necessary
 - 2) Without prejudice to the generality of the foregoing subsection, a District Council may require any hackney carriage licensed by them under the

Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage

- 3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court

4.9 Local Government (Miscellaneous Provisions) Act 1976 S. 48, licensing of private hire vehicles

- 1) Subject to the provisions of this Part of the Act, a District Council may on receipt of the application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a District Council shall not grant such a licence unless they are satisfied –

(a) that the vehicle is –

- i. suitable in type, size and design for use as a private hire vehicle;
 - ii. not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - iii. in a suitable mechanical condition;
 - iv. safe; and
 - v. comfortable
- 2) A District Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates
 - 7) Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this section or by any conditions specified in such a licence, may appeal to a magistrates' court

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 There are no material financial implications

6. MONITORING OFFICER

- 6.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies

7. HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 There are no specific human resources implications

8. CONCLUSION

8.1 To consider the report and to make the appropriate determinations

9. RECOMMENDATION(S)

9.1 That the Licensing Committee, determine to clarify the decision of the Licensing (Taxi/Private Hire) Sub-Committee determined on 18th August 1999

9.2 That the Licensing Committee determines a new implementation date

9.3 That the Licensing Committee determine a course of action for those vehicles currently licensed that do not fall within the vehicle conditions

9.4 The Licensing Unit offers the following options when determining a course of action as at 9.3 of this report. However other options are welcomed by members of the Licensing Committee when determining a course of action.

Option One: (Recommended) Grandfather Rights to all vehicles currently licensed

Option Two: Recall affected vehicles and amend the Licence for the carriage of 4 passengers

Option Three: Recall affected vehicles and revoke the Licence

Option Four: Remove Hackney Carriage Vehicle Licence Condition 5.10 and Private Hire Vehicle Condition 4.10

10. CONSULTATION CARRIED OUT

10.1 The Taxi Enforcement Officer contacted the following neighboring Authorities:

- Blackburn with Darwen Borough Council
- Oldham Metropolitan Borough Council
- Bury Metropolitan Borough Council
- Burnley Borough Council
- Bolton Council
- Pendle Borough Council
- Rochdale Metropolitan Borough Council

10.2 Bolton Metropolitan Borough Council, Burnley Borough Council and Blackburn with Darwen Borough Council currently Licence vehicles for more than 4 passengers irrespective of whether or not all rows of seats have direct access to a minimum of one door, and with no regard as to whether or not the doors are capable of being opened from inside and outside the vehicle.

10.3 Oldham Metropolitan Borough Council, Bury Metropolitan Borough Council, Pendle Borough Council and Rochdale Metropolitan Borough Council – in the interest of public safety - **do not** Licence vehicles for more than 4 passengers

unless they are satisfied that all rows of seats have direct access to a minimum of one door, and that all doors are capable of being opened from inside and outside the vehicle.

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required Yes

Is an Equality Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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Appendices	
Document	Appendix Number
Minutes of the Licensing (Taxi/Private Hire) Sub-Committee on 18 th August 1999	A
Hackney Carriage and Private Hire Vehicle Licence Conditions	B