



**AGENDA ITEM: 8**

**LICENSING & APPEALS  
COMMITTEE:**

**21 October 2014**

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**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

**Contact for further information: Michaela Murray (Extn. 5315)**  
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**SUBJECT: PUBLIC REQUEST FOR AMENDMENT TO HACKNEY CARRIAGE &  
PRIVATE HIRE VEHICLE STATEMENT OF LICENSING POLICY 2013**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To consider a request received from a Private Hire Driver to change Appendix B, Section 8: Specification & Conditions of Licence, of the Hackney Carriage & Private Hire Statement of Licensing Policy 2013.

**2.0 RECOMMENDATION**

2.1 The Committee's decision is requested.

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**3.0 INFORMATION**

Request received from:

Mr Robert Braeger

Private Hire Driver Number: LN/000005110

**4.0 BACKGROUND**

4.1 On 20 June 2014 Mr Braeger requested approval to licence, to the manufacturer's type approval, a Volkswagen Transporter vehicle for 8 passengers. The seating configuration in the vehicle was 2 passengers in the front and 2 rows of front facing seats to the rear.

- 4.2 A Senior Licensing Officer advised Mr Braeger that the vehicle was not to the specification stipulated in the Council's Hackney Carriage & Private Hire Licence conditions due to the fact that the 3 seats to the rear of the vehicle had no access immediately adjacent or a permanent passageway to such a door.
- 4.3 The Senior Licensing Officer advised that if a seat was removed from the vehicle to give a permanent passageway and the seating mounts rendered unusable and the floor surface to be smooth and unencumbered, a licence could be granted.
- 4.4 Mr Braeger expressed his disappointment with this decision and was advised that if he sought to change the Licensing Policy, a full report clarifying the reasons and supporting evidence would be required so that this information could be provided to the Licensing & Appeals Committee.
- 4.5 On 24 June 2014 Mr Braeger submitted a report requesting the vehicle be licensed for 8 passengers in accordance with the manufacturer's forward facing seating layout. The Senior Licensing Officer advised that a report would be submitted to the Licensing & Appeals Committee accordingly. Mr Braeger's report is attached as Appendix 1 to this report.
- 4.6 On 8 July 2014 Mr Braeger licensed his vehicle for 7 passengers having complied with the instructions of the Senior Licensing Officer pending the outcome of the next Licensing & Appeals Committee hearing.

## **5.0 CURRENT POSITION**

- 5.1 The Council's Hackney Carriage and Private Hire Licensing Policy 2013 currently states:

### **8 Seats**

- 8.5 Each row of seats made available shall have door access immediately adjacent to it unless access to rows of seats is by way of permanent passageway from such a door.
- 8.6 If a seat is to be removed to comply with this requirement, it shall be ideally removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.
- 8.7 Removed seating mounts must be rendered unusable and the floor surface to be smooth and unencumbered during the period of licence.
- 5.2 The reason for these conditions was to ensure the safety of passengers at all times, ensuring they have adequate means of access from a vehicle in the event of an emergency.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

6.1 The licensing of Hackney Carriage and Private Hire drivers and vehicles impacts upon many areas within the Community. This report links to the Safer Communities Key Objective of the Sustainable Community Strategy.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 No additional financial or other resources are required.

## **8.0 RISK ASSESSMENT**

8.1 The Council has a legal duty to administer the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and is under a legal duty to determine the matter contained in this report. A failure to determine this matter would result in potential legal challenge.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

### **Exempt Information**

In all circumstances of the case the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

### **Appendices**

Appendix 1

Mr Braeger's Report