



AGENDA ITEM: 9

**LICENSING & APPEALS
COMMITTEE: 2 JUNE 2015**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

**Contact for further information: Mr Paul Charlson (Extn 5246)
(E-mail: paul.charlson@westlancs.gov.uk)**

**SUBJECT: PUBLIC REQUEST FOR AMENDMENT TO HACKNEY CARRIAGE AND
PRIVATE HIRE STATEMENT OF LICENSING POLICY 2013**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 To approve an amendment to Appendix B of the Hackney Carriage and Private Hire Statement of Licensing Policy 2013 relating to the seating configuration for vehicles licensed for 5 or more passengers.

2.0 RECOMMENDATIONS

- 2.1 That Appendix B: Private Hire Vehicle Specification and Conditions of Licence of the Hackney Carriage and Private Hire Statement of Licensing Policy 2013 be amended in accordance with paragraph 4.2 of this report.

3.0 BACKGROUND

- 3.1 Members will recall the report of 21 October 2014, which is attached as Appendix B and provides the necessary background information to this report. At that time, Members agreed to the request and resolved that a Draft Minibus Policy be submitted to a future meeting of this Committee.
- 3.2 Members will also be aware that since that time, the implications arising from the Law Commission review of taxi licensing legislation and the Deregulation Act 2015 were not clear. It was therefore not appropriate to implement this proposed amendment to the Hackney Carriage and Private Hire Statement of Licensing Policy 2013 (the Policy) until this time to ensure that these implications did not conflict with the proposed amendment.

4.0 ISSUES

4.1 A further meeting with Mr Braeger was undertaken to ensure any proposed amendment would address the original request presented to Members. Having reviewed the relevant section of the Policy, a separate Minibus Policy is not required. The provisions of the request can be implemented by amending Appendix B to the Policy, which sets out the Council's Private Hire Vehicle Specification and Conditions of Licence.

4.2 It is therefore proposed that Section 8 of Appendix B be amended to read:

8.5 The seating configuration of the vehicle shall be as its factory manufactured state. Should any amendments to seating configuration be made, these should be done only with the permission of this Authority and in line with this Policy.

8.6 Each row of seats shall have door access immediately adjacent to it, unless in the case of multi passenger vehicles (i.e. vehicles designed to carry 5 or more passengers) where the following shall apply:

- All seats shall be fixed and permanent (i.e. not flexible configuration seating designed for family use);
- At least one principle means of access/egress must be provided from the main passenger compartment which is immediately adjacent to a door;
- Where additional secondary means of access/egress are fitted from the main passenger compartment, these should be clearly identified as such for use in cases of emergency;
- A break glass hammer should be fitted to the rear windows (i.e. those furthest away from the principle means of access/egress) and be clearly labelled "EMERGENCY EXIT – break glass with hammer".

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

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

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 No additional financial or other resources are required.

7.0 RISK ASSESSMENT

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

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

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment.
2. Licensing and Appeals Committee Report: 21 October 2014
3. Statement from Mr Braeger