



AGENDA ITEM: 8

**LICENSING & APPEALS
COMMITTEE:
21 July 2015**

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 TO LICENCE A VEHICLE THAT DOES NOT MEET THE AGE CRITERIA WITHIN THE HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE STATEMENT OF LICENSING POLICY 2013

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To consider a request received from a Private Hire Operator to licence a disabled access Private Hire Vehicle that does not meet the age criteria within the Hackney Carriage & Private Hire Statement of Licensing Policy 2013.

2.0 RECOMMENDATION

2.1 The Committee's decision is requested.

3.0 INFORMATION

Request received from:

Mr Peter Preston
Private Hire Operator
38 Westgate
Skelmersdale
WN8 8AZ

4.0 BACKGROUND

- 4.1 On 29 June 2014 Mr Preston requested approval to licence a specialist mini bus with a hydraulic lift for accessibility of two wheelchair passengers plus 3 other passengers.

Vehicle details:

Vehicle Make:	Mercedes Sprinter 311 CDi
Registration Number	GJ58 LPA
Date of registration:	24 December 2008

- 4.2 To date this vehicle will be 6 years and 6 months old.
- 4.3 The Senior Licensing Officer advised that the current Hackney Carriage & Private Hire Statement of Licensing Policy 2013 states that all new vehicle applications must be a maximum of 6 years old.
- 4.4 On 29 June 2015 Mr Preston submitted a letter requesting the vehicle be licensed by this authority referring to the importance of ensuring a wide variety of opportunities being available to those with mobility difficulties. The Senior Licensing Officer advised that a report would be submitted to the Licensing & Appeals Committee accordingly. Mr Preston report is attached as Appendix 1 to this report.
- 4.5 For members information, all disabled access vehicles licenced by this Authority have access for only one wheelchair passenger.

5.0 CURRENT POSITION

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

Accessibility

- 13.6** The Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible.”

- 13.7** For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation and encourages Private Hire operators and drivers to use vehicles that will assist those passengers with mobility difficulties.

- 13.8** It is arguable that different accessibility considerations should apply between Hackney Carriage and Private Hire vehicles in that Hackney Carriages can be hired directly in the street or at a Hackney Carriage stand (“taxi rank”), by the customer dealing directly with a licensed driver. However, Private Hire vehicles can only be booked through a licensed Private Hire operator, normally by telephone or by visiting a Private Hire operator office. It is, therefore, considered particularly vital that a person with disabilities should be able to hire a Hackney Carriage on the spot with the minimum delay or inconvenience and requiring that all Hackney Carriages are accessible achieves that aim.
- 13.9** The Private Hire trade should be aware of a good practice guide produced by the Equality and Human Rights Commission, as drivers have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.
- 13.10** Section 167 of the Equality Act 2010 allows the Authority to maintain a list of “designated vehicles” - i.e. a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in its area. The consequence of being on this list is that the driver must undertake the duties detailed in Section 165 of the Equality Act 2010 see paragraphs 12.32-12.42.
- 13.11** Once enacted, Section 167 of the Equality Act 2010 will give the list of designated vehicles statutory effect. Any owner of a designated vehicle has the right to appeal against the Authority’s decision to include his or her vehicle on the list. The appeal will be heard by the Magistrates’ Court. **Error! Reference source not found.** (page **Error! Bookmark not defined.**) lists those vehicles that the Authority has stipulated as “designated vehicles” under Section 167 of the Equality Act 2010.

Maximum age of vehicles

- 13.12** The Authority shall consider how far its Policy can and should support any local environmental initiatives by future initiatives such as setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard and aesthetic of its licensed vehicles.
- 13.13** Vehicles manufactured prior to 1994 do not have to meet emission limits designed to improve air quality. Therefore, in the interests of improving air quality, any application for the renewal of a Private Hire vehicle licence, shall, where the vehicle in question is more than 15 years old, be refused.
- 13.14** All vehicles licensed under a new application must be a maximum of 6 years old and, if compliant with the requirements for licence, shall therefore be granted a vehicle licence until the age of 15 years, whereupon the vehicle must be replaced with one of a maximum age of 6 years. If a vehicle is replaced at any time, this must be with one a minimum of 3 years younger than the current licensed vehicle. However, if a vehicle is replaced at any time for reasons that are

beyond the control of the driver, for example as of the result of criminal damage, this must be with one no older than the previously licensed vehicle.

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.

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.

Appendices

Appendix 1

Mr Preston's Report