

Report of	Meeting	Date
Director of Legal Services	Licensing & Safety Committee	5 April 2006

CRITERIA TO BE APPLIED TO ADDITIONAL HACKNEY CARRIAGE VEHICLE LICENCES

PURPOSE OF REPORT

- For Members to determine the criteria to be applied to the seven additional hackney carriage vehicle licences following the decision by this Committee at a special meeting on 29 April 2005 to grant an additional hackney carriage vehicle licence.

CORPORATE PRIORITIES

- This report is not relevant to any of the key corporate priorities of the Council.

RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation	4	Regulatory/Legal	4
Financial		Operational	
People		Other	

- There is a risk that the criteria applied to the hackney carriage vehicle licences could be the subject of Judicial Review and that unsuccessful applicants could appeal to the Crown Court if their application is refused, which has costs implications inherent in defending any litigation.

BACKGROUND

- Members will recall that at a Special Meeting on 29 April 2005 to the Committee resolved to issue a further 7 hackney carriage vehicle licences bringing the total number licensed by this Council to 37 following consideration of a report by independent consultants Halcrow Fox into the issue of demand for hackney carriage services in the Borough.
- The Committee further resolved that these additional licences be issued subject to mandatory criteria relating to the vehicle and preferential criteria relating to the applicants/proprietors and that a further report regarding the criteria be submitted after consultation with the trade. A questionnaire regarding the proposed criteria was circulated to all members of the trade and interested parties, a copy of which is attached to this report at Appendix 1. A summary of the replies is attached at Appendix 2.



7. Members have previously adopted criteria in relation to hackney carriage vehicles and these are set out below.

Licensing Committee 22 November 2000 (Minute 00.L.76)

Further to minute 00.L.69, 11 October 2000, the Borough Solicitor submitted a report on the Hackney Carriage Plate No 6 that was held in abeyance and members were requested to set a criteria for which vehicle was best to serve the needs of disabled persons.

The Committee received representation from members of Chorley and South Ribble Disability Forum as to the type of vehicle(s) they considered would best meet their members needs.

Manufacturers of Metro Cab TTT and the TX1 and other purpose built wheelchair accessible hackney carriages, had been invited to demonstrate their latest products.

Resolved - That the following criteria be established for re-allocation of Hackney Carriage Plate No 6:

- (a) The following essential principles must be present in the vehicle:
 - i) Ramp
 - ii) Step
 - iii) Handrail
 - iv) Room to manoeuvre a wheelchair
 - v) Swivel seat
 - vi) Rear facing seat fastening
- (b) The desirability for suitable driver training.
- (c) Essential that there is a lack of taxi related convictions.
- (d) Essential to be resident of Chorley.

Licensing Committee 1 March 2001 (Minute 01.L.15)

The Committee received for approval an additional Licence Condition in respect of a vehicle constructed or adapted for the carriage of disabled persons.

Resolved - That the under mentioned clause be adopted as an additional licence condition for a hackney carriage licence:

'This licence is issued specifically in respect of a vehicle constructed or adapted for the carriage of disabled persons and once granted, the licensed vehicle and any replacement vehicle must:

1. In the opinion of the Council be suitable for the carriage of disabled persons.
 2. At all times and comply with the specification guidelines set down by the Council for the time being in force; and/or
 3. Comply with any regulations that may be made by the Secretary of State under the provisions of the Disability Act 1995.
8. Once the mandatory and preferential criteria have been determined applications for the additional licences will be invited. In the event that there are more applications than licences to be issued then the preferential criteria will be applied and if need be applications referred to this Committee for it to decide which applicants will be successful.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

9. Not applicable.

COMMENTS OF THE DIRECTOR OF FINANCE

10. Not applicable.

RECOMMENDATION

11. That the Committee determine the mandatory criteria relating to the vehicle and preferential criteria relating to the applicant.

ROSEMARY LYON
DIRECTOR OF LEGAL SERVICES

Background Papers			
Document	Date	File	Place of Inspection
Report on Unmet Demand 2005 Suggested criteria and summary of replies (attached to report)			Licensing Office

Report Author	Ext	Date	Doc ID
K Ogden/Howard Bee/ Elizabeth Riley	5163	5 April 2006	LEGREP/96162LM

CRITERIA TO BE IMPOSED		Agree	
1	Every vehicle shall be a London style taxi such as TX2, Metrocab, or similar.	<input type="checkbox"/>	<input type="checkbox"/>
Other comments			
2	Vehicles shall be two years old or less than two years old from date of manufacture or date of first registration whichever is the earlier.	<input type="checkbox"/>	<input type="checkbox"/>
Other comments			
3	Vehicles must be purpose built hackney carriage vehicle and purpose built to accommodate wheelchair disabled passengers	<input type="checkbox"/>	<input type="checkbox"/>
Other comments			
4	Vehicles shall be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors such testing to include the structural integrity.	<input type="checkbox"/>	<input type="checkbox"/>
Other comments			
5	Vehicles shall be properly insured and proof of purchase be produced to the Council either upon application or before the issue of the licence.	<input type="checkbox"/>	<input type="checkbox"/>
Other comments			
6	Applicants should be able to prove to the Council that he or she has never previously sold/transferred a vehicle licence for money or moneys worth for gain or reward.	<input type="checkbox"/>	<input type="checkbox"/>
Other comments			
7	Preferentially, licences be issued to owner/drivers or intended owner/ drivers upon their showing satisfactory proof of proprietorship or intended proprietorship of their vehicle.	<input type="checkbox"/>	<input type="checkbox"/>
Other comments			
8	Preferentially, applicants should be a current hackney carriage driver within Borough of Chorley.	<input type="checkbox"/>	<input type="checkbox"/>
Other comments			
9	Preferentially, the number of years an applicant has been driving a hackney carriage vehicle within Borough of Chorley shall be taken into account.	<input type="checkbox"/>	<input type="checkbox"/>
Other comments			
10	Preferentially, applicants fitness including previous motoring and other criminal convictions shall be taken into account.	<input type="checkbox"/>	<input type="checkbox"/>
Other comments			
11	Any other considerations which may fairly and reasonably relate to the grant of a hackney carriage licence and appear to the Council to be relevant including the proposed operation of the vehicle in respect of the hours/area to be worked may be taken into account.	<input type="checkbox"/>	<input type="checkbox"/>
Please add any additional comments below.			

Criteria for vehicles

	Agree	Disagree	
Every vehicle shall be a London style taxi such as TX2, Metrocab, or similar.	38 81%	9 19%	100%
Vehicles shall be two years old or less than two years old from date of manufacture or date of first registration whichever is the earlier.	31 66%	16 34%	Out of 34% who disagree 9% think the vehicle should be brand new. 100% new.
Vehicles must be purpose built hackney carriage vehicle and purpose built to accommodate wheelchair disabled passengers	41 87%	5 11%	98%
Vehicles shall be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors such testing to include the structural integrity.	47 100%	0	100%
Vehicles shall be properly insured and proof of purchase be produced to the Council either upon application or before the issue of the licence.	44 94%	2 4%	98%
Total number of questionnaires received 47			

Criteria for applicants

	Agree	Disagree	
Applicants should be able to prove to the Council that he or she has never previously sold / transferred a vehicle licence for money or moneys worth for gain or reward.	44 94%	3 6%	100%
Preferentially, licences be issued to owner/drivers or intended owner/drivers upon their showing satisfactory proof of proprietorship or intended proprietorship of vehicles.	42 89%	5 11%	100%
Preferentially, applicants should be a current hackney carriage driver within the Borough of Chorley.	33 70%	10 21%	91%
Preferentially, the number of years an applicant has been driving a hackney carriage vehicle within the Borough of Chorley shall be taken into account.	33 70%	14 30%	100%
Preferentially, applicants fitness including previous motoring and other criminal convictions shall be taken into account.	44 94%	3 6%	100%
	29	13	

Any other considerations which may fairly and reasonably relate to the grant of a Hackney carriage licence and appear to the Council to be relevant including the proposed operation of the vehicle in respect of the hours/area to be worked may be taken into account.

62% 28% 89%

Total number of questionnaires received. 47

15% of all respondents think those awarded plates should live in Chorley Borough.

13% of all respondents think plates should be returned to council not sold/transferred.

10% of all respondents think that current Private Hire operators should be allowed to apply for Hackney Plates.