

DEPARTMENT OF ENVIRONMENT HOUSING AND NEIGHBOURHOODS**ORIGINATING SECTION: PUBLIC PROTECTION SERVICE****REPORT TO: LICENSING COMMITTEE****07:01:14****TITLE : TERMS AND CONDITIONS OF HACKNEY CARRIAGE VEHICLES****1. PURPOSE**

To seek the Licensing Committee's views in relation to the current policy in relation to terms and conditions of the Hackney Carriage Vehicles.

2. RECOMMENDATIONS

For members to note the report and decide whether to reaffirm the current policy or to support a review of the current policy.

3. KEY ISSUES

In June 2010 following the high court ruling Lunt / Allied vehicle Ltd –v- Liverpool City Council, Blackburn with Darwen Council amended its existing policy to allow alternative purpose built hackney carriages to be licensed, subject to those vehicle types having a positive Disability Impact Assessment. The decision that was made was that any alternative purpose built vehicle must be black in colour. See copy of decision form at appendix 1

This policy in relation to colour was reaffirmed in December 2012 when the terms and conditions of hackney carriage and private hire vehicles were reviewed. See copy of briefing paper at appendix 2

The second decision was made following consultations with the trade and members of the public who used taxis as their method of transport. During these consultations with the trade on the issue of colour there has been no significant objection to the colour scheme

An application to licence a white Peugeot E7 was placed before the General Licensing Sub Committee on 27th November 2013 and the panel of that committee deferred making a decision on the application because they were reluctant to depart from the Council's policy without further consultation with members of the Licensing Committee.

4. RATIONALE

A council can attach any conditions it considers necessary to make hackney carriages clearly identifiable from private hire vehicles. This authority along with other authorities has chosen to make this distinction by requiring one colour scheme for the alternative type vehicles. This decision was adopted as it would be less financially burdensome on the hackney carriage trade.

It was evident through consulting with members of the public that almost 50% of them were unaware of the differences between hackney carriages and private hire vehicles.

Alternative purpose built hackney carriages are MPVs that have undergone conversions, to allow the carriage of wheelchairs. The external bodies of these vehicles are the same as the vehicles that are in the private market. (eg Peugeot 3008)

5. POLICY IMPLICATIONS

The application for the white Peugeot E7 does not seek to change the policy, and each application must be considered on its own merits, if members departed from the policy it would be very difficult to justify refusing any future applications for non-black alternative purpose built hackney carriage vehicles.

6. FINANCIAL IMPLICATIONS

This matter is complex and carries serious legal and other connotations. The council has already received a proposed judicial review claim; this would incur costs to the council.

7. LEGAL IMPLICATIONS

Section 47(1) and 2) of the Local Government (Miscellaneous Provisions) Act 1976 states:

- (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 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

Section 47 therefore gives a clear statutory authority for Councils to implement measures so that hackney carriages are clearly identifiable to the public

A skeleton legal argument was prepared by the applicant's solicitors and a copy of that can be found at appendix 3.

A response to the afore mentioned argument was forwarded in a letter following the meeting of the general licensing sub- committee and that can be found at appendix 4

8. RESOURCE IMPLICATIONS

N/A

9. CONSULTATIONS

If the Committee resolves to support a review of the policy a consultation and consideration of the results would need to be carried out with Hackney Carriage Licence holders

10 . CONTACT OFFICER

Donna Riding – Principal Licensing Officer
Telephone 01254 267644