



Monday, 25 November 2019

Dear Sir/Madam

A meeting of the Licensing and Appeals Committee will be held on Tuesday, 3 December 2019 in the Committee Room, Council Offices , Foster Avenue, Beeston NG9 1AB, commencing at 10.00 am.

Should you require advice on declaring an interest in any item on the agenda, please contact Legal Services at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors: E H Atherton
D Bagshaw (Chair)
E Cubley
T A Cullen
R I Jackson
R D MacRae

J C Patrick
M Radulovic MBE
P D Simpson
I L Tyler
D D Pringle
D Grindell (Vice-Chair)

A G E N D A

1. APOLOGIES

To receive any apologies and notification of substitutes.

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

PAGES 1 - 4

To approve the minutes of the previous meeting held on 24 September 2019 and 15 October 2019.

4. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SPECIFICATION - ENGINE SIZE PAGES 5 - 6

To seek approval to change the existing Hackney Carriage and Private Hire Licensing Policy to reduce the minimum engine size requirement for hackney carriages and private hire vehicles.

5. WHEELCHAIR ACCESSIBLE VEHICLES (WAVS) IN THE TAXI FLEET LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 TOWN POLICE CLAUSES ACT 1847 PAGES 7 - 10

To seek a decision on proposals with respect to wheelchair accessible vehicles used as hackney carriages and private hire vehicles.

LICENSING AND APPEALS COMMITTEE

TUESDAY, 24 SEPTEMBER 2019

Present: Councillor D Bagshaw, Chair

Councillors: E H Atherton
E Cubley
D Grindell
R I Jackson
R D MacRae
J C Patrick
D D Pringle
M Radulovic MBE
I L Tyler

Apologies for absence were received from Councillors T A Cullen and P D Simpson

12 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

13 **MINUTES**

The minutes of the meeting held on 25 June 2019 were confirmed and signed as a correct record.

14 **EXCLUSION OF PUBLIC AND PRESS**

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.

15 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

Members considered the report which sought a decision as to whether the applicant was a fit and proper person to hold a licence. Members considered the representations made by the applicant, who appeared in person, the Council's representative, the relevant legislation and the Council's Licensing Policy.

RESOLVED that the applicant is a fit and proper person to hold a hackney carriage/private driver's licence and the application be granted subject to the satisfactory completion of a Statutory Declaration to confirm that the applicant was not subject to any criminal convictions or proceedings prior to entering the UK.

16 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 HACKNEY
CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Members considered the report which sought a decision as to whether the applicant was a fit and proper person to hold a licence. Members considered the representations made by the applicant, who appeared in person, the Council's representative, the relevant legislation and the Council's Licensing Policy.

The Committee fully considered the applicant's representations and considered that the applicant's previous convictions fell outside of the Council's policy and the Committee found no reason or justification to depart from the policy due to the relevance and seriousness of the offences.

RESOLVED that the applicant is not a fit and proper person to hold a hackney carriage/private hire driver's licence and the application be refused.

LICENSING AND APPEALS COMMITTEE

TUESDAY, 15 OCTOBER 2019

Present: Councillor D Bagshaw, Chair

Councillors: T A Cullen
D Grindell
R D MacRae
J C Patrick
M Radulovic MBE
P D Simpson
I L Tyler

Apologies for absence were received from Councillors E H Atherton, E Cubley, R I Jackson and D D Pringle.

17 **DECLARATIONS OF INTEREST**

Councillor J C Patrick declared a non-pecuniary interest in item 3 having worked with the appellant's advocate on case work, minute number 19 refers.

18 **EXCLUSION OF PUBLIC AND PRESS**

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

19 **HACKNEY CARRIAGE AND VEHICLE LICENCE APPLICATION**

Members considered the report which sought a decision as to whether the applicant's vehicle was fit to licence as it did not comply with the Council's current Policy. Members considered the representations made by the driver and driver's advocate, whom both appeared in person; the Council's licensing representative, the relevant legislation and the Council's Licensing Policy.

RESOLVED that the Licence be granted. The decision was against the Council's policy requirement that the engine size of a vehicle must be 1500cc in order to be accepted as a licensed vehicle. However, on this occasion the Committee was satisfied that there were compelling reasons to depart from the Policy.

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Report of the Chief Executive

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SPECIFICATION – ENGINE SIZE

1. Purpose of report

To seek approval to change the existing Hackney Carriage and Private Hire Licensing Policy to reduce the minimum engine size requirement for hackney carriages and private hire vehicles.

2. Background

The current specification for all vehicles as set out in the Hackney Carriage and Private Hire Licensing Policy in terms of cubic capacity (cc) is a minimum of 1500cc. This has been the case since February 2015 when the minimum cc was reduced from 1600 to 1500. However following a recent appeal to the committee, interest has been expressed by members in reducing the requirement to 1400cc. It is proposed that the current specification be amended to specify a minimum of 1400cc. Note. It may be appropriate to allow a small leeway as engine capacity may be nominally 1.4 but in actual fact slightly less. Vehicle capacities may be rounded up to the nearest 100cc. Vehicle with a cc of 1351 may be badged as 1.4 versions of the vehicle.

A number of advances in engine technology have been made since the initial specification was approved. The Vauxhall Astra Estate 1.4i Petrol Turbo offers 148 bhp (Brake Horse Power) and a Skoda Octavia 1.4 gives 150 BHP, both of which compare favorably with the current fleet.

All vehicles must comply with all other specifications listed as customer safety and comfort is the Council's primary concern.

Such a move would assist the Council in continuing to seek ways to reduce carbon emissions and improve the environment as smaller, more fuel-efficient cars will have a much smaller carbon footprint.

Recommendation

The Committee is asked to RESOLVE that the current vehicle specification be amended to include a minimum of 1400cc or other such cc as may be decided.

Background papers

Nil

APPENDIX

The current vehicle specification for both hackney carriage and private hire vehicles is as outlined on pages 12 and 13 of the Council's Hackney carriage and private hire licensing, terms and conditions.

SPECIFICATION FOR
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

A VEHICLE MUST HAVE:

1. A minimum engine capacity of 1400cc. (or other cc as may be decided)

Report of the Chief Executive

WHEELCHAIR ACCESSIBLE VEHICLES (WAVS) IN THE TAXI FLEET LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 TOWN POLICE CLAUSES ACT 1847

1. Purpose of report

To seek a decision on proposals with respect to wheelchair accessible vehicles used as hackney carriages and private hire vehicles.

2. Background

The Local Government (miscellaneous provisions) Act 1976 and Town Police Clauses Act 1847 allow a council to attach such conditions as they deem necessary to hackney carriages (HC) and private hire vehicle (PHVs) licences.

There is no legal requirement for Licensing Authorities to make a proportion of HC or PHVs wheelchair accessible vehicles (WAV). It is for individual authorities to consider and decide as appropriate.

There is no legal definition of a WAV. However, it is generally accepted that that a WAV is a vehicle designed or adapted to allow a wheelchair user to access and be transported in the vehicle without leaving the wheelchair and convey them in a safe and comfortable manner.

Wheelchair friendly vehicles are those which allow wheelchair users to remove themselves from the wheelchair and sit in the vehicle in the same manner as other passengers. The wheelchair is folded and carried in the luggage compartment.

The Council licenses 143 HC and 10 PHV, only 1 of which is wheelchair accessible (WAV).

The following report sets out in appendix 1 options to be considered with a view to increasing the number of WAVs on the Council's fleet.

It is considered appropriate that the matter be considered and determined by members.

Recommendation

The Committee is asked to CONSIDER the report and RESOLVE which option(s) it would like to consult on in respect of WAVs licensed by the Council

Background papers

Nil

APPENDIX

Wheelchair Accessible Vehicle Feasibility Study

1. There is no legal requirement for Licensing Authorities to make a proportion of HC or PHVs wheelchair accessible vehicles (WAV). It is for individual authorities to consider and decide as appropriate.
2. There is no legal definition of a WAV. However, it is generally accepted that that a WAV is a vehicle designed or adapted to allow a wheelchair user to access and be transported in the vehicle without leaving the wheelchair and convey them in a safe and comfortable manner.

A WAV should be able to transport one or more "Reference wheelchairs". A reference wheelchair is defined in Schedule 1 of The Public Service Vehicles Accessibility Regulations 2000.

Length:

1200mm (approx. 48") including footplates

Width:

700mm (28")

Total seated height:

1350mm (54")

Clearance under footplate:

150mm (6")

Wheelchair friendly vehicles are those which allow wheelchair users to remove themselves from the wheelchair and sit in the vehicle in the same manner as other passengers. The wheelchair is folded and carried in the luggage compartment.

Many disabled passengers do not require wheelchair accessibility as they do not use a wheelchair.

3. In England, in 2019, 16% of all licensed vehicles were wheelchair accessible. 58% of all HCs were wheelchair accessible while 2% of PHVs were wheelchair accessible. This is similar to the proportion in 2018. 66% of all licensing authorities have a requirement for WAVs in all or part of their fleet.

Broxtowe Borough Council has a HC and PHV fleet composed mainly of saloon vehicles. There are 143 HC and 10 PHV'. There are 177 drivers licensed by the Council. Most, if not all of these vehicles are wheelchair friendly. Passengers are able to remove themselves from the wheelchair and sit in the vehicle in the same manner as other passengers.

1 WAV is licensed by the council and is listed on the Council's website in accordance with Section 167 of the Equality Act 2010. <https://www.broxtowe.gov.uk/for-you/roads-parking-travel/using-taxis/wheelchair-accessible-vehicles/>. This equates to 0.7% of the HC fleet.

Current PHV and Radio Circuit operators report little demand for such vehicles despite most WAV trips being pre-arranged. Those operators refer such calls to city operators who provide the service.

The only WAV licensed by the Council has a number of regular WAV users and much of his work is of that nature.

4. Current Provision across the Nottinghamshire and neighbouring authorities.

Council	Current Provision
Amber Valley	All new HC vehicles WAV Grandfather rights to vehicles licensed prior to 2004 or any vehicle which replaces such a HC
Erewash	Purpose built Hackney Carriage and Private Hire wheelchair accessible vehicles (or modified vehicles) will be licensed to a maximum of 12 years old from date of first registration.
Ashfield	All new HC vehicles WAV Existing non WAV HC may be replaced as non WAV
Bassetlaw	All new HC vehicles WAV Existing non WAV HC may be replaced as non WAV
Newark	Incentives: No older than 7 years (5 years HC) Licensed till 12 years (8 years HC)
Mansfield	All new HC vehicles WAV Existing non WAV HC may be replaced as non WAV
Nottingham City	All HC vehicles WAV – London style cabs
Gedling	No requirement No incentive
Rushcliffe	All HC vehicles WAV – London style cabs
Broxtowe	No requirement Licensed till 10 years (8 years HC)

5. Options

There are a number of options available to the Council to address the issue of Wheelchair accessibility in HC and PHVs.

1. Do nothing
This would retain the current status and would not improve the situation.
2. Require all HC vehicles to be WAV compliant.
 - a) Require all HC vehicles within the fleet to be replaced by WAV within a given timescale with current vehicles to be replaced by WAVs upon expiry of current licence. This would create a 100% WAV fleet within the timescale agreed.
Note. This may have an unintended consequence of Broxtowe Private Hire Operators and HC radio circuit operators utilising out of district HC licensed vehicles which cannot currently be enforced by the Council. It may also affect the makeup of the fleet with current HC proprietors changing to PHV.
 - b) Require all HC vehicles coming for initial licensing to be WAV with current vehicles acquiring “grandfather rights”.

This would create a balanced fleet over an indeterminate period leading to a long term 100% HC WAV fleet. It would allow existing HCs to replace their current vehicle with a “like for like” vehicle until such time as they surrendered their licence. It would be advisable to not allow the transfer of such vehicles to other proprietors as this would otherwise give a value to and create a market for the grandfathered vehicle licences.

3. Incentivise new and existing HC proprietors to licence a WAV by giving incentives by way of age extensions or financial benefits
 - a) Current WAVs are licensed until 10 years old (HCs currently licensed till 8 years old). This could be raised to reflect the increased investment by WAV proprietors due to the greater cost of WAVs.
 - b) Currently all vehicles are charged the same fee for licensing (£221.75 for 12 months – up to 5 years old, £181.50 for 6 months – over 5 years old). Reduced fees could be introduced for the first 1-3 years of licensing.
6. Should Committee wish to proceed by changing the existing policy, it is recommended that consultation with those involved and affected by any changes takes place. A list of potential consultees is provided below. Please note that this is not an exhaustive list.

Councillors may also wish to set up a small working party to consider the detail of the options and decide on the consultation content and consultees.

7. Potential Consultees

HC drivers licensed by the Council
Private Hire Operators within the Borough
Broxtowe Borough council members
Mobility groups within the area.
Shopmobility
Age UK
Citizens Advice Bureau
Voluntary Action (Broxtowe)
Eastwood Volunteer Bureau
The Helpful Bureau
Disability Rights UK
Disabled Persons Transport Advisory Service

8. An Equality Impact Assessment will also be prepared.