

LICENSING REGULATORY COMMITTEE

Introduction of Livery for Hackney Carriage Vehicles 18th November 2010

Report of Licensing Manager

PURPOSE OF REPORT

To seek Members' approval for the deferral of the introduction of a livery for Hackney Carriage vehicles so that it can be considered along with the implications of the Equality Act 2010

This report is public.

RECOMMENDATIONS

Members are requested to consider a deferral of the introduction of Livery for Hackney Carriage vehicles so that it can be considered and discussed with the trade in conjunction with the implications of the Equality Act 2010.

1.0 Report

- 1.1 Members will recall that at the Licensing Regulatory Committee meeting on 2nd September 2010 a proposal to introduce livery for Hackney Carriage vehicles was approved in principle subject to further consultation on colour choice.
- 1.2 That consultation has now taken place, but due to some confusion within the trade as to what stage the consultation process was at, no proper conclusions can be drawn from the results.
- 1.3 Additionally the Government has started to bring into force parts of the Equality Act 2010. Part of the provisions effecting taxi drivers came into force in October 2010, and members may recall that at the Licensing Regulatory Committee held on 14th October they resolved that this authority should keep a list of designated wheelchair accessible vehicle in line with the requirements of the Act.
- 1.4 Section 161 of the Equality Act which will come into force at a later date, but no earlier than April 2011, will ensure that licensing authorities that have relatively few wheelchair accessible vehicles operating in their area will not be able to refuse to license such a vehicle on the grounds of controlling numbers.
- 1.5 For Section 161 to have effect, the Secretary of State must make regulations specifying:

- The proportion of wheelchair accessible taxis that must operate in an area before the respective licensing authority is lawfully able to refuse to licence such a vehicle on the grounds of controlling taxi numbers; and
- The dimension of a wheelchair that a wheelchair accessible vehicle must be capable of carrying in order for it to fall within this provision.

1.6 As further changes to specification may need to be considered in order to comply with the legislation, and purpose built vehicles may even be required, the licensing manager feels it would be unfair to impose changes to livery at this time, without considering the impact of the Equality Act. Instead livery should be considered in line with the requirements of that Act so that if proprietors are required to make adjustments to their vehicles or purchase new ones, they will only have to do it once.

2.0 Conclusion

If members are minded to defer the introduction of livery until the implications of the Equality Act 2010 are known, further consultation can take place with hackney carriage proprietors to discuss the best way forward to ensure that the legislation is complied with at the same time as the livery is introduced.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>There are no financial implications arising from this report.</p>	
<p>LEGAL IMPLICATIONS</p> <p>The legal implications are set out in the report. There is a right of appeal to the Magistrates' Court against a condition imposed in a hackney carriage vehicle licence.</p>	
<p>BACKGROUND PAPERS</p> <p>None.</p>	<p>Contact Officer: Wendy Peck</p> <p>Telephone: 01524 582317</p> <p>E-mail: wpeck@lancaster.gov.uk</p> <p>Ref: WP</p>