

# LICENSING REGULATORY COMMITTEE

## Local Government (Miscellaneous Provisions) Act 1976

### Hackney Carriage Vehicle Licensing – Request for Waiver of Policy Requirement that all Vehicles must Provide Direct Access and Egress Without the Need to tip or Fold Seats

21 July 2011

#### Report of the Licensing Manager

##### PURPOSE OF REPORT

Mr P Bishop is the proprietor of a hackney carriage licensed by Lancaster City Council. He has requested a waiver of the policy requirement that all passengers should have direct access to doors without having to tip or fold a seat. The purpose of this report therefore is to enable Members to consider the request.

The report is public

##### RECOMMENDATIONS

The Committee is requested to determine in the light of the representations made, whether to allow the applicant's request for a waiver of the standard requirement that all passengers should have direct access and egress without having to tip or fold seats, and to determine whether to grant an exemption to the restriction for Mr Bishop with regard to the VW Caddy Maxilife and for any other vehicles of the same model with identical specifications that may be presented for licensing in the future.

##### 1.0 Introduction

- 1.1 Under section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, a District Council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as they may consider reasonably necessary. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.
- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of a hackney carriage vehicle licence.
- 1.3 The standard licence condition provides "Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided,

without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.”

- 1.4 Some Members will be aware that the continued application of the above licence condition has recently been the subject of a consultation process following its approval by this Committee last September. The consultation ended in June, and a full report of the outcome of that consultation will be delivered to this Committee in September.
- 1.5 Mr Bishop has currently licensed the VW Caddy to carry 5 passengers, one of the passengers being a wheelchair user. Mr Bishop does have one of the mandatory wheelchair accessible vehicles. Mr Bishop has requested to make representations to this Committee, as he would like to add two extra seats (which are removable) to the vehicle, to allow for maximum flexibility. The vehicle would then be licensed to carry a maximum of 6 passengers, when not carrying a wheelchair user. A copy of Mr Bishop’s letter is attached at appendix 1 to this report.
- 1.6 Mr Bishop has, at the suggestion of the licensing manager added some additional safety measures to the vehicle. The vehicle has a rear hatch/door which is capable of being opened from the inside of the vehicle, and is clearly marked ‘Emergency Exit’. This would allow passenger in the rear row of seats ( if approved) to egress the vehicle through the back hatch, without having to move a passenger in front of them, in case of emergency. The vehicle is available for members to inspect.
- 1.7 Before coming to a decision on this matter, members may wish to consider some of the issues that may arise from the grant of this licence.
  1. This is a mandatory wheelchair accessible vehicle. The rationale of granting additional licences solely for wheelchair accessible vehicles was to ensure that the needs of passengers in wheelchairs could be met by these vehicle at all times. There is a danger that a driver may consider it too much trouble to remove extra seats before loading a wheelchair into the vehicle.
  2. If the condition were waived, the vehicle would be licensed to carry 6 passengers, and would display a plate accordingly. In actual fact when it was being used to carry a wheelchair passenger it would only be capable of carrying 3 passengers, inclusive of the wheelchair. This could have the potential to cause friction on the rank if customers are expecting the vehicle to carry the full complement of passengers.
  3. This type of arrangement may be more suitable for private hire vehicles that are pre booked, and therefore would know the customer requirements before leaving to do the job.
  4. From a positive point of view, this type of arrangement does allow for flexibility.
- 1.8 Mr Bishop has been invited to attend the meeting to make representations and answer some of the points raised above, in support of his request. The vehicle will be available for inspection, and Members will be informed of the arrangements for this.

## 2.0 Conclusion

- 2.1 Members are asked to consider whether they are satisfied to allow the applicant's request for a waiver of the standard licence requirement on access and egress, subject to the additional conditions that the rear door/hatch must be capable of being opened from inside the vehicle, and must be clearly marked 'Emergency Exit.'
- 2.2 If members are minded to approve this request, the licensing manager would like the Committee to authorise her to start an approved list of vehicles and to allow this type of vehicle, with the exact specifications, to be added to any such list, so that future requests to licence an identical vehicle can be dealt with by officers as an automatic grant.

### **CONCLUSION OF IMPACT ASSESSMENT**

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

### **FINANCIAL IMPLICATIONS**

Financial Services have not been consulted as there are no financial implications.

### **LEGAL IMPLICATIONS**

Should Members be minded to refuse the applicants' request for a waiver of certain standard licence conditions they would have a right of appeal to the Magistrates' Court against the issue of a licence which included those conditions.

### **BACKGROUND PAPERS**

None

**Contact Officer:** Wendy Peck

**Telephone:** 01524 582317

**E-mail:** [wpeck@lancaster.gov.uk](mailto:wpeck@lancaster.gov.uk)

**Ref:**