

LICENSING COMMITTEE

Local Government (Miscellaneous Provisions) Act 1976 Vehicle Licensing – Approved List Updates Request to Waiver Conditions Relating to Access and Egress of Specific Make/Models of Licensed Vehicles 6th June 2019

Report of the Licensing Manager

PURPOSE OF REPORT

To enable councillors to review the list of approved vehicle make/models that have previously been granted licences with an exception of the condition relating to access and egress.

The report is public

RECOMMENDATIONS

The Committee are requested to review the list of approved vehicle make/models that have previously been granted a licence with an exception of the condition relating to access and egress.

1.0 Background

- 1.1 Under section 47 (1) and 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976, a District Council may attach to the grant of a licence of a hackney carriage or private hire vehicle under the Act of 1976 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 private hire and hackney carriage vehicle licences.
- 1.3 The standard licence condition relating to access and egress is as follows;

"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."

It is believed that the above condition was introduced for the safety and comfort of the travelling public.

1.4 At a Licensing Regulatory Committee meeting on 1st September 2011, councillors discussed the conditions relating to access and egress and made the following resolution:

- That the requirement that access and egress to all passenger seats should be unimpeded, as set out in the report, be maintained, and;
- That the committee may make exceptions for specific models of vehicle, made to the manufacturer's specification, on an individual basis, with vehicles approved in this way added to an approved list of vehicles in order that any future requests to license an identical vehicle could be dealt with automatically.

1.5 It has been brought to the attention of the Licensing Manager that an approved list of vehicles that are eligible for the exception has not been maintained; therefore a thorough review is required.

1.6 Licensing staff have looked over licensing regulatory committee reports since the resolution to establish which vehicle make/models were presented to councillors and the decision taken whether to include them on the approved list. The reports and minutes relating to those decisions are attached at **Appendix 1**. An updated approved list is attached at **Appendix 2**.

1.7 Members of the trade have been contacted and requested to submit notification of the make/model of their vehicle if they wish it to be included on the approved list.

1.8 The following vehicle proprietors have been requested to present their vehicles today for members of the Licensing Committee.

Vehicle No.	Vehicle Proprietor	Vehicle Make/Model
1	Mr R. Crow	Kia Caren – New Request
2	Mr D. Clifton	Kia Carens 2 – New Request
3	Mr W. Shah Mr J. Bains	VW Touran (approved Nov 11 – PH only)
4	T&T Transport	VW Caddy Maxilife (approved July 11)

1.9 For members information attached at **Appendix 3 and 4** are two magistrates' court decisions taken following appeals made on the basis that the conditions relating to access and egress are not reasonably necessary.

2.0 Options

2.1 Options available to councillors for each make/model of vehicle are as follows:

- 1) To include any specific make/model of vehicle on the approved list,
- 2) To exclude any specific make/model of vehicle from the approved list, and;
- 3) Consideration should also be given to whether the waiver of condition relating to access/egress should apply to private hire and hackney carriage vehicles.

- 4) Councillors should consider removing the condition from all private hire and hackney carriage licences.
- 5) Councillors should also consider delegating the case-by-case decision making to the Licensing Manager; which would allow for a more efficient way of dealing with applications from vehicle proprietors.

3.0 Conclusion

- 3.1 Councillors are asked to consider each vehicle on a case-by-case, individual basis and decide whether they are satisfied to allow the waiver of the standard licence requirement on access and egress.
- 3.2 Consideration should be given to the vehicle's suitability in terms of type, size and design, safety and comfort.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None.</p>

<p>FINANCIAL IMPLICATIONS</p> <p>Financial Services have not been consulted, as there are no financial implications.</p>

<p>LEGAL IMPLICATIONS</p> <p>Under Section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976 any person aggrieved by a condition attached to a private hire vehicle licence has a right to appeal to the Magistrates' Court within 21 days of the grant of the licence.</p>
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<p>BACKGROUND PAPERS</p> <p>None.</p>	<p>Contact Officer: Jennifer Curtis Telephone: 01524 582732 E-mail: jcurtis@lancaster.gov.uk Ref: JC</p>
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