

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Tuesday 2nd October 2012 at 6.05 pm in the Reception Suite, Civic Offices, Telford

PRESENT

Councillors: C Mason (Chair), R Picken, T Hope, A Mackenzie, L Murray, R Scammell, J Seymour, J Thompson and K Tomlinson.

Officers in attendance: Jonathan Eatough – Assistant Director: Law, Democracy & Public Protection, Ian Mercer – Public Protection Service Delivery Manager, Suzanne Fisher – Public Protection Team Leader, Tina Street – Solicitor and Wendy Buckley - Democratic Services Support Officer.

LC- 11 MINUTES

RESOLVED – that the minutes of the meeting of the Licensing Committee held on the 5th September 2012 be confirmed and signed by the Chair.

LC- 12 APOLOGIES FOR ABSENCE

Councillor B Duce.

LC- 13 DECLARATIONS OF INTEREST

None.

LC- 14 REVIEW OF HACKNEY CARRIAGE CONDITION OF LICENCE

The Public Protection Team Leader presented a summary of the report of the Service Delivery Manager - Public Protection for Members to consider the Council's Hackney Carriage condition of licence covering the types of vehicle that can be licensed as a Hackney Carriage in Telford & Wrekin.

Following a request from the Private Hire trade, a 12 week consultation began in March 2011, following which Members resolved to maintain the existing condition at the Licensing Committee meeting on 7th September 2011. In December 2011 a consultation was carried out on the draft Hackney Carriage and Private Hire policy where a response was received from Allied Vehicles Ltd. The response related to the Council's conditions of licence rather than the policy itself specifically relating to the type of vehicle the Council will license as a Hackney Carriage. The Council's condition of licence was also questioned by solicitors acting for the vehicle importer. Copies of the letters were appended to the report. The Public Protection Team Leader then contacted the consultees who responded to the earlier 2011 consultation to inform them that condition 2.2 was being reviewed again by the Licensing Committee. Five supplementary responses had been received and were also appended to the report. A further letter received from The London Taxi Company on 1st October 2012 was tabled at the meeting.

The Committee were asked to consider implementing a revised condition that would detail how the Council would decide in future the acceptability or otherwise of other vehicles applying to become licensed as hackney carriages. Amongst other things the committee considered accessibility issues and recent developments in case law. It was proposed that the vehicle types should go through an approval process that included consultation with a working group consisting of the Telford Hackney Carriage Association, disability user groups, member of the highways and transport team, licensing officers and a member of the licensing committee. All applications made to license a purpose built vehicle would be considered by the Principal Licensing Officer after consultation on the vehicle type with the working group. It was proposed that, if accepted by members, revised condition 2.2 would be implemented immediately. Photographs of typical vehicles that had been licensed by other authorities and might foreseeably be the subject of applications to be included on the approved list of Hackney Carriage vehicles were distributed to Members.

The Public Protection Team Leader confirmed that the working group would look at different vehicles to test to see if they were suitable. This is what the private hire working group was already doing with applications to license vehicles which were not already on the approved list for private hire vehicles.

The Public Protection Team Leader confirmed that some complaints had been received from wheelchair users stating that their wheelchairs were not suitable or safely restrained in a hackney carriage.

Members debated the matter and arguments were put for and against, which resulted in a 5 to 4 majority decision in favour of the motion.

The Solicitor to the Licensing Committee gave a brief summary of the issues surrounding a case that was brought against Liverpool City Council. One issue that was highlighted in the judgement was that the report commissioned by Lowland Market Research found in 96 out of 100 reference wheelchair journeys undertaken neither the wheelchair nor the passenger could be safely secured in a London style taxi. The judgement concluded that Liverpool City Council failed to understand that Hackney Carriages were not accessible to all users- it provided a restricted choice of vehicles that had the ability to accommodate wheelchairs in a safe position. Evidence from the report showed that some wheelchair users were not able to access London style taxis however there was an opportunity to use other more suitable vehicles if they were not restricted to London style taxis only.

It was also pointed out that, without the amended condition the Council could face the risk of successful challenge by way of judicial review based on the Liverpool City Council case with the associated exposure to costs.

The Assistant Director: Law, Democracy & Public Protection confirmed that the adoption of a condition did not automatically approve any vehicle for use as a hackney carriage within Telford & Wrekin but that the condition enabled decisions to be made in respect of such applications in a fairer, more transparent manner, thus reducing the risk of challenge from affected users.

Councillor Tomlinson asked Members to look specifically at the end users involved.

It was moved that vehicles considered by the user group as acceptable should be referred to the licensing committee to make a final decision on each vehicle, not officers. This amendment which deleted 2.2 from the recommendations was agreed by members.

The Chair moved that recommendation 2.1 in the report be approved, the motion was seconded and it was

RESOLVED that the proprietor shall ensure that the Hackney Carriage vehicle shall only be of the type approved for Hackney Carriage use by the Council, namely a purpose-built vehicle built to carry up to eight passengers with factory fitted seatbelts and an engine capacity not less than 1600cc. subject to the following:

Hackney Carriage vehicles are approved by way of a list that will specify as many different types of vehicles as possible.

Councillors Mason and Picken asked that their votes in favour above be recorded.

Meeting closed at 7.42 pm.

Chairman:

Date: