

## LICENSING SUB-COMMITTEE

Date: Friday 15 March 2019  
Time: 10.00 am  
Venue: Civic Centre

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer (Committees) on 01392 265477 or email [Mark.Devin@exeter.gov.uk](mailto:Mark.Devin@exeter.gov.uk)

Entry to the Civic Centre can be gained through the Customer Services Centre, Paris Street.

*Membership -*  
Councillors Sheldon, Holland and Pattison

### Agenda

#### **Part I: Items suggested for discussion with the press and public present**

1 **Appointment of Chair**

To appoint a Chair for the meeting.

2 **Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution:

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for appendix 5a and item 6 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Act.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**TOWN POLICE CLAUSES ACT 1847**

4 **Application to Renew Private Hire Vehicle licence over 10 years old**  
To consider the report of the Environmental Health and Licensing Manager. (Pages 3 - 30)

5 **Application to grant licence relating to a Hackney Carriage vehicle.**  
To consider the report of the Environmental Health and Licensing Manager. (Pages 31 - 40)

**Part II: Item suggested for discussion with the press and public excluded**

a) **Appendix B - Letter**  
(Pages 41 - 42)

6 **Hearing to Determine Whether an Applicant for a Hackney Carriage / Private Hire Drivers Licence is a fit and proper person to hold a the licence**  
To consider the report of the Environmental Health and Licensing Manager. (Pages 43 - 64)

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.**

## **REPORT TO LICENSING (SUB) COMMITTEE:**

<b>Date of Hearing:</b>	15 March 2019
<b>Report of:</b>	Environmental Health and Licensing Manager.
<b>Type of Application:</b>	RENEWAL of a licence relating to a Private Hire vehicle over 10 years old.
<b>Legislation:</b>	Local Government (Miscellaneous Provisions) Act 1976 Town Police Clauses Act 1847.
<b>Applicant:</b>	Mr Delowar Qurashi.

### **1. WHAT IS THE REPORT ABOUT?**

- 1.1 An application has been received from the Applicant for the renewal of a vehicle which, at the time of writing this report, is over 10 years old.
- 1.2 The current annual licence for the vehicle was due to expire on 3 March 2019. However, a temporary 11 day licence has been issued to the Applicant, to allow for the Licensing Sub-Committee to meet to consider this application. This in accordance with Clause M4 of Appendix M of the Council's Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers (Taxi Policy).
- 1.3 Since this application cannot be dealt with under officer delegated powers, it has been referred to the Licensing Sub-Committee for consideration.

### **2. REPORT DETAILS:**

- 2.1 Members will note from the Application Form (Appendix A) that the vehicle concerned is a Toyota Prius (registration ML58 XFM), capable of carrying 4 passengers. The vehicle was originally registered on 1 December 2008, making it over 10 years and 3 months at the original renewal date (3 March 2019) and the date of the Licensing Sub-Committee (15 March 2019).
- 2.2 Attached, in addition to the Application Form are evidence of the vehicle's MOT status, proof of insurance V5 documentation and mechanical inspection report (Appendix B), as well as photographs taken of the vehicle by the Council's Licensing Officers (Appendix C).
- 2.3 The Applicant contends that, although the vehicle may be over 10 years old, it is in such a good condition that it can, and should continue to, be used, and licensed by the Council, as a private hire vehicle. The Applicant may attend the Licensing Sub-Committee in person in support of their Application and highlight further why they consider the Application should be granted.

### **3. WHAT DOES THE TAXI POLICY STATE?**

- 3.1 The Licensing Sub-Committee must have regard to the Council's Taxi Policy, in particular, Clause M4 of Appendix M, which states that *“vehicles presented for renewal that are more 10 years old, shall not be granted. However the applicant will be given the right to apply for the application to be considered by a licensing sub-committee if they feel that their particular circumstances justify a deviation from the existing Policies... Should the licence fail to be renewed on or before the expiry date shown on the licence and on the plate, the licence will lapse. There is no provision for any extension of time after the set date and the plate must be returned to the Council forthwith”*.
- 3.2 Since the responsibility for determining this application lies with the Licensing Sub-Committee, it is entirely their decision whether to grant the application or not. However, the Sub-Committee must be satisfied that the vehicle is fit for purpose and meets the legal principles outlined in Section 4.1 below.
- 3.4 Members should be aware that, if the Licensing Sub-Committee were to grant the Application and the Applicant were to reapply in twelve months' time to renew the vehicle again, the procedure in Section 3.1 of this Report (above) would apply. Therefore, the Licensing Sub-Committee would have oversight over any potential further renewal of the vehicle. It is not clear, however, whether the Applicant (if successful with this current application) would look to this vehicle on 3 March 2020, by which time the vehicle would be over 11 years old.

#### **4. WHAT ARE THE LEGAL ASPECTS?**

- 4.1 Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') states that a district council may, on receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied-

a) that the vehicle is-

- i) suitable in type, size and design for use as a private hire vehicle;
- ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- iii) in a suitable mechanical condition;
- iv) safe; and
- v) comfortable;

b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988; and

shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licence are granted by the council.

- 4.2 Under Section 48(4)(c) of the Act, the Licensing Sub-Committee may grant a licence for a maximum period of twelve months.

4.3 Any person aggrieved by a refusal of the Licensing Sub-Committee to grant a vehicle licence under Section 48 of the Act may appeal to the Magistrates Court within 21 days of receiving written notice of the refusal.

**5. RECOMMENDATIONS:**

5.1 The Licensing Sub-Committee are asked to determine the application having regard to current Policy.

**Environmental Health and Licensing Manager**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report: None**

Contact for enquires:  
Democratic Services (Committees)  
Room 2.3  
01392 265275

**N.B THIS IS NOT PART OF THE REPORT**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE / DRIVERS LICENCES**

You are invited to appear before the Licensing Sub-Committee to speak in support of your application. A legal or other adviser may accompany you but may not appear instead of you.

**Your Application**

Depending on the circumstances, your application may be heard in part two of the Committee meeting procedures from which members of the public and press are excluded. You will be notified in advance if your application will be a part two matter, if you have not been advised of this, the hearing will be in the Public domain.

You or your adviser would be expected to respond to an officer's verbal introduction outlining the above report. You or your adviser may be asked questions and may be invited to ask questions if appropriate.

At the end of the hearing you will be asked to withdraw and the Committee will reach a decision. On conclusion of the decision making process you will then be recalled and the decision will be announced.

This page is intentionally left blank

# APPENDIX A

This page is intentionally left blank

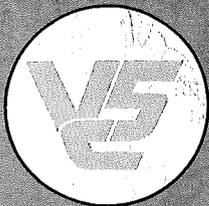
By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

# **APPENDIX B**

This page is intentionally left blank



Registration number

ML58 XFM



V5C  
CC 7683761  
6/14

**THIS DOCUMENT IS NOT PROOF OF OWNERSHIP.**  
It shows who is responsible for registering and taxing the vehicle.

  
Driver & Vehicle  
Licensing  
Agency

**UNITED KINGDOM**  
**UK** REGISTRATION  
CERTIFICATE

European Community

свидетелство за регистрация  
Permiso de circulación  
Osvědčení o registraci  
Registreringsattest  
Zulassungsbescheinigung  
Registreerimistunnistus

Άδεια κυκλοφορίας /  
Πιστοποιητικό Εγγραφής  
Certificat d'immatriculation  
Teastas Cláraithe  
Carta di circolazione  
Reģistrācijas apliecība

Registrācijas liudijimas  
Forgalmi engedély  
Certifikat ta' Registrazzjoni  
Kentekenbewijs  
Dowód Rejestracyjny  
Certificado de matrícula

Certificat de înmatriculare  
Osvědčení o evidencii  
Prometno dovoljenje  
Rekisteröintodistus  
Registreringsbeviset  
Prometna dozvola

1. Registered keeper

1366481220\_002697\_36000  
  
DELOWAR HUSSAIN QURASHI  
75 SHADWELL GARDENS  
LONDON  
E1 2QH

You **must** make sure that the name and address printed here is correct. If it is not, see section 12.

Document reference number  
5246 844 4061

Thinking of buying this vehicle?

**Buyer beware...**

Do you know how to avoid being tricked into buying a stolen vehicle?

For tips and advice go to [www.gov.uk/checks-when-buying-a-used-car](http://www.gov.uk/checks-when-buying-a-used-car)



2. The previous registered keeper

[Z.1] IFTIHAL ULHAQ, WHITLEY COPSE, BRADNINCH, EXETER, EX5 4LA.

[Z.2] ACQUIRED VEHICLE ON 14 10 2014

[Z] NO. OF FORMER KEEPERS 4

3. Special notes (these notes cannot be removed)

1. DECLARED NEW AT FIRST REGISTRATION.

4. Vehicle details

A Registration number **ML58 XFM** 2 [A.1] Validation character **9** 3

B Date of first registration **01 12 2008**  
 [B.1] Date of first registration in the UK **01 12 2008**

D.1 Make **TOYOTA**

D.2 Type

Variant **NHW20(E)**  
 Version **NHW20R-AHEEBW(1F)**

D.3 Model **PRIUS T3 VVT-I AUTO**

D.5 Body type **5 DOOR HATCHBACK**

[X] Taxation class **ALTERNATIVE FUEL CAR**

[D.6] Suspension Type

[Y] Revenue weight

P.1 Cylinder capacity (cc) **1497 CC**

V.7 CO<sub>2</sub> (g/km) **104 G/KM**

P.3 Type of fuel **HYBRID ELEC**

S.1 Number of seats, including driver **5**

S.2 Number of standing places (where appropriate)

[D.4] Wheelplan **2-AXLE-RIGID BODY**

J Vehicle category **M1**

K Type approval number **e11\*2001/116\*0200\*05**

P.2 Max. net power (kW) **57**

E VIN/Chassis/Frame No. **JTDKB20UX07836505**

P.5 Engine number **1NZ5219836**

F.1 Max. permissible mass (exc. m/c) **1725**

G Mass in service **1400**

Q Power/Weight ratio (kW/kg) (only for motorcycles)

R Colour **SILVER**

O Technical permissible maximum towable mass of the trailer:

O.1 braked (kg)

O.2 unbraked (kg)

U Sound level:

U.1 stationary (dB(A)) **66**

U.2 engine speed (min<sup>-1</sup>) **2500**

U.3 drive-by (dB(A)) **69**

V Exhaust Emissions:

V.1 CO (g/km or g/kWh) **0.180**

V.2 HC (g/km or g/kWh) **0.020**

V.3 NO<sub>x</sub> (g/km or g/kWh) **0.010**

V.4 HC+NO<sub>x</sub> (g/km)

V.5 particulates (g/km or g/kWh)

5. Registered keeper

C.4.c - This document is not proof of ownership.

c.1.2 **DELOWAR HUSSAIN**  
 c.1.1 **QURASHI**  
 c.1.3 **75 SHADWELL GARDENS**  
**LONDON**  
**E1 2QH**

I **ACQUIRED VEHICLE ON 24 08 2015**  
 Please write in black ink and CAPITAL LETTERS.

6. New keeper or new name/new address details

Please see section 12

Mr 1 Mrs 2 Miss 3 Please tick  the appropriate box **W** 4

Title (for example, Ms, Rev and so on) or business name:

First names: 5

Surname: 6

For company use only DVLA/DVA Fleet number 7

Date of birth (not required by law) 8 Postcode: 9

House No: 10

Address: 10

Post town: 11

New keeper? If so tick this box: **K** 12 Date of sale or transfer: **08 08 2015** 13

Driving licence number of the new keeper (not required by law)

Present mileage (not required by law) **15**

**R** 16 **S** 17

7. Changes to current vehicle

Only enter corrected or altered details **H** 19

Wheelplan / Body type 20

VIN / Chassis / Frame Number 21

New revenue weight 22 Date of change 23 Cylinder capacity (cc) 24

No. of seats inc. driver 25 No. of standing places 26 Type of fuel 27

Engine number 28

New colour 29 Date of change 30 CLR

Tax class\* **Y** 31 32

\*The tax class shown in section 4 can only be changed when taxing. Please apply at your nearest Post Office\*.

8 Declaration - You MUST sign, date and return this page to DVLA, Swansea, SA99 1BA when you notify any changes.

**Registered keeper:** I declare that the new details I have given are correct to the best of my knowledge.

**New keeper:** I declare that this vehicle was sold or transferred to me on the date shown in section 6 and my name and address are correctly shown.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Law:** If the vehicle is sold or transferred, both the registered keeper and the new keeper must sign this Certificate.

# MOT test certificate



Driver & Vehicle  
Standards  
Agency

① Vehicle identification number

**JTDKB20UX07836505**

② Registration number      ②b Country of registration

**ML58XFM**

**GB**

Make and model

**TOYOTA PRIUS**

⑤ Vehicle category

**M1**

④ Mileage

**79,486 miles**

Mileage history

**191,330 miles**    20.02.2018

**178,014 miles**    25.02.2017

**160,667 miles**    23.02.2016

⑦ **Pass**

③b Date of the test

**22.02.2019**

③ Expiry date

**24.02.2020**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 25.01.2020.

③a Location of the test

**UNIT 6 COUNTY YARD, HENNOCK ROAD, MARSH BARTON TRADING ESTATE, EXETER, EX2 8NJ**

⑨ Testing organisation and inspector name

**82152 AUTOCARE SERVICES  
K. C. SMITH**

MOT test number

**8000 4838 1611**

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvsa.gov.uk](mailto:enquiries@dvsa.gov.uk) or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.

Issuer signature

# VEHICLE INSPECTION

TO BE COMPLETED BY VEHICLE OPERATOR

FULL NAME

EMAIL ADDRESS

SIGNATURE

PHONE NUMBER

DATE

INSPECTION POINT

PASS FAIL

INSPECTION POINT

PASS FAIL

HEADLIGHTS

FRONT SEAT ADJUSTMENT

TAIL LIGHTS

DOORS (Open/Close/Lock)

TURN INDICATOR LIGHTS

HORN

STOP LIGHTS

SPEEDOMETER

BRAKE PADS/SHOES THICKNESS

BUMPERS

Min. per Manufacturer

MUFFLER AND EXHAUST SYSTEM

Right Front Measurements *6mm*

TIRES, INCL. TREAD DEPTH

Left Front Measurements *6mm*

Right Front (32nd's/in)

Right Rear Measurements *4mm*

Left Front (32nd's/in)

Left Rear Measurements *4mm*

Right Rear (32nd's/in)

EMERGENCY/PARKING BRAKE

Left Rear (32nd's/in)

STEERING MECHANISM

INTERIOR AND EXTERIOR REAR VIEW MIRRORS

Ball Joints

SAFETY BELTS FOR DRIVER AND EACH PASSENGER

Tie Rods

Rack & Pinion

Bushings

WINDSHIELD

Large Crack

Small Crack

REAR WINDOW AND OTHER GLASS

WINDSHIELD WIPERS

VEHICLE INSPECTION RESULT

Inspector To Circle

**PASS**

**FAIL**

INSPECTION DATE: *22/02/19*

Any markings on the "FAIL" side will automatically fail inspection.  
THIS CERTIFICATION EXPIRES 1 YEAR FROM INSPECTION DATE

TO BE COMPLETED BY INSPECTOR

*Auto care services*

*79486*

COMPANY

VEHICLE MILEAGE

*MLS8 XFM*

*STDK B20UXO 7836505*

LICENSE PLATE STATE AND #

VIN#

*TOYOTA*

*Prus*

*2008*

*4*

VEHICLE MAKE

VEHICLE MODEL

MODEL YEAR

# OF DOORS

INSPECTOR NAME

INSPECTION ADDRESS

*Kieran Smith*

*Hennock Road, Marsh Barton*

INSPECTOR SIGNATURE

STATE CERTIFICATION #

*Exeter EX28NS*



## CERTIFICATE OF MOTOR INSURANCE

Mulsanne Insurance Company Limited

Certificate No. 21780000437

1. Registration Number of Insured Vehicle: ML58XFM
2. Insured: Mr Delowar Hussain Qurashi
3. Effective Time/Date: 16:30 hrs 28Aug2018 4. Expiry Time/Date: 12:00 hrs 28Aug2019

5. Persons or classes of persons entitled to drive.

(Provided that the person holds a licence to drive such a vehicle and is not disqualified from holding or obtaining such a licence)

Mr Delowar Hussain Qurashi

6. Limitations as to use.

Private Hire Insured Only

Use for social, domestic and pleasure purposes and by the use of the policyholder only for the carriage of passengers and/or goods for hire and reward by arrangement prior to the commencement of the period of hire.

EXCLUDING: standing or plying for hire, racing, pacemaking, speed testing, competitions, rallies or trials, or use for any purpose in connection with the Motor Trade.

Further excluding: Use to secure the release of a motor car, other than the vehicle identified above by its registration mark, which has been seized by, or on behalf of, any government or public authority.

I hereby certify that the Policy to which this Certificate relates satisfies the requirements of the relevant Law applicable in Great Britain, Northern Ireland, the Isle of Man, the Island of Guernsey, the Island of Jersey and the Island of Alderney. For and on behalf of Mulsanne Insurance Company Limited, licensed by the Gibraltar Financial Services Commission to carry on insurance business under the Financial Services (Insurance Companies) Act 1987, and authorised Co-Insurers. The liability of each insurer to the policyholder is several, that is, limited to its participation under this policy and does not extend to the liability of any other insurer, under this policy to the policyholder.

Mulsanne Insurance Company Limited  
PO Box 1338, 1st Floor,  
Grand Ocean Plaza, Ocean Village  
Gibraltar  
Registered in Gibraltar

P. Cole  
For Mulsanne Insurance Company Limited

Note: For full details of the Insurance cover reference should be made to the Insurance Document and Schedule.  
Advice to Third Parties: Nothing contained in this Certificate affects your right as a Third Party to make a claim.

### WARNING

1. If the Certificate permits driving other cars extension as defined in (5) of the Certificate, cover in respect of this extension is limited to Third Party risks only.
2. If the Insured sells or otherwise disposes of the vehicle, the Certificate and all sections of the Insurance cease to be effective.

### Insurer Information

Your policy is underwritten by Mulsanne Insurance Company Limited and authorised Co-Insurers. Mulsanne Insurance Company Limited is licensed by the Gibraltar Financial Services Commission to carry on insurance business under the Financial Service (Insurance Companies) Act 1987. Mulsanne Insurance Company Limited, First Floor, Grand Ocean Plaza, Ocean Village, Gibraltar. Authorised Co-Insurers: details can be supplied on application.

The following companies act as administrators on behalf of Mulsanne Insurance Company Limited:

Complete Cover Group Limited. Registered in England and Wales: Company No: 03678103. Registered Address: Elmbrook House, 18-19 Station Road, Sunbury-On-Thames, Surrey, TW16 6SU. Authorised and regulated by the Financial Conduct Authority under register number: 309611.

Hyperperformance Limited. Registered in England and Wales: Company No: 03756951. Registered Address: Elmbrook House, 18-19 Station Road, Sunbury-On-Thames, Surrey, TW16 6SU. Authorised and regulated by the Financial Conduct Authority under register number: 307711.

### Several Liability Notice

The liability of each insurer to the policyholder is several, that is, limited to its participation under this policy and does not extend to the liability of any other insurer, under this policy to the policyholder.

W75

This page is intentionally left blank

# APPENDIX C

This page is intentionally left blank



28.02.2019 14:36

28.02.2019 14:38

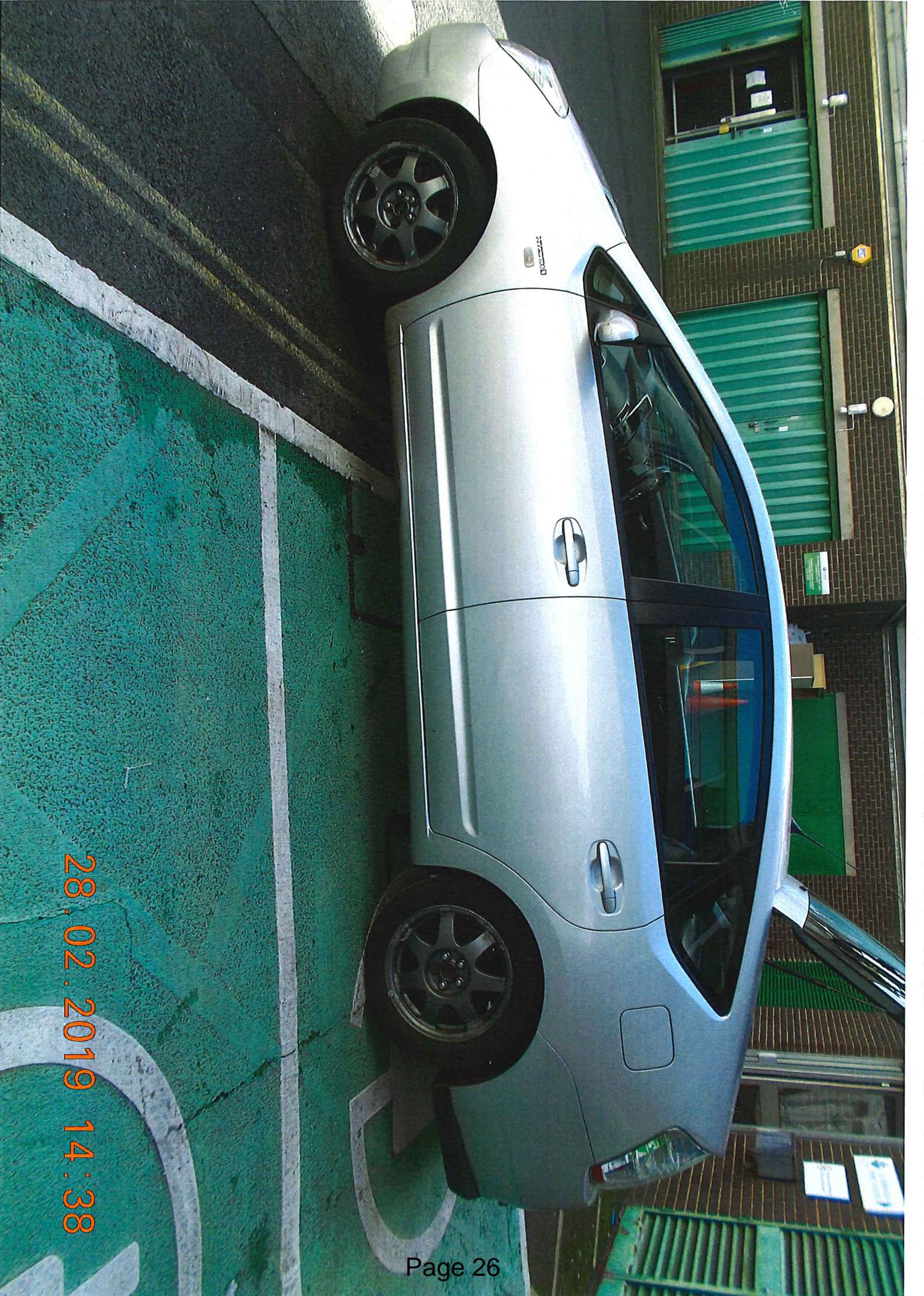


28.02.2019 14:35

28.02.2019 14:38



28.02.2019 14:38



28.02.2019 14:38



28.02.2019 14:38



28.02.2019 14:33



28.02.2019 14:37



28.02.2019 14:36

## REPORT TO LICENSING (SUB) COMMITTEE

**Date of Hearing:** 15<sup>th</sup> March 2019

**Report of:** Environmental Health and Licensing Manager.

**Type of Application:** GRANT of a licence relating to a Hackney Carriage vehicle.

**Legislation:** Local Government (Miscellaneous Provisions) Act 1976  
Town Police Clauses Act 1847

**Applicant:**

Quorban Ali Batoori (HD031)

**1. What is the report about?**

- 1.1** An application has been received from the Quorban Ali Batoori, a licensed taxi driver seeking permission for the grant of a Hackney carriage vehicle licence. This is a matter that cannot be dealt with under delegated powers.

**2. Background**

- 2.1** The Applicant proposes to replace his existing Euro 5 side loading wheelchair accessible vehicle (H067 Peugeot Eurotaxi), with a Toyota Prius ultra-low emission vehicle (ULEV).
- 2.2** The Applicant recently applied and was granted a notice of exemption from undertaking mobility assistance to passengers in wheelchairs (Section 166 Equality Act 2010). The basis for his exemption was that the Applicant has ongoing problems with his wrist and hand due to an earlier injury. The Applicant attended an appointment with the Occupational Health Department at the RD&E on 10<sup>th</sup> December 2018, and their subsequent independent report confirmed that in their opinion the Applicant should be exempt from undertaking wheelchair work on account of the reduced grip strength in his hand. Given that he now has an exemption notice, the Applicant has requested permission to replace his current wheelchair accessible vehicle with an ultra-low emission vehicle (ULEV).
- 2.3** A copy of the application form has been attached as Appendix A.
- 2.4** The Applicant has provided a copy of the letter he received from Occupational Health and this has been attached as Annex B.

**3. Report details:**

- 3.1** The Applicant proposes to replace his current vehicle with a Toyota Prius registration mark HG66 GHX and seats 4 passengers. The vehicle was first registered in December 2016 making it 2 years and 3 months old.
- 3.2** The Applicant is yet to purchase the vehicle and as such he is not yet in receipt of an MOT or comprehensive vehicle inspection report. However, if granted, these documents would be checked prior to the plate being issued.

- 3.3** The Applicant states that he is the only driver of his current vehicle, however, many Hackney carriages are driven by more than one driver (for example a daytime and an evening driver). As such it is possible for his current vehicle to be utilised as a wheelchair accessible vehicle should another licenced driver be using that vehicle (the Applicant's medical exemption is specific to his driver badge rather than being vehicle specific).
- 3.4** The Licensing Sub-Committee must have regard to the Council's the Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers ('Taxi Policy')
- 3.5** The Taxi Policy states the following with respect to new Hackney carriage vehicles: For all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors will be required to comply with the following condition(s).
- No vehicle shall be licensed as a Hackney carriage vehicle unless it is wheelchair accessible and is of a design that will provide wheelchair access to the Hackney carriage via a side door;
- Or
- A Road Tax Band A (CO2 emission standard) ultra low emission vehicle (ULEV) with a manufacturer's stated emission standard of 75g/km or less, or ZEV vehicle (zero emissions i.e. all electric vehicle) will not be required to be wheelchair accessible.
- 3.6** The policy also states:  
A Road Tax Band A (CO2 emission standard) ultra low emission vehicle (ULEV) with a manufacturer's stated emission standard of 75g/km or less will not be required to be wheelchair accessible (however, the Council's current policy is to prioritise applications for wheelchair accessible vehicles so as to maintain the proportion of wheelchair accessible vehicles in the Hackney Carriage Fleet at a minimum of 50%).

#### **4. What are the legal aspects?**

- 4.1** Section 37 of the Town and Police Clauses Act 1847 states that a district council may licence vehicles as Hackney Carriages.
- 4.2** Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976 states that:
- (1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.
  - (2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

- (3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

**5. Recommendations:**

- 5.1** The Licensing Sub-Committee are asked to determine the application having regard to current policy.

**Environmental Health and Licensing Manager**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:-**

None

Contact for enquires:

Democratic Services (Committees)

Room 2.3

01392 265275

**N.B THIS IS NOT PART OF THE REPORT**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE / DRIVERS LICENCES**

You are invited to appear before the Licensing Sub-Committee to speak in support of your application. A legal or other adviser may accompany you but may not appear instead of you.

**Your Application**

Depending on the circumstances, your application may be heard in part two of the Committee meeting procedures from which members of the public and press are excluded. You will be notified in advance if your application will be a part two matter, if you have not been advised of this, the hearing will be in the Public domain.

You or your adviser would be expected to respond to an officer's verbal introduction outlining the above report. You or your adviser may be asked questions and may be invited to ask questions if appropriate.

At the end of the hearing you will be asked to withdraw and the Committee will reach a decision. On conclusion of the decision making process you will then be recalled and the decision will be announced.

This page is intentionally left blank

# APPENDIX A

This page is intentionally left blank

# APPENDIX B

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank