

LICENSING SUB-COMMITTEE

Monday 2 December 2019

Present:

Councillors Buswell, Oliver and Quance, I

Also Present:

Solicitor, Principal Licensing Officer and Democratic Services Officer (MD)

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APPOINTMENT OF CHAIR

Councillor Buswell was appointed as Chair for this meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

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

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

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APPLICATION FOR THE GRANT OF A REPLACEMENT OF A HACKNEY CARRIAGE VEHICLE

The Chair introduced the Sub-Committee and the Solicitor set out the procedure for the hearing advising of the Council's policy and the statutory requirements under the Local Government (Miscellaneous Provisions) Act 1976.

The Principal Licensing Officer presented an application which sought to replace their existing Euro 5 side loading wheelchair accessible vehicle with a rear loading wheelchair accessible vehicle. The proposed vehicle was first registered in April 2016, making the vehicle 3 years and 8 months old and the matter could not be dealt with under delegated powers. The Applicant had provided a copy of the MOT certificate and a comprehensive vehicle inspection report to the Licensing Authority.

The Applicant proposed to convert to a rear loading wheelchair accessible Peugeot Partner which could seat four passengers.

The Council's Policy stated that for all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors would 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;

- 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.

In addition the Council's current policy was to prioritise applications for side loading wheelchair accessible vehicles with the aim of maintaining the proportion of rear and side loading wheelchair accessible Hackney carriages at 50% each respectively. Applications for rear loading wheelchair accessible vehicles will therefore only be invited when the proportion of side loading vehicles is equal to or exceeds 50% of the wheelchair accessible vehicles on the fleet.

Vehicles currently issued with a licence by the Council would be required to comply with the following conditions:-

- All vehicles currently licensed that do not comply with the new vehicle requirements stated above will be required to change the vehicle to one that does comply by 01 January 2020. Any vehicle licensed at this time that does not meet the specification may be suspended until such time as compliance is achieved;
- The number of persons licensed to be carried shall be exhibited outside the vehicle on the Vehicle Licence Plate issued by the Council; and
- Exemption to point 1 above - Existing rear loading Euro 5 emission standard wheelchair accessible vehicles will be required to be replaced with either a rear OR a side loading Euro 6 emission standard model by 01 January 2020.

The Policy recognised that rear loading wheelchair accessible vehicles would be appropriate for certain circumstances but sought a balance between rear loading and side loading models.

The Applicant was in attendance and spoke in support of the application. He explained that he operated a wheelchair accessible taxi company for over 20 years, which managed a fleet of nine vehicles. The Applicant had a contract with Devon County Council, who had a Licensing policy, which required wheelchair accessible vehicles to be rear loading and forward facing.

The Principal Licensing Officer stated, that he had a verbal confirmation of the Policy requirements from Devon County Council and had requested a copy of their policy. It was also confirmed that there was preference for using rear loading vehicles due to there being less of an incline on ramps and less obstructions over side loading vehicles. The current rear loading vehicle ratio for Exeter City Council, was around 70%.

In response to questions from the Members, the Solicitor and the Principal Licensing Officer, the Applicant explained:-

- Side loading vehicles typically had more issues with height restrictions, affecting the loading and unloading of wheelchair users;
- A comprehensive inspection had been undertaken on the vehicle which was maintained to an excellent level and had low mileage. The vehicle was serviced every 12,000 miles;
- The company undertook around 100 jobs per week and were the largest company in Devon and Cornwall who undertake Wheelchair taxi services;
- Most customers are regulars and are well known to the company Members were satisfied with the application, which they considered would provide better services to a wider variety of wheelchair based customers.

RESOLVED that the application for the grant of a replacement Hackney Carriage Vehicle licence be approved in principle with powers delegated to the Principal Licensing Officer to effect the replacement, subject to confirmation being received that work to the vehicle highlighted by the mechanical inspection had been completed.

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APPLICATION FOR THE GRANT OF A REPLACEMENT OF A HACKNEY CARRIAGE VEHICLE

The Chair introduced the Sub-Committee and the Solicitor set out the procedure for the hearing advising of the Council's policy and the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Principal Licensing Officer presented an application which sought to replace their existing Euro 5 side loading wheelchair accessible vehicle with a rear loading wheelchair accessible vehicle, which was considered to be less physically demanding for the Applicant. The proposed vehicle was a Ford Tourneo Journey, which had not yet been purchased, pending the consideration of the application by the Licensing Sub Committee.

The proposed vehicle was first registered in April 2016, making the vehicle 3 years and 8 months old. The matter could not be dealt with under delegated powers. The Applicant had provided a copy of the MOT certificate and a comprehensive vehicle inspection report to the Licensing Authority.

The Council's Policy stated that for all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors would 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;
- 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.

The policy also stated that the Council's current policy was to prioritise applications for side loading wheelchair accessible vehicles with the aim of maintaining the proportion of rear and side loading wheelchair accessible Hackney carriages at 50% each respectively. Applications for rear loading wheelchair accessible vehicles will therefore only be invited when the proportion of side loading vehicles is equal to or exceeds 50% of the wheelchair accessible vehicles on the fleet.

Vehicles currently issued with a licence by the Council would be required to comply with the following conditions:-

- All vehicles currently licensed that do not comply with the new vehicle requirements stated above will be required to change the vehicle to one that does comply by 01 January 2020. Any vehicle licensed at this time that does not meet the specification may be suspended until such time as compliance is achieved;
- The number of persons licensed to be carried shall be exhibited outside the vehicle on the Vehicle Licence Plate issued by the Council; and
- Exemption to point 1 above - Existing rear loading Euro 5 emission standard wheelchair accessible vehicles will be required to be replaced with either a rear OR a side loading Euro 6 emission standard model by 01 January 2020.

The Policy recognised that rear loading wheelchair accessible vehicles would be appropriate for certain circumstances but sought a balance between rear loading and side loading models.

The Applicant was in attendance and spoke in support of the application. He explained that he performed a lot of wheelchair work and owned a taxi badge since 1987. The Applicant had several instances where wheelchair customers were not able to access his taxi due to the size of the wheelchair on his side loading vehicle. A rear loading vehicle would accommodate more wheelchair types and the Applicant was intending to attach a vehicle winch to support the loading and unloading of passengers, which could only be installed on a rear loading vehicle. The Applicant explained that many roads also did not support the use of side loading vehicles, which meant the ramp would be a lot steeper and caused the taxi to obstruct the road.

In response to questions from the Members, the Solicitor and the Principal Licensing Officer, the Applicant explained:-

- It was difficult to support mobility scooters and electric wheelchairs on a side loading vehicle because of the steepness of the ramp, which was shallower and caused height restriction issues. Rear loading ramps supported a wider range of wheel chair types;
- There were more physical aspects involved for loading customers in a side loading vehicle;
- A winch could not be installed in a side loading vehicle. It would need to be installed by the passenger seat and needed a longer ramp and larger door, which could only be provided by a rear loading vehicle;
- He would be the sole driver of the vehicle;
- He had physical issues with loading customers due to his age. Pushing wheelchair users was difficult on ramps with a 40 degree angle, however a 30 degree ramp combined with a winch would be a lot of easier. Some jobs have had to be cancelled due to the physical issues currently experienced with the side loading vehicle;
- Electric wheelchairs often require physical pushing up the ramp, due to the wheels not fully making contact with the ramp;
- There were not enough suitable pavements in the city to support side loading vehicles, meaning wheel chairs would have to go out into the road and sometimes couldn't get past parked cars.

The Principal Licensing Officer confirmed there was a shortage of wheelchair accessible vehicles in the city, however the Applicant was one the few available drivers.

Members considered given the high level of work the Applicant undertook for wheelchair users, granting the replacement licence would allow the Applicant to support a wider variety of wheel chair users as the replacement vehicle could accommodate a wider range of sizes and types of wheelchairs and mobility scooters.

RESOLVED that the application for the grant of a replacement Hackney Carriage Vehicle licence be approved in principle with powers delegated to the Licensing Officer to effect the replacement.

The Chair introduced the Licensing Sub Committee Members and Officers. The Applicant had been referred to the Licensing Sub Committee to determine if he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor set out the procedure for the hearing and explained Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that a driver is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Solicitor stated that evidential burden is on the applicant to prove fitness and propriety on the balance of probabilities. Every case before the Licensing Sub-Committee was heard on its individual merits and the main concern of the Licensing Sub-Committee was the safety of the travelling public.

The Principal Licensing Officer presented the report and gave evidence in respect of the application. The Applicant was in attendance, accompanied by a representative and spoke in support of the application.

RESOLVED that the Licensing Sub-committee was satisfied that the Applicant was a fit and proper person to hold a driver's licence for a Hackney Carriage/Private Hire Vehicle.

(The meeting commenced at 10.15 am and closed at 12.12 pm)

Chair