

## **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 (CO<sub>2</sub> 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 (CO<sub>2</sub> 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)

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#### **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.