

**Report of Head of Elections, Licensing & registration**

**Report to Licensing Committee**

**Date: 6 September 2016**

**Subject: Hackney Carriage ‘Approved vehicles’ list –inclusion of estate vehicles – Information Report**

Are specific electoral wards affected? If relevant, name(s) of ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. Primary legislation enables the local Authority to require a Hackney Carriage to be of ‘such design or appearance’ prior to licensing that vehicle. The Council maintains a list of ‘approved vehicles’ so that Officers can make decisions quickly on licensing applications.
2. Currently the ‘approved list’ consists of a range of saloon vehicles and wheelchair accessible vehicles. The Joint Trades Council, which represents the majority of the Hackney Carriage Proprietors and which controls the rank space within Leeds city station has made an application on behalf of the trade to consider estate vehicles being placed on the ‘approved list’ of vehicles to be licensed.
3. Adding a vehicle to the ‘approved list’ is a decision that can be taken by Officers under Delegated Powers, taking each type of vehicle application on its own merits, which is the case with this application. However, one part of the trade has objected to this proposal based on their perception of the additional length of estate vehicles and the effects on available rank space and this report information report affords an opportunity to the Licensing Committee to comment on the issues.

**Recommendations**

That Members have the opportunity to contribute any views they may have prior to Officers making a final decision under the Scheme of Delegation when estate vehicles are presented for licensing.

## **1 Purpose of this report**

- 1.1 To inform Members of the legislative background, the policy and procedures under which Hackney Carriages are approved and licensed by Officers and the trade debate around whether or not estate vehicles should be licensed as Hackney Carriages.

## **2 Background information**

- 2.1 No estate vehicles have been licensed as Hackney Carriages within the knowledge of existing licensing staff, although estate vehicles have been and can be licensed as Private Hire vehicles, but of course that does not take into account rank space.
- 2.2 There is a historical document of 'approved vehicles' (pre-2002) which indicated that estate vehicles were capable of being licensed prior to that time although with the passage of time that document has been modified and no longer shows estate vehicles as being on the 'approved list', this is probably because no application has ever been received.

## **3 Main issues**

- 3.1 The main point is whether or not an estate vehicle can lawfully be licensed; which it can. Secondly, if the Council was to apply a blanket policy refusing to licence estate vehicles it would need substantial grounds for such a blanket policy and such a policy may be subject to legal challenge. Conversely, if it did, in principle, approve the licensing of estate vehicles on a case by case basis the risk of legal challenge is minimal.
- 3.2 The debate that has been raised by one part of the trade is that estate vehicles are longer and would take up more rank space. Various figures which have been provided by the trade as an example are produced below.
- 3.3 The most popular saloon vehicles used by the Hackney Carriage trade are the Skoda Octavia, Toyota Avensis and Volkswagen Passat. Below are comparisons of the dimensions between the saloon and estate versions of those vehicles.

Toyota Avensis saloon	4710 mm
Toyota Avensis estate	4780 mm
Skoda Octavia saloon	4659 mm
Skoda Octavia estate	4685 mm
Volkswagen Passat saloon	4866 mm
Volkswagen Passat estate	4882 mm

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- |                      |        |
|----------------------|--------|
| E7 By cab direct SWB | 4813mm |
| E7 By cab direct LWB | 5143mm |
| LTI TX 4             | 4580mm |

There can be numerous comparisons about varying lengths but generally the principle remains the same unless a vehicle was to be presented which is longer

than any wheelchair accessible vehicle in which case that might raise a licensing concern.

**3.5** Comfort and safety – The Council can impose additional conditions as a licensing requirement and Officers would propose that appropriate conditions would include:-

- Load cover must be fitted and in use at all times
- No luggage must exceed manufacturers recommended specifications in respect of loading weight
- Only 'Dog Guards' approved by the vehicle manufacturer and fitted in accordance with manufacturer's instructions may be used

3.6 Most of the saloon vehicles on the 'approved list' do have an estate variant and are equal to their saloon variants in comfort and safety. It would not be a requirement that a type of saloon vehicle would have to be on the 'approved list' prior to the estate variant being approved.

3.7 Before being placed on the 'approved list' and licensed an estate vehicle would have to undertake a full inspection in respect of suitability. Once approved that vehicle type could continue to be presented for normal inspection and licensing.

## **4 Corporate considerations**

### **4.1 Consultation and engagement**

4.1.1 The trade have been consulted on the trade proposal and the main objection from one part of the trade has been the issue of loss of rank space. It is not considered that this is a significant issue at this time.

### **4.2 Equality and diversity / cohesion and integration**

4.2.1 This particular policy proposal presents no equality or diversity issues following Equality Impact Assessment screening.

### **4.3 Council policies and best council plan**

4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

#### **Best Council Plan 2013 -17**

#### **Towards being an Enterprising Council**

#### **Our Ambition and Approach**

**Our Ambition** is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

**Our Approach** is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

### **Our Best Council Outcomes**

Make it easier for people to do business with us.

### **Our Best Council Objectives**

Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

#### 4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

#### 4.3.3 Safeguarding children and vulnerable adults:

Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

### **4.4 Resources and value for money**

4.4.1 There are neither resource or adverse financial implications for the service or the trade.

### **4.5 Legal Implications, access to information and call In**

4.5.1 Section 47 (2), Local Government (Miscellaneous Provisions) Act, 1976 says that a Council may require any Hackney Carriage licensed by them under the Act of 1847 (Town Police Clauses Act) to be of such a design or appearance .....

4.5.2 It is under this legislation that the Council can either approve a vehicle application to be licensed or refuse to licence it on reasonable and proportionate grounds.

4.5.3 This is not a significant policy change and can be properly accommodated within the Scheme of Delegation without the need for Executive approval.

#### **4.6 Risk management**

4.6.1 The two sides of the Hackney Carriage trade argue about the extent that the approval of estate vehicles might reduce the amount of rank space. The first consideration is that if approved, this opportunity would affect less than half of the licensed fleet of 537 vehicles. It is then a matter of personal choice whether an estate vehicle is presented for licensing. It is felt by Officers and the trade proposer that the risk to rank and kerbside space within the city is minimal.

#### **5 Conclusions**

5.1 There are no safety reasons why an estate vehicle should not be licensed and with the effect on kerbside and rank space probably being minimal it opens up opportunities for Hackney Carriage drivers to select from a wider range of vehicles which would then be subject to an approval process by Licensing Officers.

#### **6 Recommendations**

6.1 That Members have the opportunity to contribute any views they may have prior to Officers making a final decision under the Scheme of Delegation when estate vehicles are presented for licensing.

#### **7 Background documents<sup>1</sup>**

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.