

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 14 May 2013

Subject: Initial background report on an application for inclusion on the Approved list of vehicles licensed as 'Novelty' Private Hire vehicles.

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. Leeds City Council licences a range of Hackney Carriage and Private Hire vehicles and in the vast majority of cases the approval is carried out by Officers under the Scheme of Delegation. They are usually straight forward administrative procedures based upon the policies approved by Licensing Committee.
2. An application has been received to approve a 'trike' as a licensed Private Hire vehicle on the approved list of Licensed Private Hire vehicles under their licensing classification of 'novelty vehicles'. This is the first application within that classification and Officers feel it would benefit from consideration by Elected Members.
3. At the point of presenting this initial report there is a need for a wider consultation following which a final report would be presented to Members for consideration. All of the technical details and the initial proposals for policy and conditions would be included in that report.

Recommendations

4. That Members note the report.
5. Members agree to Officers compiling a draft policy and conditions and undertaking wider trade and public consultation on the proposals over a four week period.
6. Members make any observations that they might have to contribute to the consultation.

7. Members note that further report will be presented to the Licensing Committee for a final decision following consultation.

1 Purpose of this report

- 1.1 To inform Members of the legislative need to formally consider and determine such applications and seek approval for Officers to undertake public and trade consultation prior to presenting a formal decision report to the Licensing Committee.

2 Background information

- 2.1 In 1978 Leeds City Council adopted Part II of Local Government (Miscellaneous Provisions) Act, 1976 and took responsibility for all aspects of the licensing trade. In particular the Act states:-

“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 a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

(2) A district Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary

- 2.2 The final report will add substantially more detail for Members to consider.

3 Main issues

- 3.1 Officers currently have all of the technical information and are of the view that licensing such a vehicle would not be in conflict with the overall policy framework for vehicle approval but that these vehicles will need a bespoke set of conditions. Officers are therefore putting together a proposed initial draft policy and conditions (vehicle, driver and operator) for consultation.
- 3.2 These documents are not intended to lead to a presumption that an approval has been or will be determined. They simply form the basis of a consultation process

so that Members have all the views before them to make an informed decision within a reduced timetable.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 In considering the period of consultation Officers take the view that four weeks is sufficient to draw together the public and trade views to address this and other aspects of the report.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 To be addressed in the final report following consultation which will reach those groups which might be effected.

4.3 Council policies and City Priorities

4.3.2 To be addressed in the final report.

4.4 Resources and value for money

4.4.1 To be addressed in the final report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There will be much more detailed advice included in the final report, but for the meantime the information at 1.1 and 2.1 informs Members of the two key issues.

4.6 Risk Management

4.6.1 To be addressed in the final report.

5 Conclusions

5.1 That the application should progress to public and trade consultation prior to a determination.

5.2 There will be more information to follow after consultation but the proposed initial draft policy and conditions start to address issues with design and equipment as identified at paragraph 2.1 to ensue a level of conformity with the Act. These will be released for public consultation. Officers consider that the consultation process together with the detailed technical and legal advice they have already drawn together will enable them to present a report with sufficient information on which Members can make an informed decision.

6 Recommendations

6.1 That Members note the report.

6.2 Members agree to Officers compiling a draft policy and conditions and undertaking wider trade and public consultation on the proposals over a four week period.

6.3 Members make any observations that they might have to contribute to the consultation.

6.4 Members note that a further report will be presented to the Licensing Committee for a final decision following consultation.

7 Background documents

7.1 none.