

AGENDA

Regulatory Panel

Wednesday, 01 July 2015 AT 14:00
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of Previous Meetings

3 - 4

To note the minutes of the meeting held on 27 May 2015.
(Copy Minutes herewith)

PART A

To be considered when the Public and Press are present

**A.1 APPLICATION TO LICENCE A 6 YEAR OLD WHEELCHAIR
ACCESSIBLE HACKNEY CARRIAGE**

5 - 14

The Licensing Manager to submit a report containing an application to licence a six year old wheelchair accessible Hackney Carriage.
(Copy Report GD.41/15 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

**B.1 APPLICATION FOR A HACKNEY CARRIAGE DRIVERS
LICENCE**

- Information relating to any individual;

Members of the Regulatory Panel:

Conservative – Bowman S, Layden, Morton, Mrs Parsons, Shepherd, Collier (sub), Higgs (sub) Nedved (sub)

Labour – Bell, Cape, Ms Franklin, Scarborough, Mrs Stevenson, Mrs Warwick, Wilson, Osgood (sub), Ms Patrick (sub), Stothard (sub)

**Enquiries, requests for reports, background papers,
etc to Democratic Services Officer: Rachel Rooney – 817039**

REGULATORY PANEL

WEDNESDAY 27 MAY 2015 AT 2.00PM

PRESENT: Councillors Bell, Bowman S, Cape, Ms Franklin, Higgs (as substitute for Councillor Mrs Parsons), Morton, Scarborough, Shepherd, Mrs Stevenson, Mrs Warwick and Wilson.

OFFICERS: Principal Solicitor
Licensing Manager

RP.16/15 APPOINTMENT OF CHAIRMAN

It was moved and seconded that Councillor Bell be appointed as Chairman of the Regulatory Panel for the municipal year 2015/16.

RESOLVED – That Councillor Bell be appointed as Chairman of the Regulatory Panel for the municipal year 2015/16. Councillor Bell thereupon took the Chair.

RP.17/15 APPOINTMENT OF VICE CHAIRMAN

It was moved and seconded that Councillor Ms Franklin be appointed as Vice Chairman of the Regulatory Panel for the municipal year 2015/16.

RESOLVED – That Councillor Ms Franklin be appointed as Vice Chairman of the Regulatory Panel for the municipal year 2015/16.

The Chairman welcomed Mrs Stashkiw to her first meeting as Licensing Manager and congratulated her on her new role.

RP.18/15 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Layden and Councillor Mrs Parsons.

RP.19/15 DECLARATION OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

RP.20/15 PUBLIC AND PRESS

It was agreed that the items of business in Part A be dealt with in public.

RP.21/15 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 25 February 2015 be agreed as a correct record of the meetings and signed by the Chairman.

(The meeting ended at 2.02pm)

Report to Regulatory Panel

Agenda
Item:

A.1

Meeting Date: 1st July 2015
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and Budget Framework NO
Public / Private Public

Title: APPLICATION TO LICENCE A 6 YEAR OLD WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE
Report of: Director of Governance
Report Number: GD 41/15

Purpose / Summary:

An application has been received from Mr W Young, to licence a 6 year old Hackney Carriage. As the current policy is for vehicles to be no more than 3 years old on initial licensing, this application does not comply with the policy.

Recommendations:

Members are requested to consider the application and reach a decision from the options outlined on page 3 of this report.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

CITY OF CARLISLE

To: The Chairman and Members of the Regulatory Panel 1st July 2015

1. APPLICATION

- 1.1 An application has been received from Wayne Young to licence a 6 year old Peugeot Expert wheelchair accessible vehicle as a Hackney Carriage. The current Council application criteria states that Hackney Carriages must be under 3 year old on initial licensing. **Appendix 1**
- 1.2 Mr Young is currently the holder of a private hire driver's licence and a private hire vehicle licence. He has also previously licensed two wheelchair accessible Hackney Carriages and on both occasions the vehicles were less than 3 year old on initial licensing.

2. HISTORY

- 2.1 In 2007 the Council amended its taxi policy to incorporate age limits upon purpose built wheelchair accessible vehicles (WAVs) for the first time. This was as a result of a request from the local Taxi Association for the Council to stop issuing any additional Hackney Carriage licences.
- 2.2 Following negotiations between Licensing Staff and the Taxi Association, a report was put before the members recommending that the Council stop issuing any more licences for "saloon type" taxis but to continue issuing additional licences for WAVs.
- 2.3 As an age policy for the WAVs was being introduced, all taxi owners were asked for their preferred maximum vehicle age limit on initial licensing. Of those who replied 41% wanted 1 year; 22% wanted 3 year; 9% wanted 5 year and 16% wanted no minimum age policy. 12% had no opinion. The Taxi Association was also consulted and their preferred option was initially for 1 year, but after discussion with licensing staff this was changed to 3 years.

3 THE APPLICATION

- 3.1 Mr Young is applying to license this 6 year old vehicle as a Hackney Carriage. As already mentioned above, this does not comply with the Council's maximum 3 year policy on initial licensing. The vehicle could however be licensed as a private hire vehicle with some slight modifications, eg removal of the TAXI pod on the roof. The Council's policy for the maximum age of a private hire vehicle is that it must be less than 8 year old on initial licensing therefore this vehicle meets the criteria. Mr Young already holds a private hire driver's licence and currently works for a private hire operator.

4 CARLISLE TAXI ASSOCIATION

- 4.1 Carlisle Taxi Association has been consulted on this application and their views have not changed since a similar application was heard by the Regulatory Panel on the 21st January 2015. A copy of their response is attached as **Appendix 2**. Briefly they agree with the retention of the current 3 year policy for new applications, but have sympathy with existing older drivers who need to renew their vehicle shortly before retirement. As with any policy it must be flexible and if a current driver appeared before the members and could put forward a convincing reason to license an older taxi, the members could consider the application and deviate from their policy.

5 RADIO TAXIS

- 5.1 Radio Taxis is one of the larger taxi operators in the City and are aware of the application being made by Mr Young. They will be attending the Regulatory Panel and Mr Stuart Davidson, the owner of the company, has requested that he be allowed to speak at the meeting. **Appendix 3**

6 LEGISLATION

- 6.1 The powers to attach conditions to Hackney Carriages are contained in The Local Government (Miscellaneous Provisions) Act 1976. Section 47 (1) allows a Council to attach such conditions as they may consider "Reasonably Necessary". **Appendix 4**

7 OPTIONS

- 7.1 To refuse the application.
7.2 To deviate from the current 3 year policy and grant a Hackney Carriage licence to this vehicle.

Contact Officer: Barry Sharrock

Ext: 7027

Appendices	1	Application from Mr Young
attached to report:	2	Letter from Carlisle Taxi Association
	3	Email from Radio Taxis – Stuart Davidson
	4	Legislation

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – N/A

Community Engagement – N/A

Economic Development – N/A

Governance – N/A

Local Environment – N/A

Resources – N/A

CITY OF CARLISLE
APPLICATION FOR A HACKNEY
CARRIAGE LICENCE

Lalpac Log	20665
Fee Paid	220.00 ⁵²
Receipt No	VHC200030770
FUND 31 HA	/
Lic. issued	

Before completing this form you should
 read the notes overleaf.

1. Full Name and Address of Applicant
 (Including Postcode) WAYNE YOUNG
THE MOUNT BROCKLEBANK WESTWARD WIGTON CA7 80X
2. Tel No: 07714 068768
 Email address:
3. Under which company's radio circuit
 do you intend to work? CARLISLE DRIVERS
4. Type of application (Tick appropriate box)
- | | |
|----------------------------|-------------------------------------|
| a) New | <input checked="" type="checkbox"/> |
| b) Renewal | <input type="checkbox"/> |
| c) Vehicle Change/Transfer | <input type="checkbox"/> |

DETAILS OF VEHICLE

5. Make, model and colour PEUGEOT EXPERT E7 RED
6. Registration No. SF09 ATO
7. Date of first registration 01 03 2009
8. Engine capacity 1997 cc
9. Seating capacity (Passengers) 7
10. *Wheelchair/~~Non Wheelchair~~ *Delete as appropriate
11. Hackney Carriage Vehicle Licence No. (if applicable)

DECLARATION

In accordance with the provisions of the Public Health Act 1875, the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act, 1976, I hereby make application for a licence for the above vehicle to be used as a Hackney Carriage.

Will the Hackney Carriage be used primarily within Carlisle City Council area? Yes/No

I have read and understood the conditions under which the licence will be issued. The information above is true to the best of my knowledge and belief.

**I CONSENT TO THE INFORMATION SUPPLIED ON THIS APPLICATION FORM TO BE
 DIVULGED TO THE POLICE AND OTHER AGENCIES INVOLVED IN THE
 PREVENTION OF FRAUD**

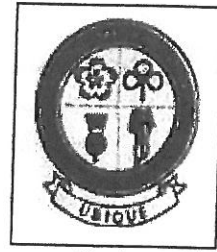
DATE: 30-4-2015

Ref: 131014

SIGNATURE: [Signature]

Carlisle Taxi Association

60 Chesterholm
Sandsfield Park
Carlisle, CA2 7XX
Tel/Fax: 01228 598740
Email: secretary@national-taxi-association.co.uk
Website: www.national-taxi-association.co.uk



Members

5th January 2015

Mr Sharrock
Licensing Officer
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dear Mr Sharrock

I write with reference to your recent letter regarding an application to have the age limit on first license of Hackney Carriage Wheelchair Accessible Vehicles (WAV) relaxed.

As an association, we understand and sympathise with the difficulty the private hire operator has, from an operators perspective supplying the vehicle required by the customer is, as you may agree, rather important.

The policy was introduced at a time when there was no age policy, upper or lower, in respect of WAV's – it was leading to a situation where an increasing number of older vehicles were being licensed, thus both the authority and association were concerned about a lack of investment.

The association are however mindful of the older generation of taxi owners – some when needing to renew vehicles may face a quandary of attaining finance when they are at an age of where it is either difficult to obtain or may prolong their careers beyond a point where they would normally wish to retire.

In some cases a restrictive policy may lead to these drivers leaving the taxi trade completely – I am sure you may agree, this is not what the authority or association wanted or envisaged when the policy was introduced.

Whilst we accept that an owner could purchase a vehicle that is already licensed from someone either leaving the trade or replacing his or her vehicle, this may not be something a person wishes to do.

We do believe there is a difference between existing licenses that have already been issued, to new freshly issued ones.

Carlisle Taxi Association

60 Chesterholm

Sandsfield Park

Carlisle, CA2 7XX

Tel/Fax: 01228 598740

Email: secretary@national-taxi-association.co.uk

Website: www.national-taxi-association.co.uk



Members

In short, we believe the authority could allow existing licensees a degree of discretion according to their circumstances.

If for example an existing licensee has their vehicle written off through no fault of their own, the replacement vehicle is to be attached to the existing license and the vehicle supplied is newer than the vehicle being replaced and within the councils upper age policy.

We believe under such circumstances discretion should be given.

Sincerely

WJ Casey

Wayne Casey
Chairman

Barry Sharrock

From: Stuart Davidson <stuart@radiotaxis.org.uk>
To: Barry Sharrock
Subject: Regulatory Panel

Dear Sir

We at Radio Taxis would like to appear at the Regulatory Panel meeting in July, as we have concerns that licensing older wavs would take not only the trade backwards but also harm the city as older cars are less enviroment frendly than the latest wavs that are currently available to buy

many thanks

Radio Taxis

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

47 Licensing of hackney carriages.

- (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.

Annotations:

Modifications etc. (not altering text)

- C1** S. 47: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B3

