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To: All Members of the Licensing
Committee

Please ask Shaun Banks (Telephone:
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Dear Councillor,

Licensing Committee – Monday, 18 December 2017

I refer to the agenda for the above meeting and enclose report in relation to the following Agenda Item:

- 6. Review of the Licensing Conditions in regard to Wheelchair Accessible Van Conversions as Hackney Carriages (Pages 3 - 6)**

Yours faithfully,

Shaun Banks (Telephone: 01793 463606)
for Director of Law and Democratic Services



Stephen P. Taylor M.A (Oxon), Solicitor
Director of Law and Democratic Services

Consideration to review the Licensing Conditions in regard to licensing wheelchair accessible van conversions as hackney carriages

Licensing Committee

Date: 18th December 2017

Author: Kathryn Ashton – Licensing Manager
Wards: All
Locality Affected: All
Parishes Affected: All

1. Purpose and Reasons

- 1.1 To consider a request from The Swindon Taxi Association, received through the Taxi Forum, to change the entry age restriction on wheelchair accessible 'van' conversions.

2. Recommendations

That the Licensing Committee:

- 2.1 Agree to the request to change the current conditions as contained in the Drivers Handbook, (Appendix A), to enable alternative wheelchair accessible vehicles to be licensed, provided they meet the current Swindon Borough Council vehicle specification; and
- 2.3 Agree to allowing the Licensing Manager delegated Authority to determine suitability of future requests for vehicles provided they meet the specified criteria.

3. Reasons

- 3.1 Currently any newly licensed vehicle either Hackney carriage or private must be under 5 years of age, the exception to this has been van conversions such as the Peugeot E7, which this Council considered suitable for licensing in 2012, with the condition that these type of vehicles should be less than 1 year old when first licensed, to consider their suitability. It was considered at the time that these van conversions may not stand up to the rigors of the day to day work experienced by the purpose built vehicles such as the London taxi (LTI)

4. Details

- 4.1 Since the decision by Committee in 2012, the E7 when presented annually for licensing has proven to be suitable and comparable to the London style taxis.
- 4.2 Vehicle specifications have improved significantly in recent years and newer vehicles are subject to more rigorous emissions testing along with evolving

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

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environmental issues. The E7 has proved to be sufficiently robust and is popular with drivers and passengers.

- 4.3 The Swindon Taxi Association have requested that the 'entry' age restriction on the E7 be brought in line with LTI hackney vehicles currently being licensed.
- 4.4 It is therefore proposed that the entry age limit for wheelchair accessible hackney carriage conversions be brought into line hackney carriage and private hire vehicles, subject to the following conditions:
- 4.5 Each vehicle is presented to the Licensing Officer for a visual inspection. To satisfy the inspection, the vehicle must be in an exceptionally well-maintained condition, both with regard to exterior bodywork, interior fitments and all ancillary equipment.
- 4.6 The Licensing Authority considers the vehicles which are being presented for licensing, that fall within the meaning of a 'van conversion', are suitable for licensing and the current limitation could be amended so that all newly licensed vehicles can be subject to the five year entry age limit.
- 4.7 It is proposed that any amendments, if approved, shall commence on 1 January 2018

5. Options

- 5.1 Agree to the proposal to amend 'entry' age limits; or
- 5.2 Retain the existing restrictions

6. Consultation with the trade

- 6.1 This request has been received through discussions with the Swindon Taxi Association via regular meetings of the Taxi Forum.

7. Conclusion

- 7.1 It is intended that if Members agree to any change in conditions, that this will be implemented not sooner than 1st January 2018.
- 7.2 It is not intended for the proposed condition to be retrospective but will apply to new licence holders and those renewing their licence from the 1st January 2018.

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8. Financial and Procurement Implications

- 8.1 There are no direct financial implications arising from the report.
- 8.2 Any additional condition would have a financial benefit for vehicle proprietors. There are no additional costs for the Council, nor does the change generate any income for the Council.
- 8.3 However there will be cost to the Council in terms of officer time in the carrying out Inspections.

10. Legal and Human Rights Implications

- 10.1 A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.
- 10.2 All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder) this report relates to the requirements of licensing legislation.

11. Diversity Impact Assessment

- 11.1 A DIA is available in respect of this report.

12.0 Consultees

- 12.1 The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

13. Appendices

- 13.1 Appendix A – Current SBC Drivers Handbook pages 11 – 88 of the agenda papers, (not duplicated in this report)

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