



Cyngor **Abertawe**
Swansea Council

**Report of the Licensing and
Food & Safety Manager
General Licensing Committee
13th July 2018**

**Town Police Clauses Act 1847/Local Government
(Miscellaneous Provisions) Act 1976 – Application for
the Grant of a Licence for a Hackney Carriage Vehicle,
VW Caddy Maxi – Registration mark NK58 GXL**

1. Introduction

- 1.1 An application for the grant of a hackney carriage vehicle licence has been received from Mr Wayne Harris of PW & EK Harris Taxi Hire Ltd. The vehicle is a black Volkswagen Caddy Maxi MPV Registration Mark NK58 GXL and is capable of carrying 5 passengers.
- 1.2 The vehicle is not a purpose built vehicle but has been converted for use as a rear loading wheelchair accessible hackney carriage.

2. Background

- 2.1 In May 2003 an application was received for a Fiat Doblo to be licensed as a wheelchair accessible hackney carriage. The application was approved and the vehicle licence issued.
- 2.2 Following this, concerns about the suitability of the vehicle as a hackney carriage were raised by a number of members of the taxi trade on the basis that the wheelchair access for the vehicle was via the rear doors. Passengers would therefore be required to enter and exit the vehicle from the road. The trade were concerned that this presented a risk to safety of both the passenger and the driver. In view of this they requested that the Council re-examine the suitability of the vehicle before further licences were issued.
- 2.3 The licence Committee in June 2003 agreed to defer acceptance of future applications for this type of vehicle pending the outcome of the policy review.

- 2.4 In October 2003 a review of the policy for hackney carriage vehicles in relation to wheelchair accessibility was reported to Cabinet and subsequently reported to Council for approval. It was reported at Council that the Department for Transport had recently announced plans to introduce legal changes to the taxi licensing system and they were to commence a consultation process on the proposed standards for these vehicles. The findings of the consultation would form the basis of the regulations to emerge in the future. Swansea was named as one of the first phase Local Authorities that would have to implement the new policy and it was expected to begin in 2010.
- 2.5 The Cabinet Member for Environment, not wanting to prejudge the outcome of the consultation, decided to defer the review of the Councils' existing hackney carriage vehicle policy until the outcome of the Department for Transport consultation was known.
- 2.6 This matter has still not been concluded and accessible taxi policies remain a matter for individual Licensing Authorities.
- 2.7 Prior to the decisions referred to in paragraphs 2.3 and 2.5 of the report, 3 Fiat Doblos were licensed as hackney carriage vehicles by the Authority. In addition to 5 Volkswagen Sharan vehicles had previously been licensed as hackney carriage vehicles with the Authority.
- 2.8 Since this time there is only one remaining rear wheelchair accessible access hackney carriage vehicle licensed with the Authority and in keeping with the decision made at the time the vehicle, a Fiat Doblo has been licensed on merit since.
- 2.9 There are currently 22 restricted private hire vehicles licensed with the Authority that have rear access for wheelchairs. These vehicles have been licensed primarily to undertake school contract work.
- 3.0 Current Position**
- 3.1 Recent research undertaken has shown that at present rear wheelchair access vehicles are licensed in Cardiff, Bridgend, Vale of Glamorgan, Rhondda Cynon Taff, Gwynedd, Powys, Carmarthenshire and Neath & Port Talbot.
- 3.2 Members can consider requests to licence this type of vehicle based on the individual merits of the application received.

4.0 Current Application

4.1 The vehicle which is the subject of the current application was first registered on 22nd December 2008 and is 9yrs and 6 months old.

4.2 On 19th June 2018 the vehicle passed the Council's inspection.

5.0 Legislation relating to the licensing of Hackney Carriage Vehicles

Section 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.

6.0 Recommendation

6.1 It is recommended that after careful consideration of the information contained in this report and hearing from Mr Wayne Harris of PW & EK Harris Taxi Hire Ltd, Members determine whether to:

- a) grant the application made by PW & EK Harris Taxi Hire Ltd to licence the VW Caddy Maxi, vehicle registration mark NK58 GXL as a rear wheelchair accessible hackney carriage; or
- b) refuse the application made by PW & EK Harris Taxi Hire Ltd to licence the VW Caddy Maxi, vehicle registration mark NK58 GXL as a rear wheelchair accessible hackney carriage giving full reasons for this decision.

The Licensing Committee's instructions are requested.

Background Papers:	Licence Application
Contact Officer:	Richard Jenkins
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Legal Contact:	Lyndsay Thomas