

**WYRE FOREST DISTRICT COUNCIL****LICENSING AND ENVIRONMENTAL COMMITTEE****14TH JULY 2008****Amendment to Taxi Licensing Conditions**

<b>OPEN</b>	
<b>RESPONSIBLE OFFICER:</b>	<b>Head of Planning, Health and Environment</b>
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<b>APPENDICES:</b>	Appendix A – Proposed New Condition

**1. PURPOSE OF REPORT**

- 1.1 To propose an amendment to the current Hackney Carriage and Private Hire licence conditions to regularise the issuing of temporary licences in the event of vehicles being damaged or written off.

**2. RECOMMENDATION****2.1 The Committee is asked to RECOMMEND to Council that:**

1. **The proposed amendment to the current Hackney Carriage and Private Hire Vehicle Licence Conditions be adopted.**

**3. BACKGROUND**

- 3.1 For some years it has been the practice of the Council to issue temporary licences to the trade when a Hackney Carriage or Private Hire vehicle is off the road due to mechanical damage.
- 3.2 This has been done to allow members of the trade to continue to operate whilst their principal vehicle is undergoing repair or is being replaced. The Council has hitherto been sympathetic to such requests allowing the repair of the vehicle and taken a pragmatic approach to such situations as they occur.
- 3.3 Following the introduction of the Council's De-regularisation Plan and new Hackney Carriage and Private Hire Vehicle Conditions in 2005, the trade requested confirmation regarding the replacement policy in respect of a saloon vehicle written off in an accident whilst still within the age criteria.
- 3.4 At the Taxi Liaison Group meeting on 31 October 2005 this issue was discussed and it was agreed that, although each case would be considered on its merit, if a saloon car was written off during its current licence then a replacement saloon could be introduced for the remainder of the original licence.

- 3.5 For example, if a saloon car due to come off the fleet due to the age criteria (7 years) in 2009 is written off today, then a substitute saloon can be provided for 1 year until 2009, thereafter according to current council policy, a purpose built wheelchair accessible vehicle must be provided.
- 3.6 This agreement with the trade has enabled the Council to allow temporary replacements for crash damaged vehicles and to allow like-for-like replacements for vehicles which are written off.

#### **4. KEY ISSUES**

- 4.1 Although the Council has always adopted this approach in order to assist the trade by granting temporary licences to ensure that trade members do not suffer financially when a vehicle is damaged or written off, it has never been formally adopted as a provision in the new licensing conditions.
- 4.2 The Council has now received an appeal to the magistrates court by an aggrieved trade member who had benefited from a replacement vehicle under existing conditions but who has objected to the requirement to licence it under the new conditions at the expiry of the life of the licence which applied to the damaged vehicle, in approximately 12 months' time.
- 4.3 Under the circumstances and in order to formalise the Council's policy with regard to temporary licences whilst the appeal is being considered in the event that other similar requests are made, Members are asked to consider two options:
- i Agree to the formal inclusion of provisions regarding temporary licences in the licensing conditions, as set out in *Appendix A*
  - ii Remove provision for temporary licences altogether and require any damaged or written off vehicles to be replaced under the new conditions, i.e. wheelchair accessible, silver colour etc.
- 4.4 If the outcome of the appeal finds against the Council, then further consideration of this provision may be necessary. If however, the outcome of the appeal is such that the provision remains valid, then the amended licensing conditions can stay intact and since the provision emanated from the Taxi Liaison Group, Members can be satisfied that consultation has taken place.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no direct financial implications arising from this report.

#### **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 The amendment would formally allow the provision of temporary licences.

**7. RISK MANAGEMENT**

- 7.1 If the Council does not make a decision on this matter, then there remains a gap in policy which exposes the Council to risk of further challenge on the way it issues temporary licences.

**8. CONCLUSION**

- 8.1 The amendment to the Hackney Carriage Conditions would formalise the issuing of temporary licences.

**9. CONSULTEES**

- Head of Legal and Democratic Services

**10. BACKGROUND PAPERS**

- Wyre Forest District Council, Hackney Carriage Vehicle Licence Conditions.

## APPENDIX A

### **PROPOSED NEW CONDITION – ISSUE OF TEMPORARY LICENCES IN THE EVENT OF ACCIDENT OR MECHANICAL DEFECT**

- Any vehicle disabled due to accident or mechanical defect may be temporarily replaced by a similar type of vehicle for a period not exceeding 3 months under the same conditions applying to the original vehicle. Written evidence of the nature of the disablement must be produced for the Council before a temporary licence will be issued.
- Any vehicle written off by accident must be replaced by a like-for-like vehicle, meaning a vehicle that is of the same make, engine capacity, colour and internal passenger capacity, including wheelchair accessible where applicable. Written evidence that the original vehicle has been written off shall be provided to the Council before any new vehicle is licensed.
- In the case of a saloon vehicle being disabled or written off, the Council will only licence a replacement vehicle for the outstanding period of the seven years remaining on the licence of the original disabled or written off vehicle.
- A fee amounting to one-quarter (25%) of the annual fee for a Vehicle Proprietor's Licence will apply.