

TITLE	Hackney Carriage and Private Hire Licensing Policy Amendments – Engine Capacity of Vehicle
FOR CONSIDERATION BY	Licensing and Appeals Committee on 5 November 2012
WARD	None Specific
STRATEGIC DIRECTOR	Paul Anstey, Joint Service Delivery Manager for Environmental Health & Licensing

OUTCOME / BENEFITS TO THE COMMUNITY

This report introduces an amendment to the current Hackney Carriage and Private Hire Licensing Policy in the light of representations made to the Licensing Service.

RECOMMENDATION

The Committee is recommended to amend the Hackney Carriage and Private Hire Licensing Policy by agreeing the proposed lowering of engine capacity on vehicles allowed on the fleet. It is specifically requested for a Peugeot Partner 1.6 HD vehicle that has an engine capacity of 1560cc.

SUMMARY OF REPORT

This report sets out the background in relation to drivers representation that engine capacity of vehicles allowed onto the fleet is lowered and as a consequence a proposed amendment to the Hackney Carriage and Private Hire Licensing Policy.

Background

A driver contacted the Licensing Service to see if a vehicle he wished to purchase, a Peugeot Partner 1.6 HD (1560cc/90Bhp) would be suitable to be brought on the fleet as a Hackney Carriage Vehicle.

The driver was informed that whilst the licensing service had no issues with the vehicle in terms of it being suitable for disabled access it did not meet the existing Hackney Carriage and Private Hire Licensing Policy with regard to the vehicle specification, specifically the engine size, and could not therefore be considered;

The Hackney Carriage and Private Hire Licensing Policy states:

‘2.2 Vehicle Standards

2.2.1 No vehicle shall be licensed unless it;

- i. has undertaken and passed the Hackney Carriage and Private Hire Vehicle Test, at a Wokingham Borough Council nominated garage.
- ii. is right hand drive, except where the vehicle is a stretch limousine
- iii. can carry a minimum of four passengers (excluding the driver)
- iv. has a minimum of four doors for driver and passenger access and egress.
- v. **has an engine capacity of 1599cc or above**
- vi. provides a clear seat width of at least 16 inches for each passenger

- vii. has a seat depth of at least 17.5 inches
- viii. has a knee space of at least 21.5 inches (measured from the rear of the seat in front to the front of seat)
- ix. has a rear height of at least 30 inches (top of the seat to the roof; measured from the point of contact between the seat cushion and the back of the seat).
- x. has no more than 8 passenger seats (in addition to the driver's seat).
- xi. has provision for every passenger to wear a seat belt. A sign must be displayed inside the vehicle requiring seat belts to be worn.

The Driver then put in a petition signed by 79 drivers for the vehicle to be allowed. (Appendix One). As officers do not have discretion to deviate from the Policy it was suggested to the Driver that if he wished to use this vehicle he ask that the request to amend the policy be put before the Licensing and Appeals Committee.

The driver wrote on 22 October 2012 requesting that this be done.(Appendix Two)

Other matters raised in the driver's letter regarding use of only wheelchair accessible vehicles in the Hackney Carriage Fleet have been considered before by the Licensing and Appeals Committee and are not a matter for discussion at this time.

For Members' information this vehicle is allowed to be used by Bracknell, Slough (if it conforms to their rear access policy), Windsor and Maidenhead and West Berkshire Councils.

Analysis of Issues

Amendments to existing policy following representations from drivers to lower the existing allowable engine capacity of vehicles to be brought onto the fleet.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil	Yes	
Next Financial Year (Year 2)	Nil	Yes	
Following Financial Year (Year 3)	Nil	Yes	

Other financial information relevant to the Recommendation/Decision

There are no financial implications arising from the recommendation in this report.

Cross-Council Implications (how does this decision impact on other Council services and priorities?)

There may be positives in terms of transport initiatives to help improve air quality.

Reasons for considering the report in Part 2

None

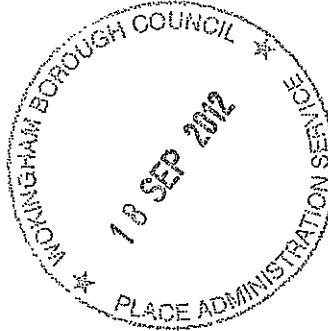
List of Background Papers

Hackney Carriage and Private Hire Licensing Policy -June 2008

Contact	Julia O'Brien	Service	Licensing Service
Telephone No	0118 974 6358	Email	Julia.o'brien@wokingham.gov.uk
Date	22 October 2012	Version No.	1

17th, September 2012

Yvonne Jones
Wokingham Borough Council
Environmental Health & Licensing Dept
PO Box 155 - Shute End
Wokingham Berkshire
RG40 1WW



Dear Sir or Madam,

Re: Petition to sanction Licence 'Peugeot Partner 1.6 HDi (1560 cc/90 Bhp) for HC Taxi

I am writing this letter in order to petition Wokingham Borough Council (WBC) to sanction the use of 'Peugeot Partner 1.6 HDi (1560 cc/90 Bhp)' vehicle for Licence Wheelchair Access Hackney Carriage Taxi as in line with neighbouring Townships (e.g. Bracknell Forest Council, The Royal Borough of Windsor and Maidenhead Council, etc.). We believe that this vehicle is economical, eco-friendly, suitable for elderly, disable people with hip, spine and general disabilities.

This petition is based on the grounds that WBC is a Public Body which makes decisions regarding public law, where we the taxi drivers are directly concerned. Our concern is that the decision-making process may be correct. However, the correct person may not be using the correct power which has followed the correct procedures.

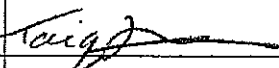
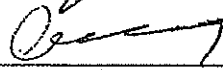


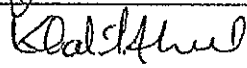

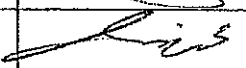

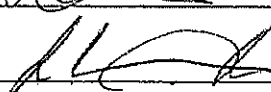
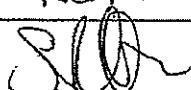
The decision maker (WBC) must understand the law correctly that regulates their decision making power and give effect to it and must not misinterpret legislation.

We believe that the decisions made by the WBC in the past for all vehicles to have wheelchair Access is an issue of Illegality, Irrationality and Procedural impropriety. The decision taken by WBC is so unreasonable that no reasonable body could have come to the decision.

Petition

Wokingham Borough Council

We, the undersigned, want Wokingham Borough Council to sanction the use of 'Peugeot Partner 1.6 HDi (1560 cc/90 Bhp)' vehicle for Licence Wheelchair Access Hackney Carriage Taxi as in line with neighbouring Townships (e.g. Bracknell Forest Council, The Royal Borough of Windsor and Maidenhead Council etc.). We believe that this vehicle is economical and eco-friendly for the above use.

No	Name	Badge No	Plate No	Signature
1		DD650	HC130	
2		DD347	HC36	
3		DD593	HC177	
4		DD411	PH62	
5		DD715	HC186	
6		DD233	PH403	Brian Berezan
7		DD768	H126	
8		DD771	43	
9		DD706	HC284	
10			HC145	
11		DD049	HC287	IL STEVENES
12		P038	P090	P Kennedy
13			PH129	
14		DD673	151	Anjad Tarar
15		DD776	92	ZAFER HUSSAIN

Petition

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No	Name	Badge No	Plate No	Signature
31		DD021	91	<i>[Signature]</i>
32		DD049	334	<i>[Signature]</i>
33		DD680	282	<i>[Signature]</i>
34		DD704	201	<i>[Signature]</i>
35		DD759	222	<i>[Signature]</i>
36		DD432	HC281	<i>[Signature]</i>
37		PH021	21	<i>[Signature]</i>
38		DD701	82	<i>[Signature]</i>
39		DD631	164	<i>[Signature]</i>
40		DD306	101	<i>[Signature]</i>
41		DD745	44	<i>[Signature]</i>
42		DD761	41	<i>[Signature]</i>
43		DD342	181	<i>[Signature]</i>
44		DD752	016	<i>[Signature]</i>
45		DD364	189	<i>[Signature]</i>

Petition

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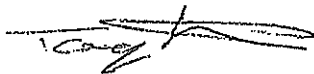
No	Name	Badge No	Plate No	Signature
61		PHD193	PH45	Zakia Khan
62		DD402	PH396	Chafu
63		PHD442	PH144	Chafu
64		PH328	PH11P	Chafu
65			239	Chafu
66		DD752	82	Chafu
67		D420	177	Chafu
68		DD343	857	Chafu
69		DD781	65	Chafu
70		DD712	61	Chafu
71		DD725	51	Imran Akram
72		DD754	35	Chafu
73		DD757	52	Chafu
74		DD714	158	Chafu
75		DD685	144	Chafu

Dear Julia O'Brien

**RE: Petition to sanction Licence "Peugeot Partner 1.6 HDI
(1560cc/90Bhp) for HC Taxi**

Could I please request that a report be taken to the Licensing and Appeals Committee on 5 November to consider a change in the policy to allow the licensing of vehicles with a lower cc such as the vehicle above?

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tariq Hussain', with a horizontal line drawn through it.

Tariq Hussain (Mr)