

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 34

Brighton & Hove City Council

Subject: Inherited Hackney Carriage plates
Date of Meeting: 10 February 2011
Report of: *Head of Planning and Public Protection*
Contact Officer: Name: *Martin Seymour* Tel: 29-6659
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Wards Affected: All

FOR GENERAL RELEASE/ EXEMPTIONS

1. SUMMARY AND POLICY CONTEXT:

- 1.1 One of the equality review measures to increase the proportion of wheelchair accessible vehicles was to require transferred hackney carriages to become wheelchair accessible. This was primarily targeted at transfer of vehicle licence following sale.
- 1.2 The taxi forum had not foreseen the consequence that licences inherited on death of licence holder would be caught by this provision.

2. RECOMMENDATIONS:

- 2.1 That Committee agree an exemption as follows:
- 2.2 Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended under Town Police Clauses Act 1847 s42 to a beneficiary following the death of a proprietor or at the discretion of the Head of Planning and Public Protection, where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming a wheelchair accessible at renewal unless previously required by licence conditions.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 At the special licensing committee held on 10 September 2010, the licensing committee received a report relating to the Brighton & Hove City Council Single Equality Scheme 2010/2012 which commits the council to improving access to Hackney Carriage (taxi) and Private Hire services for disabled people. Issues mentioned in the Scheme include the availability

of wheelchair accessible vehicles (WAVs), improved customer satisfaction, maintaining a mix of vehicle types, disability awareness training for drivers, and information about accessible services.

- 3.2 The aim of this Equalities Review was to review the effectiveness of Hackney Carriage and Private Hire services in meeting the needs of our citizens, in particular disabled people, and to seek Committee's recommendations for actions to address adverse impact and/or to promote equality. The report contained 17 recommendations.

Recommendation 8 stated: That the Committee approves that all new hackney carriage vehicle licences and licences which are renewed following a transfer should conform to the Conditions of Fitness as prescribed by the Public Carriage Office (ie purpose-built London type hackney carriage vehicles) or be for wheelchair accessible vehicles with M1 ECWVTA. A transfer in this context means the transfer of the interest of an existing proprietor's licence to another person, including transfer by the proprietor to her/himself and another person, for registration under Town Police Clauses Act 1847 s42. This recommendation was agreed.

4. CONSULTATION

- 4.1 This matter was discussed at the council's hackney carriage and private hire consultation forum on 29 September 2010. All members of that forum are free to express their opinions. Minutes from that forum show that forum members have concerns regarding transfer on death. Forum members were concerned that if a plate holder were to die, rather than transfer the plate to the wife or husband, a new wheelchair accessible vehicle would have to be put on. The forum was unaware of this implication and were united over the perceived misunderstanding. The Equalities Manager confirmed that she was unaware of this implication and that it appeared unfair to her. The taxi forum members requested that the matter was referred back to Licensing Committee.

- 4.2 More recently the GMB have requested that the wording of this policy requirement is reviewed to consider death of licence holder and divorce. Apparently it is common for hackney carriage proprietors to include their partner on the vehicle licence. It is common for the non driving partner to be removed if divorced. The GMB questions the fairness of requiring accessibility upon transfer. This will be explored further with the trade and Brighton & Hove Federation for Disabled People.

5. FINANCIAL & OTHER IMPLICATIONS:

- 5.1 Revenue:
There are no direct financial implications associated with this report.

Finance Officer Consulted: Karen Brookshaw Date: 18/01/2011

5.2 Legal

Where a local authority grants a hackney carriage vehicle licence, it is granted to the vehicle, and not the owner of the vehicle. Consequently when the vehicle is transferred following a bequest in a will, or inherited under the intestacy rules, the new owner is entitled to be registered as the owner. The Local Government (Miscellaneous Provisions) Act 1976 allows the council to attach to the grant of a vehicle licence such conditions as it may consider reasonably necessary. The Committee was therefore was entitled to decide at its special meeting in September 2010 that all vehicle licences renewed following a transfer should be wheelchair accessible. However, it is not clear that the Committee was aware of a significant issue, namely the effect of the decision on licensed vehicles inherited on the death of the licence holder. It is therefore proper for the Committee to revisit its decision.

Lawyer: Liz Woodley

Date: 31/01/11

5.3 Equalities Implications:

This report aims to treat licensed businesses fairly. There is a need to balance the need to increase wheelchair accessible vehicle provision against the personal circumstances of licence holders.

5.4 Sustainability Implications:

None.

5.5 Crime & Disorder Implications:

None.

5.6 Risk and Opportunity Management Implications:

None.

5.7 Corporate / Citywide Implications:

The city must be accessible to disabled people.

SUPPORTING DOCUMENTATION

None.

