

Cheltenham Borough Council

Licensing Committee – 2 October 2024

Application for a Hackney Carriage Vehicle Application

Mr Nizam Ali

Report of the Head of Public Protection

1. Summary and Recommendation

- 1.1 An application for a Hackney Carriage vehicle licence was submitted by Mr Nizam Ali on 11.09.2024.
- 1.2 The application is to licence a Silver Kia Sportage, registration number BV20 HAA. Mr Ali has submitted the vehicle's MOT and council fitness certificate. These are attached at Appendix 1 of this report.
- 1.3 The application is referred to the Licensing Committee because the vehicle referred to above does not comply with the authority's licensing policy. The policy referred to requires all applications for a new Hackney Carriage vehicle licence to be for a fully wheelchair accessible vehicle.
- 1.4 **The Committee is recommended to resolve that:**
- 1.4.1 **The application be granted because the Committee considers there to be sufficient grounds to deviate from the adopted policy; or**
- 1.4.2 **The application be refused because the vehicle does not comply with the authority's adopted policy.**

1.5 Summary of implications

- 1.5.1 Legal The authority has an agreed and adopted a policy that details the standards that are required in respect of new and existing Hackney Carriage Vehicles. The authority can depart from its own policy where there are reasonable grounds to do so. Should the committee depart from policy it must give sufficient reasons for doing so..

An appeal against the refusal to grant a Hackney Carriage vehicle licence is to the Magistrates Court.

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2. Licensing Policy

- 2.1 The Council's adopted Licensing Policy, Guidance and Conditions for Private Hire and Taxis Operating within the Borough of Cheltenham was adopted on the 13th of March 2018.
- 2.2 The aim of the licensing process, in the context of the policy, is to regulate the Hackney Carriage and Private Hire trade in order to promote the below objectives.
- 2.3 In setting out its policy, the Council seeks to promote the following objectives:

- a) The protection of the public;
 - b) The establishment of a professional and respected Hackney Carriage and Private Hire trade;
 - c) Access to an efficient and effective public transport service;
 - d) The protection of the environment.
- 2.4 The Policy will apply in respect of applications, renewals, reviews and transfers in relation to the following licences:
- a) Private Hire vehicle;
 - b) Private Hire driver;
 - c) Private Hire operator;
 - d) Hackney Carriage driver; and
 - e) Hackney Carriage proprietor.

Hackney Carriage Vehicles

- 2.5 The licensing policy in respect of applications for new Hackney Carriages stipulates that the following requirements are applicable (emphasis added):
- a) ***Be disabled accessible as per London Public Carriage Office Specification, Eurocab M1***
 - b) Specification or such other nationally accepted specification as is agreed by the Council;
 - c) Be silver in colour (as identified on the vehicle's registration document);
 - d) Be less than 5 years from date of manufacture;
 - e) Comply with vehicle specifications (see Appendix B);
 - f) Be fitted with an approved roof sign bearing the word "TAXI";
 - g) Be compliant with the council's emission standards;
 - h) Be fitted with a meter of an approved type with the fares charged as determined by the Council.

3. Licensing Comments

- 3.1 The committee must determine this application on its individual merits and with a view of promoting the authority's adopted policy. Deviation from the adopted policy must be restricted to exceptional circumstances and must be fully reasoned.
- 3.2 Mr Ali's previously held a saloon Hackney Carriage vehicle licence that he surrendered in advance of the previous (December 21) requirement for all Hackney Carriage vehicles to be disabled accessible. His previous Hackney Carriage vehicle licence was for a different saloon vehicle.
- 3.3 With reference to the above (3.2), the authority's previous policy that aimed to ensure a 100% wheelchair accessible taxi fleet was postponed in December 2021 following further consultation with the licensed trade. An interim policy was adopted (which is still in force) while a more comprehensive review of the Hackney Carriages fleet's future accessibility requirements is undertaken. The consultation on the more comprehensive review recently closed and will be put to Cabinet for full consideration in due course.
- 3.4 Notwithstanding the above, the current policy position is as outlined in 2.5 above and the basis for the committee's considerations.
- 3.5 Having previously held a saloon Hackney Carriage vehicle licence that was surrendered to comply with policy that was subsequently changed, Mr Ali's application is, in principle, to regain his right to a saloon Hackney Carriage vehicle licence.

- 3.6 As already stated, the starting point for the committee must be the current licensing policy requirements and the overarching principle of each case on its merits. Within this, the committee has discretion to deviate from adopted policy in cases where there are deemed to be exceptional and justifiable circumstances.
- 3.7 In coming to a determination, the committee must, in addition to the policy, take into account the evidence it hears on the day and any mitigating factors it considers relevant.
- 3.8 Based on the current policy position, the officer recommendation would be to refuse this application.

Background Papers

Service Records

Contact Officer

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