

LICENSING AND REGULATORY COMMITTEE

10th SEPTEMBER 2018

REPORT OF ASSISTANT DIRECTOR OF STRATEGIC PLANNING & REGULATORY SERVICES

AMENDMENT OF THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY FOR PRIVATE HIRE SPECIAL VEHICLE TYPE WITH REGARDS TO ESCORTED TRIKE TOURS

1.0 PURPOSE OF REPORT

- 1.1 To inform the Committee of the representations received from the consultation to the proposed revisions to the Hackney Carriage and Private Hire policy, regarding special vehicle types to allow a Motor tricycle for escorted tours of the region.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that :

- (i) The Licensing & Regulatory Committee notes the Representations received and approve the proposed revisions to the Hackney Carriage and Private Hire Policy at Appendix A.

3.0 KEY ISSUES

- 3.1 As a result of the consultation, representations were received 11 in support of the changes See **Appendix B**. The consultation period extended until 3rd September 2018 and any further responses received between publishing this report and that date will be provided to the Committee.
- 3.2 1 response was received against the proposal, including links to 9 Road traffic collisions since 2003 4 in the UK and 5 in the USA See **Appendix C**
- 3.3 The objection is concerned with the principle of changing the policy for the purposes of accommodating a new type of vehicle, and the safety of such vehicles in terms of the protection offered to passengers, particularly the absence of 'roll bars'.
- 3.4 It is considered that it is appropriate to consider changes to the policy for new types of vehicle, which were unforeseen at the time it was produced and most recently updated. With the amendments to the policy specified and the ability to apply conditions to address the characteristics of individual vehicles, it is considered that sufficient provision is available to ensure the necessary levels of passenger safety, which will be considered on a 'case by case' basis.

4.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 5.1 There are no financial or other resource implications.

5.0 LEGAL IMPLICATIONS/POWERS

- 5.1 This policy has been written in accordance with the Council's responsibilities under the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Clauses Act 1847.

6.0 COMMUNITY SAFETY

- 6.1 This policy has been written with Community Safety in mind and it endeavours, as far as is possible, to ensure that the travelling public are safe both in respect of the suitability of the driver and the mechanical soundness of the vehicle.
- 6.2 Melton Borough Council (the Council) is responsible for exercising the licensing and associated function relating to Hackney Carriage and Private Hire Activities, in undertaking this function the Council will have particular regard to:
- Town and Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Act 1976
 - Transport Act 1985 and 2000
 - Crime and Disorder Act 1998
 - Environmental Protection Act 1990
 - Equalities Act 2010
 - Road Traffic Acts
 - Human Rights Act 1998
 - Health Act 2006
 - Immigration Act 2016
 - Melton Borough Council Byelaws
 - Melton Borough Council's Constitution

7.0 EQUALITIES

- 7.1 Equalities issues in relation to this report have been considered, whilst access to persons with disabilities was restricted it was felt that due to the special nature of the escorted Trike tours that any requests to travel would be assessed prior to the tour taking place. The vehicle is not for normal Private Hire work.

8.0 RISKS

- 8.1 The legal issues are fully addressed within the report and it is felt that if the Act and safety considerations are demonstrated to have been fully considered by Members prior to a decision being taken that there is minimum risk to the Council.

9.0 CLIMATE CHANGE

- 9.1 There are no implications for Climate Change.

10.0 WARDS AFFECTED

- 10.1 All Wards

Contact Officer: Jim Worley / Anna Young / Simon Greensmith

Date: 29th August 2018

Appendices: Proposed Hackney Carriage & Private hire Licensing Policy 2016 - Appendix A
List of responses in support – Appendix B
Response against including list of RTC's – Appendix C

Reference : X:\Cttee, Council & Sub Cttees\Licensing & Regulatory Committee & Subs\1. Licensing & Regulatory Committee\2018-19\10.09.2018