

<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Decision or Item number</b>	<b>3</b>
<b>Relevant Officer:</b>	Mark Towers, Head of Democratic Services
<b>Date of Meeting</b>	1 <sup>st</sup> July 2014

## LICENSING OF NOVELTY HORSE DRAWN HACKNEY CARRIAGES

### 1.0 Purpose of the report:

1.1 To consider the Council's policy on licensing novelty Horse-Drawn Hackney Carriages.

### 2.0 Recommendation(s):

2.1 The Sub-Committee is requested to consider the report and determine its policy on licensing novelty Horse-Drawn Hackney Carriages.

### 3.0 Reasons for recommendation(s):

3.1 The Sub-Committee requested a review at its meeting in May 2014.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None as the Sub-Committee requested the review.

### 4.0 Council Priority:

4.1 The relevant Council Priority is "Create safer communities and reduce crime and anti-social behaviour"

## **5.0 Background Information**

- 5.1 Before any non-traditional style Horse-Drawn Hackney Carriage can be licensed, the vehicle must be approved by the Public Protection Sub-Committee. For a number of years the proportion of novelty carriages on the fleet has remained reasonably constant, however recently there has been a notable increase in the number of enquiries from operators about licensing Cinderella and other non-traditional styles of Horse-Drawn Hackney Carriages.
- 5.2 At its meeting in May 2014, the Sub-Committee expressed concern about the number of pink Cinderella style carriages that they are being asked to licence. The Sub-Committee was also anxious to encourage the retention of the traditional style of carriages that are part of Blackpool's heritage.
- 5.3 Section 47 Local Government (Miscellaneous Provisions) Act 1976 deals with licensing of Hackney Carriages. Sub-section 2 is particularly relevant:
- 1) A district council may attach to the grant of a licence of a Hackney Carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary,
  - 2) Without prejudice to the generality of the foregoing subsection, a district council may require any Hackney Carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.
  - 3) Any person aggrieved by any conditions attached to such a licence may appeal to a Magistrates' Court.
- 5.4 Most of the case law dealing with vehicle specifications relates to motorised vehicles, but the case of *R v Wirral Metropolitan Borough Council ex p the Wirral Licensed Hackney Carriage Owners Association* is useful. This case centred on a decision that from a specified date all Hackney Carriages licensed by Wirral had to be of a purpose built type. During the judgement, Glidewell J said "what are the Council's functions under this legislation in relation to the licensing of taxi cabs? As I see it they are to achieve, so far as they can, the safety, convenience and comfort of passengers in Hackney Carriages, the safety of other road users and to ensure that there is some way in which those who wish to use either Hackney Carriages or Private Hire vehicles can readily distinguish the one type of vehicle from another." The case decided that in this case the decision to make all Hackney Carriages purpose built was lawful.
- 5.5 When making decisions relating to Hackney Carriages, the Sub-Committee must have public safety at the centre of its decision-making as this is the reason for regulating the trade. Whilst it does appear to be open to the Sub-Committee to make a decision to licence or not licence a particular design of Hackney Carriage (on the basis of achieving the aims detailed in the case above), there does not appear to be any scope to limit the number of a particular vehicle once it has been approved. The

reasoning behind this is that if one particular vehicle is commercially more lucrative than another, to limit the number of the more lucrative vehicles would give those vehicle owners a competitive advantage over others.

- 5.6 The Sub-Committee does have the power to decide that all Hackney Carriage vehicles should be one colour, but this power can only be exercised to ensure that the public can distinguish between Hackney Carriages and Private Hire vehicles. A decision to implement a uniform colour would impact on the motorised trade as it does on the Horse-Drawn.

Does the information submitted include any exempt information?

No

**List of Appendices:**

None

**6.0 Legal considerations:**

- 6.1 A person aggrieved by the decision of the Sub-Committee has the right to appeal to the Magistrates' Court. Any general policy decision could be subject to Judicial Review.
- 6.2 The Head of Legal Services will be represented at the meeting to advise the Sub-Committee.

**7.0 Human Resources considerations:**

- 7.1 None

**8.0 Equalities considerations:**

- 8.1 None

**9.0 Financial considerations:**

- 9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None