



DERBY CITY COUNCIL

TAXI LICENSING AND APPEALS COMMITTEE
21 DECEMBER 2005

Report of the Director of Corporate Services

LICENSING OF MOTORCYCLES AS PRIVATE HIRE VEHICLES

RECOMMENDATION

- 1.1 To resolve not to licence motor cycles as private hire vehicles.
- 1.2 To withdraw the Council's specifications and conditions relating to the use of motorcycles as licensed private hire vehicles.

SUPPORTING INFORMATION

- 2.1 Following a proposal by a company named Chaufferbikes Ltd, members considered the principle of licensing motorcycles as private hire vehicles in Derby.
- 2.2 After a series of meetings, members resolved in September 2003 to approve the use of motorcycles as licensed private hire vehicles. At this meeting, members also approved specifications for private hire motorcycles and conditions to be attached to private hire motorcycle and rider's licences
- 2.3 The company also applied to several other local authorities. One of these authorities (Leeds City Council) contested the suitability of motorcycles to be used as licensed private hire vehicles. After a protracted legal case, the judge stated on appeal that motorcycles were not suitable for licensing as private hire vehicles.
- 2.4 To date, the Council has not received any applications for private hire motorcycle licences or private hire motorcycle rider's licences.
- 2.5 Following the appeal judgement, it is proposed that the decision allowing the use of motorcycles as licensed private hire vehicles is rescinded and that the Council's specifications and conditions relating to the use of motorcycles as licensed private hire vehicles are withdrawn .

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Background papers:	None
List of Appendices:	Appendix 1 - Implications

IMPLICATIONS

Financial

1. None.

Legal

- 2.1 In the judgement giving rise to this report, the court was of the view that in determining if a vehicle is suitable for use as a private hire vehicle, general considerations of safety for the purpose intended are relevant.
- 2.2 The mere fact that a motorcycle is safe does not automatically mean it is suitable for use as a private hire vehicle and in its view the court considered, that taking account of the fiduciary nature of the licensing scheme provided by the Local Government (Miscellaneous Provisions) Act 1976, motorcycles are unsuitable and unsafe for that use.
- 2.3 The judgement is emphatically categorical in nature and effectively means that the earlier committee resolution flies in the face of the decision. In the circumstances, it is appropriate that that decision should now be reviewed to determine its appropriateness and where, as in this case, a clear contrary view exists, action taken to revoke the policy.

Personnel

3. None arising from this report.

Equalities impact

4. None.

Corporate objectives and priorities for change

5. These amendments contribute towards the Council's objective of **healthy, safe and independent communities**.