

**MR BAIRKDAR - APPLICATION TO CHANGE
HACKNEY CARRIAGE VEHICLE OUTSIDE STANDARD
CONDITION 20.1 & 20.2 and REGULATORY
COMMITTEE RESOLUTION.**

**REPORT BY: Head of Environmental Health and
Trading Standards**

Purpose

1. The report introduces an application made by Mr Bairkdar to change a vehicle on plate. Condition 20 states: -

20.0 WHEELCHAIR ACCESSIBLE VEHICLES

- 20.1 These are in addition to all other conditions and apply to wheelchair accessible vehicles.*

(a) Vehicles offered for approval must be constructed in accordance with M/M1

*(b) Every new type of wheelchair accessible vehicle must comply in all respects with the following requirements: -
Motor Vehicle (Type Approval) Regulations 1980
Motor Vehicle (Type Approval) Regulations (Great Britain) 1984*

*And when in use with the following: -
Road Vehicle (Construction and Use) Regulations 1986 (C&U).*

- 20.2 When offered for approval the vehicle must comply with British and European Vehicle Regulations and by type approved to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended. Those vehicles (e.g. van conversions) which have not been 'type approved' to M or M1 Categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories. Most registration certificates issued since late 1998 should indicate the approval status of the vehicle.*

At the meeting of the Regulatory Committee on 15th July 2008 it was agreed that the Council would normally approve wheelchair access vehicles for hackney or private hire *only* if they met the following criteria:-

- i. The manufacturer must have a vehicle prototype that has passed the 'VOSA –SVA Single Vehicle Approval Standard Test', including class D (disabled) and class P (for import),

or

- ii. The manufacturer must prove to the Council that its vehicle has relevant safety standards and is able to demonstrate consistent manufacture to that standard

The Committee will recall that they subsequently approved a number of manufacturers / converters in respect of wheelchair access vehicles.

Legal Background

2. Under the terms of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.
3. The current standard licence conditions were approved at Regulatory Committee on the 18th December 2007.

Issues

4. Mr Bairkdar made an application for a change of vehicle on plate on 14th March 2009. The application contains a request for a vehicle which does not comply with the standard conditions and policy of Herefordshire Council.
5. This authority currently licences a Blue Citroen motor car on plate P406.
6. Mr Bairkdar purchased this vehicle from the previous owner and is now trying to upgrade the vehicle.
7. He has applied to transfer the plate to a Renault Master Van. This vehicle is shown on the registration certificate as being in category **N1**, i.e. originally a panel van.
8. The vehicle is a wheelchair accessible vehicle and no evidence has been produced to confirm that the vehicle has been converted by an approved manufacturer.
9. All drivers and vehicle proprietors have been supplied with a copy of the current conditions and were also advised of the policy set in the meeting of 15th July 2008. This information was therefore sent to Mr Bairkdar.
10. In light of this application the licence has not been issued, but instead referred to this Regulatory Committee for consideration and determination whether to licence this vehicle outside of the Council's approved standard conditions.

Options

It is for the Regulatory Committee to decide whether the vehicle licence: -

- Can be granted outside of the standard conditions and or policy.
- Cannot be granted and the licence be refused.
- Defer the decision in order to get more information.
- or reach some other decision.

Appendix 1 – standard vehicle licence conditions

Appendix 2 – copy of application form