

<b>MEETING:</b>	<b>REGULATORY SUB COMMITTEE</b>
<b>DATE:</b>	<b>SEPTEMBER 6 2011</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION TO LICENCE A VEHICLE OUTSIDE STANDARD CONDITION 5.2 (i) BY MR CHRISTOPHER RICHARDS</b>
<b>PORTFOLIO AREA:</b>	<b>HEALTH &amp; WELLBEING PEOPLE'S SERVICES DIRECTORATE</b>

**CLASSIFICATION:** open

### **Wards Affected**

Countywide

### **Purpose**

To decide whether to licence a vehicle outside the standards vehicle licence conditions.

### **Key Decision**

This is not a Key Decision.

### **Introduction and Background**

- 1 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.
- 2 The new vehicle conditions were approved by Regulatory Committee in April 2010 and the matter of 'grandfather rights' was discussed and approval given for some vehicles to retain additional seats without access to a door without moving any seats. This approval was based on the fact that these proprietors already had the vehicles and it was seen to be the fairest way to deal with the matter. The condition was included for public safety reasons, particularly if the vehicle was involved in an accident. 'Grandfather rights' were not intended for new vehicles, just for existing.
- 3 Mr Richards made a written request to have a new Volkswagen Sharan to replace his existing vehicle on plate. The existing vehicle was granted 'grandfather rights' following an application to Committee on 7th September 2010. This application is for the same type of vehicle where the 6<sup>th</sup> seat must be removed to facilitate access and egress from the vehicle, without moving seats.

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Further information on the subject of this report is available from  
Claire Berrow – Licensing Officer on (01432) 383542

## Recommendation(s)

**THAT the Regulatory Committee:**

**Refuse the application.**

## Reasons for Recommendations

- 4 Mr Richards has previously been to Committee and was granted 'grandfather rights' to a vehicle that was already licensed when the vehicle conditions were amended. He has now purchased a new vehicle which is the same as the one he knew not to comply with the conditions.

## Key Points Summary

- Written request made on 15<sup>th</sup> July 2011 to consider allowing an additional seat to be left within the vehicle.
- Amendments to vehicle licence conditions were agreed at Regulatory Committee on 6<sup>th</sup> April 2010. 'Grandfather rights' were issued to purpose built vehicles, to allow the seat which needs to be moved to allow passengers access and egress to remain.
- Mr Richards was granted 'grandfather rights' for his existing vehicle on 7<sup>th</sup> September 2010.
- Mr Richards has now purchased a new vehicle which is the same as the outgoing vehicle. It is a MPV vehicle with 6 passenger seats. One of the seats has to be moved forward to allow passengers access to the rear two seats of the vehicle in order to comply with the Vehicle licence conditions.

## Alternative Options

- 5 **The 'grandfather rights' can be applied and therefore the licence is granted.**  
**Advantages:** No possible Appeal could be made.  
**Disadvantages:** It does not comply with current vehicle licence conditions and will set a precedent for future vehicle changes.  
**Reason why Assistant Director has not recommended alternative 1:** Although this has been considered it has not been recommended as it is considered to be inappropriate.
- 6 **To defer the decision in order to get more information**  
The Committee could make a decision to defer the decision while more information is requested.  
**Advantages:** Gives the opportunity for the applicant to produce further information in support of the application and allows him a fair hearing.  
**Disadvantages:** This would delay the decision process and may mean that the livelihood of the applicant could be affected and further costs would be incurred in another committee hearing.  
**Reason why Assistant Director has not recommended alternative 2:** It is felt that any information required to reach a decision has been provided within the application.
- 7 **To reach some other decision**

**Advantages:** This leaves other solutions open to the Committee to resolve the application.  
**Disadvantages:** There are no clear directions from the Assistant Director with respect to other options.

**Reason why Assistant Director has not recommended alternative 3:** It is difficult to envisage what other decision could be reached.

## **Key Considerations**

- 8 Whether or not, in the given circumstances, the 'grandfather rights' should be granted outside the standard conditions.

## **Community Impact**

- 9 It is felt that any decision could have an impact on the community as this licence conditions was introduced to improve public safety.

## **Financial Implications**

- 10 Not applicable

## **Legal Implications**

- 11 Under the Local Government (Miscellaneous Provisions) Act 1976 there is a right of appeal to a Magistrates Court within 21 days of notification of the decision being served on the applicant.

## **Appendices**

- 12 Appendix 1 – Copy of standard licence conditions  
Appendix 2 – Copy of letter dated 15<sup>th</sup> July 2011.

## **Background Papers**

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.