

AGENDA

Regulatory Committee

Date: **Tuesday 3 November 2009**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Pete Martens, Committee Manager Planning & Regulatory

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Email: pmartens@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Pete Martens, Committee Manager Planning & Regulatory on 01432 260248 or e-mail pmartens@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Committee

Membership

Chairman	Councillor Brig P Jones CBE
Vice-Chairman	Councillor JW Hope MBE
	Councillor CM Bartrum
	Councillor DJ Benjamin
	Councillor PGH Cutter
	Councillor SPA Daniels
	Councillor JHR Goodwin
	Councillor RC Hunt
	Councillor PJ McCaull
	Councillor A Seldon
	Councillor JD Woodward

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

		Pages
1. APOLOGIES FOR ABSENCE	To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES	To approve and sign the Minutes of the meeting held on 6th October, 2009.	1 - 4
5. HIGHWAYS ACT 1980, SECTION 119, PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH SD1 (PART) IN THE PARISH OF ST. DEVEREUX	To consider an application under the Highways Act 1980, Section119, to make a public path diversion order to divert part of footpath SD1 in the parish of St. Devereux.	5 - 10
6. REVIEW OF THE THREE YEARLY TAXI DRIVER BADGE RENEWAL	To consider the appropriate course of action to take in relation to the continuance of the 3 year dual badge renewals, the collection of outstanding paperwork and the collection of fees in relation to the annual self declaration.	11 - 18
7. PROCEDURAL ARRANGEMENTS	To note the procedural arrangements for the meeting.	19 - 38
8. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE OF STANDARD CONDITION 9.5 BY MR LINDSAY MARK OAKLEY-DAVIES	To decide whether to licence a vehicle outside the standards vehicle licence conditions.	39 - 46
9. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 3.3B BY MR JUCKES	To decide whether to licence a vehicle outside the standards vehicle licence conditions.	47 - 52

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below

- | | |
|---|----------------|
| <p>10. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER A LICENCE HOLDER CONTINUES TO BE A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To determine whether a licence holder continues to be a fit and proper person to hold a dual driver's licence.</p> | <p>53 - 58</p> |
| <p>11. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER AN APPLICANT IS A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To determine an application for a dual driver's licence.</p> | <p>59 - 66</p> |
| <p>12. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER TO REINSTATE A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To determine an application to reinstate a dual driver's licence.</p> | <p>67 - 74</p> |
| <p>13. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER THE HOLDER OF A DUAL LICENCE CONTINUES TO BE A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To determine whether a licence holder continues to be a fit and proper person to hold a dual driver's licence.</p> | <p>75 - 78</p> |
| <p>14. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER AN APPLICANT IS A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To determine whether an applicant is a fit and proper person to hold a dual driver's licence.</p> | <p>79 - 86</p> |
| <p>15. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER AN APPLICANT IS A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976[] COMMITTEE REPORT ALI 3 11 09.DOC FROM MARC</p> <p>To determine whether an applicant is a fit and proper person to hold a dual driver's licence.</p> | <p>87 - 94</p> |

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 6 October 2009 at 2.00 pm

Present: Councillor Brig P Jones CBE (Chairman)
Councillor JW Hope MBE (Vice Chairman)

Councillors: CM Bartrum, PGH Cutter, SPA Daniels, JHR Goodwin, RC Hunt, PJ McCaull, A Seldon and JD Woodward

38. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor DJ Benjamin.

39. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes appointed at the meeting.

40. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

41. MINUTES

Arising on Minute 31, Proposed Charitable Collection Policy, the Licensing Officer said that concerns had been raised about consultation on the proposals and that limits being placed on the number of collections. She pointed out that there had been a full consultation process involved and that the Policy had in fact sought to formalise the previous informal practice and to regularise collections using best practice. She said that no charitable organisations would be disadvantaged by the Policy.

RESOLVED: That the Minutes of the meeting held on 9th September, 2009 be approved as a correct record and signed by the Chairman.

42. FOOTPATH BM 13 IN THE PARISH OF BODENHAM

The Interim Parks, Countryside and Leisure Development Manager presented a report about an obstruction on part of Public Footpath 13 in Bodenham and the alternatives available to the Council to deal with it. Part of the footpath was blocked by a workshop and a dwelling on its route to Brockington Road, Bodenham. It had transpired that when the dwelling had been purchased, the search had been inaccurate and had not shown the correct route of the path. The owners of adjoining land had been approached about the possibility of the footpath being diverted onto their land but was not prepared to do so despite an offer of substantial compensation from the search company. In his report the Interim Parks, Countryside and Leisure Development Manager set out the alternatives which were available for the matter to be resolved and which would involve no cost to the Council.

Councillor KG Grumbley the Local Ward Member said that to his knowledge the footpath had not been used for a considerable number of years and that it was only when a local person had raised an objection that the problem had come to light. He felt that there were suitable

alternative routes available and that it would not therefore be unreasonable to extinguish part of Footpath BM12 which had the added advantage of taking the footpath out of the gardens of two other properties. In view of the particular circumstances involved and the lack of any reasonable or cost-effective alternatives, the Committee agreed with this approach.

RESOLVED THAT

The Interim Parks Countryside and Leisure Development Manager be instructed to prepare an Order under S.118 of the Highways Act 1980 to extinguish the full length of footpath BM 13 between points C – D shown on the plans attached to his report.

43. PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847

The Chairman referred to the report of the Acting Regulatory Services Manager about proposed changes to the Council's hackney carriage and private hire vehicle licensing conditions as permitted within the framework of the Local Government (Miscellaneous Provisions) Act 1976 And Town Police Clauses Act 1847. He noted the comments that had been received during the consultation period but had concerns that Hereford Taxi Association had not submitted a formal response. In view of this he proposed that the matter should be deferred until a forthcoming meeting so that the views of the Association were known. He did not want a situation where the consultation process was carried out at the meeting but wanted clear views in writing which could be considered by the Committee. He also noted that several proprietors had concerns about vehicle age limits and needed to know if any changes were to be made to Licensing Condition No 3.1 because they had vehicles that would need to be replaced if the condition remained in force. He therefore proposed that the condition should be deleted.

The Committee discussed the proposals put forward by the Chairman together with the views expressed by Mr J Jones, Chairman of the Hereford Taxi Association. The Committee was of the view that there needed to be informal discussions about the conditions between the Officers and the Association. It was decided that Councillors C Bartrum, PGH Cutter and A Seldon should also attend the meeting as observers, that it should be informal and that there should be no binding decisions made there. In view of the fact that consideration of the conditions would be deferred, the Committee agreed with the suggestion that the conditions regarding vehicle age limits should be deleted.

RESOLVED THAT

- (i) consideration of the proposed hackney carriage/private hire vehicle licence conditions be deferred to a future meeting pending an informal meeting with the Hereford Taxi Association and the Association submitting its views in writing to the Council;**
- (ii) in line with current best practice and Government statutory guidance, Condition 3.1 and the words '*all vehicles must be replaced at 8 years for non wheel chair and 15 years for wheel chair access vehicles*' in condition 3.3b be deleted;**
- (iii) any other condition which refers specifically to the maximum age limit of a licenced vehicle shall read as if no such age limit applies; and**

- (iv) **the changes set out in (ii) and (iii) may be subject to alteration in line with any future Government guidelines and issues of relevant hackney carriage/private hire licensing conditions.**

44. REVIEW OF HACKNEY CARRIAGE FARES FOR 2009/2010

The Acting Regulatory Services Manager introduced a report about the annual review of hackney carriage fares. The review was undertaken each Autumn but last year was carried out at the meeting on 12th August 2008 following a request from the trade who were faced with escalating fuel costs. The present fees were agreed at that meeting. The Chairman of the Association had recently contacted the Officers to say that the Association would prefer it if there were no changes to the current fare structure and the Officers had no objection to this.

Having considered the matter, the Committee were in favour of the request from the Trade being granted.

RESOLVED THAT

No changes be made to the existing hackney carriage fares for the forthcoming year.

45. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for the following items to ensure that Officers and applicants received a fair hearing.

RESOLVED: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

46. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER A DRIVER CONTINUES TO BE A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 9 and said that the applicant for a dual Hackney Carriage/Private Hire driver's licence was not able to attend the meeting and had requested that his application be deferred until the next meeting. The Committee granted the request.

47. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE AN APPLICATION - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 10 and provided the Committee with details of the circumstances which had given rise to an applicant for a dual Hackney Carriage/Private Hire driver receiving a conviction. The applicant provided the Committee with an account of the incident from his perspective and said that he had lodged an appeal which was due to be heard later in October. In view of this the

Committee decided to defer further consideration of the application until the outcome of the appeal was known.

The meeting ended at 3.50 pm

CHAIRMAN

MEETING:	REGULATORY COMMITTEE
DATE:	
TITLE OF REPORT:	HIGHWAYS ACT 1980, SECTION 119, PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH SD1 (PART) IN THE PARISH OF ST. DEVEREUX
PORTFOLIO AREA:	

CLASSIFICATION: Open

Wards Affected

Valletts.

Purpose

To consider an application under the Highways Act 1980, Section 119, to make a public path diversion order to divert part of footpath SD1 in the parish of St. Devereux, from A to G to A-B-C-D-E-F as shown on the attached plan D39/33-1.

Key Decision

This is not a Key Decision.

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D391/333-1

Key Points Summary

- The current legal line of footpath SD1 in the Parish of St. Devereux is obstructed by farm buildings.
- The landowner has submitted a proposed alternative route which has the support of the local community and user groups.

Alternative Options

1. Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Further information on the subject of this report is available from
Rob Hemblade Public Rights of Way manager on (01432) 261981

Reasons for Recommendations

- 2 The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 in that:
 - The proposal benefits the owner of the land crossed by the existing path.
 - The proposal does not alter the southern point of termination of the path
 - While it does truncate the original northern termination point onto the A465 access to the footpath via this point has not been available for many years ever since the route of the A465 was realigned.
 - The proposal is not substantially less convenient to the public.

Introduction and Background

3. Herefordshire Council's constitution delegates the decision on Section 119 Diversion Applications to the Regulatory Committee.

Key Considerations

4. 5 The application was originally made on the 13th March 1998 by Mr P Powell who is the landowner. The reasons given for making the application were security of farmhouse and buildings.
- 6 The applicant has carried out all pre order consultation and the proposal has general agreement of the user groups and the Parish and Council.
- 7 The local member, Cllr M J Fishley supports the application.
- 8 The application has been delayed due to the difficulty of reaching a consensus over the proposed line of the diverted path. Doing nothing in this particular case was not an option as the current legal line is blocked and part of the reason why the path is currently blocked was the realignment of the A465 and the lack of provision for the footpath at that time.
- 9 Whilst it is acknowledged that walkers will need to negotiate a steep bund via a flight of steps, access will be improved by the installation of a gate.

Community Impact

- Consultations have been carried out with the Parish Council, local Member and user groups.
- If an order is made, it will be advertised on site and in the local paper and objections invited.

Financial Implications

11. The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order.

If the order proceeds without objections, there are no financial implications. If the order is opposed there will be resource implications for both Herefordshire Council and Amey if the matter proceeds to a Public Inquiry.

Legal Implications

12. Herefordshire Council have powers under s.119 of the Highways Act to Divert a public footpath.

Risk Management

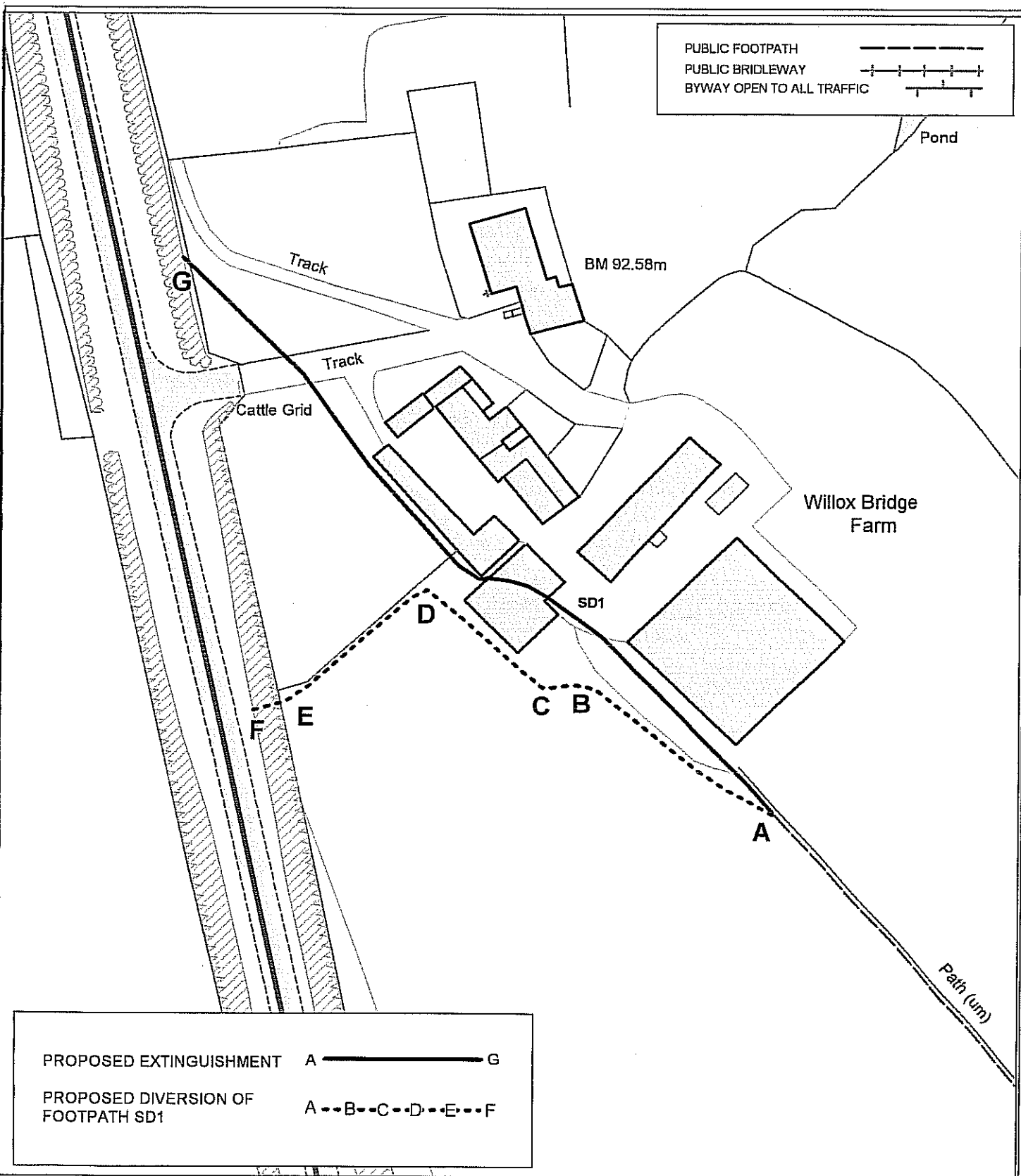
13. There is a risk that the Order will be opposed, leading to additional demand on existing staff resources.

Consultees

- Prescribed organisations as per Defra Rights Of Way Circular 1/08.
- Local Member – Cllr. M J Fishley
- Kilpeck Group Parish Council.
- Statutory Undertakers Appendices

Background Papers

15. Order Plan, drawing number: D391/333-1



LOCATION PLAN - PARISH OF ST DEVEREUX
PROPOSED DIVERSION OF PUBLIC FOOTPATH SD1
 DWG No. D391/333-1
 SCALE 1:1250



Herefordshire Council
 Public Rights of Way
 PO Box 41
 Leominster
 HR6 0ZA
 Tel.: (01432) 260000
 Fax.: (01432) 260579

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MEETING:	REGULATORY COMMITTEE
DATE:	3 NOVEMBER 2009
TITLE OF REPORT:	REVIEW OF THE 3 YEARLY TAXI DRIVER BADGE RENEWALS AND DECISION REGARDING OUTSTANDING CRB FORMS, MEDICAL FORMS AND TAXI DRIVER FEES OWING TO THE COUNCIL
PORTFOLIO AREA:	REPORT BY HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To consider the appropriate course of action to take in relation to the continuance of the 3 year dual badge renewals, the collection of outstanding paperwork and the collection of fees in relation to the annual self declaration.

Key Decision

This is not a key decision.

Introduction and Background

1. The current 3 year rolling programme for dual badge renewals commenced in April 2007 following a review at that time. Previously the renewals had been required as annual applications, with a 3 yearly requirement for an enhanced CRB and 5 yearly requirement for a medical.
2. In April 2007 it was agreed that a 3 year badge had to include an annual self declaration regarding the status of the driver's medical and CRB. The fee for a 3 year badge was calculated to exclude the annual fee of £45, as money had to be recovered annually in accordance with the way the Council's budgets are managed. Therefore every year following April 2007, the appropriate taxi drivers have been invoiced for £45. This also helped to spread the costs for taxi drivers.
3. However, despite sending two reminder letters (See Appendices 1 and 2), the Council has still been unable to collect 149 self declarations which equates to a loss in revenue of £6,705. To date there are also 74 expired medicals and 50 overdue CRBs, as a result of the requested information not being received. This corresponds to a non return rate of about 25%.

Further information on the subject of this report is available from
Claire Berrow on (01432) 263324

- 4 Once this matter has been resolved, it is the Licensing Authority's intention to embark upon a total review of all fees and charges, as has been requested by the Herefordshire Hackney Carriage and Private Hire Association.

Recommendation(s)

THAT Committee agree that:

- (a) **The Dual Driver Badge returns to being a 12 monthly renewal; and**
- (b) **Those drivers with outstanding payments, Criminal Record Bureau Checks and medicals are suspended until the appropriate and satisfactory documentation is received.**

Key Point Summary

- A rolling 3 yearly programme for driver licences was implemented in April 2007.
- This has not been effective, due to non payments of an annual fee and the non return of essential documentation, such as CRBs and medical forms.
- Unpaid fees amount to £6,705 and there are also 74 expired medicals and 50 overdue CRBs
- The non return of these forms have serious public safety implications and the unpaid fees have significant income implications.

Alternative Options

1 Keep the rolling 3 year renewal programme

Advantages: Keeps things the same way. The 3 year programme was proposed to reduce the administration costs for the Licensing Department and spread the cost to the driver. Fees would have to be recovered via the Council's Benefit & Exchequer Service and documentation requested again.

Disadvantages: A significant percentage of the trade clearly do not dutifully provide the Council with the necessary annual documentation and fees, even after reminders. The past two years have unfortunately proven this to be the case. When the fees were recalculated in April 2007, no element was put in place for the recovery of costs from repeat letters, as there was no expectation that documentation and fees would not be forthcoming. The only way forward to recover the fees would be via the Council's Benefit & Exchequer Service. This will create additional costs to the Taxi Licensing budget in administration fees, as the team will have to pass the workload onto the Revenues Officer to collect outstanding sums. This would not be cost neutral to the trade, as expenditure would increase.

The risk to the public is high when drivers are not renewing CRBs and their medical forms.

2. Do not suspend the drivers who have not provided the necessary documentation

Advantages: Keeps drivers on the road and keeps the status quo.

Disadvantages: The Council cannot be sure that those drivers who have not returned the CRB and medical forms are 'fit and proper'. They may have undeclared relevant offences on their CRBs and their medical could show that they are no longer suitable to drive. A suspension will ensure prompt payment and prompt delivery of the necessary documentation.

Reasons for Recommendations

The licensing authority believes it has considered the alternative options for the issue of dual driver licence, and having tried the 3 year badge since April 2007 we believe there has been a significant trial period to be able to allow us to revert to the annual badge. Recent reviews of both medicals and CRB forms have raised questions of public safety in relation to why these drivers have not submitted these essential check documents.

There is a real risk to public safety, if we are unaware of changes in medical conditions or incidents/convictions/cautions, which would be highlighted by a CRB form. We are also unable to apply an effective incentive for drivers to pay the monies owed for their annual declarations.

Key Considerations

Whether or not to accept all or some of the amendments to the way in which we administer dual driver badges. Also how to proceed with the effective collection of the required declarations and monies owed.

Community Impact

It is felt that any decision will have only a minor impact on the community as a whole, as it relates specifically to the taxi trade.

Financial Implications

Non collection of monies will have a negative impact on the Council's income and will potentially set a precedent for future collections of taxi fees.

Legal Implications

Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 s 51 (Private Hire Drivers) Town Police Clauses Act 1847 s 46 (Hackney Carriage Drivers), local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators. The local authority has the ability to set its own fees and charges under section 53(2) of the same legislation.

Any person aggrieved by any conditions which have been imposed by the Council has a right of appeal to the Magistrates Court.

Appendices

Appendix 1: First Reminder Letter

Appendix 2: Second Reminder Letter

Background Papers

Background papers are not available to members of the public in respect of this matter.

Environment & Culture
Director: Michael Hainge

Our Ref:
Your Ref:
Please ask for: Licensing Assistant
Direct Line / Extension: 01432 260105
Fax: 01432 383142
E-mail: licensing@herefordshire.gov.uk

Dear Sir/Madam

Joint Driver Licence No: D6141

Please find attached your annual self declaration for action by you. Instructions for completion of your declaration and ways in which to pay are included in the form.

Should you need any further assistance please do not hesitate to contact us on 01432 260105.

Yours faithfully

**GEMMA DEAN
LICENSING ASSISTANT
LICENSING SECTION
ENVIRONMENTAL HEALTH & TRADING STANDARDS**



Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future

County of Herefordshire District Council
Licensing Section, County Offices, PO Box 233, Bath Street, Hereford, HR1 2ZF

Main Switchboard (01432) 260000 - www.herefordshire.gov.uk

Environment & Culture

Director Michael Hainge

Your Ref: AFP

Our Ref: 09SD/CB/AP

Please ask for: Claire Berrow

Direct Line / Extension: 01432 260972

Fax: 01432 383279

E-mail: taxi-licensing@herefordshire.gov.uk

4th August 2009

**REMINDER RE – ANNUAL SELF DECLARATION AND FEE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II**

A letter was sent to you in December 2008 requesting the return of your annual self declaration and the fee of £45. I am writing for the final time to request that you return the form and fee as a matter of urgency. Instructions on how to pay are included on the form.

Failure to supply the necessary form and fee will result in further action being taken against you, which could include suspension of your licence.

Should you wish to discuss this letter further please do not hesitate to contact me in writing.

Yours sincerely,



**CLAIRE BERROW
LICENSING OFFICER
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

ELI RDD 20



REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Legal Advisor to the Committee.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Committee or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Legal Adviser to the Committee, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Committee. When the additional information has been furnished, they should all be asked to leave again.
8. The Committee can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is one of refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second and subsequent applications in the same way.



THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE
VEHICLE LICENCE**

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Appendix 1 - licensed vehicle Testing standard – mechanical and structural

Appendix 2 - Hackney carriages Testing standard – appearance / safety / comfort / compliance with licence conditions



CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE

Herefordshire Council licenses both Hackney Carriage and Private Hire Vehicles under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 and the Town and Police Clauses Act 1847.

These conditions were approved by the Herefordshire Council's Regulatory Committee on 18 December 2007 these conditions will replace all previous conditions and will remain in place until such time the regulatory committee approve any amendments or review the conditions.

All applications received which fall outside the Licensing Authorities Conditions or Policy will be referred to Regulatory Committee for determination and will incur additional costs to be paid by the applicant.

(Herefordshire Council will use Government Guidance and Herefordshire Councils Hackney Carriage and Private Hire Licensing Policy to base its decisions)

1.0 NEW HACKNEY VEHICLE LICENCE

- 1.1 For a new application for a Hackney Carriage Licence, the vehicle to be licensed shall be a purpose built Hackney Carriage, or constructed or adapted to carry disabled persons whilst remaining in their wheelchairs, in accordance with the provisions set out in section 20 of these conditions. The vehicle will be 5 years of age or younger, the age of the vehicle will be determined by the date of first registration on the registration document. The licensed vehicle shall be replaced upon or before reaching fifteen years of age. This condition (1.1) will remain attached to the licence for each subsequent renewal or transfer.
- 1.2 Once a vehicle has been issued with a hackney carriage licence the vehicle cannot be re-used to get a new licence plate within Herefordshire.

2.0 NEW PRIVATE HIRE VEHICLE LICENCE

- 2.1 For a new application for a Private Hire Licence, the vehicle to be licensed shall not be more than two years old, the age of the vehicle will be determined by the date of first registration on the registration document. The vehicle can be a saloon, estate car, MPV or a purpose built vehicle, or constructed or adapted in accordance with conditions 1.1 above. The licensed vehicle shall be replaced upon or before reaching eight years of age.
- 2.2 If the vehicle is constructed or adapted in accordance with conditions 1.1 above, then that vehicle shall not be more than five years old and shall be replaced upon or before reaching fifteen years of age or earlier.
- 2.3 Once a vehicle has been issued with a private hire licence the vehicle cannot be re-used to get another licence plate within Herefordshire.

3.0 EXISTING VEHICLE LICENCES

- 3.1 For existing Hackney Carriages and Private Hire Vehicle licences, the vehicle shall be replaced upon reaching eight years of age or fifteen for disabled access vehicles.
- 3.2 Written authorisation must be obtained before any new/replacement new vehicle is purchased and tested. The test will not be carried out until this is handed to the test centre.
- 3.3 The proposed new vehicle must comply with the following:-
 - a) A wheel chair access vehicle cannot at any time be replaced with a non wheel chair access vehicle. A saloon may be replaced with a saloon or upgraded to a wheel chair access vehicle.
 - b) The replacement vehicle shall be no more than 2 years older than the outgoing vehicle, and have at least 30,000 less miles on the clock. All vehicles must be replaced at 8 years for non wheel chair and 15 years for wheel chair access vehicles.
 - c) Meet the criteria in condition 4.0 (vehicle specification) for non wheel chair access, 19.0 for wheel chair access vehicles, and 18.0 for mini buses.
- 3.4 All vehicles over 5 years will be subject to additional tests in accordance with the provisions set out at section 17.2

4.0 VEHICLE SPECIFICATION

- 4.1 The Vehicle to be licensed shall be a right hand saloon motor car, hatchback or an estate car or a purpose built licensed vehicle, of any colour, which according to the manufacturers specifications has: -
 - a) A capacity for a minimum of 4 seated passengers and a maximum of 8
 - b) A minimum of four doors
 - c) An engine rating of not less than 1600cc unless written authorisation is received from the Licensing Authority.
 - d) Have either a separate luggage compartment or a fixed screen (of sufficiently sturdy construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment, which shall be kept, in position at all times. This condition shall not apply to people carriers and multi purpose vehicles.
 - e) A serviceable spare tyre, or run flat type tyres, jacking equipment and wheel brace must be provided.
 - f) Four road wheels, the tyre load ratings must be to the manufacturer's recommendations. The use of remoulds will not be permitted.
 - g) A permanent roof, which is watertight, must be provided. Sunroofs are only allowed if fitted as new by the vehicle manufacturer.
 - h) Be equipped with fully functional nearside and offside exterior rear view mirrors.
 - i) Have all windows/doors opening in accordance with the original vehicle specification or for legal conversions in accordance with compliance test.
 - j) Rear seat to have 16 inches per passenger as per national average.
 - k) A suitable boot must be available to carry passenger luggage, this must a minimum of 400 litres. (For existing vehicles that do not have a boot capacity of

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400 litres, the vehicle can remain on the plate until it reaches 8 years age or is replaced. Upon replacement the new vehicle must comply with all specifications).

5.0 LPG SAFETY CHECK

- 5.1 LPG installations must comply with the LPG Gas Association code of practice 2. A valid certificate confirming the compliance shall be given to the Licensing Section for copying when the installation is new.
- 5.2 No licence will be renewed until a valid certificate is produced to the Council confirming that a safety check has taken place and that the vehicle is safe. This must be provided annually.

6.0 SEAT BELTS

- 6.1 Seat belts shall be fitted to all seats in all Licensed Vehicles. They shall be readily accessible for use by all passengers and shall be maintained in good condition and a useable state of repair at all times.

7.0 ALTERATIONS

- 7.1 No alterations to any equipment, dimensions or other specifications shall be undertaken without the prior consent of any Authorised Officer of the Licensing Authority.
- 7.2 For the avoidance of doubt alterations includes both additions to and the removal of any existing equipment in, or on, Licensed Vehicles.

8.0 SIGNS

- 8.1 The Licensed Vehicle shall be of such design or appearance or bare such distinguishing marks, as the Council shall require, clearly identifying it as a Licensed Vehicle. The under-mentioned signs shall be applicable in respect of this condition
 - a) All licensed vehicles except purpose built Hackney Carriage and Private Hire Vehicles are to have roof signs with "Herefordshire Council" above and "Licensed Hackney Carriage" below the word "Taxi" on both the front and rear. The sign to be green in colour as specified by the Council and to be a minimum of 600 millimetres in width. The rear of the sign will be red in colour and may show a fleet number, not more than 75 millimetres in diameter, in the top right hand of the sign. No other markings will be permitted on the roof signs. The Licence holder and Driver of the Taxi shall maintain the sign in efficient working order at all times, to allow inspection of the sign. The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the vehicle is for hire. The sign shall be capable of being so operated that at night it indicates clearly and conveniently if it is for hire.
 - b) Both front doors of all Licensed Hackney Carriages must display the sign Herefordshire Council Corporate logo together with the Vehicle Licence number, in the following dimensions:- the total area of the sign must be a minimum of 60cm x 19cm wide with lettering measuring at least 6cm in height. The sign must be the adhesive type and not magnetic.

- c) In addition to the Council's official plate, private hire vehicles may fix on any door of the vehicle a non-illuminated, sign having a maximum total area of 5cm x 23cm, the lettering to be at least 6cm in height, and may be reflective. The sign may contain the following information:-

Name of operator
Telephone number of operator
The words "Advance booking only"

- d) In addition to the Council's official plate, Hackney Carriages may fix on the outside of the rear doors of the vehicle a non-illuminated, sign having a maximum total area of 2' x 9', the lettering to be 2.5' in height, and may be reflective. The sign may contain the following information:-

Hackney Carriage or Taxi
Telephone number
Name of the taxi company

- 8.2 One or more notices shall be displayed within the vehicle, in a conspicuous location, indicating "NO SMOKING". Such notice(s) must be clearly visible to passengers and the lettering must be white on a red background. Alternatively the international "NO SMOKING" symbolic sign may be used.

9.0 LICENCE PLATES AND BADGES

- 9.1 For all licensed vehicles the licence plate must be securely fixed to the rear of the vehicle either by directly fixing it to the bumper or on a secure bracket under the number plate. If a square plate is used the licensed council plate and the number plate shall be displayed side by side in the area designated by the manufacturer for the number plate. The vehicle licence plate must not obscure the number plate.
- 9.2 The licence plate shall remain the property of the Council and shall be returned forthwith to the Herefordshire Council Environmental Health and Trading Standards Licensing Section, if the proprietor no longer holds a licence issued by the Council, which is in force in respect of the vehicle (whether by reason of expiry or revocation). After the expiry date on any hackney carriage or private hire licence, that licence is no longer valid and any badge or vehicle plate must be returned to the Council immediately. All licence plates must be returned before a new plate is issued.
- 9.3 The loss of, damage to or illegibility of a plate or badge shall be reported to the Council as soon as the loss, damage, or illegibility becomes known and a duplicate will be issued at the expense of the Licence Holder. The vehicle shall not be used for hire until the Plate or Badge has been replaced.
- 9.4 The holder of this licence is strictly prohibited from transferring or purporting to transfer any interest in the licensed vehicle (hiring or leasing the vehicle), if at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence they must immediately surrender and return the vehicle licence and the licence plates to the Council. This condition shall not

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preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.

- 9.5 All applications received after the date of expiry will be treated as Grants and not renewals and the appropriate conditions and fees will apply.

10.0 ADVERTISING

- 10.1 Position and content of advertising must be inspected and written authorisation received from the Licensing Unit before any advertising is placed on the vehicle.
- 10.2 The advertisements will be assessed against the following criteria:
- Non sexual
 - Non discriminatory
 - Not to cause public offence
 - Not misleading
 - Location does not distract from council vehicle signs
 - Not to obscure vision of the driver

11.0 TAXIMETER/FARES

- 11.1 Licensed vehicles equipped with a taximeter of approved design (compulsory for a hackney carriage but optional for private hire vehicle) must be submitted for testing before operating within Herefordshire Council and is subject to further tests as and when required by the Licensing Authority.
- 11.2 A proprietor of a licensed vehicle shall not tamper with or permit any person, other than a proper authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
- 11.3 The proprietor of a Hackney Carriage shall cause a statement of fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- 11.4 The proprietor of a Hackney Carriage shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
- 11.5 The proprietor of a licensed vehicle shall deposit with the Licensing Section a copy of the statement of fares referred to above if the prices differ in any way from those that are in force at the time for Hackney Carriage vehicles licensed by the Authority.

12.0 VEHICLE DAMAGE

- 12.1 Without prejudice to the provisions of Section 25 of the Road Traffic Act 1972, the proprietor of the vehicle shall report to the Licensing Section as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Until the damage is repaired to the satisfaction of the

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Licensing Authority or inspected by them, and written consent is received to continue to use the vehicle, the vehicle must not be used.

- 12.2 Vehicles that have sustained major accident damage will not be accepted for plating until a satisfactory steering geometry and alignment report is provided. This will be in the form of a written or printed document from an approved VBRA vehicle repairer.

13.0 INSURANCE

- 13.1 Before the licensed vehicle is used such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle and the certificate in respect of the policy of insurance shall be produced to the Licensing Section for inspection. The policy must show that the vehicles are suitably insured for 'hire and reward' purposes.
- 13.2 On the expiry of the insurance a cover note or Certificate of Insurance renewing cover must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate. Photocopies of the original can only be made by Licensing Section staff and faxed copies will only be accepted if received from the Insurance Company/Broker direct.
- 13.3 The proprietor must ensure that a copy of the Certificate of Insurance is kept in the vehicle at all times including details of drivers authorised under the policy to drive the vehicle.
- 13.4 The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details thereof within two working days of such change.

14.0 NOTIFICATIONS

- 14.1 The proprietor of a licence shall produce details of the drivers permitted to drive by him to the Licensing Authority.
- 14.2 The proprietor shall notify the Council of any change in the list of drivers within seven days of the change.
- 14.3 The licence holder shall, within seven days notify the Council in writing of any change of address and produce the vehicle licence to the Licensing Section so that the new address may be endorsed there.

15.0 SAFETY EQUIPMENT

- 15.1 The vehicle will be equipped with and carry at all times a British Safety Approved fire extinguisher, which is serviceable, suitable for use on vehicle fires and is located in a position for use by the driver. This must be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.
- 15.2 The vehicle shall be fitted with first aid equipment. The first aid kit must be carried in the vehicle in such a position as to be readily available for use and bear the plate number of the vehicle indelibly marked. It must contain as a minimum the following items as prescribed in the Public Service Vehicles (Condition of Fitness,

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Equipment, Use and Certification) (Amendment No.2) Regulations 1986. This must be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.

	Item	Quantity
15.2.1	Suitable container in which to carry first aid items. Permanently marked with the vehicle plate number	1
15.2.2	Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control	1
15.2.3	Triangular bandages	2
15.2.4	Large sterile unmedicated dressing (not less than 15.0 cm x 20.0 cm)	3
15.2.5	Individually wrapped sterile adhesive dressings	24
15.2.6	Safety pins	12
15.2.7	Disposable gloves	1 pair
15.2.8	Antiseptic wipes	10
15.2.9	Disposable bandage (not less than 7.5 cm wide)	1
15.2.10	Sterile eye pads with attachments	2
15.2.11	Tuff-Kut scissors	1 pair

16.0 TRAILERS

16.1 Written permission shall be obtained from the Licensing Authority to use Trailers

16.2 Trailers can only be used in connection with Private Hire Bookings and cannot be used for plying for hire on the rank. Trailers must comply with the following standards:

- ❖ Unbraked trailers shall be less than 750 KGs gross weight
- ❖ Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels
- ❖ The towing vehicle must have a kerb weight at least twice the gross weight of the trailer
- ❖ A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use
- ❖ The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling
- ❖ The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3m

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- ❖ The maximum length for braked twin axle trailers is 5.540 metres.
- ❖ The trailer must at all times comply with all Road Traffic legislation requirements in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- ❖ The vehicle insurance must reflect cover for towing a trailer.
- ❖ Trailers must not be left unattended anywhere on the highway.
- ❖ The speed restrictions applicable to trailers must be observed at all times.

- ❖ The registration number plate and the Vehicle Plate of the Private Hire Vehicle are attached to the rear of the trailer.
- ❖ The trailer be inspected annually, and is considered to be satisfactory by the Council.

17.0 VEHICLE INSPECTION see appendix A & B

17.1 Prior to issue or renewal of a licence, all vehicles and trailers must be mechanically inspected at the Council's Testing Depot. Frequency of testing is dependent on the age of the vehicle, see table below

17.2 All vehicles must pass the Council's compliance test before each renewal.

AGE OF VEHICLE	TYPE OF VEHICLE	FREQUENCY OF TEST PER YEAR
1-5	CAR, MINIBUS, PEOPLE CARRIER, DISABLED ACCESS	X1
5-8	CAR, MINIBUS, PEOPLE CARRIER	X2
10-15	DISABLED ACCESS	X2

17.3 Should a vehicle fail to pass an inspection, the vehicle inspector or authorised Officer of the Council will notify the licensee that the licence has been suspended. The vehicle shall be required to be resubmitted within seven calendar days and a re-test fee is applicable. This seven-day limit shall also apply to any instruction issued for a vehicle to be presented for inspection.

17.4 An authorised Officer, an Officer nominated by the Council or any police constable shall have the power at all reasonable times to inspect and test any vehicle licensed by the Council for the purpose of ascertaining its fitness.

17.5 The second test may be a MOT test and the tests must be carried out 6 months apart.

17.6 For vehicles that have been modified

- a) In order to accept an application to licence the vehicle any modification must be listed on the Registration Document in accordance with Road Traffic Legislation.
- b) The vehicles must be registered as a passenger vehicle.
- c) If there is a structural modification to the vehicle, the vehicle shall have satisfactory test certificate issued by DVLA to show the vehicle complies with the Road traffic (construction and use) Regulations 1986 or have a Voluntary Single Vehicle Approval (enhanced) certificate tested by VOSA or an equivalent test certificate as agreed by the Licensing Authority.
- d) Any modification must be notified to DVLA and the registration document amended accordingly prior to submission for a licence.

- 17.7 No vehicle other than a vehicle that was originally manufactured for the purpose of carrying people will be accepted as part of an application as a new vehicle for a hackney carriage/private hire vehicle.

18.0 RADIOS

- 18.1 Ensure that any telephone facilities and radio equipment provided are maintained in safe condition and that any defects are repaired promptly. The licensed operator will ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I licence and the licensed operator must allow the Council access to inspect all equipment and D.T.I licenses.
- 18.2 Not to interfere with any other radio or telecommunication equipment.
- 18.3 Where apparatus for the operation of a two-way radio system is fitted, no part of the apparatus may be situated to cause accident or injury to the passenger, or in the rear boot compartment where LPG tanks or equipment are situated in them.

19.0 MINI BUSES

- 19.1 These are in addition to all other conditions and apply to mini buses that are licensed as private hire vehicles and taxis.
- 19.2 All doors must be capable of being opened from the inside when locked from the outside.
- 19.3 The vehicle must have at least two doors to the rear of the driver for the exclusive use of passengers.
- 19.4 All doors must show the method of operation of door lock operating levers i.e. Pull or Push with directional arrows in 2-inch letters.
- 19.5 All emergency doors must be clearly identifiable as such to passengers and should be clearly marked "Emergency Exit" in 2-inch letters.
- 19.6 There must be unobstructed access to all Emergency Doors or exits. (Seats must be located to facilitate this).
- 19.7 All sliding windows in the passengers' compartment should be restricted to open six inches only to protect persons from head injury.
- 19.8 All steps at entrances and exits must be illuminated or have clearly visible markings at floor level.

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**

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(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.
- 20.3 Approved anchorages shall be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folder or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- 20.4 The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of the door when opened must be 90 degrees.
- 20.5 The clear height of the doorway must not be less than 1.2 metres.
- 20.6 Grab handles must be placed at door entrances to assist the elderly and disabled.
- 20.7 The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
- 20.8 The vertical distance between the highest part of the floor and roof in the passenger compartment must not be less than 1.3 metres.
- 20.9 A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locking device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.
- 20.10 All vehicles fitted with a mechanical tail lift must supply a tail lift safety certificate annually. This must be supplied upon renewal of the vehicle licence.
- 20.11 Wheelchair accessible hackney carriages must remain wheelchair accessible at all times.

- 20.12 When tested any wheelchair provision will be counted, as a permanent passenger seat and this will be marked on the licence plate.

21.0 GENERAL CONDITIONS

- 21.1 The proprietor of a licensed vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 21.2 All vehicle proprietors must maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles and Authorised Officers of the Council.
- 21.3 The proprietor or driver of a licensed vehicle licensed by the Council shall furnish the Authorised Officers, such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.
- 21.4 The proprietor or driver of a licensed vehicle licensed by the Council shall provide assistance necessary for carrying out the functions of the appropriate legislation to an Authorised Officer and any person accompanying the Authorised Officer.

The Authorised Officer will show their authorisation if required.

22.0 SPARE VEHICLE TRANSFER CONDITIONS

- 22.1 The alternative vehicle must comply with the standard conditions for licensed vehicles and hold a current compliance and test certificate.
- 22.2 The alternative vehicle will have valid insurance cover when in use.
- 22.3 The temporary transfer licence will be valid for a maximum of ten days. An extension to this may be granted at the discretion of the Licensing Officer. Notification must be made to the Taxi Licensing Office when the spare vehicle is being used, this may be done by telephone out of normal working hours.
- 22.4 A valid temporary transfer licence must be held during the operation of any alternative vehicle.
- 22.5 The spare plate will be printed on the reverse of the main plate, to allow it to be turned over and displayed when in use. Where this is not possible alternative arrangements can be made with the Taxi Licensing Staff.
- 22.6 Notification must be received at the Taxi Licensing Office before the spare vehicle plate is used. The notification must contain details of reason for its use.

23.0 ACCIDENTS

- 23.1 Without prejudice to the provisions of Section 25 of the Road Traffic Act 1972, the owner of the vehicle shall report to the Licensing Section as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried

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therein. Until the damage is repaired to the satisfaction of an Authorised Officer, the vehicle must not be used for hire unless written consent is received.

- 23.2 Accidents involving personal injury to passengers must be notified to the Police and Licensing Unit as soon as possible but in any case within forty-eight hours.

24.0 CCTV

- 24.1 No recording CCTV equipment shall be fitted without the written consent of the Council. Consent shall only considered for a system that encrypts the data to avoid tampering. Where CCTV equipment is fitted a Council approved sign must be displayed in the vehicle warning customers that camera surveillance equipment may be in operation. Any image captured by the camera shall only be viewed by, or with the written permission of the Council or Police.

APPENDIX 1 HEREFORDSHIRE COUNCIL

LICENSED VEHICLE TESTING STANDARD – MECHANICAL AND STRUCTURAL

Items for test in addition to MOT test.

The item numbers refer to the item codes on the test sheet.

29	Spare Tyre	Correct size for vehicle and conforms to legal requirements.
32	Seat Belts	All seat belts must conform to legal requirements and be operational
33	Wiring	Ensure that correct load fuses are being used. Ensure that visible wiring is not so corroded or chaffed that in the opinion of the tester a short circuit is likely to occur. That all junctions and installations are electrically sound.
34	Battery	Ensure that the battery mounting is not so corroded that the battery may break loose. Ensure that the battery is anchored securely. Ensure that the casing of the battery is sound and is not likely to allow acid to escape.
35	Starter Motor	Ensure starter motor is mounted securely
36	Engine Mountings	Mountings must be secure and not so corroded that they may be likely to fail.
37	Oil Leaks	Oil leaks must not create any type of hazard for the vehicle, pedestrians or other road users.
39	Drive Shaft	Universal joints must be serviceable and mountings secure. There must not be any undue 'play'.
40	Gearbox	Mountings must be secure and not so corroded as to be likely to fail. Gear selection must not be noisy.
41	Rear Axle	No oil leaks
43	Clutch Operation	Must operate satisfactorily and not 'judder', 'grab' or 'slip' outside normal limits.
44	Clutch Linkage	No signs of undue wear and are not likely to fail.
45	Clutch Hydraulics	System, if fitted, must not be leaking or the pipes and fittings so corroded that they may fail.
46	Fuel System	Inspected for security, corrosion and leaks.
50	Windscreen	Screen must be clear and there are no scratches, damage or obstructions, which will impede the view of the driver.
51	Windows	All windows must be clear of any obstructions or damage, which will in any way impede the view of the driver. No curtains must be placed over the windows and any blinds if installed must not be of a type, which will restrict all round vision. All windows must be capable of being operated in a satisfactory manner. All windows must be fitted with glass, which complies with the British Standard.
54	Vehicle Structure	The structure must be in a sound condition with no signs of excessive corrosion or damage.

55	Speedometer	The speedometer shall work in a normal manner.
56	Odometer	The odometer shall work in a normal manner
57	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.
58 59	Doors / Handles / Locks	All doors, including boot, must open and close easily from both inside and outside. Any door locking mechanism shall be easily operated by passengers. All doors and boots shall be secure when shut. All lock fittings shall be secure and complete. Grab handles where fitted must be secure and fit for the purpose.
60	Fascia / Interior Lights	The speedometer shall be correctly illuminated. All interior and passengers lights where fitted shall be secure and operate. All switches and fittings shall be secure and operate correctly. There shall be no exposed wires or large holes in the fascia.
61	Bumper	Front and rear bumpers must be fitted and securely mounted. They must not be so badly damaged or corroded as to make them unfit for their purpose.
62	Road Test	The vehicle must be capable of manoeuvring safely and 'handles' correctly without any undue drift or pull etc
63	Registration Plates	Checked for condition, correct location and that they conform to legal requirements.
65	Other	Any item, defect or fault which in the opinion of the Licensing Officer or the mechanical tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.
66	First Aid Kit	The kit must comply with conditions 15.2
67	Fire extinguisher	Must comply with condition 15.1

APPENDIX 2

HACKNEY CARRIAGES TESTING STANDARD – APPEARANCE / SAFETY / COMFORT / COMPLIANCE WITH LICENCE CONDITIONS

Items considered in test: -

1.0 External Bodywork

The body work shall have no damage which materially affects the safety or appearance of the vehicle, shall not have signs of corrosion or have any sharp edges which may cause injury to passengers. The paintwork shall be clean, consistent and uniform over the whole vehicle. The paintwork shall be of a professional standard. All fitments shall be intact and free from any damage, stains or corrosion of any kind.

2.0 Seats and Upholstery

All seats, upholstery, trim and carpets must be clean and free from stains, holes, tears and damage of any form. There must be no sharp edges, which would be likely to cause injury or damage. Seat coverings must be sound, intact, fitted snugly to seats and be clean. The interior seat springs shall be sound and not penetrating the fabric of the seat. There shall be no loose rugs, blankets, cushions or other articles on the passenger seats.

3.0 Floor

The floor must be sound and covered by fitted vehicle carpets. If furnished with rubber mats they must be in a clean and undamaged condition. Carpet off cuts are not acceptable as mats in the vehicle. Only one mat per seat is acceptable. The floor coverings must not be so worn as to cause danger to passengers.

4.0 Doors

All fittings shall be secure, undamaged and capable of being operated at all times by the passenger. The door linings shall be intact, clean and free from holes, tears, stains or any other damage.

5.0 Head Lining

The head lining shall be intact, clean and free from holes, tears, stains or any other damage.

6.0 Boot

The boot shall be kept clean and free of any stains, spills etc. Matting if fitted must be in one piece and be capable of being cleaned. The boot must be kept clear for the use of passenger's luggage apart from the spare wheel and jack (and excepting specialised fitments for first aid or other equipment etc).

7.0 Fire Extinguishers

A fire extinguisher (of the specified type) must be located and a notice displayed in the vehicle to identify its location. The fire extinguisher must be so secured and unobstructed that it will not create any danger or hazard for the driver or passengers. The extinguisher shall be clearly marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

8.0 First Aid Kits

First Aid kits shall be available to PSV standard. The kit shall be marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

9.0 Taximeter

The taximeter shall be checked and tested to ensure that the current tariffs set by Herefordshire Council are not exceeded. The taximeter may be sealed by the Inspecting Officer, as he/she considers necessary.

10.0 Fare Card

The fare card must be clearly displayed in such a position as to be easily seen by passengers.

11.0 Internal Plate Sticker

The internal plate sticker shall be displayed in such a position as to be easily seen by the passengers.

12.0 Exterior Plate

The external identification plate issued by the Council shall be securely fixed to the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, centrally on the rear of the vehicle, where a bracket behind the registration number plate is used.

13.0 Top Light

The top light where fitted must be capable of being illuminated. The light must be securely mounted and installed so as not to cause any danger or hazard to the driver, passengers, the public or other road users.

Where in the opinion of the Inspecting Officer the vehicle fails to reach the standard required by the Council for the issue of a hackney carriage licence, the applicant(s) or nominee will be

Amended by Regulatory Committee on 18th December 2007

informed of the defects or grounds on which the vehicle has failed to reach that standard. The applicant(s) or nominee will then be given the choice of: -

Removing the vehicle from the test garage for the defects to be rectified and returning the vehicle within 7 days and/or 200 miles (where the vehicle is normally kept within 10 miles of the testing station), or within 7 days and/or 300 miles (where the vehicle is normally kept more than 10 miles from the testing station). The applicant or nominee shall also pay the appropriate re-test fee if required.

If the vehicle is not returned for re-test within 7 days the applicant or his/her nominee shall inform the Licensing Unit of the reasons why and any proposed further actions to be taken in respect of the vehicle. Re-tests after 7 days may incur full application fees.

Please note: - This list is not exhaustive and additional items may be included as deemed appropriate by Officers of the Licensing Unit.

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request.

If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,
County Secretary and Solicitor
Herefordshire Council
Brockington
35 Hafod Road
Hereford HR1 1SH

MEETING:	REGULATORY COMMITTEE
DATE:	3 NOVEMBER 2009
TITLE OF REPORT:	APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE OF STANDARD CONDITION 9.5 BY MR LINDSAY MARK OAKLEY-DAVIES
PORTFOLIO AREA:	REPORT BY HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS ENVIRONMENT & CULTURE

CLASSIFICATION: Exempt

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.

Recommendations

THAT Committee:

- (a) **grant the licence on this occasion outside the standard conditions; and**
- (b) **advise Mr Oakley-Davies that any application in similar circumstances may be refused.**

Key Points Summary

- Licence expired 4th September 2009
- Re-newel application received on 11th September 2009.

Alternative Options

- 1 The licence cannot be granted and therefore is refused**

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

Advantages: It ensures that the existing licence conditions are met.

Disadvantages: It could be subject to legal challenge.

Reason for rejection: Although this has been considered it has not been recommended as it is considered to be unreasonable when it has occurred as a result of an error on the part of the applicant.

To defer the decision in order to get more information

The Committee could make a decision to grant the licence subject to information meeting the criteria set by committee being produced to the Licensing Officer. Where this is not produced the licence would remain ungranted until that information is produced.

Advantages: Gives the opportunity to the applicant to produce further information in support of the application and allows him a fair hearing. It would also reduce then need for an additional Committee Hearing, thus saving costs.

Disadvantages: This would delay the decision making process and may mean that the livelihood of the applicant is affected.

Reason for rejection: It is felt that any information required to reach a decision has already been provided within the application.

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 Head of Environmental Health and Trading Standards in respect of the application.

Reason for rejection: It is difficult to envisage what other decision could be reached.

Reasons for Recommendations

- 2 In view of the fact that this was an oversight on the part of the applicant, it is considered on this occasion to be appropriate that the application is granted.

Introduction and Background

3. 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.

The standard licence conditions were approved at Regulatory Committee on the 18th December 2007.

Standard condition number 9.5 states: -

'All applications received after the date of expiry will be treated as grants and not renewals and the appropriate conditions and fees will apply'.

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.

The standard licence conditions (Appendix 1) were approved at Regulatory Committee on the 18th December 2007.

This Authority previously licensed a Peugeot 406 GTX HDI registration number Y454 BAC on Plate No.H066, which was first registered on 20th July 2001. The vehicle was purchased by Mr Oakley-Davies from Tom Sexton on 6th January 2009.

No application was received from Mr Oakley-Davies and accordingly the plate expired on 4th September 2009.

On 11 September 2009 (7 days after expiry) an application (Appendix 2) was brought into the Bath Street Offices by Mr Oakley-Davies to licence the vehicle. A licensing team member advised that as the application was late and that the matter would therefore have to be considered by Regulatory Committee.

A temporary licence was issued for the vehicle under devolved powers until the matter is decided by this committee. The plate expires at midnight tonight.

The application therefore is to grant new plate to the previously licensed vehicle.

Key Considerations

- 4 Whether or not in the given circumstances the application should be granted outside the standard conditions.

Community Impact

- 5 It is felt that any decision made will have very little or no impact on the community.

Financial Implications

- 6 Not applicable

Legal Implications

- 7 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

- 8 Appendix 1 – Copy of standard licence conditions - attached to Agenda item 6
Appendix 2 – Copy of application form

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.

Report
3/11/09
ELI VL 15 (new vehicle licence)
Outside standard licence conditions



T1066

£252
Clg

Receipt No: ...4.11.016...
Income Code N80009474
Date...11/9...

Application for grant/renewal of
VEHICLE LICENCE OUTSIDE STANDARD LICENCE CONDITIONS

PLEASE TICK		PLEASE TICK	
PRIVATE HIRE VEHICLE		GRANT	
HACKNEY CARRIAGE VEHICLE		RENEWAL	
HOW DOES THE APPLICATION DEVIATE FROM STANDARD CONDITIONS			

Surname (MR.MRS.MISS) DAKLEY-DAVIES Maiden Name.....
 All Forenames LINDSAY MARK Previous Surnames/Aliases DAVIES
 Date of Birth 11/03/67 Place of Birth HEREFORD Sex M
 Present address 20, WOODFIELD CLOSE, KINGSTONE
HEREFORD HR2 Post Code HR29FB
 Telephone Number: Business 01432 266662 Home 07973120765
 Mobile 07973120765

PREVIOUS ADDRESSES IN LAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

GIVE NAMES AND ADDRESSES OF ANY CHANGE OF EMPLOYER, DURING THE PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

(Where applicant is partnership, limited company or other incorporated body)

Name of partnership, company or other incorporated body.

ARTHUR DAKLEY TRANSPORT

Address of Registered Office

YOUNG & CO., BEWELL HOUSE, BEWELL STREET HEREFORD

Address from which business will be conducted.

RANSDEN ROAD, ROTHERHAM, HEREFORD HR26LR

(To be completed in respect of each Director and/or Partner using a separate sheet as necessary)

ELI VL 15 (new vehicle licence)
Outside standard licence conditions

(formerly N3 Tom)

Surname.....

Forename(s).....

Address.....

Date of Birth.....

Driver's Badge No.....

PARTICULARS OF VEHICLE

- 1. NAME ON REGISTRATION DOCUMENT
- 2. MAKE PEUGEOT
- 3. MODEL 406 GTX HDI
- 4. TYPE OF BODY ESTATE
- 5. COLOUR(S) RED
- 6. NO. OF SEATS (EXC DRIVER) 4
- 7. DATE OF 1ST REGISTRATION 21/3/01

- 8. REGISTRATION NO. ARTHUR OAKLEY TRANSPORT
- 9. PLATE NO. H066 Y454 BAC
- 10. ENGINE CAPACITY 1997
- 11. FUEL (PETROL/DIESEL/LPG) DIESEL
- 12. CHASSIS/BODY NO. VF38ERH2F812-78988
- 13. ENGINE NO. DYFW 4046431

**ANY ALTERATIONS TO VEHICLE IN PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL
YES/NO (if yes, please notify on a separate sheet)**

Is the Vehicle Wheelchair accessible? **YES/NO**

Does the vehicle have a meter fitted? **YES/NO**

Make:.....

Model:.....

Address at which vehicle will be garaged.....

Insurance Company EQUITY RESTART

Insurance Valid From 9 MARCH 09 To 9 NOVEMBER 09

Persons covered to drive with limitations (if any) ie. Age restriction, insured only.

ANY PERSONS WITH PERMISSION

Hackney/Private Hire Cover.....

Where is the Fire Extinguisher kept? BY DRIVERS SEAT

Is the vehicle to be used to undertake Social Service/Education Dept Contract? **YES/NO**

If YES, state type of contract. BOTH SOCIAL & EDUCATION

Name and address of proprietor of the vehicle ARTHUR OAKLEY TRANSPORT
RAMSDEN ROAD RAMSDEN HEREFORD

Has the applicant held Vehicle Licences granted by this or any other authority: **YES/NO**

If YES, give details: (Continue on separate sheet if necessary).

Have any licences in respect of Private Hire or Hackney Carriage held by you ever been
revoked, suspended or refused by any other authority? **YES/NO**

If YES, give details.....

ELI VL 15 (new vehicle licence)
Outside standard licence conditions

.....
NAME, ADDRESS AND BADGE NO. of all persons who will be driving
.....
.....

Name and address of Company/Group for whom vehicle will operate. *ARTHUR OAKLEY*
TRANSPORT, ROTHERHAM, HEREFORD.

Signature of Operator.....
[Handwritten Signature]

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I enclose the following:

- 1. Certificate of Insurance
- 2. Registration Document
- 3. Certificate of Compliance (issued by Council testing depot)
- 4. Vehicle Inspection Certificate (issued by Council testing depot)

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature.....*[Handwritten Signature]*.....Date.....*10/9/09*.....

ON COMPLETION PLEASE RETURN Any queries regarding any aspect of this application please contact the Taxi Licensing Office. Tel: 01432 260973 OR 260461	(Marked PRIVATE AND CONFIDENTIAL Hackney Carriage & Private Hire Licensing Herefordshire Council Council Offices P O Box 233 Bath Street Hereford HR1 2ZF
---	---

MEETING:	REGULATORY COMMITTEE
DATE:	3 NOVEMBER 2009
TITLE OF REPORT:	APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 3.3b BY MR JUCKES
PORTFOLIO AREA:	REPORT BY HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS ENVIRONMENT & CULTURE

CLASSIFICATION: Exempt

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.

Recommendations

THAT Committee:

- (a) **grant the licence on this occasion outside the standard conditions; and**
- (b) **Advise Mr Juckes that any application in similar circumstances may be refused.**

Key Points Summary

- Licence expires 5th December 2009
- Change of vehicle on plate application received on 14th September 2009.
- The application requested a change of vehicle which has not got 30,000 less mileage on the clock than the outgoing vehicle.
- The licence was extended using the old vehicle until the date of this Committee.

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

Alternative Options

a) **The licence cannot be granted and therefore is refused**

Advantages: It ensures that the existing licence conditions are met.

Disadvantages: It could be subject to legal challenge.

Reason for rejection: Although this has been considered it has not been recommended as it is considered to be unreasonable when it has occurred as a result of an error on the part of the applicant by not getting written consent to change the vehicle.

b) **To defer the decision in order to get more information**

The Committee could make a decision to grant the licence subject to information meeting the criteria set by committee being produced to the Licensing Officer. If this is not produced the licence would remain ungranted until that information is produced.

Advantages: Gives the opportunity for the applicant to produce further information in support of the application and allows him a fair hearing. It would also reduce the need for an additional Committee Hearing, thus saving costs.

Disadvantages: This would delay the decision making process and may mean that the livelihood of the applicant is affected.

Reason for rejection: It is felt that any information required to reach a decision has already been provided within the application.

c) **To reach some other decision**

Advantages: This leaves other solution open to the Committee to resolve the application.

Disadvantages: There are no clear directions from the Head of Environmental Health & Trading Standards in respect of the application.

Reason for rejection: It is difficult to envisage what other decision could be reached.

Reasons for Recommendation

- 2 In view of the fact that this was an oversight on the part of the applicant, it is considered appropriate that on this occasion the application should be granted.

Introduction and Background

3. 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.

The standard licence conditions were approved at Regulatory Committee on the 18th December 2007.

Standard condition number 3.3b states: -

- a) The replacement vehicle shall be no more than 2 years older than the outgoing vehicle, and have at least 30,000 less miles on the clock. All vehicles must be replaced at 8 years for non wheel chair and 15 years for wheel chair access vehicles.

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.

The standard licence conditions (Appendix 1) were approved at Regulatory Committee on the 18th December 2007.

This Authority previously licensed a Skoda Octavia saloon registration number VN57 NGZ on Plate No.H325, which was first registered on 12 December 2007.

The last recorded mileage was 180,072.

On 14 September 2009 an application was made (Appendix 2). When the compliance certificate document was seen by the Council, a member of the Licensing team explained that the proposed vehicle had 163,017 on the clock and did not meet the criteria detailed by condition 3.3b (i.e. had 30,000 miles less on the clock).

A temporary licence was therefore issued for the existing vehicle until the matter is decided by this committee. The plate expires at midnight tonight.

The application therefore is to change the vehicle on plate.

Key Considerations

- 4 Whether or not in the given circumstances the application should be granted outside the standard conditions.

Community Impact

- 5 It is felt that any decision made will have very little or no impact on the community.

Financial Implications

- 6 Not applicable

Legal Implications

- 7 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

- 8 Appendix 1 – Copy of standard licence conditions attached to Agenda item 6
Appendix 2 – Copy of application form

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.

ELI VL 17 - (change of vehicle on plate)

COB
17/9/09



HEREFORDSHIRE COUNCIL

Application for CHANGE OF VEHICLE ON PLATE

11023
Plate issued
Exp 03/11
Pending Comm
Hearing

Receipt No: 0231 306 32
Income Code N80009477
Amount 232.00
Date 14/09

Agreed amount

Surname (MR/MRS/MISS/MS) JUCKES Maiden Name

All Forenames SIMON DAVID Previous Surnames/Aliases

Date of Birth 30-05-62 Place of Birth HEREFORD Sex (M/F) M

Present Address TIDNOR HOUSE FARM, LUGWARDINE, HEREFORDSHIRE Post Code HR1 4AS

Telephone Number: Business Home 01432 853 083

Mobile 07816 531 728

Registration number of the vehicle the plate is being transferred from VNST NG2

EH & IS / RELEASING SECTION
14 SEP 2009

Particulars of NEW Vehicle

NAME ON REGISTRATION DOCUMENT MRS JENNIFER HARDIMAN ~~CHRISTINA WILLIAMS~~

MAKE SKODA REGISTRATION NO. M22 SDJ

MODEL OCTAVIA PLATE NO. H325

TYPE OF BODY 5 DR HATCHBACK ENGINE CAPACITY 1968 cc

COLOUR(S) SILVER FUEL (PETROL/DIESEL) (DIESEL)

NO. OF SEATS (excl driver) 4 CHASSIS/BODY NO. TMBCE212082023348

DATE 1ST REGISTRATION 07/09/07 ENGINE NO. BK0 B77600

Does the vehicle have a meter fitted? (YES) NO

Make: DIGITAX Model: FR

Address at which vehicle will be kept TIDNOR HOUSE FARM, LUGWARDINE, HEREFORDSHIRE, HR1 4AS ON ROAD (OFF ROAD)

Insurance Company AVIVA

Insurance Valid From 28/09/09 To 27/09/10

Persons covered to drive with limitations (if any) ie. Age restriction, insured only

SIMON JUCKES + JENNIFER HARDIMAN

Comp/Third Party Fire & Theft (Hackney) Private Hire Cover

If the vehicle wheelchair accessible YES (NO)

Where is the Fire Extinguisher kept? IN BOOT

Is the vehicle to be used to undertake Social Service/Education Dept contract? YES (NO)

ELI VL 17 - (change of vehicle on plate)
If YES, state type of contract.....

Name and address of proprietor of the vehicle. JENNIFER HARDIMAN - TIDNOR HOUSE FARM
LUGWARDINE HEREFORD HR1 4AS

NAME, ADDRESS AND BADGE NO. of all persons who will be driving

Simon JUCKES, BADGE NO 5651, TIDNOR HOUSE FARM
LUGWARDINE, HEREFORDSHIRE, HR1 4AS

JENNIFER HARDIMAN, BADGE NO 6292, TIDNOR HOUSE FARM
LUGWARDINE, HR1 4AS.

Name and address of Company/Group for whom vehicle will operate.....

Signature of Operator.....

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I enclose the following:

1. Certificate of Insurance
2. Registration Document
3. Certificate of Compliance
4. Vehicle Inspection Certificate

I certify that I have received, read and understood the conditions in relation to the transfer of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature..... Simon D. Jukes Date. 14/09/09.....

Data Protection Act 1998

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Data Protection Officer, County Secretary and Solicitor, Herefordshire Council, Brockington, 35 Hafod Road, Hereford HR1 1SH

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