

# AGENDA

## Regulatory Committee

Date: **Tuesday 7 December 2010**

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Time: **2.00 pm**

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

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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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# Agenda for the Meeting of the Regulatory Committee

## Membership

<b>Chairman</b>	<b>Councillor JW Hope MBE</b>
<b>Vice-Chairman</b>	<b>Councillor PGH Cutter</b>
	<b>Councillor CM Bartrum</b>
	<b>Councillor SPA Daniels</b>
	<b>Councillor JHR Goodwin</b>
	<b>Councillor RC Hunt</b>
	<b>Councillor Brig P Jones CBE</b>
	<b>Councillor PJ McCaull</b>
	<b>Councillor GA Powell</b>
	<b>Councillor A Seldon</b>
	<b>Councillor JD Woodward</b>

## **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.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 18th November, 2010.</p>	1 - 2
5.	<p><b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER, FOOTPATH FWD10 (PART) IN THE PARISH OF FOWNHOPE</b></p> <p>To consider proposals to make concurrent public path creation and extinguishment orders to alter part of footpath FWD10, Fownhope.</p> <p><b>Ward Affected:</b> Backbury</p>	3 - 8
6.	<p><b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION &amp; EXTINGUISHMENT, FOOTPATHS BM12 AND BM13 (PART) IN THE PARISH OF BODENHAM</b></p> <p>To consider a proposal to divert part of footpath BM12 and extinguish part of footpath BM13, Bodenham.</p> <p><b>Ward Affected:</b> Hampton Court</p>	9 - 18
7.	<p><b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER, FOOTPATH LV11 (PART) IN THE PARISH OF LLANVEYNOE</b></p> <p>To consider an application to make a public path diversion order to divert part of footpath LV11 in the parish of Llanveynoe.</p> <p><b>Wards Affected:</b> Castle</p>	19 - 24

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| 8.  | <p><b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER, FOOTPATH CH20, CLEHONGER (PART) AND FOOTPATH EB25 (PART) IN THE PARISH OF EATON BISHOP</b></p> <p>To consider an application to divert part of footpath CH20, Clehonger and part of footpath EB25, Eaton Bishop.</p> <p><b>Ward affected:</b> Stoney Street</p>   | 25 - 30 |
| 9.  | <p><b>HACKNEY CARRIAGE VEHICLE CAPPING</b></p> <p>To receive a verbal update about progress on introducing a limit on the number of hackney carriages operating within the County.</p>  |         |
| 10. | <p><b>PROCEDURAL ARRANGEMENTS</b></p> <p>To note the procedural arrangements for the meeting.</p>   | 31 - 32 |
| 11. | <p><b>APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR SHAHID ALI</b></p> <p>To decide whether to licence a vehicle outside the standards vehicle licence conditions.</p>   | 33 - 60 |
| 12. | <p>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.</p> <p><b>RECOMMENDATION:</b>      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 and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p style="margin-left: 40px;">1 Information relating to any individual.</p> <p style="margin-left: 40px;">2 Information which is likely to reveal the identity of an individual.</p> |         |
| 13. | <p><b>DUAL (HACKNEY CARRIAGE &amp; 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</b></p> <p>To determine whether a licence holder is a fit and proper person to hold a dual driver's licence.</p>   | 61 - 66 |

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| <p><b>14. DUAL (HACKNEY CARRIAGE &amp; 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</b></p> <p>To determine whether a licence holder is a fit and proper person to hold a dual driver's licence.</p> | <p>67 - 80</p> |
| <p><b>15. DUAL (HACKNEY CARRIAGE &amp; 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</b></p> <p>To determine whether a licence holder is a fit and proper person to hold a dual driver's licence.</p> | <p>81 - 88</p> |
| <p><b>16. DATES OF FORTHCOMING MEETINGS</b></p> <p>4th January, 2011 – scheduled meeting</p> <p>11th January, 2011 – additional meeting to consider land at Argyll Rise, Belmont.</p>  |                |



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- 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).
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### **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).
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## **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 Thursday 18 November 2010 at 2.00 pm**

**Present:** Councillor JW Hope MBE (Chairman)  
Councillor PGH Cutter (Vice Chairman)

Councillors: SPA Daniels, JHR Goodwin, RC Hunt, PJ McCaull and A Seldon

**77. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted by Councillors CM Bartrum, Brigadier P Jones and GA Powell.

**78. NAMED SUBSTITUTES (IF ANY)**

There were no named substitutes present at the meeting.

**79. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**80. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 2nd November, 2010 be approved as a correct record and signed by the Chairman.

**81. PROCEDURAL ARRANGEMENTS**

The Committee noted the procedural arrangement for an appeal to be heard.

**82. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - REVIEW OF SUSPENSION NOTICE SERVED ON A DRIVER - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Senior Litigator and the Regulatory Services Manager referred to agenda item No. 7 regarding the suspension of a dual hackney carriage/private hire licence. The matter went part heard at the meeting of the Committee held on 2nd November to enable additional written information and representations to put before it by the officers, the licence holder and his representative. The additional information was presented by the officers and the applicant who, with his representative, gave a full and detailed account of the events which had led up to his licence being suspended from his perspective, together with the impact that the suspension had had upon his personal circumstances. The applicant called his employer as a character witness and submitted letters of support and other documentary evidence to the Committee for consideration. The applicant and his representative explained why they felt that the licence should be reinstated.

The Committee carefully considered all of the information placed before it including the report and supporting information presented by the Regulatory Services Manager and the applicant. Notwithstanding the representations and points made by the applicant and his representative, the Committee noted with concern the cumulative impact of the issues put before it and decided that the licence should be revoked.

**RESOLVED THAT: the dual hackney carriage/private hire drivers licence be revoked.**

The meeting ended at 4.15 pm

**CHAIRMAN**

<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>7 DECEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>HIGHWAYS ACT 1980, SECTION 26 AND SECTION 118. PROPOSED CONCURRENT PUBLIC PATH CREATION AND EXTINGUISHMENT ORDERS FOOTPATH FWD10 (PART) IN THE PARISH OF FOWNHOPE</b>
<b>PORTFOLIO AREA:</b>	<b>HIGHWAYS AND TRANSPORTATION</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Backbury

### **Purpose**

To consider proposals under the Highways Act 1980, section 26 and section 118, to make concurrent public path creation and extinguishment orders to alter part of footpath FWD10 in the parish of Fownhope.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

**That a public path order is made to create a section of path under Section 26 of the Highways Act 1980, and a further order is made to extinguish the ends of FWD10 where it has fallen into the river under Section 118 of the Highways Act 1980, as illustrated on drawing number: D249/149-D10(i).**

### **Key Points Summary**

- Public footpath FWD10 has been closed for some years due to the collapse of the bank towards the river making the footpath impassable.
- It is estimated that to reinstate the existing line of the path would require somewhere in the region of £120,000 of engineering works to stabilise the riverbank (this estimate may not include protection to prevent further collapse).
- Herefordshire Council wishes to alter the path in the interests of the public, away from the area of erosion, as the affected section forms part of a longer riverside walk popular with local people and visitors.

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Further information on the subject of this report is available from  
Will Steel on (01432) 845980

- The eroded section of path is legally considered to have been extinguished and thus the alteration will have to be carried out by concurrent creation and extinguishment orders rather than a diversion order.
- The landowner is not opposed to the proposal in principle but may object to the orders on the grounds that his diversion applications (for footpaths FWD4 and FWD7) are not being dealt with at the same time.
- The landowner may be entitled to compensation in respect to the creation/extinguishment orders if made and confirmed.

## **Alternative Options**

- 1 Under Section 26 and Section 118 of the Highways Act 1980 the Council has the power to make creation and extinguishment orders. It does not have a duty to do so. The Council could reject the proposal on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council. However, if the proposal were to be rejected, this popular path would remain inaccessible to the public.

## **Reasons for Recommendations**

- 2 The public path orders should be made because it is felt that they meet the criteria set out in s 26 and s118 of the Highways Act and are felt to be in the wider public interest.

## **Introduction and Background**

- 3 Under s 26 of the Highways Act 1980, the Council has the power to make an order to create a path where it is expedient to do so. Under s118 of the Highways Act 1980, the Council has the power to make orders to extinguish a path where it is felt that it is not necessary for public use. The current line of the path FWD10 has suffered from a landslip which has effectively extinguished parts of it and rendered the remaining sections in Lea Brink woods impassable to members of the public. The creation/extinguishment is felt to be in the interests of the public because this is a popular route of river-side path from the village of Fownhope, which is currently impassable. These orders would open it up to public use. Before orders are made to extinguish and create footpaths under the Highways Act 1980, it is necessary to gain a decision from the Regulatory Committee, as they hold the delegated authority to make this decision.

## **Key Considerations**

- 4 Herefordshire Council put forward the proposal in the interests of the public.
- 5 Pre-order consultation has been carried out by the Public Rights of Way department. The Open Spaces Society are 'reluctantly minded to accept that this is a pragmatic, cost effective proposal to obviate expensive works to re-instate the eroded path.' The Ramblers' Association welcome the changes to the footpath, however, are concerned that the slope is continuing to erode and will erode this proposed route, they therefore suggest that it should be moved further into the field. When asked, an engineer suggested that this erosion should not be an issue (at least, in the medium term) due to the topography of the land. The RA also opined that the path be moved to follow through the existing gate near to point 'C' on the order plan as the incline is shallower at this point. However, it is felt that, to keep the possible compensation costs to a minimum, the proposal should remain as indicated on the existing plan.

- 6 Whilst the landowner has acknowledged the need for a resolution to FWD10, it is possible that he may object to the orders if made. He has applied for diversions to paths FWD7 and FWD4 which he wanted to see made at the same time as these proposals. Although the FWD10 proposals have been prioritised as they are considered to be in the public interest, informal consultation has taken place regarding the FWD4 & FWD7 proposals. Significant objections were received to these and further consideration is required to see if an acceptable solution can be developed. The proposals for footpaths FWD4 and FWD7, as they stand, are solely in the interests of the landowner, not of the public and will be dealt with as a separate matter in due course. However, due to the length of time it has already taken to get to the current position with regards to FWD10, it is recommended that it is dealt with now and independently of the other proposals.
- 7 The Parish Council are keen to progress this matter and are in support of the amendment of the path. However, they would like these amendments to be linked with the FWD4 and FWD7 proposals. For the reasons given above this is not considered appropriate. The Amey PROW Manager attended a special Parish Council meeting to discuss these proposals on 12/11/2010. Whilst he recognised the local support for all the proposals he explained the difficulties in considering them at the same time as they currently stand and the need to progress FWD10 as it is clearly in the public interest.
- 8 The Public Rights of Way budget will bear the costs (administration costs, advertising fees and possible compensation costs) of this diversion.
- 9 The local member, Cllr. J Pemberton does not object to the proposals.
- 10 The proposed creation meets the specified criteria as set out in section 26 of the Highways Act 1980 in that: there is a need for this footpath and we are satisfied that it is expedient that the path should be created with regard to the additional convenience to the public and to the effect which the creation of the path would have on the rights of the persons interested in the land.
- 11 Under section 28 of the Highways Act, the landowner is entitled to claim compensation if he feels that the value of his interest in the land has depreciated and/or that he has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of the order.
- 12 The level of likely compensation has been assessed by the District Valuer (as an independent assessor) and is likely to be in the region of £600 plus £660 surveyors fees (plus legal costs and VAT).
- 13 If an order is made and confirmed to create a path as proposed, an extinguishment order is proposed, to extinguish the ends of the path through the wood that lead to the area of collapse. The extinguishment order meets the specified criteria as set out in section 118 of the Highways Act 1980 as the path would not be needed for public use if the creation order were to be confirmed.

## **Community Impact**

- 14 The route of this path is an important recreational route out of Fownhope village. It is detailed in a series of published walks around Fownhope and is therefore used by tourists too. The path has been closed for many years and it will be beneficial for the village community to open the path again. The Parish Council have expressed a desire to conclude the matter with considerable public support.

## **Financial Implications**

- 15 The landowner will be entitled to compensation if this proposed order is made and confirmed.

The cost of this compensation will come from the Public Right of Way budget which is held by the Amey Herefordshire contract (see point 10 above).

The cost of re-instating the existing path has been considered and an engineering report produced. It is anticipated that to reinstate the existing line of the path would cost in excess of £120,000 which is not financially viable within the present rights of way budget.

## **Legal Implications**

- 16 Under Section 118 of the Highways Act 1980 the Council has the power to make extinguishment orders. It does not have a duty to do so. Under Section 26 of the Highways Act 1980, the Council has the power to make creation orders, it does not have a duty to do so.

## **Risk Management**

- 17 Set out the risks, their consequences and any mitigating actions.
- a. If the orders are made as proposed, the landowner may be entitled to compensation, this has been estimated to be in the region of £1260 (plus legal costs, plus VAT). Any compensation which would become payable as a consequence of the making of these orders would come from the rights of way budget, held by Amey.
  - b. If the proposed orders are made, there is a risk that they will sustain objections, this would necessitate their referral to the Secretary of State for a decision, which could place an increased demand on officer time.
  - c. If the report is declined, the path will remain inaccessible to the public and they may be discouraged from visiting the area and use of the rights of way network.

## **Consultees**

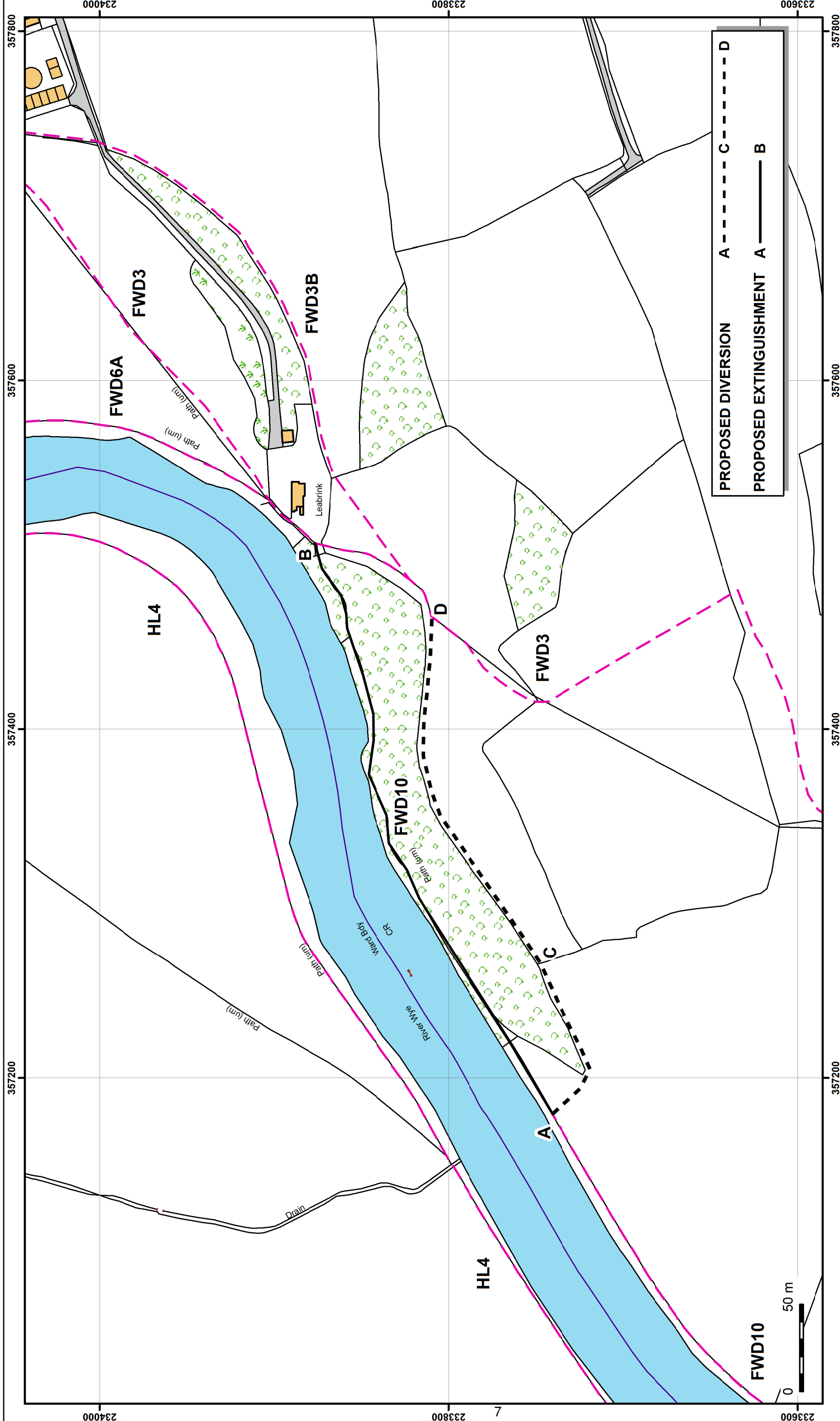
- 18 The following organisations/individuals were consulted for their opinion to the proposals.
- Prescribed organisations as per Defra Rights Of Way Circular 1/09.
  - Local Member – Cllr. J Pemberton.
  - Fownhope Parish Council.
  - Statutory Undertakers.

## **Appendices**

- 19 Order Plan, drawing number D249/149-D10(i)

## **Background Papers**

- None identified.

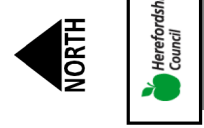


**LOCATION PLAN- PARISH OF FOWNHOPE  
PROPOSED DIVERSION OF FOOTPATH FWD10**

**DWG No.: D249/149-D10 (i)  
SCALE 1: 2,000**

- PUBLIC FOOTPATH
- PUBLIC BRIDLEWAY
- RESTRICTED BYWAY
- BYWAY OPEN TO ALL TRAFFIC
- PROPOSED DIVERSION A
- PROPOSED DIVERSION C
- PROPOSED DIVERSION D
- PROPOSED EXTINGUISHMENT A
- PROPOSED EXTINGUISHMENT B

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<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>7 DECEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>HIGHWAYS ACT 1980, SECTION 118 &amp; 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH BM12 (PART) AND PUBLIC PATH EXTINGUISHMENT ORDER FOOTPATH BM13 (PART) IN THE PARISH OF BODENHAM</b>
<b>PORTFOLIO AREA:</b>	<b>HIGHWAYS AND TRANSPORTATION</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Hampton Court

### **Purpose**

To consider a proposal to make a public path diversion order to divert part of footpath BM12 and a public path extinguishment order to divert part of footpath BM13 in the parish of Bodenham under the Highways Act 1980, sections 118 and 119.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

That a public path diversion order relating to Public Footpath BM12 (C-D to C-E) is made under Section 119 of the Highways Act 1980 as illustrated on attached drawing number: DWG No: D174/42-12&13 but that the proposal for a public path extinguishment order relating to Public Footpath BM13 (B-A & F-G) is not pursued and instead an alternative resolution of the problem is sought, which may include a limited diversion of Public Footpath BM13, as referred to in the alternative options section of this report

### **Key Points Summary**

- Public Footpath BM13 has been obstructed for several years following the construction of a brick-built garage / workshop just to the west of point A as shown of the attached plan. The section of path F-G has also been unavailable for long periods due to the locking of a gate and other obstructions.

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Further information on the subject of this report is available from  
Will Steel, Amey Public Rights of Way Manager on (01432) 845900

- The complex background to this issue was reported to this Committee in October 2009 and officers were instructed to commence the process for the consideration of a public path order to extinguish the sections of Public Footpath BM13 marked A-B and F-G on the attached plan.
- The only reasonable alternative route for people who would otherwise use the affected section of BM13, travelling to or from the west of the village, is to use Public Footpath BM12. This path is also obstructed, in this case following the development of Orchard Close in the 1970s. As part of the consideration of the extinguishment of BM13, it has therefore also been necessary to develop a concurrent proposal to divert BM12 to provide an appropriate alternative route.
- The proposals were sent to pre-order consultation. The proposed diversion of BM12 has received general support although the Ramblers and the Open Spaces Society (OSS) have expressed a preference for the new path to travel diagonally across the field rather than following the perimeter.
- Whilst the proposed extinguishment of BM13 received support from several consultees, the Ramblers, the Malvern Hills District Footpath Society (MHDFS) and the OSS objected to it on the grounds that the route is needed for public use.

## Alternative Options

- 1 Public Footpaths BM12 and 13 are obstructed and the Council has a statutory duty to resolve the problem. If the proposals under consideration in this report are not proceeded with or are unsuccessful then alternatives include
  - i) the removal of the obstructions which currently consists of a brick work shop, garden wall, fence and locked gate on BM13 and 7-8 fences on BM12. This would cause significant inconvenience to local residents and is likely to be unpopular with the local member and parish council and might receive adverse publicity.
  - ii) a limited diversion of BM13 onto adjacent land in the ownership of the Siward James Trust. This is likely to result in objections from the Siward James Trustees and a claim for compensation. However the compensation claim will be covered by the insurers for the search company.

## Reasons for Recommendations

- 2 The proposed public path diversion order affecting BM12 should be made because it is felt that it meets the criteria set out in s119 of the Highways Act (see Report paras 21-24) and the criteria of Herefordshire Council's Public Path Order Policy (see Report para 17-24) . The making of this diversion order will resolve a long term obstruction of the rights of way network and ensure that the footpath is open and useable to the public.
- 3 The proposed public path extinguishment order affecting BM13 should not be approved because it is felt that it does not meet the criteria set out in s118 of the Highways Act (see Report paras 13-20) and the requirements of Herefordshire Council's Public Path Order Policy (see report paras 17-20). Were the order to be made it is likely to receive objections which officers believe would probably be upheld in any subsequent determination by the Secretary of State.

## Introduction and Background

- 4 Public Footpath BM13 has been obstructed for many years following the construction of a brick-built garage / workshop and a garden boundary to the west of point A as shown on the

attached plan. The owners of the property did not realise the path was blocked until 2003 when, following the receipt of a complaint, officers started looking into the matter and brought it to their attention. The owners of the property disputed the fact that the path ran through their property and referred to a property search that had been carried in 2001 when they purchased the house. The search was subsequently found to be inaccurate and the insurers of the search company have, in principle, agreed to fund the resolution of the problem.

- 5 When the Regulatory Committee considered this issue in October 2009 it instructed officers to commence the process for the consideration of a public path order to extinguish the sections of Public Footpath BM13 marked A-B and F-G on the attached plan. The only reasonable alternative route for people who would otherwise use BM13 is to use Public Footpath BM12. This path is also obstructed, in this case by the development of Orchard Close. As part of the consideration of the extinguishment of BM13, it has therefore also been necessary to develop a concurrent proposal to divert BM12 to provide an appropriate alternative route
- 6 Informal pre-order consultations have been carried out to gauge attitudes to the package of proposals. Consultees included relevant statutory undertakers, Bodenham Parish Council and local representatives of user groups prescribed in Defra's Rights of Way Circular 1/09. Whilst responses have been generally supportive, adverse comments and objections have been received from the Ramblers and the OSS. The MHDFS also have an interest in the issue and have indicated their likely objections to the proposed extinguishment of BM13. More detail on all these objections is given below.
- 7 The Ramblers, whilst supportive in principle of the diversion of BM12 to resolve the Orchard Close obstruction, wish to see a modification to the proposal so that the new path runs north-westerly from point E on the plan diagonally across the field rather than around the perimeter of the field via point C.
- 8 The Amey PROW Manager has met with the landowner of the field over which the relevant existing and proposed parts of BM12 would run. Whilst he is not opposed in principle to the proposals insofar as they affect him, his preference would be for the diverted route to run along C-E subject to reaching agreement as to suitable compensation. The diagonal route preferred by the Ramblers would require greater compensation and would create a cross-field route with potential difficulties for the farmer should he decide to cultivate it in the future.
- 9 More significantly, the Ramblers are opposed to the extinguishment of the part of BM13. In their response to the consultation they state:  
  
*"In view of the long standing problems on rights of way in Bodenham, that the paths are needed for public use and that there are sensible and suitable alternatives, the extinguishment of paths is not the solution, therefore we object to this order.*  
  
*Public Right of Way BM13 through points G, F & A to B is the continuation of BM13 from OS Grid Reference SO548506, thus providing a continuous route, without the need to walk up the road, through to Bodenham bridge and onto Bodenham school and church. It can be seen that this could provide a safe route to school for pupils living on the housing estate. The route through F & G also provides pedestrian access from the housing estate to the south of the village and this portion of the path can be opened simply by the removal of obstructions, being a locked pedestrian gate and clearing of overgrowth from hedging.*  
  
*Public Right of Way BM13 is an important part of the network of paths within the parish of Bodenham."*
- 10 The OSS has replied in similar terms to the Ramblers, being supportive of the diversion of BM12 but recommending that the direct route across the field is established as the legal line of the path. With regards to BM13 the OSS correspondent notes that :

*“We should certainly strongly object if an Order were to be made to Extinguish any of the path. It forms a useful through-route continuing on both East and West, any possible alternative routes are along roads, some without footways.*

*There can be no possible justification for closing section A-G as this part of the path is not affected by the building which obstructs the separate section to the West.*

*In my view this Extinguishment proposal is legally flawed, has no prospect of success and would be a complete waste of money.*

*The obvious solution would be to make a Creation Order to by pass the obstructing building along an existing private path to the North, meeting the road adjacent to point A”*

11 The MHDFS have commented:

*“The Malvern Hills District Footpath Society is likely to object to an extinguishment order. Our justification for objection is likely to be:*

*a. We believe that the proposed alternative route path length is approx 900 yards between Point D and the junction of BM12 & BM13 at Point C on the plan presented to the Regulatory Committee. We estimate that the original path length of BM13 between Point D and the junction of BM12 & BM13 at Point C was approx 500 yards. We believe that nearly doubling the path length to be walked when combined with a more complicated navigation need to change directions several times makes the proposed alternative route 'substantially less convenient to the public' than the original route. Moreover the proposed alternative route also removes the potential of a short circular walk using BM12 & BM13 for the local community, eg dog walkers, walking for health initiative walks, etc.*

*b. We believe that there is a user demand for this path to be open. This demand is indicated by both the County's and our own records of complaints that the path has been obstructed for a number of years. Although the total number of complaints will be quite small, we suggest that this is because the path has not been signed so some local people will not have known that it should be there and because a number of potential users will not have known how to complain or will have just not bothered to complain (possibly knowing that complaints are rarely dealt with expeditiously). Moreover for a rural village path, unless someone organises a local campaign, even a small number of complaints and complainants would be unusual and thus indicate a robust user demand. In spite of the comment made by the Ward Member to the Regulatory Committee in October 2009 that the interest in this path seemed to be limited to one local resident, I personally am aware that our own Society have wished to walk this path about seven times during the past five years and we live some 15 miles away. Finally, we note that your proposed diversion of footpath BM12 is already 'well trod' on the ground which indicates that there are regular walkers in this locality who would probably also be using footpath BM13 if it were open.*

*c. Three alternative options seem to have been offered to the Regulatory Committee and all are described as 'no cost to the Council'. Only one, and now apparently the preferred of these options, involves the closure of the path. It seems to us that by selecting this option when other options are available that would keep the path open, the Herefordshire Council has not been diligent in its statutory duties under Section 130 of the Highways Act 1980 'to protect .. the rights of the public to the use ... of highways ...' and 'to prevent as far as possible the stopping up .... of those highways'.*

*I would also comment that the report made to the Regulatory Committtee in October 2009 seems to be in error in claiming that extinguishment would remove path BM13 from two other gardens (I believe only one other garden is involved) and seems to offer no justification for the proposal to remove the path from the garden between Brockington Road and the C1125...”*

## Key Considerations

- 12 Whilst these proposals have been put forward as a package, two separate public path orders would be needed to give effect to them and each order must be assessed on its own merits independently of each other and against the relevant statutory and policy requirements.

### Extinguishment of BM13

- 13 A public path extinguishment order is made under s118 Highways Act 1980. An order may be made where the Council is satisfied that the path is not needed for public use. However, such an order may only be confirmed where it is expedient to do so having regard to the extent to which the path would be likely to be used by the public apart from the order and the effect on the land served by the path. The Council must also have regard to any material provision of its Rights of Way Improvement Plan (ROWIP) 2007-2011.

- 14 The test of whether a path is needed for use is often assessed by the extent, if any, of actual use. In this case, where the path has been obstructed for a number of years and use has been impossible, such an assessment cannot be made. However since 2002 the PROW Management System has recorded complaints regarding obstructions on the affected section of BM13 on nine separate occasions thus indicating a demand for its use. Nonetheless, the Regulatory Committee made it clear, at its October 2009 meeting, that given the alternative routes available - BM12 in place of section A-B and the metalled path across the public open space some 55m north of section F-G - it is satisfied that AB and FG are not needed for public use.

- 15 The second element of the test is whether it would be expedient to confirm the order having regard to the extent that the path would be likely to be used apart from the order. S118(6) specifically requires that any temporary circumstances that might limit use of the path, such as the current obstructions of BM13, should be disregarded. It seems highly likely that any walkers using BM13 as part of a longer walk east to west or vice versa would choose to use the existing legal line if available as opposed to the suggested alternative routes as they are more direct and reflect the original, historical line of the path. This is reinforced by the demand for the reopening of BM13 referred to above. In light of this it would appear that it will be difficult to meet this element of the statutory tests.

- 16 The third element of the test is the effect of the proposal on land served by the path. It is considered that there are no adverse effects in this respect.

- 17 Finally the Council must have regard to any material provisions of the ROWIP. Appendix A of the ROWIP contains the Council's Public Path Order Policy. This sets out particular criteria that the Council requires to be considered insofar as they affect the public's enjoyment of the path. Whilst the document refers to the need to take these criteria into account when taking decisions on diversions, it is clear that, in this context, the considerations should apply to the alternative route that will be available if the extinguishment of BM13 proceeds. Three criteria set out in the ROWIP of particular relevance are given below:

- 18 *“Directness*

*The proposed new route should not unreasonably lengthen the path other than where it is in the interests of an overall improvement to the local network. The proposed new route should avoid introducing unnecessary “dog legs” into the path, or be overly circuitous. It should retain or improve a connection with another public right of way to reduce the distance travelled along metalled carriageways.”*

The approximate length of BM13 proposed to be extinguished, B-A-G-F, is 480m. The alternative route, following BM12 as diverted and then Orchard Close and the C1125, B-C-E – G, is about 820m. This is clearly a significant lengthening of the distance travelled. Whether it could be considered reasonable depends upon the context of the whole walk being undertaken it but it would not be possible to justify it as being in the interests of an overall improvement to the local network. It also reduces the connectivity of the network and requires walkers to walk some 315m along the road much of which is without a footway. It would appear difficult therefore to argue that the proposal satisfies this requirement.

19 *“Status*

*There will be no downgrading of the existing rights other than where it is in the interests of an overall improvement to the local network.”*

The proposed extinguishment could be construed as a downgrading of rights. Again, it would not be possible to justify it as being in the interests of an overall improvement to the local network and thus it would appear difficult therefore to argue that the proposal satisfies this requirement.

20 *“Alternatives*

*The applicant will be required to demonstrate that they have considered alternatives to the altering of a right of way, i.e. amending proposals, changing boundary locations etc.”*

The principle underlying this factor is that the Council has an overarching duty to protect the rights of the public and thus that the presumption should be against making alterations to the network. Where changes are considered necessary, then the impact on the public should be minimised; in this case this would suggest that a diversion of section A-B should be preferred to extinguishment. Whilst the Siward James Trust may be opposed to a diversion of the path onto their land due to concerns about the possible impact on vulnerable residents who live there, the route would not run across individual private gardens and through appropriate fencing and screening the effect on residents could be limited.

With regards to section F-G, it is possible to consider this section independently from section A-B. There is no obvious other alignment onto which it could be diverted and thus the alternative is to reopen the legal line. Whilst this might be opposed by the owner of the property, the route of the path is already segregated from much of the garden by hedging and thus with some minor works the reopening should also have limited effect on the owner.

## **Diversion of BM12**

21 A public path diversion order is made under s119 Highways Act 1980. An order may be made in the interests of the landowner, lessee or occupier of land crossed by a path or of the public. To confirm the order, the Council must also be satisfied that the path will not be substantially less convenient to the public and broadly must consider the effect of the diversion on public enjoyment of the path as a whole and the effect it would have on land served by the path. The Council must also have regard to any material provision of its Rights of Way Improvement Plan (ROWIP) 2007-2011.

22 The proposed diversion can be considered to be in the interests of the owners of the land crossed by the affected section of BM12 as to reopen the legal line of the path would required the removal of property boundaries and garden buildings from nine properties and the resulting reduction in their privacy and security.

23 The alternative route proposed, C-E-D, is approximately 185m in length compared to the original, C-D, 115m and the surfacing is comparable or better so the proposed new route is considered to be not substantially less convenient. There are not considered to be any

adverse effects on the land served by the path taking into account the potential payment of compensation to the landowner. A valuer from Herefordshire Council Property Services has estimated that the level of compensation appropriate to this proposal is approximately £250 plus surveyors / legal fees. With regards to the effect on public enjoyment, there would also appear to be little adverse impact.

- 24 The relevant provisions of the ROWIP are the Public Path Order Policy criteria relating to Directness (see previous para 18) and Alternatives (see previous para 20) discussed above in relation to BM13. Whilst there is an increase in length arising from the proposal, it is not considered to be unreasonable nor is the connectivity of the network significantly affected. Whilst some of the alternative route (E-D) runs along the cul de sac Orchard Close carriageway, there is a footway in place for all of this length. With regards to alternative options, apart from reopening the legal line there is no other reasonable route that it can be diverted to.

## **Community Impact**

- 25 The Parish Council has been consulted as part of the pre-order consultation process and supports the proposals to extinguish part of BM13 and divert part of BM12.

## **Financial Implications**

- 26 The insurers of the search company, who carried out the defective search on behalf of the owners of 44 Brockington Road, Bodenham have, in principle, agreed to fund the full costs of implementing these proposals. A formal agreement to this effect would be concluded before any order making is commenced. Should only the proposals affecting BM12 and or section F-G of BM13 be agreed, then the costs of the process, and any compensation payable, would have to be met from the existing Public Rights of Way budget.

## **Legal Implications**

- 27 Under sections 118 and 119 Highways Act 1980 the Council has the power to make extinguishment and diversion orders. It does not have a duty to do so. It is likely that, in regards to the proposed extinguishment of BM13 under s.118 of the Highways act 1980, the appropriate legal tests have not been met. It is probable therefore that objections to an extinguishment order for BM13 will be received, which will, most likely, lead on to a public Inquiry which is a costly process, as regards officer time, and with the probability that the inspector will recommend that the order is not confirmed

Under section 130 Highways Act 1980 the Council has an overriding duty to protect the rights of the public to the use and enjoyment of public rights of way and to prevent, as far as possible, the obstruction or stopping up of public rights of way. In this regard, the Council could pursue legal action in respect of the present obstructions but it is noted that this would be unpopular with residents and the local member, with the possibility of adverse publicity, and therefore an alternative remedy, as suggested in the report, would be desirable

## **Risk Management**

- 28 There is a risk that any order made may receive objections which would then increase demands on officer time (for instance in the determination of the order at a Public Inquiry). Given the responses to the proposals at pre-order consultation, a Public Inquiry would appear to be a likely outcome if an order to extinguish BM13 is made and, in view of the statutory

tests, it is probable that the order would not be confirmed.

- 29 The alternative option for BM13 of seeking a diversion order to take the path across adjacent land in the ownership of the Seward James Trust may also result in objections and a Public Inquiry. However, it is considered that such an order would be more likely to be confirmed.

### **Consultees**

- Prescribed organisations as per Defra Rights Of Way Circular 1/09.
- Malvern Hills District Footpath Society
- Local Member – Cllr. Grumbley
- Bodenham Parish Council.
- Statutory Undertakers.

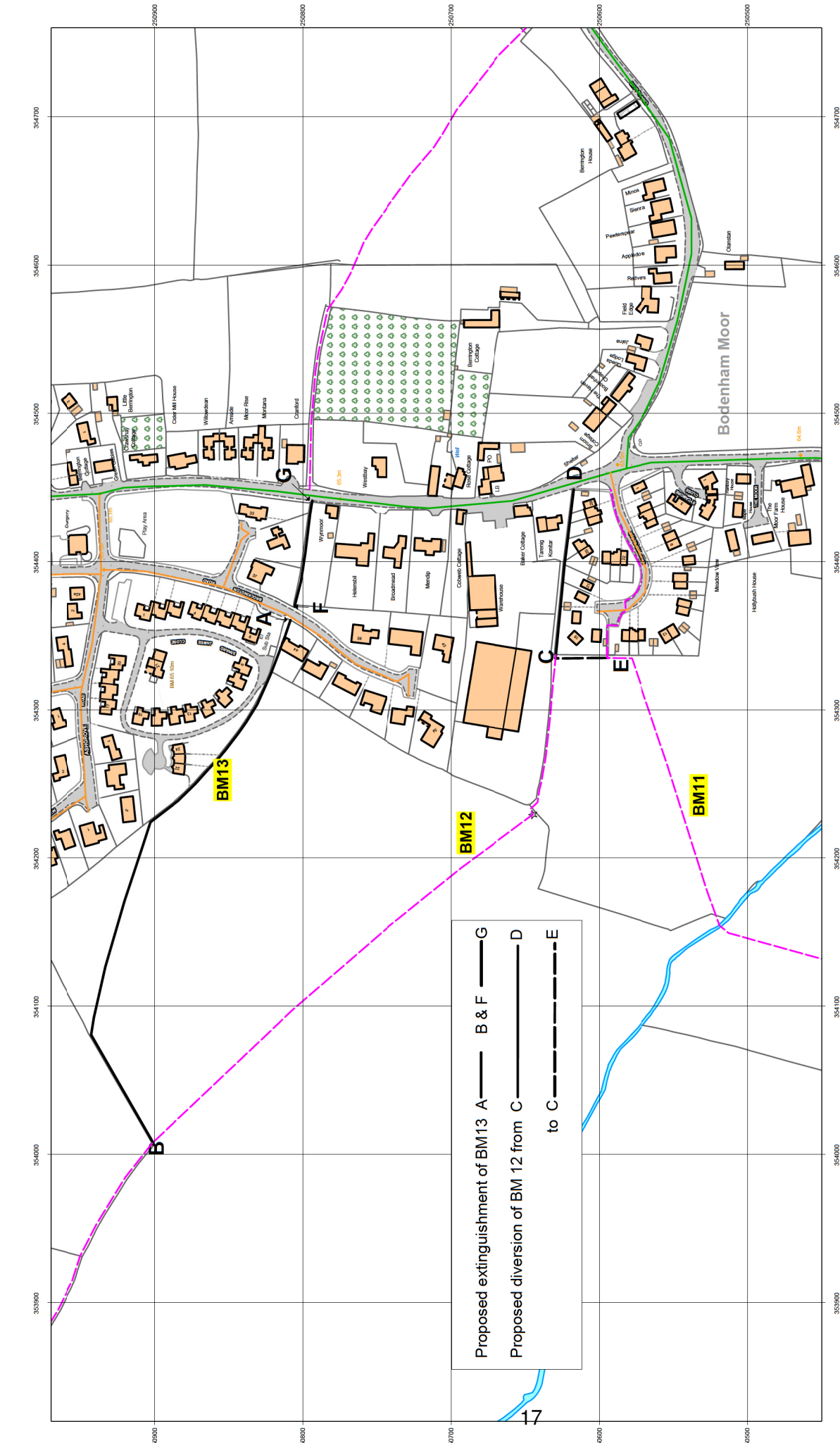
### **Appendices**

- Order Plan, drawing number: DWG No: D174/42-12&13

### **Background Papers**

- None identified.





Proposed extinguishment of BM13 A — B & F — G  
 Proposed diversion of BM 12 from C — D — E  
 to C — E

**LOCATION PLAN - Proposed alterations to Public Footpaths BM12 & BM13, Parish of Bodenham - (revised plan 2010-08-17)**  
 Centred at OSGR SO543 508

**SCALE 1: 2500 @ A3**

- PUBLIC FOOTPATH
- PUBLIC BRIDLEWAY
- RESTRICTED BYWAY
- BYWAY OPEN TO ALL TRAFFIC

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<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>7 DECEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH LV11 (PART) IN THE PARISH OF LLANVEYNOE</b>
<b>PORTFOLIO AREA:</b>	<b>Highways and Transportation</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Castle

### **Purpose**

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath LV11 in the parish of Llanveynoe.

### **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 in drawing number: D382/244-11.**

### **Key Points Summary**

- The landowner applied for the diversion of Footpath LV11 in 2007
- The footpath runs between the farmhouse and a barn which has now been converted to include part of the living accommodation
- The proposal is to divert part of the footpath a short distance to run across adjacent pastureland in the applicant's ownership for reasons of privacy.
- Informal consultations have been carried out and there are no outstanding objections to the proposal.

### **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 decide not to make an order.

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Further information on the subject of this report is available from  
Will Steel, Rights of Way Manager on (01432) 845980

## Reasons for Recommendations

- 2 The public path order should be made because it is felt that it meets the criteria set out in Section 119 of the Highways Act and Herefordshire Council's Public Path Order Policy in that it is in the interest of the landowner and is not substantially less convenient to the public.

## Introduction and Background

- 3 This report is being considered by the Regulatory Committee because it has the delegated authority to make the decision whether or not to make an order.

## Key Considerations

- 4 Mr and Mrs Clare, the landowners, made the application on 10/04/2007. The reasons for the proposed diversion are that the current legal line runs through the farmyard and very close to buildings which have recently been given planning permission for residential development. The proposed route takes the path away from the buildings and is more convenient to both users and landowner. .
- 5 The proposed route runs across open fields and through gates rather whereas the existing path runs along a very muddy enclosed track and is therefore more accessible
- 6 The applicant has carried out all pre-order consultations with user groups, the parish council and the local member and the proposal has general agreement. The Local Member, Councillor J B Williams, has stated he has no objections to diverting the footpath.
- 7 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's standard charge for making the diversion order.
- 8 The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980, and in particular that:
- The proposal benefits the owner of the land crossed by the existing path.
  - The proposal is not substantially less convenient to the public.

## Community Impact

- 9 The Parish Council and local user groups have been consulted as part of the process and there have been no objections to the proposals. The route is generally more convenient for local residents.

## Financial Implications

- 10 The applicants have agreed to pay the Council's standard fee for the making of a diversion order (£800) and to pay associated advertising costs. The applicant has also agreed to meet the costs of bringing the new path into a suitable condition.

## Legal Implications

- 11 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.

## **Risk Management**

- 12 If an order is made to divert LV11 as recommended within this report, there is a risk that the order will receive objections and would therefore require referral to the Secretary of State which will increase the demands on officer time and resources. However extensive informal consultations have taken place to minimise the risk of such objections.

## **Consultees**

13

- Prescribed organisations as per Defra Rights Of Way Circular 1/09
- Local Member-Councillor J B Williams
- Longtown Group Parish Council
- Statutory Undertakers

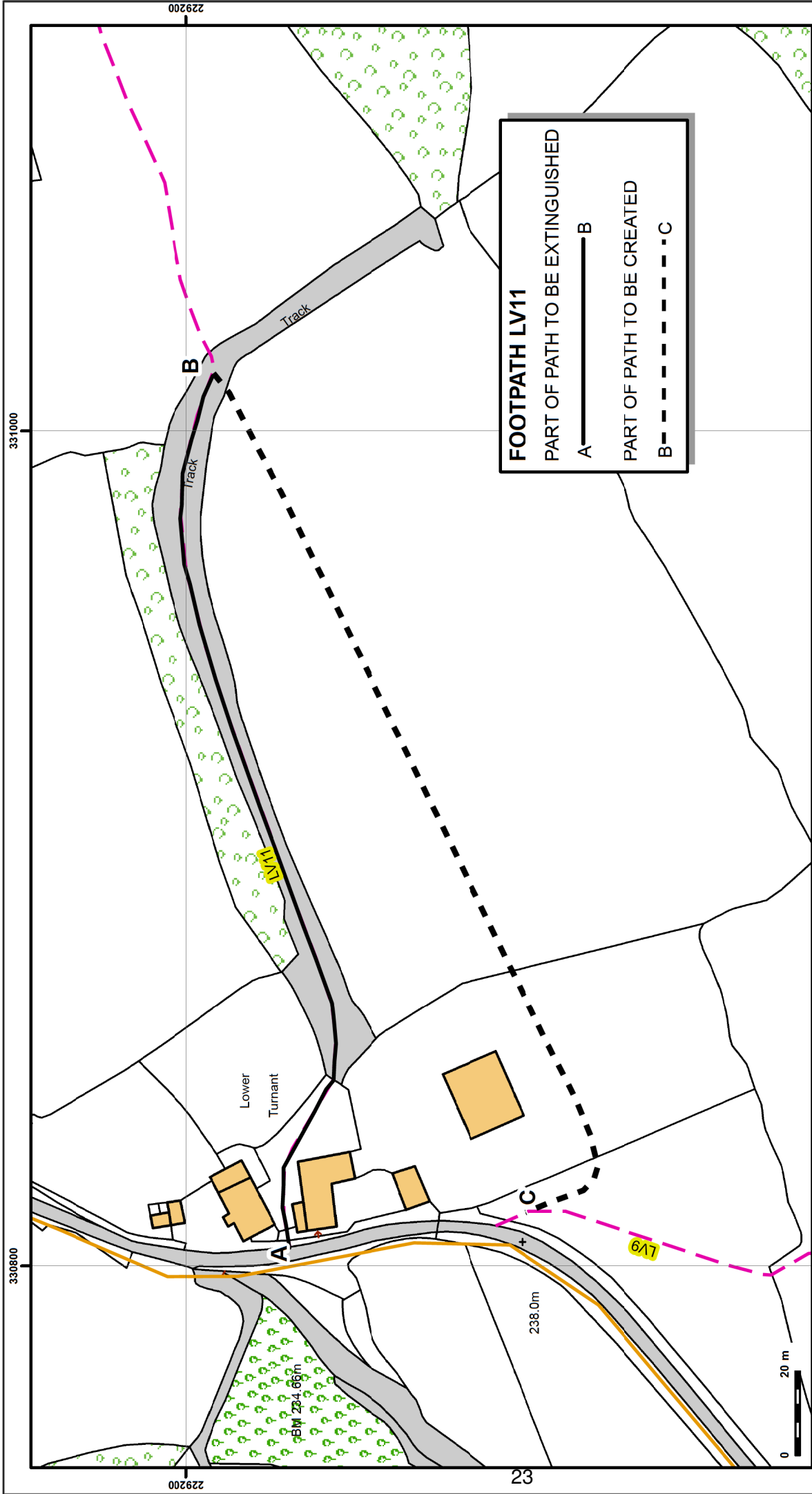
## **Appendices**

- 14 Order Plan, drawing number: D382/244-11

## **Background Papers**

- None identified.



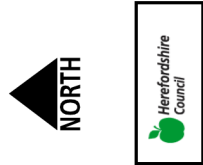


**FOOTPATH LV11**  
 PART OF PATH TO BE EXTINGUISHED  
 A ————— B  
 PART OF PATH TO BE CREATED  
 B - - - - - C

	PUBLIC FOOTPATH
	PUBLIC BRIDLEWAY
	RESTRICTED BYWAY
	BYWAY OPEN TO ALL TRAFFIC

**HIGHWAYS ACT 1980, SECTION 119**  
**HEREFORDSHIRE COUNCIL-FOOTPATH LV11 (PART)**  
**PARISH OF LLANVEYNOE**  
**PUBLIC PATH DIVERSION ORDER 2010**

**DWG No.: D382/244-11**  
**SCALE 1:1,250 (A4)**



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<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>7 DECEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CH20 (PART) IN THE PARISH OF CLEHONGER AND FOOTPATH EB25 (PART) IN THE PARISH OF EATON BISHOP</b>
<b>PORTFOLIO AREA:</b>	<b>Highways and Transportation</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Stoney Street

### **Purpose**

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath CH20 in the parish of Clehonger and part of footpath EB25 in the parish of Eaton Bishop.

and

To agree to the formal abandonment of the previously made order, which was made in 1995 but received objections.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

i) **That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D19/88-201/130-25(i).**

and

ii) **That the, 'County of Hereford and Worcester, Footpath no CH20 Clehonger and Footpath No EB25 (part) Eaton Bishop Public Path Diversion Order 1995' made under Section 119 of the Highways Act 1980 in 1995 is abandoned.**

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Further information on the subject of this report is available from  
Will Steel, Rights of Way Manager on (01432) 845980

## **Key Points Summary**

- An application to divert the above paths was made in 1990
- An order was made to divert the path in February 1995.
- Objections were received from the Open Spaces Society and the Ramblers' Association.
- The order could not be confirmed due to the objections and was not forwarded to the Secretary of State for confirmation, as the OSS and RA objections were held to be valid points
- It is decided to pursue the making of a new order to address the objections
- A new route is proposed in conjunction with the current landowner and Natural England as the area is a Site of Special scientific interest.
- It is proposed that the costs of the diversion and associated works will be split between the Landowner, Natural England and Herefordshire Council
- The proposals were sent to pre-order consultation on 14<sup>th</sup> September 2010.
- The proposals received agreement from 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 and could refer the previously made order to the Secretary of State for a decision. However, it is felt that the objections made by the Open Spaces Society and Ramblers Association are valid and would render the Order impossible to confirm. This would not, therefore, resolve the fact that the current line of the path is obstructed by a large pond and is impassable for much of the year.

## **Reasons for Recommendations**

- 2 The previously made order to divert this path should not be confirmed because it has received a number of objections. It is felt that they provide a fatal flaw to the order and it is therefore incapable of being confirmed. The new public path order should be made because it is felt that it meets the criteria set out in s. 119 of the Highways Act (in that it is in the landowners interest and is not substantially less convenient to the public) and there have been no objections to this proposal at pre-order consultation stage.

## **Introduction and Background**

- 3 Before an order is made to divert a footpath under the Highways Act 1980, it is necessary to gain a decision from the Regulatory Committee as they hold the delegated authority to make this decision.

## Key Considerations

- 4 Mr Hayter, who was the landowner at the time, made the application on 12<sup>th</sup> of February 1990. The reasons given for making the application were that EB25 is obstructed by a pond and CH20 is impassable for much of the year due to it being wet and boggy.
- 5 An order to divert the path was made and advertised in 1995.
- 6 The order received objections from the Open Spaces Society (OSS) and the Ramblers' Association (RA). The objections were that:
  - they had not been consulted prior to the making of the order.
  - the order did not describe the route in sufficient detail to clearly identify the proposed route.
  - the works intended were not listed in detail .
  - the route would be better designed to exit onto the road in a different position.
  - the order notice was not placed in the correct location.
- 7 The land was sold to Mr & Mrs Hayes in 2002, who did not know of the problems with the right of way until they were made aware after the purchase of the property. Mr and Mrs Hayes are keen to resolve the problems.
- 8 It is felt that the difficulties with the order could not be overcome by referring the matter to the Secretary of State for modification and then confirmation as they render the order incapable of being confirmed.
- 9 A site visit between the current landowner, representatives of Herefordshire Council and Natural England enabled a new proposal to be mapped, which avoided the wetter areas of the site, thus avoiding the more sensitive regions of the Site of Special Scientific Interest (SSSI).
- 10 The proposals were sent to pre-order consultation in September 2010 and received general support
- 11 The local member, Cllr. D C Taylor holds no objections to the proposals.
- 12 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 is not substantially less convenient to the public.

## Community Impact

- 13 The Eaton Bishop and Clehonger Parish Councils were consulted as part of the process and do not hold any objections to the proposals.

## **Financial Implications**

- 14 The landowner, Mrs Hayes has agreed to pay for all advertising costs (£500-£800) for the proposed diversion. Due to the age of the application and the status of the land (SSSI), it is proposed that Herefordshire Council will waive the administration fee (£800) and Natural England will pay for the infrastructure needed to open up the proposed route (1400)

## **Legal Implications**

- 15 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. However, if an order to divert the path is not made, the existing legal line of the path will remain obstructed by the lake and the boggy area adjacent to the stream.

## **Risk Management**

- 16 If an order is made as proposed, it may receive objections which would necessitate it being referred to the Secretary of State for a decision, this would place an increased demand on officer time. However, this risk has been reduced by carrying out the pre-order consultation to which no objections were received.

## **Consultees**

17

- Prescribed organisations as per Defra Rights Of Way Circular 1/09.
- Local Member – Cllr. D C Taylor
- Clehonger and Eaton Bishop Parish Councils.
- Statutory Undertakers.

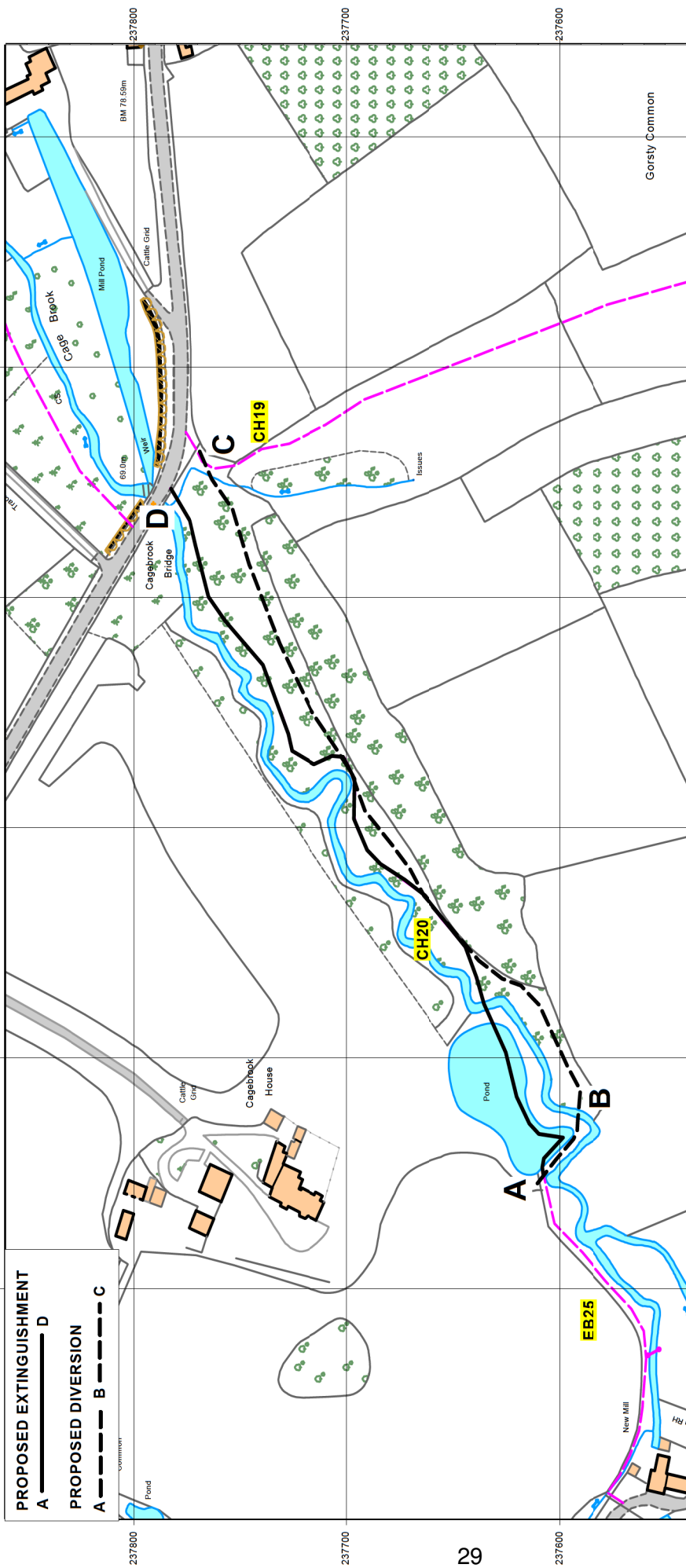
## **Appendices**

18 Order Plan, drawing number: D19/88-20/130-25(i)

19 Draft order and Schedule.

## **Background Papers**

- None identified.



**PROPOSED EXTINGUISHMENT**  
**A** ———  
**D** ———

**PROPOSED DIVERSION**  
**A** - - - -  
**B** - - - -  
**C** - - - -

Herefordshire Council  
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 Leominster  
 HR6 0ZA  
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**LOCATION PLAN - Parishes of Clehonger & Eaton Bishop**  
**Proposed diversion of footpaths CH20 & EB25 (part)**

**DWG No. D19/88-20/130 -25(i)**  
**SCALE 1:2500**



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**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.





<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>7 DECEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR SHAHID ALI</b>
<b>PORTFOLIO AREA:</b>	<b>ASSISTANT DIRECTOR (EHTS) PUBLIC HEALTH 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.

### **Recommendation(s)**

**THAT Committee:**

- (a) grant the licence outside the standard conditions on this occasion; and
- (b) advise Mr Ali that any future late application may be refused.

### **Key Points Summary**

- Licence expired 12<sup>th</sup> November 2010.
- Renewal application not received until 24<sup>th</sup> November 2010.

### **Alternative Options**

**The licence cannot be renewed and therefore is refused**

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

**Disadvantages:** It could be subject to legal challenge.

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

**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 that information meeting the criteria set by committee being produced to the Licensing Officer. Where this was not produced, the licence would remain not granted until that information was 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 process and may mean that the livelihood of the applicant could be affected.

**Reason for rejection:** It is felt that any information required to reach a decision has 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 Assistant Director in respect of the application.

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

## **Reasons for Recommendations**

In view of the fact that this was an oversight on the part of the applicant due to family bereavement and long term illness of his son, it is felt to be appropriate that the application on this occasion should be granted.

## **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 licence conditions were approved at Regulatory Committee on the March 2010.

Standard condition number 11.5 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 hackney carriages and private hire vehicles, drivers and operators.

3. This Council previously licensed a VW Passat registration number NG53 PFX on Plate No.H328, which was first registered on 18<sup>th</sup> November 2003.
4. Four renewal letters/reminders were sent to Mr Ali. However, no application was received from Mr Ali and accordingly the plate expired on 12<sup>th</sup> November 2010. (Appendix 2).
5. On 24<sup>th</sup> November 2010 an application was taken to Bath Street Offices by Mr Ali to licence the same vehicle. A licensing team member advised Mr Ali that the matter would have to be considered by the Regulatory Committee as the application was late.

6. The application therefore is to renew the new plate to the previously licensed vehicle, although it has technically expired beyond the renewal date. To allow a renewal would mean that the vehicle could remain as a saloon without disabled access. To insist on a new application for a grant of licence would mean that it would have to have be disabled access.

## **Key Considerations**

7. Whether or not, in the given circumstances, the application should be granted outside the standard conditions.

## **Community Impact**

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

## **Financial Implications**

9. Not applicable

## **Legal Implications**

10. 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**

Appendix 1 – Copy of standard licence conditions

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.





**HEREFORDSHIRE  
COUNCIL**

**THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

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**Appendix 1: TESTING STANDARD – MECHANICAL AND STRUCTURAL**

**Appendix 2: 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 Herefordshire Council's Regulatory Committee on **9<sup>th</sup> March 2010**. They replace all previous conditions and will remain in place until such time as the Council approve any amendments or review the conditions.

**All applications received which fall outside the Licensing Authority's Conditions or Policy (including late renewal applications) will be referred to Regulatory Committee (or an equivalent panel) for determination and this will incur additional costs to be paid by the applicant.**

Note: although the fee must be paid before committee, the committee has the ability to waive the fee if appropriate after the hearing

*(Herefordshire Council will use government guidance and Herefordshire Council's Hackney Carriage and Private Hire Licensing Policy to base its decisions upon)*

### **Section 1: LICENSING OF VEHICLES - GENERAL**

- 1.1 The conditions shown below apply to all applications for new hackney/private hire licenses and for all renewal applications.
- 1.2 Any vehicle to be licensed must have Category M1 shown on the registration document unless meeting Condition 1.3 or 1.4.
- 1.3 A vehicle of Category M2 (as shown on the registration document) may be licensed providing that the vehicle has passed an enhanced VOSA Single Vehicle Approval (SVA) test and the applicant has provided a written self-declaration that no changes have taken place to that vehicle since the SVA test was passed.
- 1.4 A vehicle of Category N1 will be considered if it complies with 1.5 below.
- 1.5 Vehicles which have been manufactured or adapted by a manufacturer or installer approved by Herefordshire Council can be licensed, provided that supporting documentation has been supplied to prove this, as well as a written self-declaration declaring that the vehicle has not been altered since its initial manufacture or adaptation.
- 1.6 Where a vehicle is not manufactured by an approved manufacturer, an enhanced VOSA Single Vehicle Approval Pass Certificate must be provided which includes

category P for non-wheelchair access vehicles and categories P and D if the vehicle is wheelchair accessible. A written self-declaration shall also be provided, declaring that the vehicle has not been altered since initial manufacture/conversion.

- 1.7 All vehicles must meet the criteria as laid out in Section 4.
- 1.8 New/replacement vehicles shall not be permitted if they were registered prior to the year 2000.
- 1.9 The licence shall not be transferred until the vehicle reaches five years of age.
- 1.10 All vehicles over six and twelve years of age shall be subjected to additional tests in accordance with the provisions set out in section 20.
- 1.11 A wheelchair access vehicle cannot at any time be replaced for a non-wheelchair access vehicle, unless the first licence for that plate was issued for a non-wheelchair access vehicle before 2002. The only exception is on a temporary transfer and then only in accordance with section 15.
- 1.12 A non-wheelchair access vehicle may be replaced with any vehicle which complies with the requirements contained in Section 4.
- 1.13 No vehicle will be licensed to carry more than 8 passengers in total.

## **Section 2 - NEW HACKNEY VEHICLE LICENCE**

- 2.1 The vehicle to be licensed shall be a wheelchair accessible vehicle and shall be so constructed or adapted to carry disabled persons whilst remaining in their wheelchair.
- 2.2 The vehicle, when initially submitted for licensing, shall not be more than five years old. The age of the vehicle shall be determined by the date of its first registration, as shown on the registration document. The condition at section 2.1 shall remain attached to the licence for each subsequent renewal or transfer.
- 2.3 The vehicle licence shall not be transferred to another vehicle until the vehicle reaches five years of age and then only to another wheelchair accessible vehicle.
- 2.4 The vehicle licence can be transferred if the vehicle is written off or it is on a temporary transfer basis following breakdown or damage, in which case it shall be replaced in accordance with section 15 or section 2.1 if the vehicle is being replaced on a permanent basis.

## **Section 3 - NEW PRIVATE HIRE VEHICLE LICENCE**

- 3.1 For a new Private Hire Licence application, the vehicle to be licensed shall not be more than:
  - i. 5 years old for a wheelchair accessible vehicle that conforms to section 6 or
  - ii. Two years old for any other type of vehicle.



The age of the vehicle shall be determined by the date of first registration on the registration document. The vehicle must comply with the vehicle specifications contained in section 4.

- 3.2 If the vehicle is wheelchair accessible it shall be so constructed or adapted so that it can carry disabled persons whilst remaining in their wheelchair and comply with section 6.
- 3.3 The licence cannot be transferred to another vehicle until the vehicle reaches five years of age, for a wheelchair accessible, or two years of age for any other. It can, however, be transferred if the vehicle is written off or it is on a temporary transfer basis following breakdown or damage, in which case it shall be replaced in accordance with section 15 or section 3.1 if the vehicle is being replaced on a permanent basis.

#### **Section 4 - VEHICLE SPECIFICATION**

- 4.1 The vehicle to be licensed shall, according to the manufacture's specification, have or be: -
- a) Right hand drive.
  - b) All body panels to be of the same colour.
  - c) A capacity for a minimum of four seated passengers and a maximum of eight.
  - d) A minimum of four doors
  - e) Either a separate luggage compartment or have 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. People carriers and multi purpose vehicles (MPVs) shall have a means of securing luggage whilst transported in the vehicle.
  - f) A serviceable spare tyre, or run flat type tyre, jacking equipment and wheel brace.
  - g) Road wheels with tyre load ratings set at the manufacturer's recommendations. The use of remoulds will not be permitted.
  - h) A permanent roof which is watertight. Sunroofs are only allowed if fitted as new by the vehicle manufacturer.
  - i) Equipped with fully functional nearside and offside exterior rear view mirrors.
  - j) All windows/doors opening in accordance with the original vehicle specification or for legal conversions in accordance with a suitable compliance test.
  - k) A rear seat with at least 41 cm seating space per passenger.
  - l) A suitable boot able to carry passenger luggage in all saloons and estate vehicles. This must be capable of carrying three suitcases of size 70 x 46 x 32 cm.
  - m) No bull bars or similar attached.
  - n) The clear height for the top of the doorway not less than 1.2 metres.
  - o) Unobstructed access to all emergency doors or exits. (Seats must be located to facilitate this).

#### **Section 5 - MINI BUSES & MPVs**

- 5.1 These are in addition to all other conditions and apply to mini buses and MPVs that are licensed as private hire vehicles and taxis.
- 5.2 All doors must be capable of being opened from the inside.

- i. The vehicle must have at least two doors to the rear of the driver for the exclusive unobstructed use of passengers.
  - ii. All doors must show the method of operation of door lock operating levers, i.e. they shall depict "Pull" or "Push" with directional arrows in 5cm letters.
  - iii. All emergency doors must be clearly identifiable to passengers and shall be clearly marked "Emergency Exit" in 5cm letters.
- 5.3 All steps at entrances and exits shall be illuminated or have clearly visible markings at floor level.
- 5.4 Where the internal floor height of the vehicle exceeds 12ins (305mm) Intermediate steps shall be fitted every 9ins (228mm) from road level up to the internal floor height.
- 5.5 The tread area of all steps shall have a minimum depth of 6ins (152mm) and shall have a slip resistant surface.
- 5.6 All steps shall be capable of supporting the weight of 150 kg.
- 5.7 All rear doors to be hinged vertically.

## **Section 6 - WHEELCHAIR ACCESSIBLE VEHICLES**

- 6.1 These are in addition to all other conditions and apply to wheelchair accessible vehicles.
- 6.2 Restraints for the wheel chair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair (whether folded or otherwise) when not in use if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.
- 6.3 The door used for disabled access shall be so constructed as to permit an unrestricted opening across the width of the doorway of at least 75cm. If the door is not of the sliding type the minimum angle of the door for wheelchair access when opened must be 90 degrees (i.e. perpendicular to the vehicle).
- 6.4 Grab handles shall be placed at door entrances to assist the elderly and disabled.
- 6.5 The top of the tread for any disabled person entrance shall be at floor level of the passenger compartment and shall not exceed 38cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance shall be fitted with non-slip treads.
- 6.6 The vertical distance between the highest part of the floor and roof in the passenger compartment shall not be less than 1.3m.
- 6.7 A ramp or ramps for the loading of a wheelchair and occupant shall be available at all times (other than where there is a mechanical tail lift fitted). An adequate locking device shall be fitted to ensure that the ramp/ramps do not slip or tilt when

in use. Provision shall be made for the ramps to be stowed safely when not in use.

- 6.8 All vehicles fitted with a mechanical tail lift shall supply a tail lift safety certificate to the Council annually. This shall be supplied to the Licensing Section upon renewal of the vehicle licence.
- 6.9 Wheelchair accessible hackney carriages shall be capable of being used as such immediately and without modification.
- 6.10 By 30<sup>th</sup> June 2011 no wheelchair accessible vehicle shall be operated for hire unless that driver has passed a Herefordshire Council approved training scheme covering disability awareness and the competent use of wheelchair facilities in licensed vehicles.

Note: Herefordshire Council is looking to deliver training for this at cost price and will advertise to the trade accordingly.

- 6.11 In the case of a Private Hire Vehicle fitted with wheelchair facilities, the vehicle can be adapted and the wheelchair provision not counted as a permanent seat. However, the wheelchair facilities shall be maintained for use when required through a pre-booking.

#### **Section 7 - LPG SAFETY CHECK**

- 7.1 LPG installations shall comply with the LPG Gas Association's code of practice 2. A valid certificate confirming its compliance shall be given to the Licensing Section for photocopying when the installation is new.
- 7.2 No licence shall 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 shall be provided annually.

#### **Section 8 - SEAT BELTS**

- 8.1 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 a good condition and kept in a useable and safe state of repair at all times.

#### **Section 9 - ALTERATIONS**

- 9.1 No alterations to any equipment, dimensions or other specifications shall be undertaken in a licensed vehicle without the prior consent of an Authorised Officer of the Licensing Section.
- 9.2 For the avoidance of doubt, alterations include both additions to and the removal of any existing equipment in, or on, the Licensed Vehicles.

#### **Section 10 - SIGNS**

10.1 The Licensed Vehicle shall be of such a design or appearance or bare such distinguishing marks as the Council may 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 Carriages with a built in roof sign and Private Hire Vehicles) are to have roof signs the minimum width of which is to be 60cm, with "Herefordshire Council" above and "Licensed Hackney Carriage" below the word "Taxi" on both the front and rear. The front of the sign shall be green in colour as specified by the Council. The rear of the sign shall be red in colour and may show a fleet number, not more than 7.5cm in diameter, in the top right hand of the sign. No other markings shall 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. The sign shall be capable of being so operated that at night it indicates clearly and conveniently to persons outside the carriage whether or not the vehicle is available for hire.
- b) The roof sign shall be displayed on the front part of the roof.
- c) Both front doors of all Licensed Hackney Carriages shall display a sign incorporating Herefordshire Council's corporate logo together with the vehicle licence number, in the following dimensions: the sign shall be a minimum of 60cm x 19cm wide with lettering measuring at least 6cm in height. The sign shall be the adhesive type and shall not be magnetic. However, magnetic signs may be permitted on a short term temporary basis and then only with the written authority of the Licensing Section. The sign shall be located on the top half of the door where it is clearly visible to the public.
- d) No other sign shall be permitted on either front door, unless it is part of a whole vehicle body wrap advert, which leaves space for the door signs.
- e) Private hire vehicles that wish to advertise their operator details on the vehicle shall also display two adhesive signs one on each front door of the vehicle which states "Private Hire and Advanced Booking Only". The lettering must measure at least 6cm in height. Magnetic signs may be used for temporary use vehicles.
- f) In addition to the Council's official plate, private hire vehicles may fix on any rear door of the vehicle a non-illuminated sign of a size not exceeding 60cm x 19cm, the lettering to be not more than 7.5 cm in height, and can be reflective. The sign may contain the following information advertising the company:-

- i. Name of operator
- ii. Telephone number of operator

10.2 Two or more notices shall be displayed within the vehicle, in a conspicuous location, indicating "NO SMOKING". Such notices shall be clearly visible to passengers.

10.3 Private hire vehicles may not use the words 'taxi' or 'cab' anywhere on the vehicle.

## **Section 11 - LICENCE PLATES AND BADGES**

- 11.1 For all licensed vehicles, the council licence plate and/or bracket shall be securely fixed to the rear of the vehicle by directly fixing it to the bodywork or bumper. It shall be clearly visible when looking at the rear of the vehicle. The council licence plate must not obscure the number plate or any obligatory lights on the vehicle. No council licence plate shall be fitted on any other area, including the rear window.
- 11.2 The licence plate shall remain the property of the Council and shall be returned to Herefordshire Council upon expiry, suspension or revocation. All licence plates shall be returned within 5 working days of the issue of the new plate and can be returned to any of the Info Centres within Herefordshire.
- 11.3 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 shall 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.
- 11.4 The holder of the licence is strictly prohibited from transferring or purporting to transfer any interest in the licensed 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, the person must immediately surrender and return the vehicle licence and the licence plates to the Council. This condition shall not preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.
- 11.5 All renewal applications received after the date of expiry shall be treated as grants and not renewals and the appropriate conditions and fees shall apply.
- 11.6 However, the Licensing Officer has the authority to renew the plate in the 7 day period following expiry. The plate shall only be renewed until the sitting of the next Regulatory Committee (or equivalent panel) who will consider whether to continue to allow the plate renewal. At the time of drafting these conditions, the fee for the referral is £150 and is payable before the committee hearing. This fee may be revised by the Council from time to time.
- 11.7 Any application received prior to the expiry date of the existing licence shall be treated as a renewal. However no plate or badge shall be issued until such time as all the required documents have been received and accepted by Herefordshire Council's Licensing Section.

Note: In such cases there shall be no need to go in front of the Regulatory Committee.

## **Section 12 - ADVERTISING**

- 12.1 No advertisement shall be placed on any vehicle unless the content of the advertisement and the proposed location on the vehicle has been agreed by the Licensing Section and written authorisation given by them.
- 12.2 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

### **Section 13 - TAXIMETER/FARES**

- 13.1 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's area and shall be subject to further tests as and when required by the Licensing Section.
- 13.2 A proprietor of a licensed vehicle shall not tamper with or permit any person, other than a properly authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, its fittings or with the seals affixed to the equipment.
- 13.3 The proprietor of a Hackney Carriage shall cause a statement of fares (as set by the Council) to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- 13.4 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.
- 13.5 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.

### **Section 14 - VEHICLE DAMAGE**

- 14.1 Any damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein shall be reported to the Licensing Section within 24 hours or, when the office is closed, within 24 hours of it re-opening. Where considered necessary, arrangements shall be made for the Licensing Section to inspect the vehicle. If following inspection and considered necessary by an Officer of the Council, written consent must be received before the vehicle can be used again. The vehicle must not be used other than for the purpose of taking it for repair or inspection if the vehicle is deemed unfit for use.

### **Section 15 - ACCIDENTS AND TEMPORARY VEHICLE TRANSFER CONDITIONS**

- 15.1 Accidents involving personal injury to passengers shall be notified to the Police. The Licensing Section shall also be notified as soon as possible but in any case within 24 hours or, when the office is closed, within 24 hours of it re-opening.
- 15.2 Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle shall be required to undergo a further compliance test.

- 15.3 Vehicles which replace a licensed vehicle on a temporary basis shall meet the requirements contained within the standard vehicle licence conditions
- 15.4 All licensed vehicles including wheelchair accessible are allowed to be temporarily substituted by a standard vehicle for use as a replacement, but only for a limited period to be agreed with the Licensing section. This replacement shall comply with section 1 and 4 plus all other relevant conditions.
- 15.5 A temporary transfer will be valid for a 2 week maximum period unless authorised by the Licensing Section due to extenuating circumstances.
- 15.6 If the transfer takes place during normal office working hours, the licensing Section shall be notified before the transfer takes place. Transfers outside of normal office working hours shall be notified to the Licensing Section immediately after the office re-opens. In either case, no temporary transfer vehicle can be used without it having a licence plate attached to it.
- 15.7 Vehicles used as a temporary transfer vehicle must have a "Certificate of Readiness" which incorporates a certificate of compliance, inspection sheet. Valid insurance must be valid prior to the vehicle being used. Such vehicles shall comply with Section 4 of the standard licence conditions.

#### **Section 16 - INSURANCE**

- 16.1 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. The certificate for the policy of insurance shall also be produced to the Licensing Section for inspection. The policy must show that the vehicles are suitably insured for 'hire and reward' purposes.
- 16.2 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 Council staff and faxed copies shall only be accepted if received from the Insurance Company/Broker direct.
- 16.3 The proprietor shall ensure that a copy of the Certificate of Insurance is kept in the vehicle at all times, and this shall include details of drivers authorised under the policy to drive the vehicle.
- 16.4 The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details to the Council of these alterations within two working days of such a change.

#### **Section 17 - NOTIFICATIONS**

- 17.1 The proprietor of a licence shall produce details of drivers licensed by Herefordshire Council permitted to drive by him/her to the Licensing Section.
- 17.2 The proprietor shall notify the Council of any change in the list of drivers within seven days of the change.

- 17.3 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.

### **Section 18 - SAFETY EQUIPMENT**

- 18.1 The vehicle shall be equipped with and carry at all times a British Safety Approved fire extinguisher, which is serviceable. It shall be suitable for use on vehicle fires and shall be 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.
- 18.2 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 shall contain as a minimum the following items in Table 18.3 below as prescribed in the Public Service Vehicles (Condition of Fitness, Equipment, Use and Certification) (Amendment No.2) Regulations 1986. This equipment shall be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.

<b>Table 18.3</b>	<b>Item</b>	<b>Quantity</b>
	Suitable container in which to carry first aid items. Permanently marked with the vehicle plate number	1
	Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control	1
	Triangular bandages	2
	Large sterile unmedicated dressing (not less than 15.0 cm x 20.0 cm)	3
	Individually wrapped sterile adhesive dressings	24
	Safety pins	12
	Disposable gloves	1 pair
	Antiseptic wipes	10
	Disposable bandage (not less than 7.5 cm)	1
	Sterile eye pads with attachments	2
	Tuff-Kut scissors	1 pair



## **Section 19 - TRAILERS**

- 19.1 Written permission shall be obtained from the Licensing Section to use trailers.
- 19.2 Trailers shall only be used in connection with private hire bookings and shall not be used for plying for hire on any rank. Trailers shall comply with the following standards:
- i. Unbraked trailers shall be less than 750 KGs gross weight.
  - ii. Trailers over 750kgs gross weight shall be braked, acting on at least two road wheels.
  - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
  - iv. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use.
  - v. The maximum permissible length of the trailer shall be 7 metres, including the drawbar and coupling.
  - vi. The width of the trailer shall not be greater than the towing vehicle, subject to no trailer being wider than 2.3m.
  - vii. The maximum length for braked twin axle trailers is 5.54m.
  - viii. The trailer shall at all times comply with all Road Traffic legislation requirements, and in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986.
  - ix. The vehicle insurance shall reflect cover for towing a trailer.
  - x. Trailers shall not be left unattended anywhere on the highway.
  - xi. The speed restrictions applicable to trailers shall be observed at all times.
  - xii. The registration number plate and the vehicle plate of the Private Hire Vehicle shall be attached to the rear of the trailer.
  - xiii. The trailer shall be inspected annually and shall be considered to be satisfactory by the Council.

## **Section 20 - VEHICLE INSPECTION (see appendices 1 & 2)**

- 20.1 Prior to the issue or renewal of a licence, all vehicles and trailers shall be mechanically inspected at the Council's Testing Depot, as per appendices 1 and 2 attached. Frequency of testing will generally be dependent on the age of the vehicle (see table in condition 21.2 below). However, when the VOSA tester identifies that additional testing may be required due to the condition of the vehicle, then following consultation with the Licensing Officer, the frequency of these tests can be increased to three per year.
- 20.2 All vehicles shall pass the Council's compliance test before each renewal.

<b>AGE OF VEHICLE</b>	<b>TYPE OF VEHICLE</b>	<b>FREQUENCY OF TEST PER YEAR</b>
1-6	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 1
6-12	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 2
Over 12	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 3

- 20.3 The second test may be an MOT test and these tests shall be carried out 6 months apart. In the case where 3 tests are required per year, these must be carried out 4 months apart and the 2<sup>nd</sup> and 3<sup>rd</sup> tests may be an MOT.
- 20.4 Should a vehicle fail to pass an inspection on a major failure, the vehicle inspector or authorised officer of the Council will notify the licensee that the licence has been suspended, if this is deemed necessary. The vehicle shall then be required to be resubmitted to the depot within seven calendar days and a re-test fee shall be applicable. This seven-day limit shall also apply to any instruction issued for a vehicle to be presented for inspection. When the vehicle tester identifies to the driver that the vehicle has failed the required test for public or road safety reasons, then it shall not be used for hire or reward until the suspension is lifted.
- 20.5 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. All persons named above will have identification which can be produced at the time of inspection.

### **Section 21 - RADIOS**

- 21.1 All telephone facilities and radio equipment provided shall be maintained in a safe condition and any defects shall be repaired promptly. The licensed operator shall ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment shall only be used on the frequencies stipulated in the D.T.I licence and the licensed operator shall allow the Council access to inspect all equipment and D.T.I licenses.
- 21.2 All telephone facilities and radio equipment provided shall not interfere with any other radio or telecommunication equipment.
- 21.3 Where apparatus for the operation of a two-way radio, data heads or GPS systems are fitted, no part of the apparatus shall be situated in a way which could cause accident or injury to a passenger, nor shall it be placed in the rear boot compartment if LPG tanks are situated in them.

### **Section 22 - GENERAL CONDITIONS**

- 22.1 The proprietor of a licensed vehicle shall not convey or permit to be conveyed in such a vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 22.2 All vehicle proprietors shall maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles, as well as authorised officers of the Council.
- 22.3 The proprietor or driver of a licensed vehicle licensed by the Council shall furnish the authorised officers with such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.
- 22.4 The proprietor or driver of a licensed vehicle licensed by the Council shall provide any reasonable assistance necessary for carrying out the functions of the

appropriate legislation to an authorised officer and any person accompanying the authorised officer.

22.5 The authorised officer shall show their authorisation if required.

### **Section 23 - CCTV**

23.1 No recording CCTV equipment shall be fitted without the written consent of the Council. Where CCTV equipment is fitted, an approved sign shall 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 an authorised officer of the Council, by the Police, or by the dedicated System Operator. The dedicated system operator must have a valid CRB enhanced certificate, the details of the operator must be notified in writing to the Council.

### **Section 24 - STRETCHED LIMOUSINES**

24.1 For stretched Limousines, conditions 24.2 to 24.8 below are inclusive and override conditions 2.1, 3.1, 4.1(a) and 4.1(c).

24.2 On being presented for licensing for the first time the vehicle shall have at least one of the following:

- (i) A UK Single Vehicle Approval Certificate
- (ii) A European Whole Vehicle Approval Certificate
- (iii) A UK Low Volume Type Approval Certificate
- (iv) Limousine Declaration of Condition of Use

24.3 All operators shall be required to sign a declaration that the vehicle shall not carry more than 8 passengers (even if there are more than 8 passenger seats within) and that at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.

24.4 Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale or supply of alcohol.

24.5 Stretched limousine vehicles shall comply with the existing Conditions of Licence applicable to all licensed private hire vehicles, with the exception of those listed at paragraph 24.1 above.

24.6 The fee shall be the same as for a private hire licence.

24.7 No licence issued to a stretched limousine shall be transferred to any other type of vehicle.

## 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 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 damaged or corroded.
62	Road Test	The vehicle must be capable of manoeuvring safely and must handle 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 19.2 & 19.3
67	Fire extinguisher	Must comply with condition 19.1

## **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 in an accessible position 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.

## **14.0 Vehicle failure**

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 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



ELI NVL 4a (vehicle licence)  
Outside standard licence conditions



*£150 committee fee*  
*£234 Renewal fee*

Receipt No: <i>458951</i>
Income Code N80509474
Date: <i>24/11</i>



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

<b>PLEASE TICK</b>		<b>PLEASE TICK</b>	
<b>PRIVATE HIRE VEHICLE</b>		<b>GRANT</b>	
<b>HACKNEY CARRIAGE VEHICLE</b>	<input checked="" type="checkbox"/>	<b>RENEWAL</b>	<input checked="" type="checkbox"/>
<b>Reasons for application being outside conditions</b>	<i>FAMILY BEREAVEMENT - mother passed away and son in hospital</i>		

Surname (MR, MRS, MISS) *ALI* Maiden Name \_\_\_\_\_  
 All Forenames *SHAHID* Previous Surnames/Aliases \_\_\_\_\_  
 Date of Birth *01/01/1973* Place of Birth *KASHMIR PAKISTAN* Sex  M  F  
 Present address *34 CANTERBURY RD*  
*WORCESTER* Post Code *WR5 1JN*  
 Telephone Number: Business \_\_\_\_\_ Home \_\_\_\_\_  
 Mobile *07733 668413*

**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**

Name and address of proprietor of the vehicle *Sons of Alida*

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

Address of Registered Office

Address from which business will be conducted.

ELI NVL 4a (vehicle licence)  
Outside standard licence conditions

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

Surname..... Forename(s).....

Address.....

Date of Birth..... Driver's Badge No.....

**PARTICULARS OF VEHICLE**

1. NAME ON REGISTRATION DOCUMENT

2. MAKE VW

8. REGISTRATION NO. NG53 PFX

3. MODEL PASSAT

9. PLATE NO. 328

4. TYPE OF BODY SALOON

10. ENGINE CAPACITY 1995

5. COLOUR(S) SILVER

11. FUEL (~~PETROL~~/DIESEL/~~LPG~~)

6. NO. OF SEATS (EXC DRIVER) 4

12. CHASSIS/BODY NO.

7. DATE OF 1<sup>ST</sup> REGISTRATION 18.11.2003

13. ENGINE NO.

**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: Digitax Model: .....

Address at which vehicle will be garaged: Home

Insurance Company: AVIVA

Insurance Valid From: 1.11.10 To: 01.12.10

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

Hackney/Private Hire Cover: .....

Where is the Fire Extinguisher kept? BOOT

Is the vehicle to be used to undertake Social Service/Education Dept Contract? ~~YES~~/NO  
If YES, state type of contract: .....

**NB Drivers on Social Services/Education Contract journeys must hold a County Transport Badge in addition to their Dual Driver Badge.**

**Contact** - Children and Young People's Directorate, School Admissions and Transport Department  
Blackfriars PO Box 185 Blackfriars Street Hereford HR4 9ZR  
**Office Tel No:** 01432 260928 **Email:** [schooltransport@herefordshire.gov.uk](mailto:schooltransport@herefordshire.gov.uk)

ELI NVL 4a (vehicle licence)  
Outside standard licence conditions

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).

NAME OF AUTHORITY	REGISTRATION NO	PLATE NO
-------------------	-----------------	----------

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.....

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

Shahid ALI

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

**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 (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..... *S. ALI* Date..... *21/11/16*

<b>ON COMPLETION PLEASE SUBMIT THIS FORM, WITH THE REQUIRED FEE AND DOCUMENTATION TO ONE OF THE HEREFORDSHIRE COUNCIL CUSTOMER SERVICE CENTRES</b>	Any queries regarding any aspect of this application please contact the Taxi Licensing Office.  Tel: 01432 260105
--	---

ELI NVL 4a (vehicle licence)  
Outside standard licence conditions

**PARTNER**

**(THIS FORM TO BE COMPLETED BY THE SECOND LICENCE HOLDER, IF YOU INTEND TO HAVE TWO NAMES ON YOUR LICENCE)**

**VEHICLE LICENCE**

Surname (MR.MRS.MISS.MS).....Maiden Name.....

All Forenames.....Previous Surnames/Aliases.....

Date of Birth.....Place of Birth.....Sex M/F

Present Address.....

.....Post Code.....

Telephone Number: Business.....Home.....

**Particulars of Vehicle**

**REGISTRATION NO.** \_\_\_\_\_

**PLATE NO.** \_\_\_\_\_

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 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.....Date.....

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

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