

HACKNEY CARRIAGE VEHICLE LICENSING DEVIATION BY PETER CHARLES FERNEYHOUGH FROM VEHICLE LICENCE CONDITION NUMBER 1.1

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

Purpose

1. The report introduces an application made by Mr Ferneyhough to deviate from the standard condition number 1.1. This condition states: -

For an application for a Hackney Carriage Licence, the vehicle to be licensed shall be a purpose built Hackney Carriage, or constructed or adapted to carry disabled persons whilst remaining in their wheelchairs, in accordance with the provisions set out in section 20 of these conditions. **The vehicle will be 5 years of age or younger**, the age of the vehicle will be determined by the date of first registration on the registration document. The licensed vehicle shall be replaced upon or before reaching fifteen years of age.

Legal Background

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

Issues

4. Mr Ferneyhough made an application for a new vehicle licence on the 8th February 2008 (Appendix 2). The application contains a request for a vehicle which does not comply fully with the standard conditions and policy of Herefordshire Council. The vehicle was five years old on 7th February 2007 and therefore is just over 6 years old.
5. In light of this application the licence has not been issued, instead referred to this Regulatory Committee for consideration and determination whether he is a fit and proper person to hold a licence.

Options

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

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

Appendix 1 – standard vehicle licence conditions

Appendix 2 – copy of application form