

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING DEVIATION BY STUART PREWAR FROM VEHICLE LICENCE CONDITION NUMBER 2.1

REPORT BY: Head of Environmental Health and Trading Standards

Purpose

1. The report introduces an application made by Mr Prewar to deviate from the standard condition number 2.1 'For new application for a Private Hire Licence, the vehicle to be licensed shall not be more than two years old, the age of the vehicle will be determined by the date of first registration on the registration document. The vehicle can be a saloon, estate car, MPV or a purpose built vehicle, or constructed or adapted. The licensed vehicle shall be replaced upon or before reaching eight 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 20th March 2007 following a full consultation period.
4. Section 53 of Road Safety Act 2006 abolished the "contract exemption" under Section 75 (1) of the Local Government (Miscellaneous Provisions) Act 1976. Mr. Prewar was availing himself of this exemption prior to the change.

Issues

5. Mr Prewar made an application for a new vehicle licence on the 11th 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 2 years old on 23rd June 2006. Therefore the vehicle is just over 3 ½ years old.
6. In light of this the licence has not been issued, instead referred to this Regulatory Committee for consideration and determination whether the vehicle should be licensed outside the standard conditions.

Options

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

- Can be granted outside of the standard conditions and or policy.
- Cannot be granted and the licence be refused.
- 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