

**APPLICATION FOR NEW HACKNEY CARRIAGE  
VEHICLE LICENCE OUTSIDE STANDARD CONDITION  
1.1 & 20.1 & BY MAZHUR HUSSAIN**

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

## Purpose

1. The report introduces an application made by Mr Hussain to deviate from the standard conditions number 1.1, 20.1 and 20.2. These conditions state: -
  - 1.1 For a new application for a Hackney Carriage Licence, **the vehicle to be licensed shall be a purpose built Hackney Carriage, or constructed or adapted to carry disabled persons** whilst remaining in their wheelchairs, in accordance with the provisions set out in section 20 of these conditions. **The vehicle will be 5 years of age or younger**, the age of the vehicle will be determined by the date of first registration on the registration document. The licensed vehicle shall be replaced upon or before reaching fifteen years of age.
  - 20.1 These are in addition to all other conditions and apply to wheelchair accessible vehicles.
    - (a) Vehicles offered for approval must be constructed in accordance with **M/M1**
    - (b) Every new type of wheelchair accessible vehicle must comply in all respects with the following requirements: -
      - Motor Vehicle (Type Approval) Regulations 1980
      - Motor Vehicle (Type Approval) Regulations (Great Britain) 1984And when in use with the following: -
      - Road Vehicle (Construction and Use) Regulations 1986 (C&U).
  - 20.2 When offered for approval the vehicle must comply with British and European Vehicle Regulations and by type approved to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended. Those vehicles (e.g. van conversions) which have not been 'type approved' to M or M1 Categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories. Most registration certificates issued since late 1998 should indicate the approval status of the vehicle.

## 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 18<sup>th</sup> December 2007.

## Issues

4. Mr Hussain has applied to licence a Toyota Hiace Minibus which was first registered on 13<sup>th</sup> September 2002 and therefore is more than 5 years old.
5. He has produced the registration document which also shows the vehicle category as N1, not M/M1 as required by the conditions.

## Matter for Committee

6. In light of this the licence has not been issued but instead referred to this Regulatory Committee for consideration and determination whether a new plate should be issued.

## Options

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

- **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 forms