

## **REPORT OF THE REGULATORY COMMITTEE**

**Meetings Held on 15/27 May, 20 May, 17 June and 15 July 2008**

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### **Membership:**

**Councillors:** P. Jones CBE (Chairman), J.W. Hope MBE (Vice-Chairman) C.M. Bartrum, D.J Benjamin, M.E. Cooper, P.G.H. Cutter, S.P.A. Daniels, J.H.R. Goodwin, R. Mills, A. Seldon, D.C. Taylor.

### **HIGHWAYS ACT 1980 SECTION 119 – APPLICATIONS FOR PUBLIC PATH DIVERSION ORDERS**

1. The Committee has determined applications for the following Public Path Diversion Orders for which there has been consultation with interested parties, the local parish councils and the local Ward Councillors where appropriate:-
  - (a) Bridlepath CO1, and footpaths CO1A, CO4 (Collington) and parts of footpaths ER3 AND ER26 (Edwyn Ralph) – refused as recommended because the diversion would be substantially less convenient to the public in that it would be significantly longer and less direct for walkers; and
  - (b) Footpath GW3 (part) in the parish of Garway - approved as recommended.

### **REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES THAT HAVE BEEN MODIFIED: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847**

2. In December 2007 the Committee considered concerns which had been raised by the trade with Officers about the safety of converted panel vans and certain vehicles which had been converted for wheelchair access. It was decided to suspend the licences of converted panel vans until the Council was provided with evidence that the vehicles had complied with the requirements of the Department of Transport and the DVLA. In the case of vehicles converted for wheelchair access, the proprietors were asked either to produce evidence from the manufacturer to show that vehicle was safe and fit for use, or to obtain a VOSA Single Vehicle (Standard) approval test certificate and proprietors were given time to obtain the necessary certification.
3. Extensive consultation has been carried out with the trade and the major manufacturers of the vehicles with a view to amending the Councils vehicle licence conditions to bring them into line with legislation and best practice and to ensure the safety of passengers. The process has proved to be time consuming and complicated due to the fact that there is no single comprehensive standard that can be adopted regarding vehicles adapted post-manufacture for wheelchair access. The Committee has given further consideration to all the issues and has also heard representations from the trade who were given the opportunity to speak at meetings. The Committee has decided to adopt the VOSA - SVA (Single Vehicle Approval) standard test or relevant safety standards as the benchmark for licensed vehicles adapted for wheelchair access. It is of the view that this will provide the Council and the public with assurances that the wheelchair facilities have been tested to the industry standards and that the vehicle design will comply with the government approved test. The Committee has also approved LTI – London Cabs as a

benchmark manufacturer of wheelchair accessible vehicles to be licensed for hackney carriage and private hire.

#### **HOME BOARDING STABLISHMENTS - CONDITIONS FOR DOG HOME BOARDING ESTABLISHMENTS - ANIMAL BOARDING ESTABLISHMENTS ACT 1963**

4. The Committee has considered the introduction of licensing conditions for Home Boarding Establishments (private homes rather than kennels for the boarding of cats and dogs). In 2005 LACORS (the Local Authorities Coordinators of Regulatory Services) issued guidance and Model Conditions to local authorities on home boarding and whether host families or agencies required a Boarding Establishment Licence. The conditions have been adopted in respect of the boarding of dogs to ensure that accommodation is of a suitable size and construction, has exercising facilities and that aspects such as temperature, lighting, ventilation, cleanliness, food and water, safety and the prevention of disease are satisfactory. The situation regarding the boarding of cats is a little different. It is the view of DEFRA and the Feline Advisory Bureau that the homeboarding of cats is not to be encouraged. Secondary legislation will be introduced to prevent the homeboarding of cats on the grounds of animal welfare. The Committee has decided to adopt new licensing conditions with effect from 1 August 2008 regarding the homeboarding of dogs. Applications for the homeboarding of cats will be refused in view of the guidance received and the impending legislation.

#### **APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

5. Eight applications for the reinstatement, renewal or grant of Hackney Carriage/Private Hire driver's licences have been referred to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions and medical requirements. Eight applications for the grant, renewal or transfer of vehicle licenses have also been submitted to the Committee because the applications do not comply with the Councils licensing conditions and policies.
6. The applicants, licence holders and their representatives gave details of the grounds for their applications and provided the Committee with their personal circumstances. In the case of the applications for vehicle licences, the applicants explained why they wished to have their licences transferred to vehicles which did not comply with the Council's licensing conditions, or the circumstances which had prevented them from renewing their licences within the Council's prescribed timescale. The applications were dealt with as follows:
  - (a) consideration of one application for a drivers licence was deferred because the applicant needed to clarify certain convictions which had been stated by the Criminal Records Bureau;
  - (b) three driver applications were refused because the applicants are not considered to be fit and proper persons to be granted a licence;
  - (c) four driver applications were granted because the Committee is satisfied that evidence had been given that the applicants are fit and proper persons to be licensed;
  - (d) an application for the transfer of an expired private hire vehicle licence to another vehicle was refused because several months had elapsed since

the expiry, and the applicant had not provided any details of the vehicle he wished to transfer it to;

- (e) six applicants were allowed to renew their vehicle licences outside the prescribed timeframe because of their particular circumstances, or the fact that the Committee felt that the timeframe between expiry and the application for renewal was small enough to be acceptable; and
- (f) an application for a private hire vehicle licence for a vehicle with an engine capacity lower than that stipulated in the Councils licensing conditions was granted because the vehicle has an eco-friendly petrol/electric hybrid engine.

**P. JONES CBE  
CHAIRMAN  
REGULATORY COMMITTEE**

**BACKGROUND PAPERS** Agenda papers from the meetings of the Regulatory Committee held on 15/27 May, 20 May, 17 June and 15 July.