

**AMENDMENT AND ADDITION OF HACKNEY  
CARRIAGE AND PRIVATE HIRE VEHICLE  
CONDITIONS: LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1976, TOWN  
POLICE CLAUSES ACT 1847**

**REPORT BY: Assistant Chief Executive - Legal and  
Democratic**

## Purpose

1. To consider implementing a revised vehicle licence condition due to interpretation problems with condition 3.3 as currently worded. To consider the position of current applicants for new vehicles.

## Legal Background

2. Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 s 47 (Private Hire Vehicle), Town Police Clauses Act 1847 s 42 (Hackney Carriage), local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles.
3. Any person aggrieved by any conditions, which have been imposed, has a right of appeal to the Magistrates Court.

## Background

4. The licence conditions were last reviewed in April 2007 following full consultation.

Condition 3 relates to existing vehicle licences and confirms that written authorisation must be obtained from the Taxi Licensing team before any new or replacement new vehicle is purchased and tested.

Under 3.3 the conditions state that the proposed new vehicle must comply with the following: "a licence with a wheelchair access vehicle cannot at anytime be replaced with a non-wheelchair access vehicle. A saloon may be replaced with a saloon or upgraded to a wheelchair access vehicle".

This has given rise to interpretation problems as to "like for like" and in particular in relation to saloon cars.

## Current and Proposed conditions

- 5.

<b>Current Condition</b>	<b>Proposed Condition</b>
3.3(a) To be modified	A licence for a wheelchair access vehicle cannot at anytime be replaced with a non-wheelchair access vehicle. Licences for all other types of vehicle must have a

	maximum seating capacity of nine passengers or less.
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## Issues

6. Issues of interpretation have arisen in particular between what constitutes a saloon car and a multi-purpose vehicle (MPV). In particular this interpretation issue has been further clouded by development in the MPV field.
7. "Saloon" cars generally take four passengers. The original MPV's generally took four passengers (e.g. Picasso's and Scenic's) or seven (e.g. Zafira's, Galaxy's and Peugeot 806). Recently, however, versions of "stretched" MPV's have come on to the market, for example one can now purchase a five or seven seat Picasso.
8. The essential purpose of condition of condition 3.3 was to ensure that Herefordshire's fleet of taxi/private hire fleet contained an adequate and growing number of wheelchair accessible vehicles.
9. By amending the condition as proposed the protection for wheelchair accessible vehicles is preserved but the unnecessary distinction between the wide variation of other types of vehicles is removed. This will empower Licensing staff to permit vehicle changes quickly and efficiently without the need to refer matters to Regulatory Committee in future.
10. At least one applicant has been caught by this difference in interpretation to their detriment, previously owning an MPV (7 seat) replacing it with a saloon (4 seat) and unable to repurchase an MPV (7 seat) without applying for a deviation to standard conditions, necessitating an appearance before the Regulatory Committee.

## Options

### Conditions

**It is for the Regulatory Committee to decide whether the condition 3.3 should be amended and how: -**

- **To reject the amendment**
- **To accept the amended wording as proposed**
- **To amend the condition in some other form.**

**Current Applications**

If the Regulatory Committee do not amend the wording of condition 3.3.

- To reject current applications for changes of vehicle which increases seating capacity
- To approve applications for changes of vehicle which increase seating capacity as a deviation for the standard condition.