

<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>9 SEPTEMBER 2009</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION TO CONVERT TWO HACKNEY CARRIAGE LICENCES TO PRIVATE HIRE LICENCES AND THEREFORE DEVIATE FROM CONDITION 3.3(a)</b>
<b>PORTFOLIO AREA:</b>	<b>REPORT BY HEAD OF ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS ENVIRONMENT &amp; CULTURE</b>

**CLASSIFICATION:** Open – if exempt please see Schedule 12A for the description of exempt information (see \* at the bottom of this guidance note). You should put as much information as possible in the open part of the report with exempt information submitted only where necessary

## Wards Affected

Countywide

## Purpose

To decide whether or not to allow Mr Hufton to convert two Hackney Carriages to Private Hire, and by doing so therefore deviate from condition 3.3 by removing the wheelchair access to the vehicle.

## Key Decision

This is not a key decision.

## Recommendation(s)

**THAT Cabinet:**

- (a) **refuse the application to allow the hackney carriages to be transferred onto private hire plates; and**
- (b) **refuse the application to use the wheel chair access facility on a pre-booked basis in the VW Caravelle.**

## Key Points Summary

- Licences concerned are H129 and H503.
- Application received to consider conversion from Hackney to Private Hire on 11<sup>th</sup> August 2009.

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Further information on the subject of this report is available from  
Claire Berrow – Licensing Officer on (01432) 383325

- To consider exemption from standard condition 3.3 (a) – removal of wheel chair access.
- To convert two Hackney Carriage plates to Private Hire plates.

## Alternative Options

### 1 The licence can be granted and therefore is accepted

**Advantages:** It allows Mr Hufton flexibility by having an extra seat in his Caravelle vehicle.

**Disadvantages:** It could encourage numerous applications to remove wheelchair access.

**Reason for grant:** Although this has been considered it has not been recommended as it is considered to deviate too far from the standard vehicle conditions. Also Mr Hufton could sell the Hackney Carriage plates and increase the number of taxis within the County. If Committee do grant the permission it should be on the basis of a conversion and the Hackney plates should be handed back to licensing, to preclude a sale.

### To defer the decision in order to get more information

The Committee could make a decision to grant the licence subject to that information meeting the criteria set by committee being produced to the Licensing Officer. Where this was not produced the licence would remain not granted until that information was produced.

**Advantages:** Gives the opportunity to the applicant to produce further information in support of the application and allows him a fair hearing. It would also reduce the need for an additional committee hearing thus saving costs.

**Disadvantages:** This would delay the decision process and may mean that the livelihood of the applicant could be affected.

**Reason for rejection:** It is felt that any information required to reach a decision has been provided within the application.

### To reach some other decision

**Advantages:** This leaves other solutions open to the Committee to resolve the application.

**Disadvantages:** There are no clear directions from the Head of Environmental Health & Trading Standards in respect of the application.

**Reason for rejection:** It is difficult to envisage what other decision could be reached.

## Reasons for Recommendations

- 2 The applicant can continue his business without transferring the licences to private hire and if he were allowed to transfer he would need to apply for a Private Hire Operator Licence, which would incur an additional fee.

## Introduction and Background

3. 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.

The standard licence conditions were approved at Regulatory Committee on the 18<sup>th</sup> December 2007.

Standard condition number 3.3 (a) states: -

- 1.1 The proposed new vehicle must comply with the following:-

“A wheel chair access vehicle cannot at any time be replaced with a non wheel chair access vehicle. A saloon may be replaced with a saloon or upgraded to a wheel chair access vehicle”.

- 1.2 For a 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 in accordance with conditions 1.1 above. The licensed vehicle shall be replaced upon or before reaching eight years of age.

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.

The standard licence conditions (Appendix 1) were approved at Regulatory Committee on the 18<sup>th</sup> December 2007.

This Authority previously licensed a VW Caravelle registration number H4 FTY on Plate No.H129, which was first registered on 18 October 2002 (6y 9m). Also a Silver Vauxhall Omega, registration DG03 AZR first registered on 6 March 2003 (6y 5m).

Both vehicles are currently licensed. The application to review at Regulatory Committee was made on 11<sup>th</sup> August 2008. (Appendix 2).

## **Key Considerations**

- 4 Whether or not in the given circumstances the application should be granted outside the standard conditions.

## **Community Impact**

5. It is felt that any decision made will have very little or no impact on the community.

## **Financial Implications**

- 6 Not applicable

## **Legal Implications**

- 7 Under the Local Government (Miscellaneous Provisions) Act 1976 there is a right of appeal to a Magistrates Court within 21 days of notification of the decision being served on the applicant.

## **Appendices**

- 8 Appendix 1 – Copy of standard licence conditions  
Appendix 2 – Copy of application forms

## **Background Papers**

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.