

<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>6 APRIL 2010</b>
<b>TITLE OF REPORT:</b>	<b>NON-CONFORMITIES DUE TO AMENDMENTS OF THE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847.</b>
<b>PORTFOLIO AREA:</b>	<b>HEAD OF ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS ENVIRONMENT &amp; CULTURE</b>

**CLASSIFICATION:** Open

## **Wards Affected**

Countywide

## **Purpose**

To consider appropriate action in relation to non-conformities associated with the changes to the standard vehicle conditions.

## **Key Decision**

This is not a key decision

## **Legal Implications**

A District Council is empowered to attach conditions to both Hackney Carriages and Private Hire Vehicles by virtue of Section 47 and 48 of the LGMPA 1976 and the TPCA 1847.

## **Introduction and Background**

1. The final version of the amendments to the vehicle conditions were agreed by Cllr Peter Jones on 31.3.10. (Appendix 1).
2. Following the changes to the vehicle conditions there are a number of vehicles which will not comply fully with the new conditions. This report details in the following table, the approximate

number of vehicles which are affected by the changes to the vehicle conditions and the relevant condition.

<b>Condition</b>	<b>Number of vehicles</b>	<b>Recommended time scale or other action necessary to comply, or agree 'grandfather rights' for vehicles.</b>
4.1b – All body panels to be of the same colour	2	Issue grandfather rights.
4.1o – Unobstructed access to all emergency doors and exits. (Seats must be located to facilitate this).	25 x MPV's 6 seaters  10 x 7 & 8 seaters	Exclusion of small rear seats from total seating capacity. To be picked up when tested by vehicle tester.  Issue grandfather rights when tested annually by vehicle tester. Remove seat if deemed necessary by tester for public safety reasons.
5.2i – the vehicle must have at least two doors to the rear of the driver for the exclusive unobstructed use of the passengers	3 x 7/8 seaters	Issue grandfather rights when tested annually by vehicle tester. Remove seat if deemed necessary by tester for public safety reasons.
5.2ii – All doors must show the method of operation	25 x 7/8 seaters	3 months
5.2iii – All emergency doors clearly identifiable	25 x 7/8 seaters	3 months
5.4, 5.5, 5.6, 5.7 – steps to passenger area	6 x 7/8 seaters	3 months
5.8 all doors to be hinged vertically	6 x 7/8 seaters	Issue grandfather rights when tested annually by vehicle tester. Remove seat if deemed necessary for public safety reasons.
10.1e – Advertising on private hire vehicles		3 months
This list is not exhaustive and some non-compliances may become apparent at a later date. These are the conditions which have been identified which have been altered since the amendments to the standard vehicle licence conditions.		

## Key Considerations

3. To agree a strategy for managing non-compliances associated with the changes to the standard vehicle licence conditions.

## Key Points Summary

- Vehicle Licence conditions agreed by Cllr Jones.
- Table of non-compliances.

## Recommendation(s)

4. THAT Committee:
  - (a) Agree the strategy for managing the non-compliances in accordance with the table above.
  - (b) Delegate authority to Officers to agree time scales for non-compliances based on the table of time scales and actions above.

## Reasons for Recommendations

5. The licensing authority believes that the recommendations detailed in the table above are fair and reasonable, and allow vehicle proprietors adequate time to comply with the conditions. Where the vehicle cannot comply with the current conditions, it is appropriate if there are no public safety issues that 'grandfather rights' are given to allow the vehicle to be used until the vehicle is changed by the proprietor.

## Alternative Options

**a) The strategy for managing non-compliances are not to be adopted by the Regulatory Committee as presented in this report.**

**Advantages:** It allows an even fuller account of the exact number of vehicles to be presented, if considered appropriate **Disadvantages:** This alternative will delay the ability of licensing staff to make decisions

**b) To defer the decision in order to get more information**

The Committee could make a decision to defer the decision. This will allow further information to be considered and enable additional advice to be received, whether legal or technical.

**Advantages:** Gives the opportunity for further information to be sought.

**Disadvantages:** This would delay the decision process and will incur further costs. This alternative will also delay the conditions even further.

**c) To reach some other decision**

**Advantages:** This leaves other options open to the Committee to resolve the matter.

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

## **Community Impact**

6. It is felt that any decision will have only a minor impact on the community as a whole, as it relates specifically to the taxi trade.

## **Financial Implications**

7. Not applicable

## **Appendices**

8. Appendix 1 – Vehicle Licence Conditions

## **Background Papers**

9. None