

MEETING:	REGULATORY COMMITTEE
DATE:	7 SEPTEMBER 2010
TITLE OF REPORT:	APPLICATION TO LICENCE A VEHICLE OUTSIDE STANDARD CONDITION 5.2 (i) BY MR STEPHEN DAVID WILLIAMS
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: open

Wards Affected

Countywide

Purpose

To decide whether to licence a vehicle outside the standards vehicle licence conditions.

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT the Regulatory Committee:

allow this vehicle to have “grandfather rights” on this occasion outside the standard conditions.

Key Points Summary

- Written request made on 19th August 2010 to consider allowing an additional seat to be left within the vehicle.
- Amendments to vehicle licence conditions were agreed at Regulatory Committee on 6th April 2010. ‘Grandfather rights’ were issued to purpose built vehicles, to allow the seat which needs to be moved to allow passengers access and egress to remain.
- This vehicle is a MPV vehicle with 6 passenger seats. One of the seats has to be moved forward to allow passengers access to the rear two seats of the vehicle.
- The vehicle was compliance tested on 21st July 2010 and one seat was excluded from the licence dropping it from a 6 to a 5 seated vehicle.

Further information on the subject of this report is available from
Claire Berrow – Licensing Officer on (01432) 383542

Alternative Options

- 1 **The 'grandfather rights' cannot be granted and therefore is refused**
Advantages: It ensures that the existing licence conditions are met.
Disadvantages: It could be subject to legal challenge.
Reason why Assistant Director has not recommended alternative 1: Although this has been considered it has not been recommended as it is considered to be unreasonable.
- 2 **To defer the decision in order to get more information**
The Committee could make a decision to defer the decision while more information is requested.
Advantages: Gives the opportunity for the applicant to produce further information in support of the application and allows him a fair hearing.
Disadvantages: This would delay the decision process and may mean that the livelihood of the applicant could be affected and further costs would be incurred in another committee hearing.
Reason why Assistant Director has not recommended alternative 2: It is felt that any information required to reach a decision has been provided within the application.
- 3 **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 Assistant Director with respect to other options.
Reason why Assistant Director has not recommended alternative 3: It is difficult to envisage what other decision could be reached.

Reasons for Recommendations

- 4 In view of the fact that this vehicle does not have fold down seats in the rear of the vehicle and this MPV is larger in height than most similar 6 seated vehicles, it is felt that this particular vehicle poses less of a risk to the travelling public, compared to the vehicles with fold down seats.

Introduction and Background

- 5 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 matter of 'grandfather rights' were approved at Regulatory Committee on the 6th April 2010 (see Appendix 1).

Key Considerations

- 6 Whether or not, in the given circumstances, the 'grandfather rights' should be granted outside the standard conditions.

Community Impact

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

Financial Implications

- 8 Not applicable

Legal Implications

- 9 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

- 10 Appendix 1 – Copy of standard licence conditions – as set out in Agenda item 6 above
Appendix 2 – Copy of letter dated 4th August 2010

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.