

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	2 OCTOBER 2012
TITLE OF REPORT:	APPLICATION TO LICENCE A HACKNEY CARRIAGE VEHICLE OUTSIDE STANDARD CONDITION 6.1 'ALL PASSENGER REAR DOORS TO BE HINGED VERTICALLY OR SLIDING' BY MR CRAIG HART
PORTFOLIO AREA:	HEALTH AND WELLBEING

CLASSIFICATION: open

Wards Affected

Countywide

Purpose

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

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT the Regulatory Committee:

- (a) **Allows this application for this specific make and model of vehicle.**

Key Points Summary

- Application made on 12 September 2012 to consider allowing this vehicle to be licensed outside standard conditions.
- This vehicle was first registered in 2012 and is a new vehicle, it does not comply with the following condition:
 - 6.1 All passenger rear doors to be hinged vertically or sliding.

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

Alternative Options

1 The licence can be refused

Advantages: It complies with licence conditions. No similar applications have been considered in the past.

Disadvantages: There would be risk of legal challenge.

Reason why Head of Service has not recommended alternative 1: Although this has been considered it has not been recommended as the vehicle is designed as a purpose built taxi.

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 Head of Service 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 Head of Service with respect to other options.

Reason why Head of Service has not recommended alternative 3: It is difficult to envisage what other decision could be reached.

Reasons for Recommendations

- 4 The vehicle is a purpose built taxi vehicle and this specific vehicle has two other rear doors which are sliding, so egress from the vehicle is unobstructed. The rear door would only be used when in use as a disabled passenger vehicle.

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.

Key Considerations

- 6 Whether or not, in the given circumstances, the licence 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
Appendix 2 – Copy of application dated 12 September 2012

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.