

MEETING:	REGULATORY SUB COMMITTEE
DATE:	26 MARCH 2013
TITLE OF REPORT:	FITNESS OF VEHICLE H024 (DEFECTIVE TYRE, AND VEHICLE NOT LICENSED) FOLLOWING VOSA INSPECTION
PORTFOLIO AREA:	ENVIRONMENTAL HEALTH AND TRADING STANDARDS

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To determine if the proprietor and vehicles remain suitable to be licensed.

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT Committee:

- (a) **Issue 4 Penalty Points for a breach of Condition B10 (Failure by driver or proprietor to take reasonable precautions to ensure the safety of passengers);**
- (b) **and issue a final warning, that if the vehicle is found with defective tyres or found not to be displaying plate, in the future the licence will be revoked and the vehicle will not be able to be licensed in Herefordshire in the future, and;**
- (c) **allow the licence to be renewed.**

Key Points Summary

- Vehicle proprietor is Nicholas James Maddy
- Inspections carried out by VOSA and West Mercia.
- The vehicle H024 found with defective tyre and expired hackney carriage plate.

Further information on the subject of this report is available from
Claire Corfield Licensing Manager 01432 383324

- Further consideration regarding the fitness of the proprietor to retain the licence.

Alternative Options

- 1 **Revoke the vehicle licence – Advantages – ensures compliance with safety of passengers by ensuring the vehicles are safely maintained and licensed. Disadvantages – the proprietor could Appeal the decision to revoke.**

Defer the decision – Advantages – will allow further information to be supplied if it is deemed necessary. Disadvantages – further delays the decision

Reasons for Recommendations

- 2 The recommendation has been made in accordance with the Council's Penalty Points Scheme.

Introduction and Background

- 3 The licences are owned by Mr Nicholas Maddy.

VOSA and West Mercia undertook a joint vehicle check at Blackmarsden School on 6/3/2013. During the inspection a number of vehicles were found to have defects or other problems. H024 were found with a defective tyre and expired licence plate.

Mr Maddy own other licensed vehicles.

Due to the fact that the vehicles were and are being used for transporting children, it was felt that the matter was serious and warranted a referral to Regulatory Sub Committee for determination.

Mr Maddy was unable to have his plate issued as it did not comply with the licence conditions. When it was inspected by Ady Poole it was found to have a meter that was not connected. He was advised to remedy this and then the plate would be issued. Mr Maddy was reminded by telephone and the plate remained unclaimed. The plate was not re-issued but instead the matter is referred to Regulatory Sub Committee for determination.

Key Considerations

- 4 On the balance of probabilities, is the vehicle proprietor able to retain the licence and maintain control of the vehicle. Is there a risk that he will once again allow the vehicles to be run with defective tyres or other defects or not display a valid plate?

Community Impact

5. Mr Maddy operates other licensed vehicles. The company undertakes a number of school and other contracts for the Council therefore drives some of the County's most vulnerable people around on school taxi contracts and bus runs. The most recent VOSA and Police inspection was carried out at Blackmarsden School.

Financial Implications

- 6 There are no financial implications for the Council only for the vehicle proprietor.

Legal Implications

S60 (1) of the TPCA 1847 states

- 7 A district Council may suspend or revoke or refuse to renew a vehicle licence on the following grounds:-
- b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the proprietor or driver; or
 - c) any other reasonable cause

Risk Management

- 8 There is a reputational risk to the Council as it awards contracts for transport services, which covers school transport. If the vehicles are not operated within the Regulations the insurance will be voided and the passengers will be travelling without any cover. A claim could be made against the Council if the vehicle was not adequately insured defective or not operated within the statutory requirements.

Consultees

- 9 Not applicable

Appendices

- 10 Copy of West Mercia e-mail

Background Papers

- None identified.