

**8 HACKNEY CARRIAGE AND PRIVATE HIRE - REQUEST FROM MR PULLIN TO DEVIATE FROM STANDARD CONDITION 3.2 (STANDARD OF THE VEHICLE) - TOWN POLICE CLAUSES ACT LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**REPORT BY: Head of Environmental Health and Trading Standards**

### **Purpose**

1. The report is to assist the Regulatory Committee consider a request from Mr Pullin to allow his disabled access vehicle to be replaced with a saloon motor car contrary to condition number 3.2 in the vehicle licence conditions (Appendix 1).

### **Legal Background**

2. 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.
3. The vehicle conditions were bought before Regulatory Committee on the 14/12/05.

### **Risks**

4. The original vehicle may be sold on, or used to gain an additional Hackney Carriage plate.
5. There could potentially be 70 similar requests which if successful would significantly deplete the wheelchair accessible vehicles in the County.

### **Issues**

6. Mr Pullin was issued a new Hackney Carriage plate on 9/01/04, the vehicle was a wheelchair access Fiat Doblo, which was the requirement at that time as it is the new conditions.
7. When the vehicle was renewed Mr Pullin completed the application form (Appendix 2) stating that no alterations had been made to the vehicle. On the application form he also answered "no" to the question about whether the vehicle was wheelchair accessible. This was not identified at the time and the licence was issued.
8. A colleague of Mr Pullin contacted the Licensing Officer to inform us that the vehicle was no longer used as a wheelchair access vehicle as the ramps had been removed.
9. The Licensing Officer wrote to Mr Pullin on the 27<sup>th</sup> July 2005 (Appendix 3).

10. Mr Pullin came into the office on the 16/8/05 to see the Licensing Officer was not in the office at the time but he claimed that as the vehicle was licensed as a non-wheelchair vehicle it no longer was classed as such.
11. The Licensing Officer risk assessed the workload at that time and decided that when the licence was renewed, the matter would be dealt with at that time by not issuing the licence unless it complied with the wheelchair accessible criteria.
12. Mr Pullin purchased a new saloon motor car and had it tested without getting written approval Condition 3.3 (Appendix 1). When Mr Pullin came into the office to renew the plate with the alternative vehicle, staff advised him that the matter would have to be referred to Regulatory Committee as the situation deviated from the standard licence conditions.
13. The saloon car has been licensed as the spare vehicle to the plate, but the licence is only issued for the period until the Committee hearing.

## **Options**

It is for the Regulatory Committee to decide whether the vehicle: -

- The wheelchair access vehicle can be replaced with the saloon car.
- The wheelchair access vehicle cannot be replaced with the saloon car.
- The wheelchair access vehicle can be replaced with the salon car but the original vehicle cannot be licensed as a Hackney Carriage or Private Hire Vehicle in Herefordshire again. In addition when the saloon car is replaced it must be replaced with a wheelchair accessible vehicle as specified in the conditions.
- or reach some other decision.