

Mr Howarth was in attendance at the meeting and made representations to the committee. He also responded to some of the points raised in the report in support of his request.

The committee asked questions regarding the gaps in the floor of the vehicle which were left exposed when the seat was in the tipped position. They queried whether passengers could get their shoes caught in the gaps. Mr Howarth advised the committee that he had previously operated two of the same vehicles before the rules had changed and that it had never happened in the past.

Members discussed the possibility of fitting a handle to the inside of the rear hatch/door which was capable of being opened from the inside of the vehicle, and that it be clearly marked as an emergency exit. Mr Howarth agreed that if members were minded to approve his application he would be willing to include these additional safety features.

It was proposed by Councillor Burns and seconded by Councillor Hill: -

- "(1) That Mr Howarth's request for a waiver of the policy requirement that all passengers should have direct access to doors without having to tip or fold a seat be approved, subject to the inclusion of the additional safety features as set out below:

That a handle be fitted to the inside of the rear hatch/door which was capable of being opening from inside of the vehicle, and that it be clearly marked as an emergency exit.

- (2) That the VW Touran with these exact specifications be added to the list of approved vehicles, provided that the vehicle was to operate as a private hire vehicle only."

By way of a friendly amendment to (1) Councillor Hill proposed:

"That (1) be revised to read as follows:

That Mr Howarth's request for a waiver of the policy requirement that all passengers should have direct access to doors without having to tip or fold a seat be approved, subject to the inclusion of the additional safety features as set out below:

That a handle be fitted to the inside of the rear hatch/door which was capable of being opening from inside of the vehicle, and that it be clearly marked as an emergency exit.

That any other safety features that the Licensing manager decides are appropriate be included."

There being no seconder, the amendment was deemed to have failed.

Members then voted on the original proposal.

Upon being put to the vote, 7 members voted in favour of the proposition, with 1 against, whereupon the vice-chairman declared the proposition to be carried.

Resolved:

- (1) That Mr Howarth's request for a waiver of the policy requirement that all passengers should have direct access to doors without having to tip or fold a seat be approved, subject to the inclusion of the additional safety features as set out below:

That a handle be fitted to the inside of the rear hatch/door which was capable of being opening from inside of the vehicle, and that it be clearly marked as an emergency exit.

- (3) That the VW Touran with these exact specifications be added to the list of approved vehicles, provided that the vehicle was to operate as a private hire vehicle only.

LICENSING REGULATORY COMMITTEE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE LICENSING – REQUEST FOR WAIVER OF POLICY REQUIREMENT THAT ALL VEHICLES MUST PROVIDE DIRECT ACCESS AND EGRESS WITHOUT THE NEED TO TIP OR FOLD SEATS

17th NOVEMBER 2011

Report of the Licensing Manager

PURPOSE OF REPORT

Mr Mark Howarth is the proprietor of a private hire vehicle licensed by Lancaster City Council. He has requested a waiver of the policy requirement that all passengers should have direct access to doors without having to tip or fold a seat. The purpose of this report therefore is to enable Members to consider the request.

The report is public

RECOMMENDATIONS

The Committee is requested to determine in the light of the representations made, whether to allow the applicant's request for a waiver of the standard requirement that all passengers should have direct access and egress without having to tip or fold seats, and to determine whether to grant an exemption to the requirement for Mr Howarth with regard to the VW Touran and for any other vehicles of the same model with identical specifications that may be presented for licensing as a private hire vehicle in the future.

1.0 Introduction

- 1.1 Under section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, a District Council may attach to the grant of a licence of a private hire vehicle under the Act of 1976 such conditions as they may consider reasonably necessary. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of a private hire vehicle licence.
- 1.3 The standard licence condition provides "Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat."

The above condition was introduced on the grounds of the safety and comfort of the travelling public.

- 1.4 On 29th September 2011 Mr Howarth applied for and was granted a private hire licence for the VW Touran to carry a maximum number of 4 passengers. The vehicle is actually manufactured to carry 6 passengers, however access to the rear seats is impeded, this does not comply with our policy.
- 1.5 Mr Howarth subsequently wrote to the licensing department in order to make representations to this Committee, as he would now like the vehicle to be licensed to carry 6 passengers. A copy of Mr Howarth's letter is attached at appendix 1 to this report.
- 1.6 Members may recall that a similar request was made by a proprietor of a VW Caddy, and was considered by this committee in September. That request was approved, however that vehicle was different from this one in several relevant ways. Firstly, the vehicle had room to carry luggage even with the full compliment of seats. The luggage space in the vehicle being presented today is very limited with the extra 2 seats in place. In fact the actual size of the rear luggage space with the seats in place is 300mm deep by 960mm wide. The applicant in the previous case also, at the suggestion of the licensing manager added some additional safety measures to the vehicle. The vehicle had a rear hatch/door which was capable of being opened from the inside of the vehicle, and was clearly marked 'Emergency Exit'. This is to allow passenger in the rear row of seats to egress the vehicle through the back hatch, without having to move a passenger in front of them, in case of emergency. This was achievable in that particular vehicle as the rear row of seats folded down on to them selves, thus lessening the height that the passenger would have to climb over to evacuate the vehicle, there is also a void behind the rear seats that the passengers can climb into to operate the emergency exit door. However the vehicle presented today is not the same design as that one and access through the rear would be extremely difficult if not impossible.
- 1.7 If the vehicle is approved it would be added to the list of approved vehicles so that future applications to licence an identical vehicle will be dealt with by officers as an automatic grant, however members should at this point be aware of the condition attached to hackney carriage vehicles which clearly this vehicle could not comply with, and whilst this particular application is for a licence to be granted for a private hire vehicle, the condition as set out below needs to be considered whilst making a decision whether to grant the licence and allow the vehicle to be added to any approved list.

"Hackney carriage vehicles should be capable of carrying one average size piece of luggage per passenger. For the purpose of these conditions, average size luggage is deemed to be H48cm, W71cm, D19cm."

This condition applies to hackney carriage vehicles only, as all hackney carriage vehicles can be hired on the spot, and should be capable of carrying the full compliment of passengers and luggage, whereas a private hire vehicle is pre booked, and at the time of booking it can be determined whether or not the vehicle is suitable for the needs of the customer.

1.9 Mr Howarth has been invited to attend the meeting to make representations and answer some of the points raised above, in support of his request. The vehicle will be available for inspection, and Members will be informed of the arrangements for this.

2.0 Conclusion

2.1 Members are asked to consider whether they are satisfied to allow the applicant's request for a waiver of the standard licence requirement on access and egress, taking into account that the additional conditions that the rear door/hatch must be capable of being opened from inside the vehicle, and must be clearly marked 'Emergency Exit,' in this instance would probably not be viable.

2.2 If members are minded to approve this request, careful consideration should be given to whether this vehicle is also suitable to be licensed as a hackney carriage vehicle, as clearly the luggage space would not comply with the requirements relating to the carriage of luggage by hackney carriage vehicles. If approved the vehicle will be added to the approved list so that future requests to licence an identical vehicle can be dealt with by officers as an automatic grant. Officers would recommend that if approved, this approval should only apply to private hire vehicles.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None.	
FINANCIAL IMPLICATIONS	
Financial Services have not been consulted as there are no financial implications.	
LEGAL IMPLICATIONS	
Under Section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976 any person aggrieved by a condition attached to a private hire vehicle licence has a right to appeal to the Magistrates Court within 21 days of the grant of the licence. Mr Howarth will not have the right to appeal any decision not to waiver the conditions, as the licence was granted on the 29 th September 2011.	
BACKGROUND PAPERS	Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP/DWE
None	

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENSING - REQUEST FOR A WAIVER OF POLICY REQUIREMENT THAT ALL VEHICLES MUST PROVIDE DIRECT ACCESS AND EGRESS WITHOUT THE NEED TO TIP OR FOLD SEATS.

Committee received the report of the Licensing Manager to enable Members to consider a request from Rayrigg Motors, the supplier of vehicles to be used as hackney carriage and private hire vehicles in Lancaster, for a waiver in respect of the Fiat Scudo (9 seat) of the policy requirement that all passengers should have direct access to doors without having to tip or fold a seat.

Prior to the meeting, Members had viewed a Fiat Scudo (9 seat) vehicle.

It was reported that a request had been made by Rayrigg Motors that they make representations to the Committee regarding permitting the Fiat Scudo to be licensed to carry 8 passengers. This would provide certainty when the vehicle was offered for sale to the trade.

The vehicle did not allow direct access and egress to the rear seats without the need to tip or fold a seat and fell outside the current specifications required by the Licensing Policy. If approved, the vehicle would be added to the list of approved vehicles so that future applications to licence an identical vehicle would be dealt with by officers as an automatic grant.

It was proposed by Councillor Kerr and seconded by Councillor Margaret Pattison:

"That the standard requirement that all passengers should have direct access and egress without having to tip or fold seats be waived in relation to the Fiat Scudo (9 seat) vehicle, as presented to the Committee by Rayrigg Motors, and for any other vehicle of the same model with identical specifications that may be presented for licensing as a private hire or hackney carriage vehicle in the future."

Upon being put to the vote, 6 Members voted in favour of the proposition and 2 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the standard requirement that all passengers should have direct access and egress without having to tip or fold seats be waived in relation to the Fiat Scudo (9 seat) vehicle, as presented to the Committee by Rayrigg Motors, and for any other vehicles of the same model with identical specifications that may be presented for licensing as a private hire or hackney carriage vehicle in the future.

LICENSING REGULATORY COMMITTEE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENSING – REQUEST FOR WAIVER OF POLICY REQUIREMENT THAT ALL VEHICLES MUST PROVIDE DIRECT ACCESS AND EGRESS WITHOUT THE NEED TO TIP OR FOLD SEATS

14TH FEBRUARY 2013

Report of the Licensing Manager

PURPOSE OF REPORT

To enable members to consider a request from Rayrigg Motors the supplier of vehicles to be used as hackney carriage and private hire vehicles in Lancaster for a waiver of the policy requirement that all passengers should have direct access to doors without having to tip or fold a seat in relation to the Fiat Scudo 9 seater vehicle.

The report is public

RECOMMENDATIONS

The Committee is requested to determine in the light of the representations made, whether to allow the request for a waiver of the standard requirement that all passengers should have direct access and egress without having to tip or fold seats, in relation to the Fiat Scudo 9 seater vehicle as presented today by Rayrigg Motors, and for any other vehicles of the same model with identical specifications that may be presented for licensing as a private hire or hackney carriage vehicle in the future.

1.0 Introduction

- 1.1 Under sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976, a District Council may attach to the grant of a licence of a hackney carriage and private hire vehicle such conditions as they may consider reasonably necessary. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

1.2 For the purpose of the above, the Council has established conditions attached to the grant of a private hire and hackney carriage vehicle licence.

1.3 The standard licence condition provides "Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat."

The above condition was introduced on the grounds of the safety and comfort of the travelling public.

1.4 On 14th January 2013 a request was made by the Directors of Rayrigg Motors that they be permitted to submit some vehicles for consideration of their suitability to be licensed as hackney carriage and private hire vehicles in the district, so that if approved they can be added to a list of approved vehicles. This will provide certainty when the vehicles are offered for sale to the trade. These vehicles fall outside of the current specifications required by the Licensing Policy.

1.5 Mr Ball of Rayrigg Motors subsequently wrote to the licensing department in order to make representations to this Committee, as he would like the Fiat Scudo to be permitted to be licensed to carry 8 passengers. This particular vehicle does not allow direct access and egress to the rear seats without the need to tip or fold a seat

1.6 If the vehicle is approved it would be added to the list of approved vehicles so that future applications to license an identical vehicle will be dealt with by officers as an automatic grant.

1.7 Mr Ball has been invited to attend the meeting to make representations and answer questions in support of his request. The vehicle will be available for inspection, and Members will be informed of the arrangements for this.

2.0 Conclusion

2.1 Members are asked to consider whether they are satisfied to allow the request for a waiver of the standard licence requirement on access and egress, and if granted whether modifications to the vehicle would be required which would mean that the rear door/hatch would be capable of being opened from inside the vehicle, and would be clearly marked 'Emergency Exit,' These have been requirements of other vehicles without direct access that have been approved by this committee.

2.2 If approved the vehicle will be added to the approved list so that future requests to license an identical vehicle can be dealt with by officers as an automatic grant.

2.3 Members' only consideration when considering this request should be public safety and comfort. Financial implications can not be a consideration.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted as there are no financial implications.

LEGAL IMPLICATIONS

Ray Rigg Motors are not applying for the grant of a licence and therefore would have no right of appeal against refusal or any conditions attached; however any policy could be the subject to a Judicial Review.

BACKGROUND PAPERS

None

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENSING - REQUEST FOR WAIVER OF POLICY REQUIREMENT THAT ALL VEHICLES MUST PROVIDE DIRECT ACCESS AND EGRESS WITHOUT THE NEED TO TIP OR FOLD SEATS

Committee received the report of the Licensing Manager to enable Members to reconsider the decision made at its meeting on 14th February 2013, following a request from Rayrigg Motors, the supplier of vehicles to be used as hackney carriage and private hire vehicles in Lancaster, for a waiver of the policy requirement that all passengers should have direct access to doors without having to tip or fold a seat in relation to the Fiat Scudo (9 seat) vehicle.

Members had viewed the vehicle prior to the meeting.

It was reported that Council Procedure Rules provided that a motion from a quorum of the Committee was required to rescind a previous decision taken within the past six months. Following concerns raised by officers to the Chairman about the decision made on 14th February 2013 to allow the vehicle to be placed on the approved list of vehicles, even though it did not comply with the policy on access and egress and no modifications had been made to facilitate this, the required number of Members had indicated that they would wish to review the issue.

Under s47 and s48 of the Local Government (Miscellaneous Provisions) Act 1976, a district council may attach to the grant of a licence of a hackney carriage and private hire vehicle such conditions as they may consider reasonably necessary. Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

Members were advised that the Council's standard licence condition attached to the grant of a private hire and hackney carriage vehicle licence stated:

"Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed

from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.”

It was reported that the condition had been introduced on the grounds of the safety and comfort of the travelling public and, in particular, to ensure that, in the event of an accident, all passengers would, so far as possible, have an unimpeded exit route from the vehicle.

It was noted that a vehicle should be adapted to fit the policy rather than a policy adapted to fit the vehicle; an applicant should be able to demonstrate what steps they had taken to overcome the problems which had caused a policy to be implemented in the first place.

It was reported that the vehicle could be adapted to comply with the Council's current policy. Even with the rear door capable of opening from inside the vehicle, officers failed to see how a passenger would get to that door in an emergency situation. Whilst it was impossible to remove all risk, the licensing authority had a responsibility to reduce it.

Mr. Tony Ball of Rayrigg Motors was present at Committee to answer Members' questions. Committee also considered a letter from Fiat Group Automobiles UK Ltd, which had been submitted by Rayrigg Motors.

The Licensing Manager, Licensing Enforcement Officer and Mr. Ball left the meeting at this point whilst Members considered the options before them.

It was proposed by Councillor Dixon and seconded by Councillor Margaret Pattison:

“That the decision made by Committee on 14th February 2013 that the standard requirement that all passengers should have direct access and egress without having to tip or fold seats be waived in relation to the Fiat Scudo (9 seat) vehicle, as presented to the Committee by Rayrigg Motors on that day and for any other vehicle of the same model with identical specifications that may be presented for licensing as a private hire or hackney carriage vehicle in future, as withdrawn.”

Upon being put to the vote, 4 Members voted in favour of the proposition, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the decision made by Committee on 14th February 2013 that the standard requirement that all passengers should have direct access and egress without having to tip or fold seats be waived in relation to the Fiat Scudo (9 seat) vehicle, as presented to the Committee by Rayrigg Motors on that day and for any other vehicle of the same model with identical specifications that may be presented for licensing as a private hire or hackney carriage vehicle in future be withdrawn.

The Licensing Manager, Licensing Enforcement Officer and Mr. Ball returned to the meeting at this point.

Chairman's Summary of the Decision:

The Committee wishes to maintain its policy that requires all passengers to have direct access and egress without having to tip or fold seats. The Fiat Scudo (9 seater) as

presented to the Committee at its meeting in February 2013 does not meet this requirement, and the Committee therefore withdraws the waiver previously given, and confirms that the vehicle (as presented) will not in future be licensed as a hackney carriage or private hire vehicle for eight passengers.

Chairman

(The meeting ended at 5.55 p.m.)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services - telephone (01524) 582068, or email
jglenton@lancaster.gov.uk**

LICENSING REGULATORY COMMITTEE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENSING – REQUEST FOR WAIVER OF POLICY REQUIREMENT THAT ALL VEHICLES MUST PROVIDE DIRECT ACCESS AND EGRESS WITHOUT THE NEED TO TIP OR FOLD SEATS

28th March 2013

Report of the Licensing Manager

PURPOSE OF REPORT

To enable members to reconsider the decision made in February following a request from Rayrigg Motors the supplier of vehicles to be used as hackney carriage and private hire vehicles in Lancaster for a waiver of the policy requirement that all passengers should have direct access to doors without having to tip or fold a seat in relation to the Fiat Scudo 9 seater vehicle.

The report is public, but in making their decision the Committee may wish to consider excluding the press and public on the basis that exempt information in the form of legal advice (paragraph 5 of Schedule 12A to the Local Government Act 1972) may be given

RECOMMENDATIONS

The Committee is requested to reconsider the decision made in February to allow the request for a waiver of the standard requirement that all passengers should have direct access and egress without having to tip or fold seats, in relation to the Fiat Scudo 9 seater vehicle as presented by Rayrigg Motors, and for any other vehicles of the same model with identical specifications that may be presented for licensing as a private hire or hackney carriage vehicle in the future.

If the Committee's decision is to uphold its previous waiver of the access and egress requirement, Members are asked to consider whether the current standard requirement should be dispensed with.

1.0 Introduction

- 1.1 The Council Procedure Rules provide that in order to rescind a previous decision taken within the past six months, a motion from a quorum of the Committee is required. Following concerns raised by officers to the chair of the Committee about the decision made in February to allow this vehicle to be placed on the approved list of vehicles, even though it does not comply with the policy on access and egress and no modifications have been made to facilitate this, the required number of members indicated that they would wish to review this issue
- 1.1 Under sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976, a District Council may attach to the grant of a licence of a hackney carriage and private hire vehicle such conditions as they may consider reasonably necessary. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.
- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of a private hire and hackney carriage vehicle licence.
- 1.3 The standard licence condition provides "Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat."
- The above condition was introduced on the grounds of the safety and comfort of the travelling public, and in particular to ensure that, in the event of an accident, all passengers would so far as possible have an unimpeded exit route from the vehicle.
- 1.4 On 14th January 2013 a request was made by the Directors of Rayrigg Motors that they be permitted to submit some vehicles for consideration of their suitability to be licensed as hackney carriage and private hire vehicles in the district., so that if approved they can be added to a list of approved vehicles. This will provide certainty when the vehicles are offered for sale to the trade. These vehicles fall outside of the current specifications required by the Licensing Policy.
- 1.5 Mr Ball of Rayrigg Motors subsequently wrote to the licensing department in order to make representations to this Committee, as he would like the Fiat Scudo to be permitted to be licensed to carry 8 passengers. This particular vehicle does not allow direct access and egress to the rear seats without the need to tip or fold a seat
- 1.6 Members subsequently approved this vehicle which meant that it would be added to the list of approved vehicles so that future applications to license an identical vehicle will be dealt with by officers as an automatic grant.
- 1.7 The licensing manager felt sufficiently concerned about this decision that she requested a meeting with the chair of the Licensing Regulatory Committee to explain these concerns and the implications for the future operation of the standard licence condition. The licensing manager felt that members may not have fully understood the reasons behind the policy on access and egress and may not therefore have made a sufficiently informed decision. Further County Council share this concern as they do not allow vehicles that can not provide direct access to fulfil school contracts.

- 1.8 Members originally approved the policy on access and egress on the grounds of public safety to ensure that, so far as possible in the event of an accident, passengers would have an unimpeded exit route from the vehicle. A vehicle should be adapted to fit the policy rather than a policy adapted to fit the vehicle. In any case an applicant should be able to demonstrate what steps they have taken to overcome the problems which caused a policy to be implemented in the first place.
- 1.9 This vehicle could be adapted to comply with our current policy, and the only reason for not carrying out an adaptation is financial, and not public safety, as it should be.
- 1.10 Even with the rear door capable of opening from inside the vehicle, officers fail to see how a passenger, in an emergency situation would get to that door. Whilst it is impossible to remove all risk, we have a responsibility as the licensing authority to reduce it.
- 1.11 If members are still minded to approve this vehicle following reconsideration of this matter, the licensing manager would like to request that the policy be reviewed to remove the section on direct access and egress. If a waiver is to be granted for a vehicle such as this which clearly does not comply with the access and egress arrangements, then there would seem to be no reason not to grant a waiver for any other vehicle which does not comply, and therefore little purpose in maintaining the requirement.
- 1.12 Mr Ball has been invited to attend the meeting to make representations and answer questions. The vehicle will be available for inspection, and Members will be informed of the arrangements for this.

2.0 Conclusion

- 2.1 Members are asked whether, after reconsideration of this matter, they are still satisfied to allow the request for a waiver of the standard licence requirement on access and egress, in spite of the licensing manager's concerns, or whether they would like to rescind the decision made in February in relation to this vehicle.
- 2.2 Members' only consideration when considering this request should be public safety and comfort. Financial implications can not be a consideration.
- 2.3 If members, after reconsideration, are still minded to approve this waiver the licensing manager would like to request that the policy be amended to remove the requirement of direct access and egress to all passenger seats, as it would seem to serve no purpose, and would be hard to justify in any future challenge if a waiver is granted to this type of vehicle where there clearly is not any direct access and egress to the rear passenger seats.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p>
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<p>None.</p>

FINANCIAL IMPLICATIONS

Financial Services have not been consulted as there are no financial implications.

LEGAL IMPLICATIONS

Ray Rigg Motors are not applying for the grant of a licence and therefore would have no right of appeal against refusal or any conditions attached; however any policy could be the subject to a Judicial Review.

BACKGROUND PAPERS

None

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