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Head of Environmental Health  
Kettering Borough Council  
Bowling Green Road  
Kettering  
NN15 7QX

27 February 2015

Our Ref: ADS/LJB/KLMT/001/008

Your Ref:

*By E-mail: licensing@kettering.gov.uk*

Dear Sirs,

**Re: Your letter dated 26<sup>th</sup> January 2015  
Headed 'Local Government (Miscellaneous Provisions) Act 1976  
Seat Dimension Policy for Hackney Carriages and Private Hire Vehicles  
Licensed by Kettering Borough Council**

Your letter dated 26<sup>th</sup> January 2015 addressed to Kettering Vehicle Rentals has been passed to us. We are instructed to make representations on behalf of Kettering Vehicle Rentals to be taken into account with any other representations that the Local Authority may receive.

We do not believe that the process that you are purporting to undertake accords with the principals set out in the following cases governing consultation:-

R -v- North and East Devon HA ex-parte Coghlan (2001) QB213 and  
Sardar -v- Watford Borough Council (2006) EWHC1590(QB)

It is disputed that Kettering Borough Council "has always operated a minimum seat dimension for licensed vehicles". Recent evidence both before the Magistrates Court and Kettering Borough Council Licensing Committee has demonstrated that such policies that may have existed many years ago have not only become outdated but have fallen into disuse to the extent that by practice and procedure they are no longer of any legal effect.

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Whilst Kettering Borough Council are quite entitled to formulate policies moving forward the correct steps need to be taken. All interested parties need to be consulted. There needs to be an effective consultation process and procedure as detailed in the case law referred to in this letter. There needs to be sufficient and ample time for discussion. All stakeholders and interested parties are required to be canvassed as to their views. This of course (inter alia) also includes all license holders vehicle manufacturers and distributors.

We would also respectfully request the publication of all statistics/data inclusive of complaints compiled by Kettering Borough Council regarding this issue. In particular we would respectfully request details of any direct evidence available to support Kettering Borough Councils position that such a policy on seat widths in private hire and hackney carriage vehicles is reasonably necessary.

We reserve the right to draw to the attention of the court a copy of this letter at any subsequent legal challenge particularly regarding issues of costs. For the avoidance of doubt it is expected that any consultation exercise undertaken by Kettering Borough Council be lawful and that it complies with the requirements laid down by case law. Moreover, any such policy must of course have to be reasonably necessary based on the results of the aforementioned consultation process.

Yours faithfully,

  
**Denning Solicitors**