

APPLICATION TO RE-INSTATE AN EXPIRED PRIVATE HIRE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY LESLIE KNAPMAN

REPORT BY: Head of Environmental Health and Trading Standards

Purpose

1. The report introduces an application made by Mr Knapman to deviate from the standard condition number 9.5. This condition states that: -

'All applications received after the date of expiry will be treated as grants and not renewals and the appropriate conditions and fees will apply'.

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 current standard licence conditions were approved at the Regulatory Committee on the 18th December 2007.

Issues

4. This Authority previously licensed a Peugeot 406 registration number KM53 CFJ on Plate No. P009 which was first registered on 1.1.2004.
5. On 29th January and 12th February 2009 the Licensing Team wrote to Mr Knapman advising him that this vehicle plate would expire on 22nd February 2009. There is no mandatory requirement for the Licensing Team to do this.
6. No application was received from Mr Knapman and accordingly the plate expired on 22nd February 2009.
7. On 13th March 2009 (21 days after expiry) an application was received from Mr Knapman to licence the vehicle (Appendix 2 – Background Papers).
8. As this application is outside the standard conditions there is no devolved power for the Licensing Officer to deal with this application.
9. Following consultation with the Chairman of the Regulatory Committee, Mr Knapman was granted the licence until the 7th April 2009 to allow the Committee to make a decision regarding this matter. However, Mr Knapman did not attend the Committee on the 7th April and the plate therefore granted expired at midnight on 7th April 2009.
10. Following investigation by the Licensing Team, it is apparent that Mr Knapman was under the impression that there was no need for him to attend the Committee and therefore the plate was extended to midnight on 11th May so that he had one further

chance to attend. The matter was therefore deferred to this Committee for its consideration.

11. The application requests to licence this vehicle.

Matter for Committee

12. In light of this the licence has not been granted but instead referred to this Regulatory Committee for consideration and determination as to whether or not the plate should be issued.

Options

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

- **Can be granted outside of the standard conditions and or policy.**
- **Cannot be granted and the licence be refused.**
- **Should be deferred in order to get more information.**
- **Or reach some other decision.**