

AGENDA

Regulatory Committee

Date: **Wednesday 9 September 2009**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Pete Martens, Committee Manager Planning & Regulatory

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If you would like help to understand this document, or would like it in another format or language, please call Pete Martens, Committee Manager Planning & Regulatory on 01432 260248 or e-mail pmartens@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Committee

Membership

Chairman	Councillor Brig P Jones CBE
Vice-Chairman	Councillor JW Hope MBE
	Councillor CM Bartrum
	Councillor DJ Benjamin
	Councillor PGH Cutter
	Councillor SPA Daniels
	Councillor JHR Goodwin
	Councillor RC Hunt
	Councillor PJ McCaull
	Councillor A Seldon
	Councillor J Woodward

Non Voting

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p style="padding-left: 20px;">To receive apologies for absence.</p>	
<p>2. NAMED SUBSTITUTES (IF ANY)</p> <p style="padding-left: 20px;">To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
<p>3. DECLARATIONS OF INTEREST</p> <p style="padding-left: 20px;">To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>4. MINUTES</p> <p style="padding-left: 20px;">To approve and sign the Minutes of the meeting held on 14th July, 2009.</p>	1 - 2
<p>5. PROPOSED CHARITABLE COLLECTION POLICY</p> <p style="padding-left: 20px;">To consider introducing a Charitable Collection Policy for Herefordshire.</p>	3 - 32
<p>6. PROCEDURAL ARRANGEMENTS</p> <p style="padding-left: 20px;">To note the procedural arrangements for the meeting.</p>	33 - 34
<p>7. APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5</p> <p style="padding-left: 20px;">To consider an application to reinstate a vehicle licence.</p>	35 - 42
<p>8. APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 3.3B</p> <p style="padding-left: 20px;">To consider an application to reinstate a vehicle licence.</p>	43 - 50
<p>9. APPLICATION TO CONVERT TWO HACKNEY CARRIAGE LICENCES TO PRIVATE HIRE LICENCES AND THEREFORE DEVIATE FROM CONDITION 3.3</p> <p style="padding-left: 20px;">To consider an application to convert vehicles.</p>	51 - 58

EXCLUSION OF THE PRESS AND PUBLIC

In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are considered.

RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below

10. **DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER A DRIVER CONTINUES TO BE A FIT AND PROPER PERSON TO HOLD A LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976[8] COMMITTEE REPORT HERBERT 8.9.09** | 59 - 64

To consider a matter regarding a driver.

11. **DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER A DRIVER CONTINUES TO BE A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976** | 65 - 72

To consider a matter regarding the holder of a driver's licence.

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 11 August 2009 at 2.00 pm

Present: Councillor Brig P Jones CBE (Chairman)
Councillor JW Hope MBE (Vice Chairman)

Councillors: CM Bartrum, DJ Benjamin, PGH Cutter, JHR Goodwin, RC Hunt, PJ McCaull, A Seldon and JD Woodward

20. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor SPA Daniels.

21. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

22. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

23. MINUTES

RESOLVED: That the Minutes of the meeting held on 14th July, 2009 be approved as a correct record and signed by the Chairman.

24. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for the following item to ensure that Officers and applicants received a fair hearing.

25. EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

RESOLVED: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

26. INCIDENT REGARDING THE HOLDER OF A DUAL HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer referred to agenda item No. 7 and provided the Committee with the circumstances which had given rise to a dual Hackney Carriage/Private Hire driver's licence being suspended. The driver had been remanded in custody but she had not received any further information from the police about the matter. In view of the circumstances, the Committee felt that it was inappropriate to take any further action until the outcome of any legal proceedings was known.

RESOLVED

That consideration of the matter be deferred until the out come of any legal proceedings was known and that in the meantime, the suspension of the hackney carriage/private hire drivers licence continues to remain in force.

The meeting ended at 2.10 pm

CHAIRMAN

MEETING:	REGULATORY COMMITTEE
DATE:	9 SEPTEMBER 2009
TITLE OF REPORT:	PROPOSED CHARITABLE COLLECTION POLICY
PORTFOLIO AREA:	REPORT BY HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To consider introducing a Charitable Collection Policy for Herefordshire

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT Committee

- (a) approve the attached draft Charitable Collection Policy for Herefordshire;

Key Points Summary

- The Charities Act 2006 came into effect on 1 April 2009.
- It replaced a variety of existing legislation which deals with the regulation of charitable collections in public places.
- The Act does not require a policy, but in order to demonstrate fairness and consistency it is considered both good practice and appropriate to have a policy in place.
- The Ombudsman advised we should have a policy following a complaint from a refused applicant.

Alternative Options

- 1 If the policy is rejected the Council leaves itself open for criticism from the Ombudsman if a complaint is made in the future.

Further information on the subject of this report is available from
Fred Spriggs on (01432) 383542

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Charities Act 2006, and helps protect the public from undue inconvenience.

Introduction and Background

3. The Charities Act 2006 requires any person proposing to promote a collection in a public place to apply to the local authority for a permit. A Local Authority may issue or refuse a permit. The grounds for refusal would be if it caused undue inconvenience to the public in relation to the bulleted points below. If it issues a permit it may attach such conditions specifying:-

- The day of the week, date, time or frequency of the collection
- The locality or localities in which the collection may be conducted
- To regulate the matter in which the collection may be conducted
- Any prescribed conditions.

The policy was created as a result of advice from an Ombudsman complaint.

Key Considerations

- 4 The Council has been responsible for authorising house to house collections and street collections (known collectively as “charitable collections”) for many years. Although the Council has some informal guidelines on who the licences and permits should be issued to and in what circumstances, it has never had a formal policy.

Community Impact

- 5 Adoption of this policy forms a level playing field across the whole County.

Financial Implications

- 6 None noted.

Legal Implications

7. Street Collections :- there are no statutory grounds for refusing an application for a street collections permit. However, there is an implied power to refuse if the Council considers that the collections:

- i. Are not for “charitable or other purposes”
- ii. Contravene the provisions of the Street Collection legislation and regulations

In addition, the Council can refuse any application that is inconsistent with its general policy requirements for the issue of permits in the District. Some of these reasons may include:

- i. To limit the number of collections
- ii. If too high a proportion of the proceeds is likely to be spent on expenses
- iii. If inaccurate information was provided on the licence application

- iv. If the promoter or any other person involved has been convicted of certain criminal offences, in particular offences of dishonesty e.g. theft, blackmail or fraud etc.
- v. Once issued, a licence may be revoked if it is believed the objectives are or could be compromised

Appeal to Regulatory Committee

Any person/organisation who is dissatisfied with the outcome of an application for a charitable collection permit may request that the application be considered formally by the Regulatory Committee.

Appeals Generally

Street Collection:- The Act does not allow any legal appeals against the decision of the Council in relation to the refusal of Street Collection Permits. Should a person be aggrieved by a decision of the Council feel it necessary, they may seek a Judicial Review of the decision.

House to House:- There is a right of appeal to the Secretary of State against the refusal or the revocation of a licence, this must be made within fourteen days from the date on which notice is given of the refusal or the revocation.

Risk Management

None noted

Consultees

- 9 Legal Services, Street Trading, Public Consultation on the web-site

Consultation responses

10. One response received from Street Trading and can be found at Appendix 2

Appendices

- 11 Draft Charitable Collection Policy
Consultation response

Background Papers

- None identified.

<i>Reference number</i>	EHTS002
<i>Approved by</i>	
<i>Date approved</i>	
<i>Version</i>	0.01
<i>Last revised</i>	N/A
<i>Review date</i>	2012
<i>Category</i>	Environmental Health and Trading Standards
<i>Owner</i>	Acting Regulatory Services Manager
<i>Target audience</i>	

JOINT GUIDANCE AND POLICIES FOR CHARITABLE COLLECTIONS

STREET COLLECTIONS AND HOUSE TO HOUSE COLLECTIONS

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1. Introduction & Overview

- 1.1 The County of Herefordshire District Council (“the Council”) is responsible for licensing charitable collections within the county of Herefordshire. Charitable collections fall into two categories: House to house collections for money or property and Street collections, which include collections for cash or the sale of articles in the street. If articles are sold for personal gain a Street Trading Permit will be required.
- 1.2 The licensing of charitable collections is regulated by two separate Acts of Parliament: *The ‘Police, Factories, etc, (Miscellaneous Provisions) Act 1916’* which regulates collections of money or sales of articles for charitable purposes in streets and public places and *‘The House to House Collections Act 1939’* which regulates collections of money or other articles made by means of going from house to house. Both Acts give District Councils powers to write regulations and policies to control charitable collections.
- 1.3 This policy document forms the Council’s Charitable Collections Policy (“local policy”) that will apply to Street and House to House Collection activities in Herefordshire District to ensure consistency in decision making. The aim of the policy is to give detailed guidance on the application of the law relating to charitable collections, provide a clear idea of the requirements that charitable organisations, promoters and collectors must meet before, during and after collections take place. It also sets out the administrative procedures involved in obtaining a permit/licence and some information about the Council’s enforcement policy.

2. Guidance for Street Collections

Submission of the Application

- 2.1 An application for a Street Collection Permit must be made to the Council in writing on the prescribed application form provided not later than one month before the proposed collection date.
- 2.2 Street Collection Permit Application forms may be downloaded from the Council's website together with a copy of the street collection regulations or alternatively obtained from the Council's Licensing Section at the following address: **Licensing Section**, Environmental Health and Trading Standards, County Offices, PO Box 233, Bath Street, Hereford, HR1 2ZF; **Office Tel No:** 01432 260105; **Email:** licensing@herefordshire.gov.uk
- 2.2 The application form must be fully and correctly completed and accompanied where appropriate by any necessary information. Before the Council can grant a street collection permit, it needs to have as much information as possible about the charity, its promoters and collectors. For processions and walks, details of the proposed route must be provided with the application.
- 2.3 If the Charity has not previously applied for a permit to conduct a collection and/or sale within Herefordshire, the following must accompany the application: the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association; details of street collection permits approved or refused (other than within the Herefordshire Council area); a copy of the organisation's most recently audited accounts; and any other relevant information requested by the Council.
- 2.4 Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in a refusal or a delay in consideration until any outstanding information has been provided (see section 3.15 regarding appeals to the Council's Regulatory Committee).

Checks/Consultations on the Application

- 2.6 The Council reserves the right to make more detailed enquiries about an applicant and the proposed collection in certain circumstances. For example:
- i. A new collector of concern to the Council;
 - ii. An organisation's / individual's past conduct;
 - iii. Concerns about the integrity of the collection activity (e.g. suspected bogus charity collection);
 - iv. Complaints from local residents, businesses or other charity organisations;
 - v. Where the activity raises safety or nuisance/harassment concerns; etc.
- 2.7 Enquiries may be made to the local police and/or the Charity Commission for comment/investigation prior to consideration.

- 2.8 The Council may also consult with other internal council departments responsible for highways or street trading. Where the application for a street collection permit includes a street procession or placing a structure or vehicle on the street/highway; or where the proposed collection relates to the sale of articles in a street/public place, [permission should be sought in advance from Highways and/or the Street Trading Department of the Council](#) .

Determination of the Application

- 2.9 The Council has delegated to its officers the authority to consider and determine applications for street collection permits, subject to the criteria set out in the regulations and in this policy document, including any objections/observations/comments received from the Police, Charity Commission, other Local Authorities and persons/organisations consulted with.
- 2.10 Each case will be assessed on its merits and individual circumstances.
- 2.11 The legislation does not include statutory criteria for the approval or rejection of a permit request. This is a matter for the Council's discretion. This policy reflects the wide discretion given to the Council enabling it to grant/decline/limit permits on various grounds that are not specific within the legislation and regulations.
- 2.12 For the purposes of clarification, applications will be considered by Licensing Officers with reference to the following guidelines:
- i. Information provided by the applicant in the application or such further information provided upon request;
 - ii. Any comments received from the Police, the Charity Commission, other local authorities, etc;
 - iii. The organisation's past conduct and the integrity of its collection activities etc., where known, when undertaking collections in the District or in other Districts;
 - iv. Whether the person applying for the licence is a fit and proper person to hold a licence;
 - v. Whether the organisation/its objectives may be considered to be charitable in character;
 - vi. Whether a particular collection is considered to be in the public interest;
 - vii. The organisation's connection to the local community;
 - viii. How the organisation's work meets the Council's objectives for the District;
 - ix. The Council's street collection policy and regulations; and
 - x. Any other relevant considerations

The Council will then either:

- i. Issue a permit specifying the requested date and location; or

- ii. Refuse to issue a permit on certain grounds

3. Street Collections Policy

Introduction

- 3.1 This part of the document sets out how the Council will deal with charitable organisations that wish to collect monies or sell articles for charitable or other purposes in streets and public places.
- 3.2 Definition of “charity”, “charitable purpose” and “promoters”

Meaning of “charity”

For the purposes of the law of England and Wales, “charity” means an institution which

- a) is established for charitable purposes only, and
- b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

Meaning of “charitable purpose”

- c) the prevention of relief of poverty;
- d) the advancement of education;
- e) the advancement of religion
- f) the advancement of health or the saving of lives;
- g) the advancement of citizenship or community development;
- h) the advancement of the arts, culture, heritage or science;
- i) the advancement of amateur sport;
- j) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
- k) the advancement of environmental protection or improvement;
- l) the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
- m) the advancement of animal welfare;
- n) the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services;

Meaning of “promoters”

For the purposes of this guidance, means a person or organisation who causes others to act as collectors.

Statutory Powers

- 3.3 The power that enables the Council to regulate charitable street collections and to issue permits is contained in the *Police, Factories, etc, (Miscellaneous Provisions) Act 1916* as amended by the *Charitable Collections (Transitional Provisions) Order 1974* and as adopted by the Council.
- 3.4 In accordance with its powers, the Council has made regulations under this legislation for the control of street collections in the area of Herefordshire District Council in respect of the places where and the conditions under which persons may be permitted in any street or public place to collect money or sell articles for the benefit of charitable or other purposes.
- 3.5 The legislation and regulations stipulate that any collection to be undertaken in a street or public place requires a Street Collection Permit. It is a criminal offence to conduct a street collection in any street or public place within the Herefordshire District Council area without first obtaining such a permit from the Council.

Policy Statement

- 3.6 The Council will use the Charity Commissions objectives as a basis for decision-making:
- i. The public confidence objective.
 - ii. The public benefit objective.
 - iii. The compliance objective.
 - iv. The charitable resources objective.
 - v. The accountability objective.
- 3.7 This section outlines the policies the Council will apply when making decisions on applications for permits. In particular, it explains how the street collection regulations are to be applied; and where and how often an organisation may make a street collection in Herefordshire:

Allocation of street collection days

- i. The designated areas for street collections in Herefordshire will be on streets and/or public places in the towns of Bromyard, Hereford, Kington, Ledbury, Leominster; and Ross-on-Wye. The Council will also permit collections in other areas in the District, including villages.
- ii. The Council will permit a maximum of one collection in any of the above designated areas at any one time, i.e. no more than one organisation can collect or fund raise in the same area on the same date, except by written (e.g. email) agreement from the Council (see 3.8 viii).

3.8 Street Collection Days

Collection Town	Designated Day 1	Designated Day 2
Bromyard	Saturday	Friday
Hereford	Saturday	Wednesday
Kington	Saturday	Tuesday
Ledbury	Saturday	Tuesday
Leominster	Saturday	Friday
Ross-on-Wye	Saturday	Thursday
Other areas	By arrangement	By arrangement

- iv In order to allow as many organisations as possible an opportunity of collecting, no organisation will be permitted more than one collection per town or village within any one calendar year.
- vi The Council operates a diary booking system on a “first come first served” basis for the allocation of street collection dates in order to ensure that all charities have equal access to their preferred collection dates. No guarantee will be given that a charitable organisation’s preferred date(s) will be allocated to that organisation. Where an organisation’s preferred date(s) cannot be granted, alternative dates may be suggested where practicable.
- vii Transitory collections, i.e. those whose collections pass through the District, will be given permits subject to their route not coinciding with a permit already granted. These events are normally sponsored walks, street processions, bed pushes or cycle rides etc.
- viii In exceptional circumstances, such as an emergency appeal or a national special event, consideration may be given to the grant of additional permits or reduced notice time, at the discretion of the Licensing Team of the Council.

Consultations on applications made

- x The Council will take into account any decision by another Local Authority to refuse permission for the individual or organisation in question to hold a street or house to house collection, and the reasons for it.
- xi The Council will take into account information or advice supplied by the Police or other relevant bodies in deciding whether to grant a permit.

Applicant’s suitability to conduct charitable collections

- xii The Council will not issue permits to an individual or organisation that has held an unlawful street or house to house collection within its area, or that of another Local Authority.
- xiii The Council will not issue further permits to an individual or organisation who has broken the Street Collections Regulations set by this Council, or those of another Local Authority within the last five years, or where it is reasonably suspected that the individual or organisation might do so.
- xiv The Council will not issue permits to an individual or organisation if it is not satisfied that the applicants are fit and proper persons to hold such street collection permits. This will include persons convicted of any offence involving dishonesty, fraud, and offences against the person, indecency or offences involving the conduct of collections?

The integrity of an applicant's collection activities/the general public interest

- xv The Council will not issue permits to an individual or organisation whose aims do not appear to be charitable or of a closely allied nature. Where there is any doubt about the aims of the collecting body, it may be asked to provide further evidence to clarify that doubt.
- xvi Whilst it is not the Council's policy to require an organisation applying for a permit to collect to be a registered charity, where an application is received that is considered in the Council's judgment not to fulfil the Council's aims, the Regulatory Services Manager or the Head of Environmental Health & Trading Standards may refuse the application. If necessary, the application will be brought to the Regulatory Committee for a decision.
- xvii The Council will only issue permits to an individual or organisation which provides adequate information so that the application can be considered properly. This may include any information, which might lawfully be requested by the Council in addition to that given on the application form.

Direct Debit Collections

- xviii The Council does not control collections where pledges are collected for direct debit donations (clipboard collectors or 'chuggers') because they do not collect actual money and there are no legal provisions for collections of this type at present.

Approval of the Application – Issue of Street Collection Permit

- 3.9 On approving the application, a Street Collection Permit will be issued to the applicant along with:
- i. A copy of the Council's Conditions/Regulations for a street collection which must be adhered to during and after collections; and
 - ii. A copy of the street collections Form of Statement>Returns Form which must be completed not later than one month from the collection date
- 3.10 As a second option on approval of the application, the Council may impose a number of conditions, such as:
- i. specifying the date, time or frequency of the collection;
 - ii. Specifying the area within which the collection is to take place;
 - iii. Specifying the form of collection boxes, other containers and any other articles to be used; and
 - iv. Specifying any other restriction relating to the circumstances and conduct of the collection.

After a Collection – Submission of Form of Statement

- 3.11 Attention is drawn to section 16 of the regulations which sets out the procedure for submission of a statement of income and expenditure (certified by the applicant and either an accountant or an independent person of good standing acceptable to the Council) etc. All items required under this regulation must be submitted within one month of the date of collection and it is essential that this time scale be adhered to. Failure to apply may prejudice any future applications.

Duration of Permit

- 3.12 The permission to carry out a street collection is valid only for the period of collection specified in the permit. There are no provisions in the legislation for renewal of permits. Therefore, in all cases when a street collection permit has expired a new application will have to be made for future collections.

Refusal/Revocation of Application/Licence

- 3.13 There are no statutory grounds for refusing an application for a street collections permit. However, there is an implied power to refuse if the Council considers that the collections:
- i. Are not for "charitable or other purposes"
 - ii. Contravene the provisions of the Street Collection legislation and regulations
- 3.14 In addition, the Council can refuse any application that is inconsistent with its general policy requirements for the issue of permits in the District. Some of these reasons may include:

- i. To limit the number of collections
- ii. If too high a proportion of the proceeds is likely to be spent on expenses
- iii. If inaccurate information was provided on the licence application
- iv. If the promoter or any other person involved has been convicted of certain criminal offences, in particular offences of dishonesty e.g. theft, blackmail or fraud etc.
- v. Once issued, a licence may be revoked if it is believed the objectives are or could be compromised

Appeal to Regulatory Committee

- 3.15 Any person/organisation who is dissatisfied with the outcome of an application for a street collection permit may request that the application be considered formally by the Regulatory Committee. This must be made in writing within 21 days of the date of refusal letter.

Appeals Generally

- 3.16 The Act does not allow any legal appeals against the decision of the Council in relation to the refusal of Street Collection Permits. Should a person aggrieved by a decision of the Council feel it necessary, they may seek a Judicial Review of the decision.

For the purpose of this guidance and policy document, this section reiterates the Street Collection Policy historically granted by Herefordshire Council for reference and completeness:

4. STREET COLLECTIONS REGULATIONS

In pursuance of section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by section 251 and Schedule 29 to the Local Government Act 1972, Herefordshire Council hereby makes the following regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within Herefordshire to collect money or sell articles for the benefit of charitable or other purposes:

1. In these Regulations, unless the context otherwise requires –
 - ‘**Collection**’ means a collection of money for the benefit of charitable or other purposes and the word ‘**collector**’ shall be construed accordingly;
 - ‘**Promoter**’ means a person who causes others to act as collectors;
 - ‘**Permit**’ means a permit or licence for a collection;
 - ‘**Contributor**’ means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
 - ‘**Collecting box**’ means a box or other receptacle for the reception of money from contributors.
2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within Herefordshire unless a promoter shall have obtained from Herefordshire Council a permit.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection. Herefordshire Council may reduce the period of one month if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day stated in the permit.
5. Herefordshire Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6.
 - (a) No person may assist or take part in the collection without the written authority of a promoter.
 - (b) Any person authorised under paragraph (a) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of Herefordshire Council or any constable.
7. No collection shall be made in any part of the carriage-way of any street which has a footway (unless authorised to do so by Herefordshire Council in connection with a procession).
8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such a person.

10. While collecting –
- (a) A collector shall remain stationary unless consent is received to move as part of a fund raising activity; and
 - (b) A collector or two collectors together shall not be nearer to another collector by less than 25 metres, unless consent is received as part of a fund raising activity.

Herefordshire Council may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen to act as a collector.
- 12.
- (a) Every collector shall carry a collecting box.
 - (b) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
 - (c) All money received by a collector from contributors shall immediately be placed in a collecting box.
 - (d) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear (displayed prominently) thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
- 14.
- (a) Subject to paragraph (b) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
 - (b) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
 - (c) As soon as a 'collection box' has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
- 15.
- (a) No payment shall be made to any collector.
 - (b) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by Herefordshire Council.
- 16.
- (a) Within one month after the date of any collection the person to whom a permit has been granted shall forward to Herefordshire Council –
 - (i) a statement in the form as supplied by Herefordshire Council showing the amount received and the expenses and payments incurred in connection with such a collection, and certified by that person and either a qualified

accountant or an independent responsible person acceptable to Herefordshire Council;

- (ii) a list of collectors;
 - (iii) a list of the amounts contained in each collecting box; and shall, if required by Herefordshire Council, satisfy it as to the proper application of the proceeds of the collection;
- (b) The said person shall also, within the same period, at the expense of that person and after the certificate under paragraph (a)(i) above, has been given, publish in such newspaper or newspapers as Herefordshire Council may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of the expenses and payments incurred in connection with such collection.
- (c) Herefordshire Council may, if satisfied that there are special reasons for so doing, extend the period of one month referred to in paragraph (a) above.
- (d) For the purposes of this Regulation 'a qualified accountant' means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales;
The Institute of Chartered Accountants in Scotland;
The Association of Certified Accountants;
The Institution of Chartered Accountants in Ireland

17. These regulations shall not apply –

- (a) in respect of a collection taken at a meeting in the open air; or
- (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

Data Protection Act 1998: Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act. If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer: Data Protection Officer, Legal Services, Herefordshire Council, Brockington, 35 Hafod Road, Hereford HR1 1SH

5. Guidance for House to House Collections

Submission of the Application

- 5.1 Application for a licence must be made in the prescribed manner. The licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, in circumstances specified in the House to House Collections Act 1939.
- 5.2 House to House Application forms may be downloaded from the Council's website together with a copy of the house to house collection regulations or alternatively obtained from the Council's Licensing Section at the following address: **Licensing Section**, Environmental Health and Trading Standards, County Offices, PO Box 233, Bath Street, Hereford, HR1 2ZF; **Office Tel No:** 01432 260105; **Email:** licensing@herefordshire.gov.uk
- 5.3 The application form must be fully and correctly completed and accompanied where appropriate by any necessary information. Before the Council can grant a house to house collection permit, it needs to have as much information as possible about the charity, its promoters and its collectors.
- 5.4 If the Charity has not previously applied for a permit to conduct a collection and/or sale within Herefordshire, the following must accompany the application: the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association; details of house to house collection licences approved or refused (other than with the Herefordshire Council area); a copy of the organisation's most recent audited accounts; and any other relevant information requested by the Council.
- 5.5 Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in a refusal or a delay in consideration until any outstanding information has been provided.
- 5.6 There is a right of appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days from the date on which notice is given of the refusal or the Revocation.

Exemptions

- 5.7
- a) Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part of England and Wales, and is committed to promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain licences from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.
 - b) If the Chief Constable for the Police Area comprising a locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be

completed within a short period, he may grant to the person who appears to him to be principally concerned in the promotion of the collection a Certificate in the prescribed form; and where a Certificate is so granted, a Licence from the Licensing Authority is not required and the provisions of the Regulations (as to which see paragraph below) shall not apply to a collection made in conformity with such Certificate.



6. House to House Collections Policy

Introduction

- 6.1 This part of the Policy sets out how the Council will deal with charitable organisations that wish to collect money or other articles by means of going from house to house which includes places of business such as shops and public houses.
- 6.2 Definition of “charity”, “charitable purpose” and “promoter”:

Meaning of “charity”

For the purposes of the law of England and Wales, “charity” means an institution which

- a) is established for charitable purposes only, and
- b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

Meaning of “charitable purpose”

- c) the prevention of relief of poverty;
- d) the advancement of education;
- e) the advancement of religion
- f) the advancement of health or the saving of lives;
- g) the advancement of citizenship or community development;
- h) the advancement of the arts, culture, heritage or science;
- i) the advancement of amateur sport;
- j) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
- k) the advancement of environmental protection or improvement;
- l) the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
- m) the advancement of animal welfare;
- n) the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services;

Meaning of “promoters”

For the purposes of this guidance, means a person or organisation who causes others to act as collectors.

Statutory Powers

- 6.3 House to House Collections, as set out under Section 2 of the House Collections Act 1939 and the House to House Collections Regulations 1947, are required to be licensed and regulated by Local Authorities.
- 6.4 In accordance with its powers, the Council has made regulations under this legislation for the control of house to house collections in the area of Herefordshire District Council.
- 6.5 The above Act and the Regulations made there under contain important provisions for THE REGULATION OF HOUSE TO HOUSE COLLECTIONS FOR CHARITABLE PURPOSES, and prescribe FINES AND/OR IMPRISONMENT for offences against the Act or the Regulations.
- 6.6 Except in the cases specified in Paragraphs 6.9 and 6.10:- No collection in any locality for a charitable purpose may be made unless the promoter is licensed by the Licensing Authority for the area comprising that locality, and the collectors are authorised by the promoter.
- 6.7 Application for a licence must be made in the prescribed manner. The Licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, in circumstances specified in the Act.
- 6.8 There is a right of appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days from the date on which notice is given of the refusal or the revocation.

- 6.9 Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part of England and Wales and is desirous of promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain licences from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.
- 6.10 If the Chief Constable for the Police Area comprising a locality in which a collection for a charitable purpose is being, or is proposed to be made, is satisfied that the purpose is local in character and that the collection is likely to be completed within a short period, he may grant to the person who appears to him to be principally concerned in the promotion of the collection a Certificate in the prescribed form; and where a Certificate is so granted, a Licence from the Licensing Authority is not required, and the provisions of the Regulations shall not apply to a collection made in conformity with such Certificate.

For the purpose of this guidance and policy document, this section reiterates the House to House Collection Policy historically granted by Herefordshire Council for both reference and completeness:

7. HOUSE TO HOUSE COLLECTIONS REGULATIONS

Except in the cases specified in Paragraphs 3 and 4:-

The above Act and the Regulations made there under contain important provisions for THE REGULATION OF HOUSE TO HOUSE COLLECTIONS FOR CHARITABLE PURPOSES, and prescribe FINES AND/OR IMPRISONMENT for offences against the Act or the Regulations.

1. Except in the cases specified in Paragraphs 3 and 4:-

No collection in any locality for a charitable purpose may be made unless the promoter is licensed by the Licensing authority for the area comprising that locality, and the collectors are authorised by the promoter.

2. Application for a licence must be made in the prescribed manner. The Licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, in circumstances specified in the Act.

There is a right of appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days from the date on which notice is given of the refusal or the revocation.

3. Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part of England and Wales and is desirous of promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such a person shall be exempt from the requirement to obtain licences from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.

4. If the Chief Constable for the Police Area comprising a locality in which a collection for a charitable purpose is being, or is proposed to be made is satisfied that the purpose is local in character and that the collection is likely to be completed within a short period, he may grant to the person who appears to him to be principally concerned in the promotion of the collection a Certificate in the prescribed form; and where a Certificate is so granted, a Licence from the Licensing Authority is not required, and the provisions of the Regulations (as to which see Paragraph 5 below) shall not apply to a collection made in conformity with such Certificate.

5. Regulations have been made by the Secretary of State under the Act. The Regulations include the following, amongst other provisions:

- (a) Every promoter of a collection must exercise all due diligence to secure that persons authorised to act as collectors are fit and proper persons; and to secure compliance by collectors with the Regulations.
- (b) No promoter of a collection shall permit any person to act as a collector unless he has issued to that person:
 - (i) a prescribed Certificate of Authority;
 - (ii) a prescribed badge; and
 - (iii) if money is to be collected, a 'Collecting Box' marked, or a 'Receipt Book' (with receipts and counterfoils or duplicates consecutively numbered) marked on every receipt, with a general indication of the purpose of the collection, and a distinguishing number.
- (c) In the case of a collection in respect of which a licence has been granted, every prescribed Certificate of Authority shall be given on a form obtained from H.M. Stationary Office, and every prescribed Badge shall be so obtained.
- (d) No person under the age of 16 years, shall act or be authorised to act as a collector of money.
- (e) No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.
- (f) The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

DEFINITIONS

6. "Charitable Purpose" means any charitable, benevolent, or philanthropic purpose.

"Collection" means an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property; and "Collector" means a person who makes the appeal in the course of such visits.

"House" includes a place of business.

"Proceeds" means in relation to a collection, all money and all other property given, whether for consideration or not, in responses to the appeal.

"Promoter" means a person who causes others to act as collectors for the purposes of the collection.

The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

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Appendix A: Monitoring & Enforcement

Introduction

1. This section of the Licensing Policy details the council's commitment to enforcing the provisions contained within the charitable collections legislation.

The Council's Enforcement Policy

2. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner and will abide by its own Licensing Enforcement Policy.
3. The Enforcement Concordat is based on the principles that licence/permit holders should:-
 - i. receive clear explanations from enforcers of what they need to do and by when;
 - ii. have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
 - iii. receive an explanation of their rights of appeal.

The Council's Enforcement Policy is freely available from the Council, as are this Policy and details of the Council's corporate complaints' procedures. These documents can also be viewed on the Council's website: www.herefordshire.gov.uk

Enforcing the provisions of the legislation

Licensing officers aim to work closely with other enforcement authorities when investigating unauthorised collections and promoters of those collections and persons causing a nuisance, annoyance or harassment to the public.

Where licensable activities are conducted without the benefit of a licence/permit, the Council will look to gather evidence and take enforcement action as appropriate.

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Consultation Log

<i>Date sent for consultation</i>	26 th March 2009
<i>Consultees</i>	

Approval Log

		Date
<i>Equality impact assessment completed by</i>		
<i>Impact on rurality, GEM / sustainability, and health and wellbeing assessed by</i>		
<i>To be agreed by</i>		
<i>To be approved by</i>		
<i>Finally to be ratified by</i>		
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Version Log

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0.01	Draft	27/03/09	Creation of document	-	all

REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Legal Advisor to the Committee.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Committee or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Legal Adviser to the Committee, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Committee. When the additional information has been furnished, they should all be asked to leave again.
8. The Committee can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is one of refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second and subsequent applications in the same way.

MEETING:	REGULATORY COMMITTEE
DATE:	9 SEPTEMBER 2009
TITLE OF REPORT:	APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR PETER RONALD DAVIES
PORTFOLIO AREA:	REPORT BY HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS ENVIRONMENT & CULTURE

CLASSIFICATION: Open – if exempt please see Schedule 12A for the description of exempt information (see * at the bottom of this guidance note). You should put as much information as possible in the open part of the report with exempt information submitted only where necessary

Wards Affected

Countywide

Purpose

To decide whether or not to licence a vehicle outside the standard vehicle licence conditions.

Key Decision

This is not a key decision.

Recommendation(s)

THAT Cabinet:

- (a) **grant the licence on this occasion outside the standard conditions; and**
- (b) **Advise Mr Davies that any such future application of a similar nature may be refused.**

Key Points Summary

- Licence expired 1st August 2009.
- Renewal application received on 4th August 2009.
- Reminder letters were sent regarding the expiry of the licence on 17th June 2009 & 29th July

Further information on the subject of this report is available from
Claire Berrow – Licensing Officer on (01432) 383542

2009.

Alternative Options

1 The licence cannot be granted and therefore is refused

Advantages: It ensures that the existing licence conditions are met.

Disadvantages: It could be subject to legal challenge.

Reason for rejection: Although this option has been considered it has not been recommended, as it would be disproportionate as the late renewal occurred as a result of a minor error on the part of the applicant.

To defer the decision in order to get more information

The Committee could make a decision to grant the licence subject to that information meeting the criteria set by committee being produced to the Licensing Officer. Where this was not produced the licence would remain not granted until that information was produced.

Advantages: Gives the opportunity to him a fair hearing. It would also reduce the need for an additional committee hearing thus saving costs.

Disadvantages: This would delay the decision process and may mean that the livelihood of the applicant could be affected.

Reason for rejection: It is felt that any information required to reach a decision has been provided within the application.

To reach some other decision

Advantages: This leaves other solutions open to the Committee to resolve the application.

Disadvantages: There are no clear directions from the Head of Environmental Health & Trading Standards in respect alternative decisions.

Reason for rejection: It is difficult to envisage what other decision could be reached.

Reasons for Recommendations

- 2 In view of the fact that this was an oversight on the part of the applicant it is considered appropriate that the application on this occasion should be granted.

Introduction and Background

3. 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.

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

Standard condition number 9.5 states: -

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

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.

The standard licence conditions (Appendix 1) were approved at Regulatory Committee on the 18th December 2007.

This Authority previously licensed a Citroen C5 registration number MA02 XKD on Plate No.H017, which was first registered on 30 April 2002.

On 17 June 2009 and 29 July 2009 the Licensing Team wrote to Mr Davies advising him that this vehicle plate would expire on 1st August 2009. (Appendix 2). There is no mandatory requirement for the Licensing Team to do this.

No application was received from Mr Davies and accordingly the plate expired on 1 August 2009.

On 4 August 2009 (3 days after expiry) an application (Appendix 3) was brought into the Bath Street Offices by Mr Davies to licence the vehicle. A licensing team member advised that as the application was late, the matter would have to be considered by Regulatory Committee.

A temporary licence was issued for the vehicle under devolved powers until the matter was decided by this committee. The plate expires at midnight tonight.

The application therefore is to grant a new plate to the previously licensed vehicle.

Key Considerations

- 4 Whether or not in the given circumstances the application should be granted outside the standard conditions.

Community Impact

- 5 It is felt that any decision made will have very little or no impact on the community.

Financial Implications

- 6 Not applicable

Legal Implications

- 7 Under the Local Government (Miscellaneous Provisions) Act 1976 there is a right of appeal to a Magistrates Court within 21 days of notification of the decision being served on the applicant.

Appendices

- 8 Appendix 1 – Copy of standard licence conditions
Appendix 2 – Computer print out of renewal letter from Lalpac
Appendix 3 – Copy of application forms

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

ELI NVL 4 (new vehicle licence)
Within standard licence conditions

(To be completed in respect of each Director and/or Partner using a separate sheet as necessary)

Surname DAVIES Forename(s) PETER RONALD
Address 1 THE PASTURES, LOWER BULLINGHAM, HEREFORD
Date of Birth 01-08-1944 Driver's Badge No.

PARTICULARS OF VEHICLE

1. NAME ON REGISTRATION DOCUMENT

2. MAKE <u>CITROEN</u>	8. REGISTRATION NO. <u>17A02 XKD</u>
3. MODEL <u>CS.</u>	9. PLATE NO. <u>H017</u>
4. TYPE OF BODY <u>EST.</u>	10. ENGINE CAPACITY <u>1749cc</u>
5. COLOUR <u>SILVER GREY</u>	11. FUEL (PETROL/DIESEL/ELECTRIC)
6. NO. OF SEATS (EXC DRIVER) <u>4</u>	12. CHASSIS/BODY NO. <u>VF7D E6F2876129875</u>
7. DATE OF 1 ST REGISTRATION <u>2002</u>	13. ENGINE NO. <u>LT040434161</u>

**ANY ALTERATIONS TO VEHICLE IN PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL
YES/NO (if yes, please notify on a separate sheet)**

Is the Vehicle Wheelchair accessible? ~~YES~~/NO

Does the vehicle have a meter fitted? YES/~~NO~~

Make: Model: F7

Address at which vehicle will be garaged A/A

Insurance Company ZENITH

Insurance Valid From 04-10-08 To 04-10-09

Persons covered to drive with limitations (if any) ie. Age restriction, insured only.

N/A

Hackney/Private Hire Cover HACKNEY

Where is the Fire Extinguisher kept? BOOT

Is the vehicle to be used to undertake Social Service/Education Dept Contract? ~~YES~~/NO

If YES, state type of contract AS REQUIRED

Name and address of proprietor of the vehicle A/A

Has the applicant held Vehicle Licences granted by this or any other authority: ~~YES~~/NO
If YES, give details: (Continue on separate sheet if necessary).

ELI NVL 4 (new vehicle licence)
Within standard licence conditions

NAME OF AUTHORITY	REGISTRATION NO	PLATE NO
-------------------	-----------------	----------

Have any licences in respect of Private Hire or Hackney Carriage held by you ever been revoked, suspended or refused by any other authority? **YES/NO**

If YES, give details.....

NAME, ADDRESS AND BADGE NO. of all persons who will be driving

..... MR. P. R. DAVIES, 1 THE PASTURES LOWER BULLINGHAM, HEREFORD
..... MR. P. LEWIS HEREFORD

Name and address of Company/Group for whom vehicle will operate.....

..... H.C. TAXIS / HEREFORD TAXIS

Signature of Operator..... P. R. Davies

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I enclose the following:

1. Certificate of Insurance ✓
2. Registration Document ✓
3. Certificate of Compliance (issued by Council testing depot) ✓
4. Vehicle Inspection Certificate (issued by Council testing depot) ✓

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature..... P. R. Davies..... Date..... 31/07/09.....

<p>ON COMPLETION PLEASE RETURN</p> <p>Any queries regarding any aspect of this application please contact the Taxi Licensing Office.</p> <p>Tel: 01432 260973</p>	<p>(Marked PRIVATE AND CONFIDENTIAL Hackney Carriage & Private Hire Licensing Herefordshire Council County Offices Bath Street PO Box 233 Hereford HR1 2ZF</p>
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ELI NVL 4 (new vehicle licence)
Within standard licence conditions

PARTNER

(THIS FORM TO BE COMPLETED BY THE SECOND LICENCE HOLDER, IF YOU INTEND TO HAVE TWO NAMES ON YOUR LICENCE)

VEHICLE LICENCE

Surname (MR.MRS.MISS.MS).....Maiden Name.....

All Forenames.....Previous Surnames/Aliases.....

Date of Birth.....Place of Birth.....Sex M/F

Present Address.....

.....Post Code.....

Telephone Number: Business.....Home.....

Particulars of Vehicle

REGISTRATION NO. _____

PLATE NO. _____

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature.....Date.....

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request.

If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,, County Secretary and Solicitor, Herefordshire Council, Brockington, 35 Hafod Road, Hereford HR1 1SH

MEETING:	REGULATORY COMMITTEE
DATE:	9 SEPTEMBER 2009
TITLE OF REPORT:	APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 3.3b BY MR KAYE
PORTFOLIO AREA:	REPORT BY HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS ENVIRONMENT & CULTURE

CLASSIFICATION: Open – if exempt please see Schedule 12A for the description of exempt information (see * at the bottom of this guidance note). You should put as much information as possible in the open part of the report with exempt information submitted only where necessary

Wards Affected

Countywide

Purpose

To decide whether or not to licence a vehicle outside the standard vehicle licence conditions.

Key Decision

This is not a key decision.

Recommendation(s)

THAT Cabinet:

- (a) **grant the licence outside the standard conditions on this occasion; and**
- (b) **Advise Mr Davies that any such future application of a similar nature may be refused.**

Key Points Summary

- Licence expired 13th August 2009
- Renewal application received on 7th June 2009.
- The application requested a change of vehicle which has not got 30,000 less mileage on the clock than the outgoing vehicle.

Further information on the subject of this report is available from
Claire Berrow – Licensing Officer on (01432) 383542

- The licence was extended using the old vehicle until the date of this Committee.

Alternative Options

1 The licence cannot be granted and therefore is refused

Advantages: It ensures that the existing licence conditions are met.

Disadvantages: It could be subject to legal challenge.

Reason for rejection: Although this has been considered this option has not been recommended as it is considered to be unreasonable when it has occurred as a result of an error on the part of the applicant by not getting written consent to change the vehicle.

To defer the decision in order to get more information

The Committee could make a decision to grant the licence subject to that information meeting the criteria set by committee being produced to the Licensing Officer. Where this was not produced the licence would remain not granted until that information was produced.

Advantages: Gives the opportunity to the applicant to produce further information in support of the application and allows them a fair hearing. It would also reduce then need for an additional Committee Hearing thus saving costs.

Disadvantages: This would delay the decision process and may mean that the livelihood of the applicant could be affected.

Reason for rejection: It is felt that any information required to reach a decision has been provided within the application.

To reach some other decision

Advantages: This leaves other solutions open to the Committee to resolve the application.

Disadvantages: There are no clear directions from the Head of Environmental Health & Trading standards in respect of the application.

Reason for rejection: It is difficult to envisage what other decision could be reached.

Reasons for Recommendations

- 2 In view of the fact that this was an oversight on the part of the applicant it is felt to be appropriate that the application on this occasion should be granted.

Introduction and Background

3. 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.

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

Standard condition number 3.3b states: -

- a) The replacement vehicle shall be no more than 2 years older than the outgoing vehicle, and have at least 30,000 less miles on the clock. All vehicles must be replaced at 8 years for non wheel chair and 15 years for wheel chair access vehicles.

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.

The standard licence conditions (Appendix 1) were approved at Regulatory Committee on the 18th December 2007.

This Authority previously licensed a Vauxhall Vectra saloon registration number KJ51 YDM on Plate No.H334, which was first registered on 16 September 2001.

The last recorded mileage was 100,431

On 7 August 2009 an application was made (Appendix 2). When the compliance certificate document was seen by a member of the Licensing team the Licensing Assistant explained that the proposed vehicle had 149,450 on the clock and did not therefore meet the criteria detailed by condition 3.3b.

A temporary licence was issued for the existing vehicle until the matter was decided by this committee. The plate expires at midnight tonight.

The application therefore is to grant new plate to the previously licensed vehicle.

Key Considerations

- 4 Whether or not in the given circumstances the application should be granted outside the standard conditions.

Community Impact

- 5 It is felt that any decision made will have very little or no impact on the community.

Financial Implications

- 6 Not applicable

Legal Implications

- 7 Under the Local Government (Miscellaneous Provisions) Act 1976 there is a right of appeal to a Magistrates Court within 21 days of notification of the decision being served on the applicant.

Appendices

- 8 Appendix 1 – Copy of standard licence conditions
Appendix 2 – Copy of application

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

ELI VL 15 (new vehicle licence)
Outside standard licence conditions



Receipt No:
.....
Income Code
N80009474
Date 14.8.09

Application for grant/renewal of
VEHICLE LICENCE OUTSIDE STANDARD LICENCE CONDITIONS

PLEASE TICK		PLEASE TICK	
PRIVATE HIRE VEHICLE		GRANT	
HACKNEY CARRIAGE VEHICLE	✓	RENEWAL	✓
HOW DOES THE APPLICATION DEVIATE FROM STANDARD CONDITIONS	<i>condition 3.3.b</i>		

Surname (MR.MRS.MISS) KAYE Maiden Name /

All Forenames BRIAN MALCOLM Previous Surnames/Aliases /

Date of Birth 20.1.51 Place of Birth HEREFORD Sex M

Present address No 1 BLACK HART COTTAGE

LITTLE BACH RD HEREFORD Post Code HR2 8BB

Telephone Number: Business Home

Mobile 07968147415

PREVIOUS ADDRESSES IN LAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

.....

GIVE NAMES AND ADDRESSES OF ANY CHANGE OF EMPLOYER, DURING THE PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

.....

(Where applicant is partnership, limited company or other incorporated body)

Name of partnership, company or other incorporated body.

.....
.....

Address of Registered Office

.....

Address from which business will be conducted.

AS ABOVE

(To be completed in respect of each Director and/or Partner using a separate sheet as necessary)

ELI VL 15 (new vehicle licence)
Outside standard licence conditions

Surname KAYE Forename(s) BRIAN MALCOLM
Address No 1 BLACK HAAT COTTAGE LITTLE HATCH
Date of Birth 20.1.51 Driver's Badge No 5738

PARTICULARS OF VEHICLE

- | | |
|---|--|
| 1. NAME ON REGISTRATION DOCUMENT | 8. REGISTRATION NO. <u>FES3 HNL</u> |
| 2. MAKE <u>FORD</u> | 9. PLATE NO. <u>334</u> |
| 3. MODEL <u>MONDEO</u> | 10. ENGINE CAPACITY <u>1995</u> |
| 4. TYPE OF BODY <u>ESTATE</u> | 11. FUEL (PETROL/DIESEL/LPG) <u>DIESEL</u> |
| 5. COLOUR(S) <u>SILVER</u> | 12. CHASSIS/BODY NO. |
| 6. NO. OF SEATS (EXC DRIVER) <u>4</u> | 13. ENGINE NO. |
| 7. DATE OF 1 ST REGISTRATION | |

ANY ALTERATIONS TO VEHICLE IN PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL
YES/NO (if yes, please notify on a separate sheet) no

Is the Vehicle Wheelchair accessible? ~~YES~~/NO

Does the vehicle have a meter fitted? YES/~~NO~~

Make: SHERIFF Model:

Address at which vehicle will be garaged No 1 BLACK HAAT COTTAGE
LITTLE HATCH NR HEREFORD

Insurance Company SWINTON

Insurance Valid From To

Persons covered to drive with limitations (if any) ie. Age restriction, insured only.
INSURED ONLY

Hackney/Private Hire Cover HACKNEY

Where is the Fire Extinguisher kept? IN THE BOOT

Is the vehicle to be used to undertake Social Service/Education Dept Contract? YES/NO
If YES, state type of contract.....

Name and address of proprietor of the vehicle AS ABOVE

Has the applicant held Vehicle Licences granted by this or any other authority: YES/~~NO~~
If YES, give details: (Continue on separate sheet if necessary).

Have any licences in respect of Private Hire or Hackney Carriage held by you ever been
revoked, suspended or refused by any other authority? ~~YES~~/NO

ELI VL 15 (new vehicle licence)

Outside standard licence conditions

If YES, give details.....

NAME, ADDRESS AND BADGE NO. of all persons who will be driving

BOIAN WAYE No 1 BLACK HAAT COTTAGE

LITTLE DITCH No HEARFORD

Name and address of Company/Group for whom vehicle will operate.....

Signature of Operator *B m Wayer*

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I enclose the following:

- 1. Certificate of Insurance
- 2. Registration Document
- 3. Certificate of Compliance (issued by Council testing depot)
- 4. Vehicle Inspection Certificate (issued by Council testing depot)

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature *B m Wayer* Date *14.8.09*

<p>ON COMPLETION PLEASE RETURN</p> <p>Any queries regarding any aspect of this application please contact the Taxi Licensing Office.</p> <p>Tel: 01432 260973 OR 260461</p>	<p>(Marked PRIVATE AND CONFIDENTIAL</p> <p>Hackney Carriage & Private Hire Licensing Herefordshire Council Council Offices P O Box 233 Bath Street Hereford HR1 2ZF</p>
--	--

MEETING:	REGULATORY COMMITTEE
DATE:	9 SEPTEMBER 2009
TITLE OF REPORT:	APPLICATION TO CONVERT TWO HACKNEY CARRIAGE LICENCES TO PRIVATE HIRE LICENCES AND THEREFORE DEVIATE FROM CONDITION 3.3(a)
PORTFOLIO AREA:	REPORT BY HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS ENVIRONMENT & CULTURE

CLASSIFICATION: Open – if exempt please see Schedule 12A for the description of exempt information (see * at the bottom of this guidance note). You should put as much information as possible in the open part of the report with exempt information submitted only where necessary

Wards Affected

Countywide

Purpose

To decide whether or not to allow Mr Hufton to convert two Hackney Carriages to Private Hire, and by doing so therefore deviate from condition 3.3 by removing the wheelchair access to the vehicle.

Key Decision

This is not a key decision.

Recommendation(s)

THAT Cabinet:

- (a) **refuse the application to allow the hackney carriages to be transferred onto private hire plates; and**
- (b) **refuse the application to use the wheel chair access facility on a pre-booked basis in the VW Caravelle.**

Key Points Summary

- Licences concerned are H129 and H503.
- Application received to consider conversion from Hackney to Private Hire on 11th August 2009.

Further information on the subject of this report is available from
Claire Berrow – Licensing Officer on (01432) 383325

- To consider exemption from standard condition 3.3 (a) – removal of wheel chair access.
- To convert two Hackney Carriage plates to Private Hire plates.

Alternative Options

1 The licence can be granted and therefore is accepted

Advantages: It allows Mr Hufton flexibility by having an extra seat in his Caravelle vehicle.

Disadvantages: It could encourage numerous applications to remove wheelchair access.

Reason for grant: Although this has been considered it has not been recommended as it is considered to deviate too far from the standard vehicle conditions. Also Mr Hufton could sell the Hackney Carriage plates and increase the number of taxis within the County. If Committee do grant the permission it should be on the basis of a conversion and the Hackney plates should be handed back to licensing, to preclude a sale.

To defer the decision in order to get more information

The Committee could make a decision to grant the licence subject to that information meeting the criteria set by committee being produced to the Licensing Officer. Where this was not produced the licence would remain not granted until that information was produced.

Advantages: Gives the opportunity to the applicant to produce further information in support of the application and allows him a fair hearing. It would also reduce the need for an additional committee hearing thus saving costs.

Disadvantages: This would delay the decision process and may mean that the livelihood of the applicant could be affected.

Reason for rejection: It is felt that any information required to reach a decision has been provided within the application.

To reach some other decision

Advantages: This leaves other solutions open to the Committee to resolve the application.

Disadvantages: There are no clear directions from the Head of Environmental Health & Trading Standards in respect of the application.

Reason for rejection: It is difficult to envisage what other decision could be reached.

Reasons for Recommendations

- 2 The applicant can continue his business without transferring the licences to private hire and if he were allowed to transfer he would need to apply for a Private Hire Operator Licence, which would incur an additional fee.

Introduction and Background

3. 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.

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

Standard condition number 3.3 (a) states: -

- 1.1 The proposed new vehicle must comply with the following:-

“A wheel chair access vehicle cannot at any time be replaced with a non wheel chair access vehicle. A saloon may be replaced with a saloon or upgraded to a wheel chair access vehicle”.

- 1.2 For a new application for a Private Hire Licence, the vehicle to be licensed shall not be more than two years old, the age of the vehicle will be determined by the date of first registration on the registration document. The vehicle can be a saloon, estate car, MPV or a purpose built vehicle, or constructed or adapted in accordance with conditions 1.1 above. The licensed vehicle shall be replaced upon or before reaching eight years of age.

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.

The standard licence conditions (Appendix 1) were approved at Regulatory Committee on the 18th December 2007.

This Authority previously licensed a VW Caravelle registration number H4 FTY on Plate No.H129, which was first registered on 18 October 2002 (6y 9m). Also a Silver Vauxhall Omega, registration DG03 AZR first registered on 6 March 2003 (6y 5m).

Both vehicles are currently licensed. The application to review at Regulatory Committee was made on 11th August 2008. (Appendix 2).

Key Considerations

- 4 Whether or not in the given circumstances the application should be granted outside the standard conditions.

Community Impact

5. It is felt that any decision made will have very little or no impact on the community.

Financial Implications

- 6 Not applicable

Legal Implications

- 7 Under the Local Government (Miscellaneous Provisions) Act 1976 there is a right of appeal to a Magistrates Court within 21 days of notification of the decision being served on the applicant.

Appendices

- 8 Appendix 1 – Copy of standard licence conditions
Appendix 2 – Copy of application forms

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

ELI VL 15 (new vehicle licence)
Outside standard licence conditions



£150-00

Receipt No: 410969
Income Code: £150. N80009474
Date: 15/7 09

Received back on 11/8/09.

Application for grant/renewal of
VEHICLE LICENCE OUTSIDE STANDARD LICENCE CONDITIONS

PLEASE TICK		PLEASE TICK	
PRIVATE HIRE VEHICLE		GRANT	
HACKNEY CARRIAGE VEHICLE		RENEWAL	
HOW DOES THE APPLICATION DEVIATE FROM STANDARD CONDITIONS			

Surname (MR. MRS. MISS) HUFTON Maiden Name.....

All Forenames DAVID JAMES Previous Surnames/Aliases.....

Date of Birth 03-05-58 Place of Birth BIRMINGHAM Sex M F

Present address 1A NEW ROAD
BROMYARD Post Code HR7 4AH

Telephone Number: Business 01885 482111 Home 01885 483388

Mobile 07971 482111

PREVIOUS ADDRESSES IN LAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

GIVE NAMES AND ADDRESSES OF ANY CHANGE OF EMPLOYER, DURING THE PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

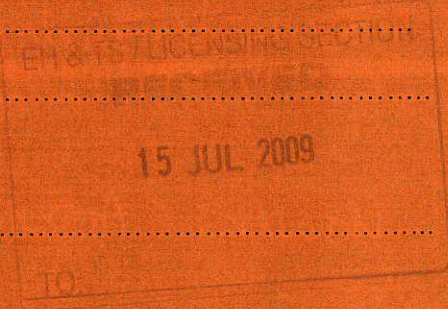
(Where applicant is partnership, limited company or other incorporated body)

Name of partnership, company or other incorporated body.

Address of Registered Office

Address from which business will be conducted.

1A NEW RD BROMYARD



(To be completed in respect of each Director and/or Partner using a separate sheet as necessary)

ELI VL 15 (new vehicle licence)
Outside standard licence conditions

Surname HUTTON Forename(s) DAVID JAMES
Address 1A NEW RD BROMYARD
Date of Birth 03/05/58 Driver's Badge No. 5982

PARTICULARS OF VEHICLE

1. NAME ON REGISTRATION DOCUMENT	<u>D J HUTTON</u>
2. MAKE <u>VW</u>	8. REGISTRATION NO. <u>#504 HUFN</u>
3. MODEL <u>CARAVELLE</u>	9. PLATE NO. <u>#504 H129</u>
4. TYPE OF BODY <u>VAN WITH SIDE WINDOWS</u>	10. ENGINE CAPACITY <u>2500 H503</u>
5. COLOUR(S) <u>SILVER</u>	11. FUEL (PETROL/DIESEL/LPG) <u>DIESEL</u>
6. NO. OF SEATS (EXC DRIVER) <u>8</u>	12. CHASSIS/BODY NO. <u>WV2222702341046242</u>
7. DATE OF 1 ST REGISTRATION <u>18/10/02</u>	13. ENGINE NO. <u>ANF 611111</u>

**ANY ALTERATIONS TO VEHICLE IN PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL
YES/NO (if yes, please notify on a separate sheet)**

Is the Vehicle Wheelchair accessible? **YES/NO**

Does the vehicle have a meter fitted? **YES/NO**

Make: CYGUS Model: M300

Address at which vehicle will be garaged 1A NEW RD BROMYARD

Insurance Company TAXI FUEL Plus

Insurance Valid From 27 05 09 To 26 05 10

Persons covered to drive with limitations (if any) ie. Age restriction, insured only.

Hackney/Private Hire Cover

Where is the Fire Extinguisher kept? REAR COMPARTMENT

Is the vehicle to be used to undertake Social Service/Education Dept Contract? **YES/NO**
If YES, state type of contract

Name and address of proprietor of the vehicle BROMYARD TOWNBURY TAXIS

Has the applicant held Vehicle Licences granted by this or any other authority: **YES/NO**
If YES, give details: (Continue on separate sheet if necessary).

Have any licences in respect of Private Hire or Hackney Carriage held by you ever been
revoked, suspended or refused by any other authority? **YES/NO**

If YES, give details

ELI VL 15 (new vehicle licence)
Outside standard licence conditions

NAME, ADDRESS AND BADGE NO. of all persons who will be driving

5982
6072

Name and address of Company/Group for whom vehicle will operate

PROMOTED TOWNBURY TAXIS

Signature of Operator



I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I enclose the following:

1. Certificate of Insurance
2. Registration Document
3. Certificate of Compliance (issued by Council testing depot)
4. Vehicle Inspection Certificate (issued by Council testing depot)

Already in your possession

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature



Date

15/7/09

ON COMPLETION PLEASE RETURN

Any queries regarding any aspect of this application please contact the Taxi Licensing Office.

Tel: 01432 260973 OR 260461

(Marked PRIVATE AND CONFIDENTIAL

Hackney Carriage & Private Hire Licensing
Herefordshire Council
Council Offices
P O Box 233
Bath Street
Hereford
HR1 2ZF

ELI VL 15 (new vehicle licence)
Outside standard licence conditions

PARTNER FORM

(THIS FORM TO BE COMPLETED BY THE SECOND LICENCE HOLDER, IF YOU INTEND TO HAVE TWO NAMES ON YOUR LICENCE)

VEHICLE LICENCE

Surname (MR.MRS.MISS.MS).....Maiden Name.....

All Forenames.....Previous Surnames/Aliases.....

Date of Birth.....Place of Birth.....Sex M/F

Present Address.....

.....Post Code.....

Telephone Number: Business.....Home.....

Particulars of Vehicle

REGISTRATION NO. _____

PLATE NO. _____

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature.....
Data Protection Act 1998

Date.....

13 July 2009

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If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer, County Secretary and Solicitor, Herefordshire Council, Brockington, 35 Hafod Road, Hereford HR1 1SH

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