

AGENDA

Regulatory Sub Committee

Date: Tuesday 26 February 2013

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:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

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Agenda for the Meeting of the Regulatory Sub Committee

Membership

Councillor PL Bettington Councillor JW Hope MBE Councillor C Nicholls conditions.

AGENDA

Pages 1. **ELECTION OF CHAIRMAN** To elect a Chairman for the hearing. 2. **APOLOGIES FOR ABSENCE** To receive apologies for absence. NAMED SUBSTITUTES (IF ANY) 3. To receive any details of Members nominated to attend the meeting in place of a Member of the Committee. 4. **DECLARATIONS OF INTEREST** To receive any declarations of interest by Members in respect of items on the Agenda. APPLICATION TO LICENCE A VEHICLE OUTSIDE OF THE STANDARD 5. 1 - 14 **VEHICLE LICENCE CONDITIONS** To decide whether to licence a vehicle outside the standard vehicle licence

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- 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.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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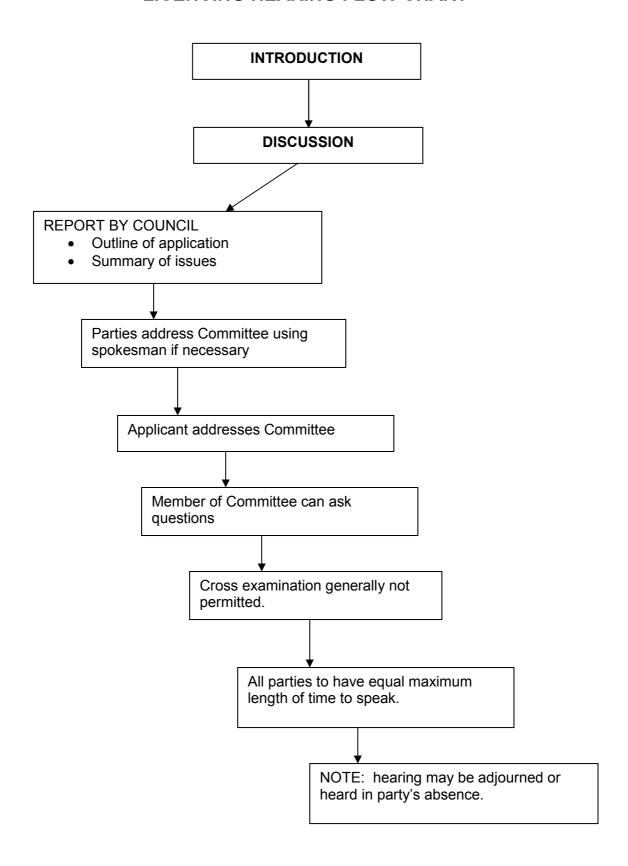
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LICENCING HEARING FLOW CHART





MEETING:	REGULATORY SUB-COMMITTEE
DATE:	26 FEBRUARY 2013
TITLE OF REPORT:	APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE H028 OUTSIDE STANDARD CONDITION 11.5 BY MR STUART PREWER
PORTFOLIO AREA:	ENVIRONMENTAL HEALTH AND TRADING STANDARDS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To decide whether to licence a vehicle outside the standard vehicle licence conditions.

Key Decision

This is not a key decision.

Introduction and Background

- 1. 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 hackney carriages and private hire vehicles, drivers and operators.
- 2. The current version of the standard licence conditions were approved at Regulatory Committee on the 31 March 2010.
- 3. Standard condition number 11.5 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'.
- 3. This Authority previously licensed a Ford Fusion saloon with registration number HN07 LHY on Plate No.H028, which was first registered in June 2007. The licence holder was Mr Albert Thomas.
- 4. This plate & licence expired on 14 December 2012.
- 5. On 15 October 2012 a renewal reminder letter and application form were sent to Mr Thomas i.e. two months before the expiry date in accordance with current practice.

- 6. A final renewal reminder was made by way of telephone call on 11 December 2012 to Mr Thomas who stated he had left the county and had sold the plate at the end of May 2012 to someone from a chauffeur company but could not provide a name or contact number for them.
- 7. The plate & licence expired on 14 December 2012.
- 8. On 17 December 2012 Mr Stuart Prewer contacted taxi licensing stating that he had purchased plate H028 and wished to submit 'change of vehicle on plate' and 'change of proprietor' applications. He was advised that the plate had expired on 14 December 2012 and that if he made the application, as the licence had expired, it would be outside of the standard conditions. Copies of the application forms were sent to him and he was advised to make an application as soon as possible as the next available Committee hearing date was 29 January 2013. He was also provided an 'authorisation to test letter' for a replacement vehicle.
- 9. On 28 January 2013 Mr Prewer made an application for 'change of proprietor' and 'renewal of licence plate H028'. He was advised that the application was too late for the hearing on 29 January 2013 and that the next committee hearing was on 26 February 2013.
- 10. Mr Prewer has paid £285 for the renewal of the plate, £97 for change of proprietor and £150 committee fees.
- 11. If the application is granted then Mr Prewer will apply to change the vehicle on plate H028, to a Mercedes E220 ST56VPW first registered on January 2007.

Recommendation(s)

THAT Committee:

(a) Based on the information received to date, grant the licence outside the standard conditions.

Key Points Summary

- Hackney Carriage Plate No.H028 expired 14 December 2012.
- Application to renew the plate made 28 January 2013.

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 it has not been recommended as it is considered to be inappropriate and unreasonable given the circumstances.

2. 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 for 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 making 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 Service in respect to what alternatives could exist.

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

Reasons for Recommendations

Mr Prewer has provided mitigating circumstances for the late application. He has always complied with licensing requirements in a timely fashion in the past.

Key Considerations

Whether or not, given the circumstances, the application should be granted outside the standard conditions.

Community Impact

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

Financial Implications

Not applicable

Legal Implications

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

Appendix 1 – Copy of application forms

Appendix 2 – Letter to Committee

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.

NO VEHICLE ATTRESENT WILL BE SUBJECT TO CHANGE OF VEHICLE IF MEDICE GRANTED

PLEASE TICK

PRIVATE HIRE VEHICLE



Receipt No: 509862 Income Code 191130 C05027 9126

Date 28:1.13 TOTAL PEE £ 435

VEHICLE LICENCE OUTSIDE STANDARD LICENCE CONDITIONS

PLEASE TICK GRANT

ELI NVL 4b (vehicle licence) Revised 11/2010

(To be completed in respect of	each Director and/or Partner usin	ng a separate sheet as necessary)
Surname PLEWER	Forename(s)ST	ACT.
Address		REFORD. HRU 75A,
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3. MODEL EZZO A	VANTGARDE S.PLATE NO	. Ho 28
4. TYPE OF BODY SALO	10.ENGINE	CAPACITY 2148cc
5. COLOUR(S) SILVE	11. FUEL (PI	ETROL/DIESEL/LPG) DIESEL
6. NO. OF SEATS (EXC DRIVE	ER) 4 12. CHASSIS	S/BODY NO
7. DATE OF 1ST REGISTRATIO	ON 31/01/07 13. ENGINE	NO.
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Has the applicant held Vehicle Li If YES, give details: (Continue	cences granted by this or any ot e on separate sheet if necessary	her authority: YES/NO
NAME OF AUTHORITY	REGISTRATION NO	PLATE NO

ELI NVL 4b (vehicle licence) Revised 11/2010

Have any lice revoked, sus	nces in respect of Private Hire or Ha pended or refused by any other auth	ckney Carriage held by you ever been ority? YES/NO	
If YES, give d	etails	***************************************	

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	************************************	<	
Name and ac	idress of Company/Group for who	m vehicle will operate	
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Signature of	Operator		
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2.	Registration Document		
3. 4.	 Certificate of Compliance (issued by Council testing depot) Vehicle Inspection Certificate (issued by Council testing depot) 		
hackney car	I have received, read and underst riage/private hire vehicle licence a nay be shared with other directors	ood the conditions in relation to the issue of a and agree that information in relation to my ates within Herefordshire Council. Date. 24/01/13	
FORM, WIT	ETION PLEASE SUBMIT THIS H THE REQUIRED FEE AND TATION TO ONE OF THE OSHIRE COUNCIL CUSTOMER ENTRES	Any queries regarding any aspect of this application please contact the Taxi Licensing Office. Tel: 01432 260105	

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 Nan	ne
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		
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Signature Data Protection Act 1998	Date	**********
This policy covers the treatment of personal data to complete and submit an online form on our web site.	hat Herefordshire Council may collect when you e-mail us, comp te.	elete an application form, or when you
When completing forms you may be asked for per that you can be personally identified.	sonal information such as name, address, postcode etc. It is only	when you supply this type of information
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ELI NVL 4b (vehicle licence) Revised 11/2010

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

ELI VL - 16a (change of proprietor)

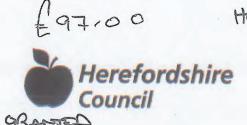
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PRESENT WILL

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CHANGE OF VAHICLE

CHANGE



Receipt No: 50 7 8 6 2 Income Code 191130 C05027 9129

Hoas

Date. 28.1:13

Amount... £9.7....

Application for

CHANGE OF PROPRIETOR On VEHICLE LICENCE

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All Forenames STYACT	Previous Surnames/Aliases
Date of Birth	of Birth WOLVERHAMPTON Sex MIF
Present address	Burghill, Hereford.
	Post Code HL4 750
Telephone Number: Business	Home
Mobile	•••••••••••••••••••••••••••••••••••••••
If partnership, give name and address of p	artner
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Name of person to whom the vehicle wa	as previously licensed
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MAKE MERCENES	REGISTRATION NO. ST 56
MODEL EZZO AVANTEARDE	PLATE NO. Ho 28.
Does the vehicle have a meter fitted? Make:	YES/NÓ Model:
Address at which vehicle will be kept	BURGHILL, HEREFORD
Hex 7.SA.	ON ROAD/OFF ROAD
	VICTORIA.
Insurance Valid From	То
Persons covered to drive with limitations (if	any) ie age restriction, insured only
Comprehensive/Third Party Fire & Theft	Hackney/Private Hire Cover
Where is the Fire Extinguisher kept?	
Is the vehicle wheelchair accessible	YES/NO
Name and address of proprietor of the vehi	cle

ELI VL - 1	6a (change of proprietor)	
Is the v	ehicle to be used to undertake Social	Service/Education Dept contract? YES/NO
If YES,	state type of contract	
		hold a County Transport Badge in addition to thei
Contac Blackfri	ars PO Box 185 Blackfriars Street He	
Onice	Tel No: 01432 260928 Email: schoolt	ransport@herefordshire.gov.uk
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Data Protection

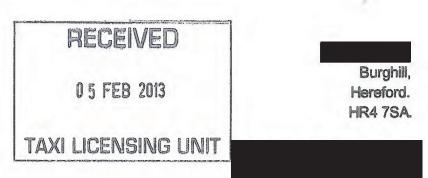
This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site. When completing forms you may be asked for personal information such as name, address, postcode etc. 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. Where necessary we may share this personal data with partner organisations for the protection of public funds administered which may include the prevention or detection of fraud and auditing purposes.

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

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Please apply at your nearest DVLA local office. Declaration - You MUST sign, date and return this page to DVLA, Swansea, SA99 1BA when you notify any changes. Registered keeper: I declare that the new details I have given are correct to the best of my knowledge. Signature:	V.4 HC+NOx (g/km)	0.179	
Registered keeper: I declare that the new details I have given are correct to the best of my knowledge. Signature: Date: Signature: Date: Date:	V.5 particulates (g/km or g/kWh)	0.021	The tax class shown in section 4 can only be changed when taxing. Please apply at your nearest DVLA local office.
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Dear Sir / Madam,

With reference to the late application for the transfer of vehicle, during this time my best friend of 30 years had been diagnosed with bowel cancer and wished for his family and friends to be with him for the process of diagnosis, after care, treatment and recuperation.

Unfortunately for the 8 - 10 months he was going through this process until his death, my thoughts were on his needs and so the application for the new vehicle transfer and the relevant documentation was forgotten about much to my regret.

It is not normal practice for me to be neglectful with any documentation, but as I hope you will recognise these were exceptional circumstances and this will never happen again,

Yours Sincerely,

Stuart Prewer