

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

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

**Councillor PL Bettington
Councillor JW Hope MBE
Councillor C Nicholls**

AGENDA

		Pages
1.	ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
3.	NAMED SUBSTITUTES (IF ANY) 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.	
5.	APPLICATION TO LICENCE A VEHICLE OUTSIDE OF THE STANDARD VEHICLE LICENCE CONDITIONS To decide whether to licence a vehicle outside the standard vehicle licence conditions.	1 - 14

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- 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.
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- 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).
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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In the event of a fire or emergency the alarm bell will ring continuously.

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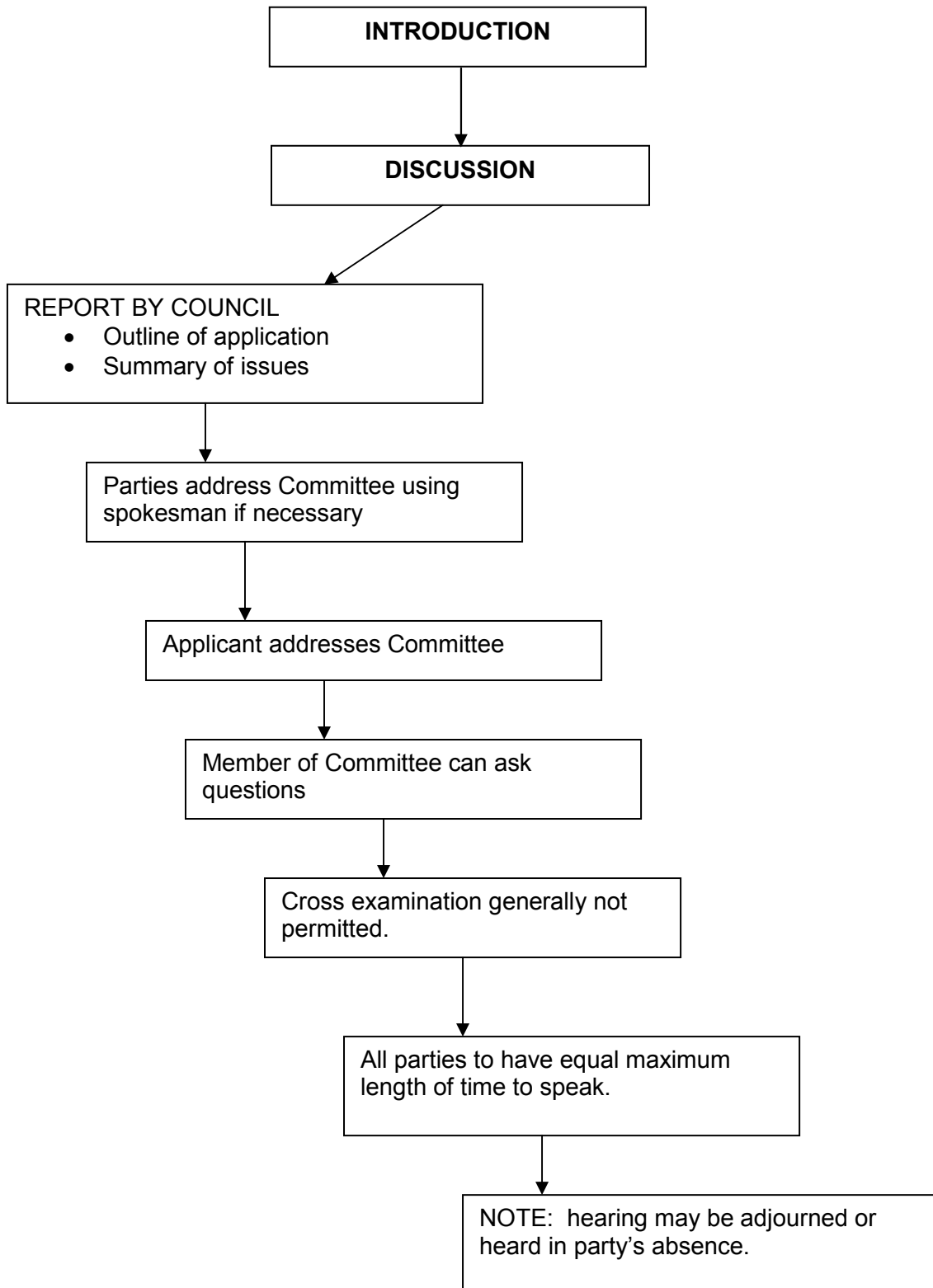
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LICENCING HEARING FLOW CHART



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 AT PRESENT
WILL BE SUBJECT TO
CHANGE OF VEHICLE
IF LICENCE GRANTED



Herefordshire
Council

HO28
Exp 14/12
Renewal fee £285
The change of vehicle
committee fee £150

Receipt No:
.....509862
Income Code
I91130 C05027 9126
Date...28.1.13

TOTAL FEE £435

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

PLEASE TICK		PLEASE TICK	
PRIVATE HIRE VEHICLE		GRANT	
HACKNEY CARRIAGE VEHICLE	✓	RENEWAL	✓
Reasons for application being outside conditions	Application made after licence expiring date 14/12/12		

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

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

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

Present address.....BURGHILL, HEREFORD.....

.....HR4 7SA.....Post Code HR4 7SA.....

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

Mobile.....

E-mail.....

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

Name and address of proprietor of the vehicle STUART PREWER.....
BURGHILL, HEREFORD, HR4 7SA.....

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

ULTIMATE CHAUFFEURS LTD.....

Address of Registered Office
.....BURGHILL, HEREFORD, HR4 7SA.....

Address from which business will be conducted.
.....BURGHILL, HEREFORD, HR4 7SA.....

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

Surname Plewsel Forename(s) STUART
Address BURGHILL, HEREFORD, HR4 7SA
Date of Birth [REDACTED] Driver's Badge No H46

PARTICULARS OF VEHICLE

NOT APPLICABLE - LICENCE WILL BE SUBJECT TO CHANGE OF VEHICLE, IF GRANTED

- 1. NAME ON REGISTRATION DOCUMENT ULTIMATE CHAUFFEURS LTD / STUART PLEWSEL
- 2. MAKE MERCEDES 8. REGISTRATION NO. ST 56 [REDACTED]
- 3. MODEL E220 AVANTGARDE 9. PLATE NO. HO 28
- 4. TYPE OF BODY Saloon 10. ENGINE CAPACITY 2148cc
- 5. COLOUR(S) SILVER 11. FUEL (PETROL/DIESEL/LPG) DIESEL
- 6. NO. OF SEATS (EXC DRIVER) 4 12. CHASSIS/BODY NO [REDACTED]
- 7. DATE OF 1ST REGISTRATION 31/01/07 13. ENGINE NO. [REDACTED]

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:.....

Address at which vehicle will be garaged.....

Insurance Company LIVERPOOL VICTORIA

Insurance Valid From 23/01/13 To 23/01/14

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

Hackney/Private Hire Cover HACKNEY CARRIAGE

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.....

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).

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

STUART PRATER [REDACTED] BURGILL, HEREFORD, HR47SA.

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

ULTIMATE CHAUFFEURS LTD.

Signature of Operator..... [REDACTED]

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..... [REDACTED] Date 27/01/13.

ON COMPLETION PLEASE SUBMIT THIS FORM, WITH THE REQUIRED FEE AND DOCUMENTATION TO ONE OF THE HEREFORDSHIRE COUNCIL CUSTOMER SERVICE CENTRES

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 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. 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

£97.00

H028

NO VEHICLE AT PRESENT WILL BE SUBJECT TO CHANGE OF VEHICLE ON PLATE IF CHANGE GRANTED



Receipt No:	509862
Income Code	191130 C05027 9129
Date:	28.1.13
Amount:	£97

Application for

CHANGE OF PROPRIETOR On VEHICLE LICENCE

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

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

Date of Birth.....[REDACTED].....Place of Birth.....WOLVERHAMPTON.....Sex M/F

Present address.....[REDACTED].....BURGHILL, HEREFORD.....

.....Post Code.....HR4 7SA.....

Telephone Number: Business.....[REDACTED].....Home.....[REDACTED]

Mobile.....[REDACTED].....

If partnership, give name and address of partner.....

Name of person to whom the vehicle was previously licensed.....

NAME OF REGISTRATION DOCUMENT ULTIMATE CHANNELS LTD / STUART PREWER

MAKE MERCEDES REGISTRATION NO. ST 56 [REDACTED]

MODEL E220 AVANTGARDE PLATE NO. H0 28

Does the vehicle have a meter fitted? YES/NO Make:..... Model:.....

Address at which vehicle will be kept.....[REDACTED].....BURGHILL, HEREFORD

.....HR4 7SA.....ON ROAD/OFF ROAD

Insurance Company.....LIVERPOOL VICTORIA.....

Insurance Valid From.....To.....

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 vehicle.....

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

If YES, state type of contract.....

NB Drivers on Contract journeys must hold a County Transport Badge in addition to their Dual Driver Badge

Contact - Children and Young People's Directorate, School Admissions and Transport Department
Blackfriars PO Box 185 Blackfriars Street Hereford HR4 9ZR
Office Tel No: 01432 260928 Email: schooltransport@herefordshire.gov.uk

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

.....
.....

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

.....

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
4. Letter from existing licence holder stating that they have sold you the plate and vehicle.

I certify that I have received, read and understood the conditions in relation to the transfer 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 28/01/13.....

ON COMPLETION PLEASE SUBMIT THIS FORM, WITH THE REQUIRED FEE AND DOCUMENTATION TO ONE OF THE HEREFORDSHIRE COUNCIL CUSTOMER SERVICE CENTRES

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

JK Registration Certificate

Official use only

1

4. Vehicle details

Registration number **ST56** 2 [A.1] Validation character **Y** 3

1 Date of first registration **31 01 2007**

3.1 Date of first registration in the UK **31 01 2007**

1.1 Make **MERCEDES**

1.2 Type

Variant **U00ML0**

Version **SCAAA500**

1.3 Model **E220 AVANTGARDE CDI A**

1.5 Body type **4 DOOR SALOON**

X] Taxation class **DIESEL CAR**

D.0] Suspension Type

V] Revenue weight **2140 KG GROSS**

2.1 Cylinder capacity (cc) **2149 CC**

1.7 CO₂ (g/km) **177 G/KM**

3.3 Type of fuel **HEAVY OIL**

3.1 Number of seats, including driver **5**

3.2 Number of standing places (where appropriate)

D.4] Wheelplan **2-AXLE-RIGID BODY**

J Vehicle category **M1**

< Type approval number **e1*2001/116*0183*14**

2.2 Max. net power (kW) **125**

E VIN/Chassis/Frame No. **[REDACTED]**

2.5 Engine number **[REDACTED]**

2.1 Max. permissible mass (exc. m/c) **1640**

3 Mass in service **1640**

2 Power/Weight ratio (kW/kg) (only for motorcycles)

R Colour **SILVER**

D Technical permissible maximum towable mass of the trailer:

D.1 braked (kg) **1900**

D.2 unbraked (kg) **750**

U Sound level:

U.1 stationary (dB(A)) **82**

U.2 engine speed (min-1) **2850**

U.3 drive-by (dB(A)) **71**

V Exhaust Emissions:

V.1 CO (g/km or g/kWh) **0.066**

V.2 HC (g/km or g/kWh) **0.147**

V.3 NOx (g/km or g/kWh) **0.179**

V.4 HC+NOx (g/km) **0.021**

V.5 particulates (g/km or g/kWh)

5. Registered keeper

If any details are wrong enter the correct details in section 6, sign section 8, and return to DVLA.

C.4.c - This document is not proof of ownership.

C.1.1 **ULTIMATE CHAUFFERS LTD**
STUART PREWER

C.1.3 **[REDACTED]**
BURGHILL
HEREFORD
HR4 7SA

I **ACQUIRED VEHICLE ON 11 05 2010**
Please write in black ink and CAPITAL LETTERS.

6. New keeper or new name/new address details

Please see section 12

Mr 1	Mrs 2	Miss 3	Please tick <input checked="" type="checkbox"/> the appropriate box		W 4
Title (for example, Ms, Rev and so on) or business name:					
First names: 5					
Surname: 6					
For company use only DVLA/DVA Fleet number 7					
Date of birth (not required by law)				Postcode:	8 9
House No: 10					
Address: 11					
Post town:					
New keeper? If so tick this box: <input checked="" type="checkbox"/> K 12		Date of sale or transfer: 13			
Driving licence number of the new keeper (not required by law)					
Present mileage (not required by law) 15					
R 16		S 17			

7. Changes to current vehicle

Only enter corrected or altered details

Wheelplan / Body type		H 19	
VIN / Chassis / Frame Number			
21			
New revenue weight	Date of change	Cylinder capacity (cc)	
22	23	24	
No. of seats inc. driver	No. of standing places	Type of fuel	
25	26	27	
Engine number			
28			
New colour	Date of change	CLR	
29	30		
Tax class*			
Y 31 32			

*The tax class shown in section 4 can only be changed when taxing. 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.

New keeper: I declare that this vehicle was sold or transferred to me on the date shown in section 6 and my name and address are correctly shown.

Signature:

Date:

Signature:

Date:

Law: If the vehicle is sold or transferred, both the registered keeper and the new keeper must sign this Certificate.

Official use only - Please do not write below this line.

V5C-0311

Doc. Ref. N° **2130 844 1529 10 05 12**
Des. Codes **1051127620 / 00160 45**

ST56 VPV **Y**



ISC

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Official Use Only

SECRET

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SECRET



[REDACTED]
Burghill,
Hereford.
HR4 7SA.
[REDACTED]

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

