

**APPLICATION TO RE-INSTATE AN EXPIRED
HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE
STANDARD CONDITION 9.5 BY NICHOLAS JAMES
MADDY**

**REPORT BY:
Head of Environmental Health and Trading Standards**

Purpose

1. This report reintroduces an application made by Mr Maddy to deviate from the standard condition number 9.5. This condition 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’.

This application was previously brought to committee on 9 September 2008 and was deferred pending further discussions between the Licensing Team and VOSA, being the body that undertake and advise on the appropriate tests for such vehicles.

Legal Background

2. Under the terms of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.
3. The current standard licence conditions were approved at Regulatory Committee on 18 December 2007.

Issues

4. This Authority previously licensed a Nissan Cargo Vanette on Plate No. H024.
5. On 18 December 2007 the Regulatory Committee decided to suspend all converted vans until a satisfactory enhanced VOSA certificate could be produced to cover these vehicles.
6. On 19 December 2007 the Licensing Team wrote to Mr Maddy advising him that his vehicle was a converted van and it would therefore be suspended as of 18:00 on Friday 21 December 2007. He was advised that the suspension would not be removed until a suitable certificate could be produced, i.e. an enhanced VOSA Single Vehicle Approval Test for the vehicle. (See Appendix 1 for copy of suspension notice / correspondence).
7. The licence for plate H024 then expired on 8 January 2008, as no renewal application had been made by the applicant.

8. A standard VOSA certificate was later obtained from the applicant on 4 April 2008. (See Appendix 2 for copy of certificate).
9. The application for the renewal of the plate was then made by Mr Maddy on 5 June 2008. (See Appendix 3 for copy of application).
10. The applicant requests to re-licence this vehicle.

Matter for Committee

11. In light of the above account the licence has still not been granted, but instead referred to this Regulatory Committee for consideration and determination as to whether the plate should be issued. This decision can now be made having regard to updated guidance from VOSA which the Licensing Officer can now offer to the Committee.

Options

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

- **can be granted outside of the standard conditions and or policy.**
- **cannot be granted and the licence be refused.**
- **can be further deferred in order to get more information before a fully informed decision can be made.**
- **or reach some other decision.**

Appendix 1 – suspension notice / correspondence

Appendix 2 – copy of standard VOSA certificate

Appendix 3 – copy of application form