

APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY ROBERT PERELKA

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

Purpose

1. The report introduces an application made by Mr Perelka 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’.

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 the 18th December 2007.

Issues

4. This Authority previously licensed a Peugeot 407 on Plate No. H254.
5. Due to a change of proprietor on plate, Mr Perelka was not written to until 29th December 2008 when he was advised that this vehicle plate would expire on 9th January 2009. There is no mandatory requirement for the Licensing Team to do this.
6. No application was received from Mr Perelka and accordingly the plate expired on 9th January 2009.
7. On 13th January 2009 an application was received from Mr Perelka to licence the vehicle (Appendix 1 – Background Papers).
8. Mr Perelka was granted the licence until the date of this hearing to allow the Committee to make a decision regarding this matter. Accordingly the plate granted expires at midnight tonight.
9. The application requests to re-licence this vehicle.

Matter for Committee

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

Options

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

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

Appendix 1 – Computer print out of renewal letter from Lalpac

Appendix 2 – Copy of application forms

Appendix 3 – Copy of standard licence conditions