

APPLICATIONS TO RE-INSTATE AN EXPIRED PRIVATE HIRE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR JOHN BISHOP

REPORT BY: Head of Environmental Health and Trading Standards

Purpose

1. The report introduces an application made by Mr Bishop 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 standard licence conditions were approved at Regulatory Committee on the 18th December 2007.

Issues

4. This Authority previously licensed a Ford Mondeo saloon registration number Y331 JCJ on Plate No. P225 which was first registered on 5.3.01, Mr Bishop now wants to change the vehicle to a Rover 75 with this renewal application.
5. On 29th January and 12th February 2009 the Licensing Team wrote to Mr Bishop advising him that this vehicle plate would expire on 27th February 2009. There is no mandatory requirement for the Licensing Team to do this.
6. No application was received from Mr Bishop and accordingly the plate expired on 27th February 2009.
7. On 3rd March 2009 (4 days after expiry) an application was brought in to Garrick House by a representative of Mr Bishop to licence the vehicle. The licensing team member advised that as the application was late, the matter would have to be considered by Regulatory Committee. The application form was taken away to discuss with Mr Bishop.
8. A letter of complaint was received from Mr Bishop on the 7th May 2009 and a reply was sent back from licensing on the 12th May 2009, advising Mr Bishop of the reasons the application had to go to Committee.
9. As this application is outside the standard conditions there is no devolved power for the Licensing Officer to deal with this application.
10. An application was received on the 28th May 2009 (Appendix 1).

11. The application requests that the expired licence been granted as a new plate and that the new vehicle be allowed to be attached to that plate. (The new vehicle does meet the terms and conditions in respect of a replacement vehicle).

Matter for Committee

12. 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 licences: -

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