

MEETING:	REGULATORY COMMITTEE
DATE:	9 SEPTEMBER 2009
TITLE OF REPORT:	APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR PETER RONALD DAVIES
PORTFOLIO AREA:	REPORT BY HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS ENVIRONMENT & CULTURE

CLASSIFICATION: Open – if exempt please see Schedule 12A for the description of exempt information (see * at the bottom of this guidance note). You should put as much information as possible in the open part of the report with exempt information submitted only where necessary

Wards Affected

Countywide

Purpose

To decide whether or not to licence a vehicle outside the standard vehicle licence conditions.

Key Decision

This is not a key decision.

Recommendation(s)

THAT Cabinet:

- (a) grant the licence on this occasion outside the standard conditions; and**
- (b) Advise Mr Davies that any such future application of a similar nature may be refused.**

Key Points Summary

- Licence expired 1st August 2009.
- Renewal application received on 4th August 2009.
- Reminder letters were sent regarding the expiry of the licence on 17th June 2009 & 29th July

Further information on the subject of this report is available from
Claire Berrow – Licensing Officer on (01432) 383542

2009.

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 option has been considered it has not been recommended, as it would be disproportionate as the late renewal occurred as a result of a minor error on the part of the applicant.

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 to him a fair hearing. It would also reduce the need for an additional committee hearing thus saving costs.

Disadvantages: This would delay the decision 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 Environmental Health & Trading Standards in respect alternative decisions.

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

Reasons for Recommendations

- 2 In view of the fact that this was an oversight on the part of the applicant it is considered appropriate that the application on this occasion should be granted.

Introduction and Background

3. 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.

The standard licence conditions were approved at Regulatory Committee on the 18th December 2007.

Standard condition number 9.5 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'.

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.

The standard licence conditions (Appendix 1) were approved at Regulatory Committee on the 18th December 2007.

This Authority previously licensed a Citroen C5 registration number MA02 XKD on Plate No.H017, which was first registered on 30 April 2002.

On 17 June 2009 and 29 July 2009 the Licensing Team wrote to Mr Davies advising him that this vehicle plate would expire on 1st August 2009. (Appendix 2). There is no mandatory requirement for the Licensing Team to do this.

No application was received from Mr Davies and accordingly the plate expired on 1 August 2009.

On 4 August 2009 (3 days after expiry) an application (Appendix 3) was brought into the Bath Street Offices by Mr Davies to licence the vehicle. A licensing team member advised that as the application was late, the matter would have to be considered by Regulatory Committee.

A temporary licence was issued for the vehicle under devolved powers until the matter was decided by this committee. The plate expires at midnight tonight.

The application therefore is to grant a new plate to the previously licensed vehicle.

Key Considerations

- 4 Whether or not in the given circumstances the application should be granted outside the standard conditions.

Community Impact

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

Financial Implications

- 6 Not applicable

Legal Implications

- 7 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

- 8 Appendix 1 – Copy of standard licence conditions
Appendix 2 – Computer print out of renewal letter from Lalpac
Appendix 3 – Copy of application forms

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.