

MEETING:	REGULATORY COMMITTEE
DATE:	3 NOVEMBER 2009
TITLE OF REPORT:	APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE OF STANDARD CONDITION 9.5 BY MR LINDSAY MARK OAKLEY-DAVIES
PORTFOLIO AREA:	REPORT BY HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS ENVIRONMENT & CULTURE

CLASSIFICATION: Exempt

Wards Affected

Countywide

Purpose

To decide whether to licence a vehicle outside the standards vehicle licence conditions.

Key Decision

This is not a Key Decision.

Recommendations

THAT Committee:

- (a) **grant the licence on this occasion outside the standard conditions; and**
- (b) **advise Mr Oakley-Davies that any application in similar circumstances may be refused.**

Key Points Summary

- Licence expired 4th September 2009
- Re-newel application received on 11th September 2009.

Alternative Options

- 1 The licence cannot be granted and therefore is refused**

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

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 unreasonable when it has occurred as a result of an 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 information meeting the criteria set by committee being produced to the Licensing Officer. Where this is not produced the licence would remain ungranted until that information is produced.

Advantages: Gives the opportunity to the applicant to produce further information in support of the application and allows him a fair hearing. It would also reduce then 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 is affected.

Reason for rejection: It is felt that any information required to reach a decision has already 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 and Trading Standards in respect of the application.

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 on this occasion to be appropriate that the application is 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 Peugeot 406 GTX HDI registration number Y454 BAC on Plate No.H066, which was first registered on 20th July 2001. The vehicle was purchased by Mr Oakley-Davies from Tom Sexton on 6th January 2009.

No application was received from Mr Oakley-Davies and accordingly the plate expired on 4th September 2009.

On 11 September 2009 (7 days after expiry) an application (Appendix 2) was brought into the Bath Street Offices by Mr Oakley-Davies to licence the vehicle. A licensing team member advised that as the application was late and that the matter would therefore have to be considered by Regulatory Committee.

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

The application therefore is to grant 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 - attached to Agenda item 6
Appendix 2 – Copy of application form

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.