

<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>3 NOVEMBER 2009</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 3.3b BY MR JUCKES</b>
<b>PORTFOLIO AREA:</b>	<b>REPORT BY HEAD OF ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS ENVIRONMENT &amp; CULTURE</b>

**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 Juckes that any application in similar circumstances may be refused.**

### **Key Points Summary**

- Licence expires 5<sup>th</sup> December 2009
- Change of vehicle on plate application received on 14<sup>th</sup> September 2009.
- The application requested a change of vehicle which has not got 30,000 less mileage on the clock than the outgoing vehicle.
- The licence was extended using the old vehicle until the date of this Committee.

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

## Alternative Options

a) **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 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 by not getting written consent to change the vehicle.

b) **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. If this is not produced the licence would remain ungranted until that information is produced.

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

c) **To reach some other decision**

**Advantages:** This leaves other solution open to the Committee to resolve the application.

**Disadvantages:** There are no clear directions from the Head of Environmental Health & Trading Standards in respect of the application.

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

## Reasons for Recommendation

- 2 In view of the fact that this was an oversight on the part of the applicant, it is considered appropriate that on this occasion the application 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 18<sup>th</sup> December 2007.

Standard condition number 3.3b states: -

- a) The replacement vehicle shall be no more than 2 years older than the outgoing vehicle, and have at least 30,000 less miles on the clock. All vehicles must be replaced at 8 years for non wheel chair and 15 years for wheel chair access vehicles.

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 18<sup>th</sup> December 2007.

This Authority previously licensed a Skoda Octavia saloon registration number VN57 NGZ on Plate No.H325, which was first registered on 12 December 2007.

The last recorded mileage was 180,072.

On 14 September 2009 an application was made (Appendix 2). When the compliance certificate document was seen by the Council, a member of the Licensing team explained that the proposed vehicle had 163,017 on the clock and did not meet the criteria detailed by condition 3.3b (i.e. had 30,000 miles less on the clock).

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

The application therefore is to change the vehicle on plate.

## **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.