

<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>8 DECEMBER 2009</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR MATTHEW CHARLES LANE</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.

### **Recommendation(s)**

**THAT the Committee:**

- (a) Grant the licence on this occasion outside the standard conditions; and**
- (b) Advise Mr Lane that any application in similar circumstances may be refused.**

### **Key Points Summary**

- Licence expired 4<sup>th</sup> October 2009
- Renewal application received on 5<sup>th</sup> October 2009.

### **Alternative Options**

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

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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 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 the applicant to produce further information in support of the application and allows them 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 and Trading Standards in respect to this 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, the Head of Environmental Health and Trading Standards believes it appropriate for the application to be granted on this occasion.

## **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 current version of the standard licence conditions were approved at Regulatory Committee on the 18<sup>th</sup> 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 – see Agenda Item 5) were approved at Regulatory Committee on the 18<sup>th</sup> December 2007.

This Authority previously licensed a Ford Mondeo with the registration number NC05 PJJ on Plate No.P105, which was first registered on 1<sup>st</sup> July 2005.

No application was received from Mr Lane and accordingly the plate expired on 4 October 2009.

On 5 October 2009 (1 day after expiry) an application (Appendix 2) was taken to Garrick House Offices by Mr Lane 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 has therefore been issued for the vehicle under devolved powers until the matter can be decided by this committee on the 8 December 2009. 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 - see Agenda Item 5  
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.