

MEETING:	REGULATORY COMMITTEE
DATE:	8 DECEMBER 2009
TITLE OF REPORT:	APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR ANDREW BRIAN HUFFER
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.

Introduction and Background

1. 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.
2. The current version of the standard licence conditions were approved at Regulatory Committee on the 18th December 2007.
3. 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'.
3. This Authority previously licensed a Ford Tourneo with registration number DU03 FZM on Plate No.H078, which was first registered in November 2003.
4. This plate expired on 27th November 2008 and was not immediately renewed.

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

5. In explanation, Mr Huffer informed the licensing team that his wife was seriously ill and he could therefore not renew the licence at that time.
6. Sadly, since this notification, Mr Huffer has informed the licensing section that his wife has passed away.
7. An application to renew the plate was therefore not made until 26th November 2009.
8. Mr Huffer has made this application as a renewal and not as a grant, as the age of the vehicle would normally preclude it from being approvable for a new grant application, i.e. it is now over 5 years in age.

Recommendation(s)

THAT Committee:

- (a) **Grant the licence on this occasion outside the standard conditions.**

Key Points Summary

- Hackney Carriage Plate No.H078 expired 27 November 2008.
- Application to renew the plate made 26 November 2009.
- Mr Huffer advised us that this delay was due to the terminal illness of his wife.

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 has been considered it has not been recommended as it is considered to be inappropriate and unreasonable given the circumstances.
2. **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 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 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 Service in respect to what alternatives could exist.
Reason for rejection: It is difficult to envisage what other decision could be reached.

Reasons for Recommendations

In view of the fact that the decision not to renew was taken so that Mr Huffer could care for his terminally ill wife, it is felt to be appropriate that the application on this occasion should be granted.

Key Considerations

Whether or not, given the circumstances, the application should be granted outside the standard conditions.

Community Impact

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

Financial Implications

Not applicable

Legal Implications

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

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.