

MEETING:	REGULATORY COMMITTEE
DATE:	9 MARCH 2010
TITLE OF REPORT:	APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR ANTHONY BURGE
PORTFOLIO AREA:	ENVIRONMENT & CULTURE

CLASSIFICATION: Exempt

Wards Affected

County-wide

Purpose

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

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT Committee:

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

Key Points Summary

- Licence expired 20th February 2010
- Re-newal application received on 24th February 2010.

Alternative Options

1 The licence cannot be granted and therefore is refused

Advantages: It ensures that the existing licence conditions are meant.

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 then 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 solution open to the Committee to resolve the application.

Disadvantages: There are no clear directions from the Environmental Health Manager 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 felt to be 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 Volvo S60 registration number YF52 NKX on Plate No.H353, which was first registered on 27th March 2001.

No application was received from Mr Burge and accordingly the plate expired on 20th February 2010.

On 24th February 2010 (4 days after expiry) an application (Appendix 2) was handed in by Mr Burge. A licensing team member advised that as the application was late, the matter would

have to be considered by Regulatory Committee. Mr Burge explained that he had been on holiday and that his friend had said it would be alright to apply late.

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 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 – 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.