

MEETING:	REGULATORY COMMITTEE
DATE:	7 DECEMBER 2010
TITLE OF REPORT:	APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR SHAHID ALI
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

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 Committee:

- (a) grant the licence outside the standard conditions on this occasion; and
- (b) advise Mr Ali that any future late application may be refused.

Key Points Summary

- Licence expired 12th November 2010.
- Renewal application not received until 24th November 2010.

Alternative Options

The licence cannot be renewed and therefore is refused

Advantages: It ensures that the existing licence conditions are fully met.

Disadvantages: It could be subject to legal challenge.

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

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 him 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 solutions open to the Committee to resolve the application.

Disadvantages: There are no clear directions from the Assistant Director in respect of the application.

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

Reasons for Recommendations

In view of the fact that this was an oversight on the part of the applicant due to family bereavement and long term illness of his son, it is felt to be appropriate that the application on this occasion should be granted.

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 licence conditions were approved at Regulatory Committee on the March 2010.

Standard condition number 11.5 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 hackney carriages and private hire vehicles, drivers and operators.

3. This Council previously licensed a VW Passat registration number NG53 PFX on Plate No.H328, which was first registered on 18th November 2003.
4. Four renewal letters/reminders were sent to Mr Ali. However, no application was received from Mr Ali and accordingly the plate expired on 12th November 2010. (Appendix 2).
5. On 24th November 2010 an application was taken to Bath Street Offices by Mr Ali to licence the same vehicle. A licensing team member advised Mr Ali that the matter would have to be considered by the Regulatory Committee as the application was late.

6. The application therefore is to renew the new plate to the previously licensed vehicle, although it has technically expired beyond the renewal date. To allow a renewal would mean that the vehicle could remain as a saloon without disabled access. To insist on a new application for a grant of licence would mean that it would have to have be disabled access.

Key Considerations

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

Community Impact

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

Financial Implications

9. Not applicable

Legal Implications

10. 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

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.