

<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>1 NOVEMBER 2011</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATIONS TO LICENCE 2 X PRIVATE HIRE VEHICLES OUTSIDE STANDARD CONDITION 3.1ii BY MR JOHN JAMES MARSHALL</b>
<b>PORTFOLIO AREA:</b>	<b>HEALTH AND WELLBEING SERVICE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To decide whether to licence two vehicles outside the standard 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 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 31<sup>st</sup> March 2010.
3. The conditions state that for a new Private Hire Licence application, the vehicle to be licensed shall not be more than:
  - i. 5 years old for a wheelchair accessible vehicle that conforms to section 6 or
  - ii. Two years old for any other type of vehicle.The age of the vehicle shall be determined by the date of first registration on the registration document. The vehicle must comply with the vehicle specifications contained in section 4.
4. Mr Marshall made his new vehicle, driver and operator applications on 30<sup>th</sup> September 2011.

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

## Recommendations

THAT the Sub-Committee:

- (a) Grant the vehicle licence on the Lincoln Limousine on this occasion outside the standard conditions.
- (b) Refuse the Mini Bus licence.

## Key Points Summary

- Vehicle applications fall outside standard conditions.
- Applications made on 20<sup>th</sup> September 2011

## 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

The Lincoln Limousine is a specialist vehicle and it is unlikely that a vehicle under 2 years of age would be affordable. The Minibus is not a specialist vehicle and the applicant had full knowledge of the conditions prior to purchasing the vehicle.

## 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

Appendix 2 – Copy of application forms and Registration Documents

## **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.