

<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>15 NOVEMBER 2011</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION TO LICENCE A VEHICLE OUTSIDE STANDARD CONDITION 1.8 (i) BY MR MANILAL MISTRY</b>
<b>PORTFOLIO AREA:</b>	<b>HEALTH &amp; WELLBEING SERVICES</b>

**CLASSIFICATION:** open

### **Wards Affected**

Countywide

### **Purpose**

To decide whether to licence a vehicle outside the standards vehicle licence conditions. 1.8 states that new/replacement vehicles shall not be permitted if they were registered prior to the year 2000.

### **Key Decision**

This is not a Key Decision.

### **Recommendation(s)**

**THAT the Regulatory Committee:**

- (a) **Consider what information is presented today and make a decision based on what Mr Mistry presents.**

### **Key Points Summary**

- Written request made on 11 November 2011 to consider allowing the vehicle a Mercedes Vito R586NDD to be put back onto a plate owned by Mr Mistry following its repair.
- The current conditions were approved at Regulatory Committee on 9 March 2010.
- This vehicle complies in all other respects except it is over 10 years of age, first registered on 15.8.1997. It had been on a plate H224 owned by Mr Mistry, but was replaced due to needing extensive repair.
- The repairs were carried, out and when it came to be put back on another plate owned by Mr Mistry, the Licensing Section found it to be over 10 years of age.

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Further information on the subject of this report is available from  
Claire Berrow – Licensing Officer on (01432) 383324

- Mr Mistry had sought advice from Licensing who were not aware that the vehicle was over 10 and that the original plate had been sold.
- The repairs to the vehicle were extensive and Mr Mistry believed that the vehicle could go back onto the plate he owned. The vehicle is available for members to view as Mr Mistry would like them to see the condition of the vehicle.

## Alternative Options

- 1 **The vehicle can be re-licensed and therefore is granted**  
**Advantages:** It would not be the subject of legal challenge.  
**Disadvantages:** It deviates from the standard licence conditions  
**Reason why Assistant Director has not recommended alternative 2:** It is felt that any information required to reach a decision has been provided within the application.
- 2 **The vehicle cannot be re-licensed and therefore is refused**  
**Advantages:** It ensures that the existing licence conditions are met.  
**Disadvantages:** It could be subject to legal challenge.  
**Reason why Assistant Director has not recommended alternative 1:** It is felt that any information required to reach a decision has been provided within the application.
- 3 **To defer the decision in order to get more information**  
The Committee could make a decision to defer the decision while more information is requested.  
**Advantages:** Gives the opportunity for the applicant to produce further information in support of the application and allows him a fair hearing.  
**Disadvantages:** This would delay the decision process and may mean that the livelihood of the applicant could be affected and further costs would be incurred in another committee hearing.  
**Reason why Assistant Director has not recommended alternative 2:** It is felt that any information required to reach a decision has been provided within the application.
- 4 **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 with respect to other options.  
**Reason why Assistant Director has not recommended alternative 3:** It is difficult to envisage what other decision could be reached.

## Reasons for Recommendations

- 5 There had been some confusion surrounding this vehicle and its age. Advice was given regarding its possible transfer without the age of the vehicle being considered. Mr Mistry wants to present the vehicle, therefore, Members will want to base a decision on what they hear and see today.

## Introduction and Background

- 6 The vehicle in question is owned by Mr Mistry and was on a hackney carriage plate H224 owned by him. The vehicle suffered mechanical failure and Mr Mistry could not immediately afford the repairs, instead he took the vehicle off the road, in order that he could save up some money to undertake the necessary work. Mr Mistry then sold the plate H224 and purchased another plate H380. Mr Mistry then carried out the necessary work to the vehicle and applied to put it on the plate H380 now owned by Mr Mistry. It was then that the age of the vehicle

became an issue as it is over 10 years of age.

If the vehicle has remained on the plate, the vehicle would have been allowed to stay licensed, with a requirement for additional tests. There is no longer an upper age limit.

## **Key Considerations**

- 7 Whether or not, in the given circumstances, vehicle 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**

- 11 Appendix 1 – Copy of standard licence conditions.  
Appendix 2 – Copy of application form outside of conditions.

## **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.