

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	21 FEBRUARY 2012
TITLE OF REPORT:	APPLICATION TO LICENCE A VEHICLE OUTSIDE STANDARD CONDITION 4.1 c) and d) BY MR DAVID JAMES HUFTON
PORTFOLIO AREA:	HEALTH AND WELLBEING SERVICE

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 the Regulatory Committee:

allow this vehicle to be licensed outside the standard conditions.

Key Points Summary

- Written request made on 20th January 2012 to consider allowing this two door, 3 seated vehicle to be licensed outside standard conditions.
- This vehicle is a Fiat 500 3 door hatchback which would seat 3 passengers.
- As this vehicle only has two doors the vehicle would need to be restricted to carrying only one passenger in the front seat. The two rear seats could only be used to carry luggage.

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 why Head of Service has not recommended alternative 1: Although this has been considered it has not been recommended as it is considered to be unreasonable.

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

- 2 **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 Head of Service has not recommended alternative 2: It is felt that any information required to reach a decision has been provided within the application.
- 3 **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 with respect to other options.
Reason why Head of Service has not recommended alternative 3: It is difficult to envisage what other decision could be reached.

Reasons for Recommendations

- 4 In view of the fact that this vehicle is more economical to run and has environmental benefits, this application should be considered favourably. The vehicle must be restricted to only carry one passenger in the front as it is a two door vehicle; therefore using the rear seats mean escape in an accident would be impaired.

Introduction and Background

- 5 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.

Key Considerations

- 6 Whether or not, in the given circumstances, the licence should be granted outside the standard conditions.

Community Impact

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

Financial Implications

- 8 Not applicable

Legal Implications

- 9 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

- 10 Appendix 1 – Copy of standard licence conditions

Appendix 2 – Copy of letter dated 25th January 2012

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.