

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	14TH AUGUST 2012
TITLE OF REPORT:	APPLICATION TO LICENCE A VEHICLE OVER 2 YEARS OF AGE AS A NEW PRIVATE HIRE VEHICLE OUTSIDE STANDARD CONDITION 3.1 i) BY MR LESLIE RAYMOND KNAPMAN
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:

- (a) **Refuses to allow this vehicle to be licensed outside the standard condition.**

Key Points Summary

- Application made on 4th July 2012 to consider allowing this vehicle to be licensed outside standard conditions.
- This vehicle was first registered on 9th September 2009 which means that it does not comply with the following condition:
 - 3.1 For a new Private Hire Licence application, the vehicle to be licensed shall not be more than:
 - i. Two years old for any other type of vehicle.

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

The age of the vehicle shall be determined by the date of first registration on the registration document.

Alternative Options

- 1 **The licence can be granted**
Advantages: There would be no risk of any legal challenge.
Disadvantages: It does not comply with licence conditions and similar applications have been considered and refused in the past.
Reason why Head of Service has not recommended alternative 1: Although this has been considered it has not been recommended as it is not consistent with the approved conditions.
- 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 The conditions were extensively consulted upon and agreed by Members at the Regulatory Sub-Committee. Whilst each application must be considered on its own merits there does not appear to be any compelling circumstances to deviate from conditions. The condition regarding age has been in place since 2002 and the applicant is fully aware of this condition.

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 application dated 4th July 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.