

<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>26 FEBRUARY 2013</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE H028 OUTSIDE STANDARD CONDITION 11.5 BY MR STUART PREWER</b>
<b>PORTFOLIO AREA:</b>	<b>ENVIRONMENTAL HEALTH AND TRADING STANDARDS</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To decide whether to licence a vehicle 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 March 2010.
3. 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'.
3. This Authority previously licensed a Ford Fusion saloon with registration number HN07 LHY on Plate No.H028, which was first registered in June 2007. The licence holder was Mr Albert Thomas.
4. This plate & licence expired on 14 December 2012.
5. On 15 October 2012 a renewal reminder letter and application form were sent to Mr Thomas i.e. two months before the expiry date in accordance with current practice.

6. A final renewal reminder was made by way of telephone call on 11 December 2012 to Mr Thomas who stated he had left the county and had sold the plate at the end of May 2012 to someone from a chauffeur company but could not provide a name or contact number for them.
7. The plate & licence expired on 14 December 2012.
8. On 17 December 2012 Mr Stuart Prewer contacted taxi licensing stating that he had purchased plate H028 and wished to submit 'change of vehicle on plate' and 'change of proprietor' applications. He was advised that the plate had expired on 14 December 2012 and that if he made the application, as the licence had expired, it would be outside of the standard conditions. Copies of the application forms were sent to him and he was advised to make an application as soon as possible as the next available Committee hearing date was 29 January 2013. He was also provided an 'authorisation to test letter' for a replacement vehicle.
9. On 28 January 2013 Mr Prewer made an application for 'change of proprietor' and 'renewal of licence plate H028'. He was advised that the application was too late for the hearing on 29 January 2013 and that the next committee hearing was on 26 February 2013.
10. Mr Prewer has paid £285 for the renewal of the plate, £97 for change of proprietor and £150 committee fees.
11. If the application is granted then Mr Prewer will apply to change the vehicle on plate H028, to a Mercedes E220 ST56VPW first registered on January 2007.

## Recommendation(s)

### THAT Committee:

- (a) **Based on the information received to date, grant the licence outside the standard conditions.**

## Key Points Summary

- Hackney Carriage Plate No.H028 expired 14 December 2012.
- Application to renew the plate made 28 January 2013.

## 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**

Mr Prewer has provided mitigating circumstances for the late application. He has always complied with licensing requirements in a timely fashion in the past.

## **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 application forms

Appendix 2 – Letter to Committee

## **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.