

| | |
|-------------------------|---|
| MEETING: | SUB-REGULATORY COMMITTEE |
| DATE: | 26 MARCH 2013 |
| TITLE OF REPORT: | APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE H336 OUTSIDE STANDARD CONDITION 11.5 BY MR ROBERTS JEGGERS |
| PORTFOLIO AREA: | ENVIRONMENTAL HEALTH AND TRADING STANDARDS |

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.

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 31st 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'.
4. This Authority previously licensed a Mazda 6 Hatchback with registration number FP05 AKV on Plate No.H336, which was first registered in April 2005.
5. This plate & licence expired on 28th February 2013.
6. On 31st December 2012 a renewal reminder letter and application form were sent to Mr Jegers i.e. two months before the expiry date in accordance with current practice.

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

7. The plate & licence expired on 28th February 2013.
8. On the date of expiry a further letter was sent out as telephone communication has been unsuccessful advising Mr Jeggers that the vehicle was no longer licensed.
9. On 1st March 2013 Mr Jeggers made application for renewal of licence plate H336. He was advised that the application would have to be referred and a plate could not be issued until the date of the next hearing.
10. Mr Jeggers has paid £285 for the renewal of the plate, if he is granted permission to renew he will be required to pay a further £150 for the cost of referral to Committee.

Recommendation(s)

THAT Committee:

- (a) **Assuming Mr Jeggers offers some mitigation, grant the licence outside the standard conditions.**

Key Points Summary

- Hackney Carriage Plate No.H336 expired 28th February 2013.
- Application to renew the plate made 1st March 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 Jeggers may provide mitigating circumstances for the late application. .

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

None

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.