

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
<b>GENERAL LICENSING COMMITTEE</b>	<b>22<sup>nd</sup> July 2014</b>

Report template revised June 2008



<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
<b>SUSPENSION OF HACKNEY CARRIAGE VEHICLE LICENCE HCV068 UNDER STANDING ORDER NO. 38</b>	<b>REGENERATION, LEISURE AND HEALTHY COMMUNITIES</b>	<b>NIKY BARRETT</b>	<b>3(b)</b>

## **SUMMARY AND LINK TO CORPORATE PRIORITIES**

A report on the use of emergency powers provided for in Standing Order No. 38 to suspend Hackney Carriage Vehicle licence HCV068.

## **RECOMMENDATIONS**

Committee is requested to note the action taken.

## **DETAILS AND REASONING**

On 2nd April 2014, Mr John Bowers became the proprietor of a silver Vauxhall Astra, registration SA08 EWY, which is licensed by South Ribble Borough Council as Hackney Carriage HCV068. The current plate expires on 31st August 2014.

On Friday 4th July 2014, the licensing unit received call from the company providing Mr Bowers vehicle insurance, advising us that his policy would lapse at 17:00 hours that day. They also reported that they had tried unsuccessfully to contact Mr Bowers about the matter.

Telephone messages were left for Mr Bowers asking him to contact the licensing office urgently on Friday 4th and again on Monday 7th July.

These calls were followed with a letter which was hand delivered to his home address on the evening of the 7th July. The letter advised him that he needed to produce proof of a valid insurance policy for the vehicle by noon on Thursday 10th July, or risk having the licence suspended.

Mr Bowers made no contact with the Licensing Authority, nor did he provided any proof of a valid insurance policy.

Section 60(1) of LGMP76 allows for a district council to suspend a vehicle licence on any of the following grounds

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
- (c) any other reasonable cause.

Given Mr Bowers refusal to engage with the Licensing Authority over this matter, it was fair to assume that his vehicle was not currently insured.

As a licensed vehicle it is essential that suitable insurance is in place and without evidence of such insurance, the test of 'reasonable cause' in sub section (c) is met.

Therefore it was decided to suspend HCV068 with immediate effect, under section 60(1)(c) of the Local Government (Miscellaneous Provisions) Act 1976.

The suspension remains in force until the vehicle proprietor is able to produce proof of a suitable insurance policy, or the plate expires.

## WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below. A risk assessment has also been carried out. The table shows the implications in respect of each of these.

<b>FINANCIAL</b>	None
<b>LEGAL</b>	Emergency action taken under Standing Order No.38 must be reported to the next scheduled meeting of the relevant Committee
<b>RISK</b>	None
<b>THE IMPACT ON EQUALITY</b>	None
<b>OTHER (see below)</b>	

<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

## BACKGROUND DOCUMENTS

Record of Decision