

Report to the Licensing Sub-Committee

Date of meeting: 8th November 2011

Subject: Local Government (Miscellaneous Provisions) Act 1976 as amended - Hackney Carriage Proprietor's Licence H051 Mr Festa



**Epping Forest
District Council**

**Responsible Officer: Kim Tuckey
(01992 564034)**

**Democratic Services: Gary Woodhall
(01992 564470)**

Decision Required:

(1) To consider the breach of the authority's Hackney Carriage Proprietor's licence conditions.

Report:

1. The above-mentioned holder of a hackney carriage proprietor's licence is in breach of this authority's licence conditions by failing to submit the vehicle for mechanical and /or other inspection in accordance with the conditions of the licence.

2. Reminder letters were sent to the proprietor. A sample of each letter is attached.

3. Under S60 of the Local Government (Miscellaneous Provisions) Act 1976 **as amended** ('the 1976 Act') the Council may suspend or revoke a licence on any of the following grounds:

(a) that the vehicle is unfit for use as a hackney carriage;

(b) any offence under, or non-compliance with the provisions of the Town and Police Clauses Act 1847 or the 1976 Act; or

(c) for any other reasonable clause.

4. The licence is a possession of the driver for the purposes of Article 1 of the First Protocol of the Human Rights Act 1988 which states that every person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

5. In this case the members are asked to decide whether the failure to comply with the licensing conditions is considered to be a reasonable cause under the 1976 Act to suspend or revoke the licence.

Background Papers:

(i) Sample letters that the proprietor received.

(ii) The Authority's Licensing Conditions for a Hackney Carriage Proprietor's Licence.