

Report to Licensing Subcommittee
Date of meeting: 6th December 2011

Subject: Local Government (Miscellaneous Provisions) Act 1976 as amended - Hackney Carriage Proprietor's Licence –Mr R Poate H549

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Committee Secretary: Mark Jenkins (01992 56 4607)



Decision Required:

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:
 - that the vehicle is unfit for use as a hackney carriage;
 - any offence under, or non-compliance with the provisions of the Town and Police Clauses Act 1847 or the 1976 Act; or
 - 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:

Sample three letters that the proprietor received of the Authority's Licensing Conditions for a Hackney Carriage Proprietor's Licence