

Report to Licensing Subcommittee
Date of meeting: 8 October 2013

Subject: Local Government (Miscellaneous Provisions) Act 1976 as amended & Town & Police Clauses Act 1847 –Hackney Carriage Proprietors' Licence Mr S Rahman H1239



**Epping Forest
District Council**

**Responsible Officer: Kim Tuckey
01992 56-4034**

**Democratic Services: Gary Woodhall
01992 56-4470**

Decision Required:

(1) To consider an application for a 3 door vehicle that does not comply with his authority's licence conditions.

Report:

1. The above-named holder of a Hackney Carriage Proprietor's Licence applied for a new vehicle licence. The vehicle only has three doors and the vehicle did not comply with this authority's licence conditions. The conditions state that there must be a minimum of four doors each adjacent to a seat and capable of being opened from inside.

2. Mr Rahman wishes to appeal to the Licensing Sub-Committee as he has already purchased the vehicle.

3. Mr Rahman now only has a driver badge with the authority.

4. Under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 as amended ('the 1976 Act') the Council may refuse to renew 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.

5. 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 conditions provided for by law and by the general principals of international law.

6. 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 refuse to renew the licence.

Appeal

7. Any driver aggrieved by a decision of a district council may appeal to a magistrates

court.

Background Papers:

- The Authority's Licensing Conditions for Hackney Carriage Proprietor's Licence.