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12 August 2013

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **REGULATORY COMMITTEE** will be held in the Council Chamber at these Offices on Tuesday 20 August 2013 at 10.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Rebecca Brough on (01304) 872304 or by e-mail at <u>rebeccabrough@dover.gov.uk</u>.

Yours sincerely

Chief Executive

Regulatory Committee Membership:

Councillor B W Butcher (Chairman) Councillor P S Le Chevalier (Vice-Chairman) Councillor S C Manion Councillor J M Smith Councillor R J Thompson

<u>AGENDA</u>

1 APOLOGIES

To receive any apologies for absence.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

To note appointment of Substitute Members.

3 DECLARATION OF INTEREST

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

Where a Member has a new or registered Disclosable Pecuniary Interest (DPI) in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Where a Member is declaring an Other Significant Interest (OSI) they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the later case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

4 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES - MR MOATRIDGE (Pages 6 - 15)

To consider the attached report of the Acting Licensing Team Leader.

5 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 16)

The recommendation is attached.

MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -APPLICATION FOR RENEWAL OF A JOINT DRIVERS LICENCE (Pages 17 - 27)

To consider the attached report of the Acting Licensing Team Leader.

Access to Meetings and Information

• Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.

- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Rebecca Brough, Team Leader Democratic Support, telephone: (01304) 872304 or email: rebeccabrough@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

DOVER DISTRICT COUNCIL

LICENSING OF DRIVER, VEHICLES AND OPERATORS

PROCEDURE FOR HEARINGS BEFORE COMMITTEE

1.	Applicant introduced to all Members and Officers	Chairman	
2.	Applicant advised of reason for hearing and procedure to be adopted	Chairman	
3.	Applicant asked to confirm receipt of the following documents:	Legal Advisor	
	 Agenda item relating to the case Council's policy guidelines Procedure to be adopted during the hearing 		
4.	The District Licensing Officer's case to be summarised and issues identified.	DLO	
5.	District Licensing Officer/representative may call witnesses (including the Licensing Officer). Each witness in turn:	DLO	
	 (i) gives evidence (ii) may be questioned by Applicant/Applicant's representative (iii) may be questioned by Members (iv) may, if necessary, be re-questioned by the District Licensing Officer 		
6.	Applicant's case to be summarised and issues identified (including whether he/she accepts the facts or wishes to correct them).	Applicant/Applicant's representative	
7.	Applicant/Applicant's representative may call any witnesses (including the Applicant him/herself). Each witness in turn:	Applicant/Applicant's representative	
	 (i) gives evidence (ii) may be questioned by District Licensing Officer/representative (iii) may be questioned by Members (iv) may, if necessary, be re-questioned by the Applicant/Applicant's representative 		
8.	Further questions may be asked of any of the parties or any witnesses with a view to obtaining further information or clarification.	Members	
9.	District Licensing Officer's makes final submission. DLO		
10.	Applicant makes final submission	Applicant	

11.	Resolution to consider matter in private. Applicant/representative, Licensing Officers, police and other witnesses, press and public leave the room. Clerk and Legal Officers may be invited to remain.	Members
12.	Members consider their decision. If Members require any further information from any party or any further evidence, all parties are recalled. Any Member who has not been present during the whole of the proceedings must not participate in decision making.	Members
12A.	Any legal advice given in private will be summarised to the Applicant.	Legal
13.	All who have retired return and are informed of the decision. In the event of a decision for refusal, suspension or revocation of the application, the applicant is advised that he/she has the right of appeal through the Magistrates Court and then to the Crown Court.	Chairman

NOTES

- 1. The opportunities afforded in this procedure for the parties, their representatives and Members to ask questions are opportunities to do just that. The person given the right to ask questions will not be allowed to use this right as an opportunity to make statements.
- 2. Members of the Sub-Committee are, as a general rule, expected to ask questions of the various parties in accordance with the procedure. However, circumstances may arise where it is desirable for a Member to seek immediate clarification of a point made by a witness or by a party during the course of giving evidence, answering questions being put to him by another party or, making a submission. This should be permitted by the Chairman provided that the question is relevant and is conducive to the proper conduct of the hearing. Where additional questions are permitted after the Applicant's case has been summed up, the Applicant/Applicant's Representative will always be given the right of final reply.
- 3. Under no circumstances must the parties or their witnesses offer Members of the Sub-Committee information in the absence of the other party. Similarly, Members must not attempt to illicit information from any party to the hearing in the absence of the other. These are essential requirements of the proper application of the rules of natural justice.
- 4. The Chairman may vary this procedure as circumstances require but having full regard to adhere to the rules of natural justice.

Subject:	Local Government (Miscellaneous Provisions) Act 1976 – Application to licence vehicle outside of policy guidelines – Mr M Oatridge					
Meeting and Date:	Regulatory Committee – 20 August 2013					
Report of:	Acting Licensing Team Leader					
Classification:	Unrestricted					
Purpose of the report:	To consider an application to licence a Private Hire Vehicle outside of policy guidelines					
Recommendation:	That the Committee determine the application					

1. Summary

1.1 Mr Mark Oatridge has applied to the Council for permission to transfer the Hackney Carriage Vehicle licence HV001 to a 2008 Citroen C4 Picasso CE08 EUU. The date of first registration is 1st March 2008.

2. Introduction and Background

- 2.1 The regulation of Hackney Carriage & Private Hire Vehicles is a statutory duty of the Council under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2 This Council has a policy stating that "No application for a hackney carriage or private hire vehicle licence will be granted if the vehicle, when application is made, exceeds 5 years of age, or the total mileage travelled by the vehicle exceeds 100,000 miles."
- 2.3 The policy also states "applicants wishing to license vehicles outside of the policy should show sufficient reason for the Council to deviate from agreed policy".
- **2.4** Mr Oatridge has applied to transfer the licence HV001 onto a 2008 Citroen Picasso CE08 EUU, a vehicle that falls outside of the current vehicle age policy. The vehicle has covered 56,418 miles but is over 5 years old.
- **2.5** The Licensing Enforcement Officer inspected the vehicle on 12 August 2013 and found the vehicle to be in good condition and all relevant paperwork to be in order.

2.6 Identification of Options

Options:

- (a) To allow the application for the transfer of the vehicle licence to the vehicle notwithstanding that this would be a deviation from existing policy.
- (b) To reject the application as there are insufficient reasons to justify a deviation from existing policy.

2 **Evaluation of Options**

Options:

(a) The vehicle is over the age defined in policy for the transfer of a licence, however, Mr Oatridge is requesting that the Committee consider whether the vehicle could be licensed as he feels it is in such good condition and that the mileage is only 56,418 miles.

If such a deviation from policy were allowed then it would be necessary to make clear that this was an exceptional circumstance and that under normal circumstances such a deviation would not be considered.

(b) If the Committee felt that there were insufficient reasons to deviate from the Policy, then the application should be refused.

3 **Resource Implications**

None

4 Appendices

Appendix A – Application form submitted by Mr Oatridge

Appendix B – Licensing enforcement Officer's inspection report form

5 Background Papers

Hackney Carriage & Private Hire Licensing Policy

Contact Officer: Sue Herivel, Licensing Team Leader. Ext.2295

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YES NO					
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NUMBER OF SEATS EXCLUDING THE DRIVER

IF CHANGING VEHICLE, PLEASE PROVIDE THE DETAILS OF THE EXISTING VEHICLE

8. ACCOMPANYING DOCUMENTS

13

The applicant is required to submit for examination:

- (a) a valid Certificate of Insurance for Hire and Reward
- (b) a valid Department of Transport Vehicle Test Certificate (not more than 14 days old) or a pre-delivery inspection
- report in lieu of MOT for new vehicles
- (c) a Vehicle Excise Act 1971 Registration Document

All vehicles shall also be presented to the Licensing Officer for additional inspection. Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound, bodywork satisfactory and the engine and full chassis steam cleaned.

9. HACKNEY CARRIAGE PLATES

The proprietor of a hackney carriage vehicle shall fix to the vehicle licence identification plates of size, colour, design and type prescribed by the Authority.

The proprietor shall ensure that the licence identification plate is fixed to the front and rear exterior of the hackney carriage vehicle either immediately above or immediately below the bumper in such a position as the vehicle registration plate is not obscured, with the particulars thereon facing outwards so that the licence is clearly visible by daylight from the highway at the rear of the vehicle. It shall be fixed on a platform kit supplied by the Authority in such a manner as to be easily removed by an authorised officer or a police constable. The platform kit shall be fixed by bolts or screws or other similar means.

The proprietor shall ensure that an approved holder displaying a hackney carriage driver badge and a vehicle licence identification card as supplied by the Authority is displayed on the passenger compartment internal screen, in a position for passengers to clearly see.

The proprietor shall ensure that no licence identification plate be displayed other than the plates issued by the Authority, and the said plates shall be displayed only on the vehicle to which it relates.

The licence plates shall remain the property of the Authority and shall be returned to it within seven days after the service on the proprietor of an appropriate notice by the Authority in the event of the hackney carriage licence ceasing to be in force in respect of that vehicle.

10. ROOF SIGNS

All hackney carriages must bear an illuminated roof sign showing the word 'TAXI' in conspicuous letters.

11. ADVERTISEMENTS

The only other signs permitted to be displayed shall be the licence plates and a sign on the front windscreen bearing the name of the firm and/or telephone number in letters not more than 2" in height, the total size of the sign being not more than 15" x 4", and any notices permitted to be displayed by the Hackney Carriage Byelaws.

Magnetic door signs are not permitted.

Vehicles are not allowed to display written or other material on any window with the exception of those permitted by the conditions of licence.

Licensed vehicle proprietors must not display or allow to be displayed in or on their vehicles any signs, notices, advertisements, video or audio display etc either for the purpose of advertising or by way of identifying or personalising marks. However, the Authority will consider varying this prohibition on application from vehicle licence holders in accordance with the terms of the conditions laid out in section 27 of Appendix A (Hackney Carriages) or section 25 of Appendix B (Private Hire).

12. LICENCE RESTRICTION

A hackney carriage licence is issued in respect of the vehicle the registration number of which is shown on the licence and cannot in any circumstances be an authority for the use of any other vehicle as a hackney carriage.

13. ACCIDENT DAMAGE

The owner of a hackney carriage must report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or the comfort or convenience of persons carried therein.

14. OFFENCES

It is an offence to operate a vehicle as a hackney carriage except that a valid hackney carriage licence is held by the owner of such vehicle and a licensed hackney carriage may only be used as such when in the charge of and driven by a person holding a current hackney carriage driver's licence. The owner is required to undertake that in the event of an application being granted the vehicle will be used solely and whole time as a hackney carriage on the understanding that in the event of the vehicle not being so used the Council reserve the right to revoke the licence.

15. FEE

See enclosed invoices.

16. PERIOD OF LICENCE

A licence taken out under this Act shall be in force from the time it is taken out until the expiration of the period of twelve months beginning with the first day of the month in which it is taken out.

17. WARNING

Any false statement or information given to the questions set out on the application form may result in cancellation of licence and in this event, the fee paid for the licence will not be refunded.

18. BYELAWS

Hackney carriage byelaws are in force in the controlled districts of the Dover District Council and they contain additional requirements. Copies may be obtained from the Licensing Section for a small charge.

19. RIGHT OF APPEAL

Any person aggrieved by the refusal of the Council to grant a licence may appeal to the Magistrates Court.

Applications for hackney carriage licences are to be handed in person to the Licensing Section, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ (Telephone: Dover (01304) 872295).

LICENCE\HCPH\HC-7

Declaration: I, being the owner/part owner of the above vehicle, apply for a licence to operate this vehicle as a hackney carriage in the Dover District Council area and enclose the appropriate fee (please refer to guidance notes). I undertake that, in the event of this application being granted, the vehicle for which the licence is issued will be used solely as a hackney carriage. I understand that, in the event of the vehicle not being so used, the Council reserves the right to revoke the licence.				
Dover District Council shares information with other enforcement agencies in order to prevent and detect crime. Such information sharing will comply with the Information Commissioners guidelines.				
I confirm that I have read and understood the notes s the particulars I have supplied are correct to the best				
Signed Date (2-8-13				
If signing on behalf of a company or partnership owning the vehicle, state in which capacity				
Note: Any person knowingly or recklessly making a false statement or who omits any material particular in giving information commits an offence and is liable on conviction to a fine under section 57(3) of The Local Government (Miscellaneous Provisions) Act 1976				

For Office Use Only			
Fee	£	Unmet demand	£
Receipt No.		Date When Next MOT Due	
Date Of Commencen	nent Of Licence		

Signed by officer	Date received	

DOVER DISTRICT COUNCIL

NOTES ON HACKNEY CARRIAGE LICENSING PROCEDURE

1. OWNERSHIP OF THE VEHICLE

A hackney carriage licence may only be issued to an applicant who is the owner of the vehicle either solely or jointly with other persons whose names and addresses must also be specified on the application form.

2. CHANGE OF OWNERSHIP

An owner of a vehicle must notify the Council in writing of the name and address of a person to whom the vehicle is sold or transferred within 14 days of the transfer. The new owner must provide evidence that they have acquired the vehicle and hackney plate before the Council agrees to the transfer

3. RESTRICTION ON NUMBERS

At present the number of hackney carriages licences in the Dover District Council controlled district is restricted to a maximum of 69 licences

4 VEHICLE TESTS

The Authority needs to be satisfied that licensed vehicles operating within its area are safe.

All hackney carriage and private hire vehicles shall be subject to the current MOT standard test. The vehicle must pass a further MOT test at 6 monthly intervals once the vehicle is over three years old. The Licensing Team Leader has delegated authority to require further, more frequent testing up to a maximum of 3 tests per year where concerns over safety standards have been identified.

Licensed vehicles that fail an inspection and/or MOT test and are deemed unsuitable for use as a passenger vehicle by the vehicle examiner or Licensing Officer, will result in the vehicle proprietor being issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. Once the defects have been satisfactorily remedied then the proprietor may seek the lifting of the suspension notice by the Licensing Officer.

5. TAXIMETERS & TARIFF CARDS

All Hackney Carriage Vehicles must be fitted with a 'Taximeter.' Each taximeter must be tested and where possible, sealed by the Council prior to use of the vehicle. The meter must be positioned so that the display is clearly visible to the passengers. The meter must be started at the commencement of each hiring and left on until the hirer has paid the charge at the end of the journey.

If the seals on any 'Taximeter' are broken the meter must be retested and resealed before use. It is an offence to tamper with any meter or the seals.

Hackney Carriage Vehicles must display a Tariff Card in the form provided by the Council in a prominent position clearly visible to passengers.

Taximeters must be operated in accordance with section 20 of Appendix A and with the Hackney Carriage Byelaws as detailed at Appendix G.

6. DISPLAY OF CHARGES ETC

The number of the hackney carriage licence and a schedule of permitted fares and other charges must to be displayed conspicuously to passengers inside the hackney carriage.

7. VEHICLE EXAMINATIONS

Any authorised officer of the Council or any constable has the power at any time to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage licensed by a District Council, or any taximeter affixed to such a vehicle and if he is not satisfied as to the fitness of the hackney carriage or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied.

MOT Test Certificate



Advisory Information

Advisory Items

001 Rear (both) Tyre worn close to the legal limit [4.1.E.1]

MOT Test Number	Vehicle Registration Mark	
827786003221	CE08EUU	
Make	Vehicle Identification Number	2. m
CITROEN	VF7UARHJH45186301	
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C4 PICASSO		
Colour		
BEIGE		
lssuer's name	Test Class	
M. IDTNAINE	IV	
Signature of Issuer	Odometer Reading and History	_
	25/07/2013: 56418	-
	15/08/2012: 40809	
	22/02/2012: 27919	
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Additional Information		
To preserve the anniversary of the e	wniry date the earliest you	
Want a reminder? Text MOT No. to 668 confirms acceptance of T&Cs. Go to www.direct.gov.uk/motreminders		ġ.
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About this document

1 This document is a receipt style certificate telling you that an MOT Test pass result has been recorded on The Vehicle & Operator Services Agency's (VOSA's) database of MOT Test results; this may be verified at www.direct.gov.uk/yourmotcheck

2 A test certificate relates only to the condition of the components examined at the time of test. It does not confirm the vehicle will remain roadworthy for the validity of the certificate. 3 Check carefully that the details are correct.

4 Whilst advisory items listed above do not constitute MOT failure items they are drawn to your attention for advice only.

5 For further information about this document please visit www.direct.gov.uk/mot or contact VOSA on 0300 123 9000*.

*Your call may be monitored or recorded for lawful purposes.



HACKNEY/PHV 1432 COMPLIANCE CHECK REPORT

Time: Date: 12/8/13 . Location: DDC OFFICES.
Vehicle type: CitVoen CA Vehicle number: CE08 EUU
Vehicle number: <u>CE08 EUU</u>
Plate number:
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PURPOSE OF CHECK	Please tick
Routine inspection	
Cleanliness of vehicle	Image: Second se
Construction and use	
Compliance with policy	X Over age
Driver conduct/appearance	I lint.
RESULT OF CHECK	
In order:	Please tick
Verbal advice given	
Written advice given	
Offence or breach of policy	
Issuing Officer:	

DOVER DISTRICT COUNCIL

REGULATORY COMMITTEE - 20 AUGUST 2013

EXCLUSION OF THE PRESS AND PUBLIC

Recommendation

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involve the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act set out below:

Item Report		<u>Paragraph</u> <u>Exempt</u>	<u>Reasor</u>	<u>1</u>

Local Government (Miscellaneous Provisions) Act 1976 - Application for renewal of a Joint Drivers Licence 1 Information relating to any individual

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted