

Title: **Objections to Goods Vehicle Operators Licence
Goods Vehicle (Licensing of Operators) Act 2005**

Portfolio holder: **Councillor Linda Conley and Councillor Tony Phillips OBE**

Reporting officer: **John Carter (Environmental Health Service Manager)**

Purpose

To seek approval to amend the constitution to enable the Council to make representations on Goods Vehicle Operators Licences by delegating authority to both the Development Control Manager and the Environmental Health Manager.

Background

This matter was considered by the Corporate Management Team on 20 June 2007 and the recommendation agreed.

Operators of Heavy Goods Vehicles are required to hold a licence under the Goods Vehicles (Licensing of Operators) Act 1995. The licenses are administered by the Traffic Commissioners under the auspices of the Vehicle Operators and Services Agency (VOSA).

Details of new applications are published every fortnight. Objections against published applications may be made by the Police, local authority, planning authority or a prescribed trade union or association within 21 days after publication of the licence application. Objections must be made either on the grounds that any of the requirements listed in Section 13 of the Goods Vehicles (Licensing of Operators) Act 1995 are not met and/or that a nominated operating centre will be unsuitable for use as such.

At present, the authority, should it wish to do so, cannot make a legitimate objection to a proposed goods vehicle operators licence, because the Constitution does not delegate this authority to an appropriate officer. One recent objection could not be pursued because of this.

Key issues

- It is legitimate to object to an application for an Operators Licence on the grounds that the proposed Operating Centre is unsuitable on environmental grounds. These grounds might include that the proposed centre is close to residential properties and likely to cause disturbance; or that use of the site would breach planning control.

- Such objections may resolve problems either before they occur, or more quickly than can be achieved by other enforcement routes. Objections may also lead to negotiated solutions being achieved or conditions being imposed on the licence.
- The limited time for objections (21 days from publication) means that the power needs to be delegated to officers.
- The right to object is a useful additional tool in maintaining planning and environmental control.

Effect on strategies and codes

May assist in improving our market towns and in putting customers first.

Risk management Implications

None identified

Finance and performance implications

Infrequent minor costs in attending hearings which would be met from current service budgets.

Legal and human rights implications

This is an additional tool to protect the rights of residents and businesses potentially affected by the application.

Recommendations

Council is recommended to:

Amend the constitution to delegate the power to make representations on Goods Vehicle Operators Licences under the Goods Vehicles (Licensing of Operators) Act 1995 to both the Development Control Service Manager and the Environmental Health Manager.