



## 2010 CHAPTER 2

### *Review of operating centres*

#### **Periods of review for operating centres**

**27.—**(1) Within such time after any period of review as may be prescribed, the Department may serve a notice on the licence-holder stating that the Department is considering whether to exercise any of its powers under sections 28 and 29 in relation to a place specified in the licence as an operating centre of the licence-holder.

(2) The periods of review in relation to an operator's licence are—

- (a) the period of 5 years beginning with the date specified in the licence as the date on which it came into force; and
- (b) each consecutive period of 5 years.

(3) Regulations may amend subsection (2) by substituting a higher or lower number for the number of years for the time being specified in paragraphs (a) and (b).

#### **Power to remove operating centres on review**

**28.—**(1) If, having served notice under section 27 in respect of a place specified in an operator's licence, the Department determines that the place is unsuitable—

- (a) on grounds other than environmental grounds, or
- (b) on the ground mentioned in subsection (2),

for use as an operating centre of the licence-holder, the Department may (subject to subsection (3)) direct that the place cease to be specified in the licence.

(2) The ground referred to in subsection (1)(b) is that the parking of vehicles used under the licence at or in the vicinity of the place causes adverse effects on environmental conditions in that vicinity.

(3) Where the only ground for giving a direction under subsection (1) is the ground mentioned in subsection (2), the Department may not give such a direction unless during the period of review in question representations were made to the Department—

- (a) by such a person as is mentioned in section 11(2), or
- (b) by a person who is the owner or occupier of any land in the vicinity of the place in question,

as to the unsuitability of the place on environmental grounds for continued use as an operating centre for vehicles used under any operator's licence.

(4) Representations made by a person such as is mentioned in paragraph (b) of subsection (3) shall be disregarded for the purposes of this section if, when they were made, any adverse effects on environmental conditions arising from the continued use of the place in question would not have been capable of prejudicially affecting the use or enjoyment of the land mentioned in that paragraph.

(5) Any representations under this section—

- (a) shall be made in the prescribed manner; and
- (b) shall contain particulars of any matters alleged by the person making the representations to be relevant to the issue to which they relate;

but where the Department considers there to be exceptional circumstances that justify its doing so, the Department may direct that representations be treated for the purposes of this Act as duly made under this section notwithstanding that they were not made in the prescribed manner or within the period of review in question.

#### **Power to attach conditions on review**

**29.—**(1) If, having served notice under section 27 in respect of a place specified in an operator's licence, the Department does not give a direction in respect of the place under section 28, it may direct—

- (a) that conditions (or additional conditions) such as are mentioned in section 20(1)(a), (b) or (c) be attached to the licence;
- (b) that any conditions already attached to the licence under section 20(1)(a), (b) or (c) be varied.

(2) Any conditions attached to the licence under subsection (1)(a) shall relate or, in the case of conditions such as are mentioned in section 20(1)(b), shall only require the Department to be informed of events that relate—

- (a) only to the place referred to in subsection (1), or

- (b) only to that place and any other places in respect of which the Department has power to attach conditions under that subsection.
- (3) Any variation under subsection (1)(b) shall be such as imposes new or further restrictions or requirements—
  - (a) only in relation to the place referred to in subsection (1), or
  - (b) only in relation to that place and any other places in respect of which the Department has power to attach conditions under that subsection.
- (4) Where the Department gives a direction in respect of an operator's licence under section 28 or subsection (1)(a), it may also vary the licence by directing—
  - (a) that any vehicle cease to be specified in the licence;
  - (b) that any maximum number specified in the licence under section 5 be reduced;
  - (c) that a provision such as is mentioned in section 4(2) be included in the licence;
  - (d) that a provision such as is mentioned in section 5(1)(b) or (2)(b) be included in the licence.
- (5) In this Act any reference, in relation to an operator's licence, to a condition attached to the licence under section 20(1)(a), (b) or (c) includes reference to any condition such as is mentioned in section 20(1)(a), (b) or (as the case may be) (c) attached to the licence under subsection (1)(a).