

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Monday 11 May 2009 at 2.00 pm**

Present: Councillor Brig P Jones CBE (Chairman)
Councillor JW Hope MBE (Vice Chairman)

Councillors: DJ Benjamin, PGH Cutter, SPA Daniels, BA Durkin,
JHR Goodwin, RC Hunt and A Seldon

131. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors CM Bartrum, ME Cooper, PJ McCaull and DC Taylor.

132. NAMED SUBSTITUTES (IF ANY)

Councillor BA Durkin was appointed named substitute for Councillor ME Cooper and Councillor RC Hunt for Councillor PJ McCaull.

133. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

134. MINUTES

RESOLVED: That the Minutes of the meeting held on 7th April, 2009 be approved as a correct record and signed by the Chairman.

135. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for the following items to ensure that Officers and applicants received a fair hearing.

136. APPLICATION TO RE-INSTATE AN EXPIRED PRIVATE HIRE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY LESLIE KNAPMAN

The Licensing Officer presented an application by Mr LR Knapman for the re-instatement of an expired private hire vehicle licence outside standard condition 9.5. which stipulated that applications for the renewal of licenses after they had expired would be treated as new applications. Despite a reminder being sent to Mr Knapman, he had not applied for renewal until 21 days after the expiry of the licence.

Mr Knapman said that he was not aware that he had to apply to renew the licence before it had expired and said that he had also encountered difficulties in arranging for his vehicle to be inspected by the Council's testing station within a reasonable timeframe.

The Committee carefully considered those matters brought before them. The Committee noted Mr Knapman's explanation and decided that due to the particular

circumstances involved, an exception could be made to policy and the application could be granted. It was noted however that Mr Knapman had also been late in renewing his licence last year and he was strongly reminded that it was his responsibility to ensure that he was more timely in applying for the renewal of his licence in future.

On the matter of the vehicle inspections, the Acting Regulatory Services Manager said that he had arranged to meet the manager of the vehicle testing centre to discuss what improvements could be made to improve the timescales involved to the advantage of the Council and the proprietors.

RESOLVED THAT:

an application from Mr Knapman to deviate from the standard condition number 9.5, for the renewal of a private hire vehicle licence No. P009 in respect of Peugeot 406 be approved.

137. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR BAIRDAR

The Licensing Officer introduced a report about an application from Mr Bairdar to transfer a licence to a vehicle which did not comply with the Council's licensing conditions in respect of vehicles which have been converted from vans to mini-buses. He said that condition No20 regarding such vehicles stipulated that

Vehicles offered for approval must be constructed in accordance with M/M1

(b) Every new type of wheelchair accessible vehicle must comply in all respects with the following requirements: -

Motor Vehicle (Type Approval) Regulations 1980

Motor Vehicle (Type Approval) Regulations (Great Britain) 1984

And when in use with the following: -

Road Vehicle (Construction and Use) Regulations 1986 (C&U).

20.2 When offered for approval the vehicle must comply with British and European Vehicle Regulations and by type approved to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended. Those vehicles (e.g. van conversions) which have not been 'type approved' to M or M1 Categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories. Most registration certificates issued since late 1998 should indicate the approval status of the vehicle.

At the meeting of the Regulatory Committee on 15th July 2008 it was agreed that the Council would only approve wheelchair access vehicles for hackney or private hire if they met the following criteria:-

- i. the manufacturer must have a vehicle prototype that has passed the 'VOSA –SVA Single Vehicle Approval Standard Test', including

class D (disabled) and class P (for import),

or

- ii. the manufacturer must prove to the Council that its vehicle has relevant safety standards and is able to demonstrate consistent manufacture to that standard.

Mr Bairkdar had applied to transfer licence P406 from a Citroen car to a Renault Master Van. The vehicle was shown on the registration certificate as being in category **N1**, meaning that it has been converted from a panel van. The vehicle was wheelchair accessible but no evidence had been produced to confirm that it had been converted by an approved manufacturer.

Having considered the circumstances regarding the application, the Committee noted the Council's licence conditions and felt that there were possible ambiguities which could be interpreted in different ways. The Acting Regulatory Services Manager said that the licensing conditions were currently being reviewed and that amendments could be made to address this. In the meantime the Committee was of the view that consideration of the application from Mr Bairkdar should be deferred pending him obtaining the necessary certification to comply with the Council's vehicle licensing conditions.

RESOLVED THAT:

consideration of an application from Mr Bairkdar to transfer a vehicle licence be deferred pending him obtaining the necessary certification to comply with the Council's vehicle licensing conditions.

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are considered.

RESOLVED: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

138. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 8 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence to be referred to the Committee. He said that despite letters and phone calls to the applicant, he had failed to appear at the meeting to explain the circumstances regarding his convictions, or at two previous meetings which had been held on 16th March and 7th April. In view of this the Committee felt that it had no option but to refuse the application.

139. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 9 and provided the Committee with the circumstances which had given rise to the need for an incident involving an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to the incident and said that it was purely a domestic matter, out of character, and totally unrelated to work.

Having considered all of the facts put forward about the incident, the Committee decided that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he could be granted a Hackney Carriage/Private Hire driver's licence.

140. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 10 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence to be referred to the Committee. He said that despite letters and phone calls to the applicant, he had failed to appear at the meeting to explain the circumstances regarding his convictions, or at two previous meetings which had been held on 16th March and 7th April. In view of this the Committee felt that it had no option but to refuse the application.

141. MATTER REGARDING A HACKNEY CARRIAGE & PRIVATE HIRE DRIVER - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Acting Regulatory Services Manager referred to agenda item No. 11 and provided the Committee with details of the circumstances which had given rise to the need for the Director of Environment and Culture to suspend a dual Hackney Carriage/Private Hire driver's licence. The Committee endorsed the approach that had been taken and decided that the licence should be revoked.

142. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 12 and provided the Committee with the reasons which had necessitated the need for an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to his convictions and explained the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application for a Hackney Carriage/Private Hire driver's licence should be refused.

143. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Assistant referred to agenda item No. 13 and provided the Committee with the reasons which had necessitated the need for an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to his convictions and explained the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Assistant and the applicant, the Committee decided that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he should be granted a Hackney Carriage/Private Hire driver's licence.

The meeting ended at 3.40 pm

CHAIRMAN