

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 6 October 2009 at 2.00 pm

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

Councillors: CM Bartrum, PGH Cutter, SPA Daniels, JHR Goodwin, RC Hunt, PJ McCaull, A Seldon and JD Woodward

38. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor DJ Benjamin.

39. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes appointed at the meeting.

40. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

41. MINUTES

Arising on Minute 31, Proposed Charitable Collection Policy, the Licensing Officer said that concerns had been raised about consultation on the proposals and that limits being placed on the number of collections. She pointed out that there had been a full consultation process involved and that the Policy had in fact sought to formalise the previous informal practice and to regularised collections using best practice. She said that no charitable organisations would be disadvantaged by the Policy.

RESOLVED: That the Minutes of the meeting held on 9th September, 2009 be approved as a correct record and signed by the Chairman.

42. FOOTPATH BM 13 IN THE PARISH OF BODENHAM

The Interim Parks, Countryside and Leisure Development Manager presented a report about an obstruction on part of Public Footpath 13 in Bodenham and the alternatives available to the Council to deal with it. Part of the footpath was blocked by a workshop and a dwelling on its route to Brockington Road, Bodenham. It had transpired that when the dwelling had been purchased, the search had been inaccurate and had not shown the correct route of the path. The owners of adjoining land had been approached about the possibility of the footpath being diverted onto their land but was not prepared to do so despite an offer of substantial compensation from the search company. In his report the Interim Parks, Countryside and Leisure Development Manager set out the alternatives which were available for the matter to be resolved and which would involve no cost to the Council.

Councillor KG Grumbley the Local Ward Member said that to his knowledge the footpath had not been used for a considerable number of years and that it was only when a local person had raised an objection that the problem had come to light. He felt that there were suitable

alternative routes available and that it would not therefore be unreasonable to extinguish part of Footpath BM12 which had the added advantage of taking the footpath out of the gardens of two other properties. In view of the particular circumstances involved and the lack of any reasonable or cost-effective alternatives, the Committee agreed with this approach.

RESOLVED THAT

The Interim Parks Countryside and Leisure Development Manager be instructed to consider an Order under S.118 of the Highways Act 1980 to extinguish the full length of footpath BM 13 between points C – D shown on the plans attached to his report.

43. PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847

The Chairman referred to the report of the Acting Regulatory Services Manager about proposed changes to the Council's hackney carriage and private hire vehicle licensing conditions as permitted within the framework of the Local Government (Miscellaneous Provisions) Act 1976 And Town Police Clauses Act 1847. He noted the comments that had been received during the consultation period but had concerns that Hereford Taxi Association had not submitted a formal response. In view of this he proposed that the matter should be deferred until a forthcoming meeting so that the views of the Association were known. He did not want a situation where the consultation process was carried out at the meeting but wanted clear views in writing which could be considered by the Committee. He also noted that several proprietors had concerns about vehicle age limits and needed to know if any changes were to be made to Licensing Condition No 3.1 because they had vehicles that would need to be replaced if the condition remained in force. He therefore proposed that the condition should be deleted.

The Committee discussed the proposals put forward by the Chairman together with the views expressed by Mr J Jones, Chairman of the Hereford Taxi Association. The Committee was of the view that there needed to be informal discussions about the conditions between the Officers and the Association. It was decided that Councillors C Bartrum, PGH Cutter and A Seldon should also attend the meeting as observers, that it should be informal and that there should be no binding decisions made there. In view of the fact that consideration of the conditions would be deferred, the Committee agreed with the suggestion that the conditions regarding vehicle age limits should be deleted.

RESOLVED THAT

- (i) consideration of the proposed hackney carriage/private hire vehicle licence conditions be deferred to a future meeting pending an informal meeting with the Hereford Taxi Association and the Association submitting its views in writing to the Council;**
- (ii) in line with current best practice and Government statutory guidance, Condition 3.1 and the words '*all vehicles must be replaced at 8 years for non wheel chair and 15 years for wheel chair access vehicles*' in condition 3.3b be deleted;**
- (iii) any other condition which refers specifically to the maximum age limit of a licenced vehicle shall read as if no such age limit applies; and**

- (iv) **the changes set out in (ii) and (iii) may be subject to alteration in line with any future Government guidelines and issues of relevant hackney carriage/private hire licensing conditions.**

44. REVIEW OF HACKNEY CARRIAGE FARES FOR 2009/2010

The Acting Regulatory Services Manager introduced a report about the annual review of hackney carriage fares. The review was undertaken each Autumn but last year was carried out at the meeting on 12th August 2008 following a request from the trade who were faced with escalating fuel costs. The present fees were agreed at that meeting. The Chairman of the Association had recently contacted the Officers to say that the Association would prefer it if there were no changes to the current fare structure and the Officers had no objection to this.

Having considered the matter, the Committee were in favour of the request from the Trade being granted.

RESOLVED THAT

No changes be made to the existing hackney carriage fares for the forthcoming year.

45. PROCEDURAL ARRANGEMENTS

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

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

46. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER A DRIVER CONTINUES TO BE A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 9 and said that the applicant for a dual Hackney Carriage/Private Hire driver's licence was not able to attend the meeting and had requested that his application be deferred until the next meeting. The Committee granted the request.

47. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE AN APPLICATION - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 10 and provided the Committee with details of the circumstances which had given rise to an applicant for a dual Hackney Carriage/Private Hire driver receiving a conviction. The applicant provided the Committee with an account of the incident from his perspective and said that he had lodged an appeal which was due to be heard later in October. In view of this the

Committee decided to defer further consideration of the application until the outcome of the appeal was known.

The meeting ended at 3.50 pm

CHAIRMAN