

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 3 August 2010 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)
Councillor PGH Cutter (Vice Chairman)

Councillors: CM Bartrum, SPA Daniels, JHR Goodwin, RC Hunt,
Brig P Jones CBE and A Seldon

28. COUNCILLOR DJ BENJAMIN

The Committee stood in silent tribute to the memory of the late Councillor DJ Benjamin.

29. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors PJ McCaull and GA Powell.

30. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

31. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

32. MINUTES

RESOLVED: THAT the Minutes of the meeting held on 1st July 2010 be approved as a correct record and signed by the Chairman.

33. LICENCE FEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Principal Lawyer and the Licensing Officer presented a report regarding a request from the trade for a reduction in the licence fee for hackney carriage and private hire vehicles. The Licensing Officer said that the Council had recently found a new supplier for the on-vehicle licence plates which were cheaper and also met the latest safety requirements which the brackets for the previous ones did not.

Mr J Jones the Chairman of the local taxi association welcomed the proposals and said that inflexibility with the fees for the previous plates had led to some proprietors paying for the brackets but not actually being supplied with them. The new proposals would overcome this. The Licensing Officer said that a reduction of the vehicle fee by £23 per application would equate to an annual reduction in annual income by some £8500 to a service already heavily subsidised by some £83,000. Mr Jones asked about the costs associated with the hackney carriage/private hire licensing arrangements. The Licensing Officer advised that when the licence fees had been increased at the meeting of the Committee held in June, the Licensing Services Manager had said that a comprehensive review would be carried out and that this was in the process of being undertaken.

Having considered the matter, the Committee agreed to the proposals.

RESOLVED THAT

the fee for each licensed hackney carriage or private hire vehicle be reduced by £23 with immediate effect.

34. 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act

35. DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER'S LICENCE

The Principal Lawyer and the Licensing Officer referred to agenda item No. 7 regarding the holder of a dual hackney carriage/private hire driver's licence which was granted by the committee at the meeting held on 1st July. She said that since that meeting, further information had come to light about an incident involving the licence holder and she provided the Committee with the details. The licence holder explained the course of events from his perspective which had led to him receiving a caution from the Police earlier this year. PC Mooney provided the Committee with details about the police investigation into the incident and said that it had been recorded on CCTV at the premises where it had occurred.

Having considered all of the facts put forward by the Licensing Officer, the Police and the licence holder, the Committee took the view that the incident was not of sufficient gravity to warrant a suspension or revocation of the licence and decided that the licence holder continued to be a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

RESOLVED:

that the licence holder be permitted to continue holding a dual hackney carriage/private hire drivers licence under the provisions of the Council's licensing conditions but that the matter would be subject to review should any further incidents arise that no longer made him a fit and proper person.

36. DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER'S LICENCE

The Principal Lawyer and the Licensing Officer referred to agenda item No. 8 in respect of an application for a dual hackney carriage/private hire licence. The applicant provided the Committee with details of the circumstances about a conviction she had received in 1984 and explained the reasons why she felt that she should be granted a licence. She felt that it was an isolated incident completely out of character and pointed out that she had not been involved in any other incidents since that time.

Members noted that the applicant had declared her previous conviction and that a considerable period of time had passed since the offence had taken place.

Having considered all of the facts put forward by the Licensing Officer 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 her application for a hackney carriage/private hire driver's licence should be granted.

RESOLVED:

- (a) **that the application for a dual hackney carriage/private hire drivers licence be granted; and**
- (b) **the applicant's version of events put before the Committee should, where at all possible, be substantiated by officers and brought back to the Committee's attention if it was found not to be correct.**

37. DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER'S LICENCE

The Principal Lawyer and the Licensing Officer referred to agenda item No. 9 regarding an application for a dual hackney carriage/private hire licence. The applicant and his representative provided the Committee with details of the circumstances regarding his previous convictions. They felt that sufficient time had elapsed since the convictions with no other problems arising and gave a full explanation of all the events that had given rise to them.

Members noted that the applicant had declared all of his previous convictions but did not feel that sufficient time had elapsed since they had been imposed. The Committee also considered that because of their driving related nature, their relatively recent proximity and very serious nature, they were a significant factor which had to be considered in accordance with ministerial guidelines.

Having considered all of the facts put forward by the Licensing Officer, the applicant and his representative, 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. The Committee did however state that it would be prepared to consider any fresh application made after January 2012.

RESOLVED:

that the application for a dual hackney carriage/private hire drivers licence be refused.

The meeting ended at 3.20 pm

CHAIRMAN