

**MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 5 October 2010 at 2.00 pm**

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

Councillors: CM Bartrum, WLS Bowen, SPA Daniels, JHR Goodwin, RC Hunt, Brig P Jones CBE and PJ McCaull

**52. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors GA Powell and A Seldon.

**53. NAMED SUBSTITUTES (IF ANY)**

Councillor WLS Bowen was appointed as a named substitute at the meeting.

**54. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**55. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 4th September, 2010 be approved as a correct record and signed by the Chairman.

**56. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CD83 (PART) IN THE PARISH OF CRADLEY**

The Parks, Countryside and Leisure Development Manager presented a report about an application for a Diversion Order under the provisions of Section 119 of the Highways Act 1980 in respect of part of Footpath CD83 in the parish of Cradley. He outlined the process which had been followed and led to the application being submitted to the Committee. He advised that the landowner of The Mallings, Cradley had made the application to increase the privacy and convenience of the property. Just one objection had been received during the consultation process and this had been withdrawn when the proposals had been modified. The Parks, Countryside and Leisure Development Manager did not anticipate any further objections if an Order was made. He said that the proposals fulfilled the necessary criteria for a diversion to be made and that the applicant had agreed to pay the costs incurred. The Committee agreed with the recommendation that the application should be granted.

**RESOLVED:**

**That a Public Path Diversion Order be made under Section 119 of the Highways Act 1980, to divert footpath CD83 (part) at Cradley, as illustrated on drawing No D326/99-83(ii).**

**57. 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**

**58. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - TO CONSIDER A MATTER REGARDING THE HOLDER OF A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Principal Lawyer and the Regulatory Services Manager referred to agenda item No. 8 regarding the suspension of a dual hackney carriage/private hire licence following a complaint from the licence holder's proprietor that he had stolen a large sum of money from the takings. Mr Mooney of West Mercia Police said that the matter had been investigated by the police and that the driver had admitted stealing the money. He also said that the matter would be going to court. The licence holder did not attend the meeting

Having considered all of the facts presented by the Licensing Officer and the police representative, the Committee decided that the licence holder had demonstrated that he was no longer a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and decided that his licence should be revoked.

**RESOLVED:**

**That the dual hackney carriage/private hire driver's licence be revoked.**

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

The Principal Lawyer and the Licensing Officer referred to agenda item No. 9 regarding an application for a dual hackney carriage/private hire licence. Mr Mooney of West Mercia Police reported on the investigations by the police which had led to the applicant receiving a caution. The applicant did not attend the meeting

Having considered all of the facts presented by the Licensing Officer and the police representative, the Committee noted that the applicant had not declared his caution on the application form and felt that he had not demonstrated that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

**RESOLVED:**

**That the application for a dual hackney carriage/private hire driver's licence be refused and that the applicant be informed that a new application would not be considered by the Committee until 2012 when five years had elapsed from the time of the police caution.**

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

The Principal Lawyer and the Licensing Officer referred to agenda item No. 10 regarding an application for a dual hackney carriage/private hire licence. Mr Mooney of West Mercia Police reported on the investigations by the police which had led to the applicant receiving a caution. The applicant did not attend the meeting

Having considered all of the facts presented by the Licensing Officer and the police representative, the Committee noted that the applicant had not declared his caution on the application form and felt that he had not demonstrated that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

**RESOLVED:**

**That the application for a dual hackney carriage/private hire driver's licence be refused and that the applicant be informed that a new application would not be considered by the Committee until October 2012 when five years had elapsed from the time of the police caution.**

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

The Principal Lawyer and the Licensing Officer referred to agenda item No. 11 regarding an application for a dual hackney carriage/private hire licence. Mr Mooney of West Mercia Police reported on the investigations by the police which had led to the applicant receiving a caution. The applicant did not attend the meeting

Having considered all of the facts presented by the Licensing Officer and the police representative, the Committee noted that the applicant had not declared his caution on the application form and felt that he had not demonstrated that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

**RESOLVED:**

**That the application for a dual hackney carriage/private hire driver's licence be refused and that the applicant be informed that a new application would not be considered by the Committee until 2012 when five years had elapsed from the time of the police caution.**

The meeting ended at 3.40 pm

**CHAIRMAN**