

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 6 September 2011 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)

Councillors: PL Bettington and PJ McCaull

11. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

12. APOLOGIES FOR ABSENCE

No apologies for absence were received.

13. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

14. DECLARATIONS OF INTEREST

There were no declarations of interest made.

15. APPLICATION TO LICENCE A VEHICLE OUTSIDE STANDARD CONDITION 5.2 (I)
(Pages 1 - 2)

The licensing officer introduced the report and advised the sub-committee that the matter related to an application for a replacement vehicle which fell outside of the standard conditions. It was noted that Mr Richards had previously been to committee and was granted 'grandfather rights' to a vehicle that was already licenced when the vehicle conditions were amended. Mr Richards had now purchased a new vehicle which was the same as his previous vehicle, which he knew did not comply with the conditions.

Mr Richards addressed the sub-committee and was of the opinion that grandfather rights should be transferred to his new vehicle.

In response to a question from the acting principal lawyer, the licensing officer advised that grandfather rights were initially granted to vehicles that were in operation prior to the new regulations being introduced. The use of grandfather rights gave licence holders the opportunity to continue to use vehicles which were not in compliance before being replaced with compliant vehicles over the course of time.

In response to a question regarding the removal of the age restriction of vehicles, the licensing officer confirmed that the conditions focused on public safety and that older vehicles would be more regularly inspected to ensure that there was no risk to the public.

The sub-committee retired to make their decision. When they reconvened the applicant was advised that the Committee was clear that the application of grandfather rights was intended to operate only for vehicles purchased and operated for taxi/private hire purposes prior to the introduction of the current licensing regulations and not for vehicles purchased after they had come into force.

RESOLVED

THAT the application be refused as the vehicle falls outside of standard condition 5.2(i).

16. APPLICATION FOR VARIATION OF PREMISES LICENCE 'THE QUEENS ARMS, 30 HIGH STREET, BROMYARD, HR7 4AE.'

The Licensing Officer advised the sub-committee that the applicant had been involved in a motor vehicle accident and would not be able to attend the hearing. The sub-committee adjourned the meeting until Friday 16 September 2011 in accordance with regulation 11 of the Licensing Act Hearing Regulations.

The meeting ended at 2.30 pm

CHAIRMAN

HEREFORDSHIRE COUNCIL
**REGULATORY SUB-COMMITTEE DECISION NOTICE
(LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976)**

LICENCE HOLDER'S NAME	Mr Christopher Richards
LICENCE TYPE	Application for licence outside of standard conditions
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor P Bettington Councillor PJ McCaull
DATE OF MEETING	6 September 2011

Members of the Council's Regulatory Sub-Committee considered the above appeal, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision the Members heard from Mr Richards, the Dual (Hackney Carriage and Private Hire) licence holder. He stated that his new vehicle was the same model as the one previously licenced by the Council and that the grandfather rights should apply.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **refused**.

REASONS

The Committee was clear that the application of grandfather rights was intended to operate only for vehicles purchased and operated for taxi/private hire purposes prior to the introduction of the current licensing regulations and not for vehicles purchased after they had come into force.

APPEAL INFORMATION

Under the Local Government (Miscellaneous Provisions) Act 1976 there is a right of appeal to a Magistrates Court within 21 days of notification of the decision being served upon the applicant.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.

