

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 7 October 2008 at 2.00 p.m.**

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

Councillors: CM Bartrum, DJ Benjamin, PGH Cutter, SPA Daniels,
JHR Goodwin, A Seldon and DC Taylor

46. APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors ME Cooper and R Mills.

47. NAMED SUBSTITUTES (IF ANY)

No named substitutes were appointed at the meeting.

48. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

49. MINUTES

RESOLVED: That the Minutes of the meeting held on 9th September, 2008 be approved as a correct record and signed by the Chairman.

50. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for hearing appeals to ensure that the laws of natural justice were followed to give a fair hearing to the applicants and to the officers.

**51. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE
LICENCE OUTSIDE STANDARD CONDITION 9.5 BY NICHOLAS JAMES MADDY**

A report was presented by the Licensing Officer about an application for the re-instatement of a hackney carriage vehicle licence outside the Councils policies. He said that Mr Maddy's licence had been suspended on 21st December 2007 in line with the blanket suspension of licences for vehicles which had been converted from vans into mini buses. At that time Mr Maddy had been advised that he would have to obtain a VOSA Single Vehicle Enhanced Approval Test for the vehicle. Mr Maddy had submitted his application for renewal but the matter had been deferred at the last meeting to enable the officers to resolve the outstanding issues with him and VOSA regarding the Test. The Licensing Officer updated the Committee about progress since the last meeting. He said that although Mr Maddy's vehicle had a VOSA approved test certificate, it did not have the Enhanced Test Certificate. He was satisfied however that the other certification that Mr Maddy had was the equivalent of the vehicle passing the Enhanced Test and recommend that the application should be granted. The Committee agreed with this view.

RESOLVED THAT:

An application from Mr NJ Maddy to deviate from the standard condition number 9.5, in respect of plate No.H0204 for a Nissan Cargo Vannette be accepted and granted as a renewal.

52. APPLICATION FOR APPROVAL BY SIX MANUFACTURERS / INSTALLERS OF WHEELCHAIR ACCESS FACILITIES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE

The Acting Regulatory Services Manager presented a report about the possibility of accepting applications from six independent and separate companies as approved manufacturers of wheelchair access vehicles to be used as licensed vehicles in Herefordshire. The six companies who had applied were:

- i. Allied Vehicles Ltd, Glasgow
- ii. GM Coachwork Ltd, Newton Abbot, Devon
- iii. LDV Group Ltd, Birmingham
- iv. Oughtred & Harrison (Facilities) Ltd, Goole, Humberside
- v. Ponting & Betty Ltd, Northampton
- vi. Stanford Coachworks Ltd, Essex

The Committee discussed the details of each of the applicants. The Acting Regulatory Services Manager described the relevance of the supporting documentation received from each of the applicants and advised that the benchmark for acceptability that he had used was Quality assurance ISO 90001. He had looked at the way in which each manufacturer had demonstrated that they could fulfil the requirements of the Council which had been established in May this year, that their vehicles were manufactured to relevant safety standards regarding wheelchair accessibility. Having considered the documentation put forward by each applicant, the Committee was satisfied that applicants (i) and (iv) fulfilled the Council's criteria. Further information was required from applicants (ii), (iii) & (v) but subject to the officers subsequently being satisfied, those manufacturers could be approved. The Committee was not satisfied that applicant (vi) could comply and was refused.

The Committee next considered what action it wished to take in respect of the following: -

- (i) vehicles licensed by the Council which had wheelchair accessibility equipment fitted but the manufacturer or installer which had applied for the approval of the Council had been refused; and
- (ii) vehicles licensed by the Council which had wheelchair equipment fitted and either the manufacturer or installer was not known to the Council or had not submitted an application to it for approval.

The Acting Regulatory Services Manager presented a report to the Committee and the options available were considered and the appropriate ones selected.

RESOLVED THAT:

- (I) that the following applicants be approved for the purpose of being manufacturers of wheelchair access vehicles to be used as licensed vehicles in Herefordshire:-
 - (a) Allied Vehicles Ltd, Glasgow and
 - (b) Oughtred & Harrison (Facilities) Ltd, Goole, Humberside.
- (II) subject to the provision of further information to the satisfaction of the Acting Regulatory Services Manager, the following applicants be approved for the purpose of being manufacturers of wheelchair access vehicles to be used as licensed vehicles in Herefordshire:-
 - (a) GM Coachwork Ltd, Newton Abbot, Devon
 - (b) LDV Group Ltd, Birmingham; and
 - (c) Ponting & Betty Ltd, Northampton
- (III) the application from Stanford Coachworks Ltd, Essex be refused for the purpose of being a manufacturer of wheelchair access vehicles to be used as licensed vehicles in Herefordshire.
- (IV) in the case of vehicles licensed by the Council which have wheelchair equipment fitted but the manufacturer or installer has applied for the approval of the Council and has been refused, the vehicles be allowed to continue to operate until such time as a voluntary standard VOSA Single Vehicle Approval Test is passed, provided that it is passed by no later than 31 December, 2008. After this date the licences of such vehicles still operating will be suspended until the Test has been passed.
- (V) in the case of vehicles licensed by the Council which have wheelchair equipment fitted and either the manufacturer or installer is not known or has not applied to the Council for approval, the vehicles be allowed to continue to operate until such time as a voluntary standard VOSA Single Vehicle Approval Test is passed, provided that it is passed by no later than 31 December, 2008. After this date the licences of such vehicles still operating will be suspended until the Test has been passed.

53. UPDATE TO COMMITTEE ON RECENT UNDERCOVER TEST PURCHASING SURVEY OF ALCOHOL FOR THE UNDER- AGED

The Acting Regulatory Services Manager presented a report about the findings of a recent undercover test-purchasing survey of alcohol carried out by the Council's Trading Standards Service in conjunction with the West Mercia Constabulary. He said that in May 2008 the Council's Regulatory Sub-Committee had imposed suspensions for various periods of time in relation to four shops that were found to be selling alcohol to under-age persons.

During a recent survey which had been undertaken, the four premises were revisited along with more than fifty other similar premises countywide, using 16 year-old

volunteers. Although the survey found that 19 out of 56 shops had sold alcohol to the test-purchasers, it was pleasing to note that the four premises previously restricted by the Regulatory Sub-Committee were complying with the regulations. This demonstrated that joint working between the Council's Trading Standard Service and the police could successfully interact with the functions of the Licensing Team and powers of the Regulatory Committee. The findings of the survey had given weight to the previous decision made by the Committee to restrict alcohol sales. It was likely that the Police would request reviews for at least four of the new premises found to be selling alcohol to the under-aged and the matter will be the subject of a future Sub-Committee hearing.

RESOLVED

That the contents of the report be noted together with the effectiveness of the previous action taken, should reviews for under-age sales be brought before it again.

The meeting ended at 2.50 p.m.

CHAIRMAN