

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday 7 April 2009 at 2.00 pm**

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

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

In attendance: Councillors

117. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors ME Cooper and SPA Daniels.

118. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

119. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

120. MINUTES

RESOLVED: That the Minutes of the meeting held on 16th March, 2009 be approved as a correct record and signed by the Chairman.

**121. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION
ORDER FOOTPATH ZK8 (PART) ROSS-ON-WYE**

The Assistant Rights of Way Officer 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 ZK8 Ross-on-Wye. She said that the Council had made the application to rectify a slight error in the alignment of the path which was made when the adjoining caravan site was set out. She advised that pre-order consultation with interested parties, local ward members and the town council had led to general agreement about the proposal which met all the necessary criteria for a footpath to be diverted in that it:

- benefited the owner of the land crossed by the existing path;
- did not alter the points of termination of the path; and
- was not substantially less convenient to the public.

The Committee was in favour of the proposal and agreed with the course of action suggested by the Assistant Rights of Way Officer that the Diversion Order should be made.

RESOLVED:

that a Public Path Diversion Order be made under Section 119 of the Highways Act 1980 in respect of Footpath ZK8, Ross-on-Wye as illustrated on drawing number: D393/327-8.

122. PROCEDURAL ARRANGEMENTS

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

123. APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY LINDSAY OAKLEY-DAVIES

The Acting Regulatory Services Manager introduced the report of the Head of Environmental Health and Trading Standards about an application from Mr L Oakley-Davies to renew a private hire vehicle licence after the date on which it had expired.

Mr Oakley-Davies said that he purchased the vehicle from another Operator on 10th March 2009. Prior to this date the Licensing Team had written to the previous owner to indicate that the licence would expire on 7th March, 2009 and had also sent a reminder to him. Mr Oakley-Davies said that he had not become aware of the situation until after the licence had expired, but that as soon as he had become aware, he had immediately taken steps to renew the licence.

Having considered the circumstances regarding the application, the Committee noted that Mr Oakley-Davies was establishing a new business and that the previous owner had not notified him about the licence expiry date. The Committee decided that in view of the circumstances and the fact that the application for renewal was only a few days late, the licence could be renewed.

RESOLVED THAT:

an application from Mr L Oakley-Davies to deviate from the Council's standard condition number 9.5, regarding Private Hire licence No. P017 in respect of Ford Transit Minibus M786 BAH, be granted.

124. APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY LESLIE KNAPMAN

The Acting Regulatory Services Manager introduced the report of the Head of Environmental Health and Trading Standards about an application from Mr LR Knapman for the re-instatement of an expired private hire vehicle licence outside standard condition 9.5. Full details of the application appeared before the Committee in the agenda. Mr Knapman was not present at the meeting and the Chairman therefore proposed that consideration of the application should therefore be deferred until the next meeting. Councillor PGH Cutter, Mr Knapman's Local Ward Councillor, said that Mr Knapman had contacted him about the matter. Although Councillor Cutter did not condone Mr Knapman's delay in applying to renew, he said that he was happy for the application to be granted.

The Acting Regulatory Services Manager said that license for a Peugeot 406 (Licence Plate No. P009) had expired on 22nd February 2009 and that reminders had been sent to Mr Knapman on 29th January and 12th February. Mr Knapman had also failed to renew the same licence in 2008 until June of that year. Having carefully considered the matter, the Committee decided that provided that Mr Knapman gave a satisfactory explanation as to why he had not applied to renew the

licence, the Acting Regulatory Services Manager be authorised to determine the application in consultation with the Chairman in respect of the period leading up to the next meeting.

RESOLVED THAT:

the Acting Regulatory Services Manager be authorised to determine the application from Mr Knapman to deviate from standard condition number 9.5, for the renewal of private hire vehicle licence No P009 in respect of Peugeot 406 registration number KM53 CFG, in consultation with the Chairman, for the period leading up to the next meeting of the Committee, provided that Mr Knapman gives a satisfactory explanation of the reason for delaying his application

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are considered.

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, as indicated below.

125. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

With reference to agenda item No. 9 the Committee noted that an applicant for a dual Hackney Carriage/Private Hire driver's licence was not present at the meeting, and that consideration of the application had been deferred at the previous meeting for the same reason. It was therefore decided to defer the matter again but that if the applicant did not attend, the application would be refused.

126. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

With reference to agenda item No. 10 the Committee noted that an applicant for a dual Hackney Carriage/Private Hire driver's licence was not present and it was therefore decided to defer consideration of the application until the next meeting.

127. INCIDENT INVOLVING A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE HOLDER - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Acting Regulatory Services Manager referred to agenda item No. 11 and provided the Committee with the circumstances which had given rise to the need for an incident involving a dual Hackney Carriage/Private Hire driver's licence to be referred to the Committee. The partner of the licence holder provided the Committee with details of the circumstances which had given rise to the incident and said that it was purely a domestic matter, out of character, and totally unrelated to the work as a driver.

Having considered all of the facts put forward about the incident, the Committee

decided that the licence holder had continued to be a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and could remain as a Hackney Carriage/Private Hire driver.

128. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

With reference to agenda item No. 12 the Committee noted that an applicant for a dual Hackney Carriage/Private Hire driver's licence was not present and it was therefore decided to defer consideration of the application until the next meeting.

129. MATTER REGARDING A HACKNEY CARRIAGE & PRIVATE HIRE DRIVER - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Acting Regulatory Services Manager referred to agenda item No. 13 and provided the Committee with the circumstances which had given rise to the need to suspend a dual Hackney Carriage/Private Hire driver's licence. The Committee endorsed the approach that had been taken.

130. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Acting Regulatory Services Manager referred to agenda item No. 14 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with a letter which was read out and which set out the circumstances which had given rise to his convictions and explained the reasons why he felt that he should be allowed to become a licence holder.

Having considered all of the facts put forward by the Acting Regulatory Services Manager 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 he should be granted a Hackney Carriage/Private Hire driver's licence.

The meeting ended at 3.40 pm

CHAIRMAN