



<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>13 NOVEMBER 2009</b>
<b>TITLE OF REPORT:</b>	<b>REPORT OF THE REGULATORY COMMITTEE MEETING HELD ON 10 AUGUST; 9 SEPTEMBER; 6 OCTOBER &amp; 3 NOVEMBER, 2009</b>
<b>MEMBERSHIP:</b>	<b>P. Jones CBE (Chairman), J.W. Hope MBE (Vice-Chairman) C.M. Bartrum, D.J Benjamin, P.G.H. Cutter, Mrs. S.P.A. Daniels, J.H.R. Goodwin, RC Hunt, PJ McCaull, A. Seldon and JD Woodward.</b>

**CLASSIFICATION:** This is an open report.

## **Wards Affected**

County-wide

## **Purpose**

To note the report which is for information.

### **HIGHWAYS ACT 1980 SECTIONS 118 & 119 – APPLICATIONS FOR PUBLIC PATH DIVERSION ORDERS**

1. The Committee has dealt with two applications for Public Path Diversion Orders for which there has been consultation with interested parties, the local parish councils and the local Ward Councillors:-
  - (a) the Interim Parks Countryside and Leisure Development Manager has been instructed to consider an Order under S.119 of the Highways Act 1980 to extinguish the full length of footpath BM 13 in the parish of Bodenham. The footpath is obstructed by a dwelling and the adjoining landowners are not prepared to allow it to be diverted onto their land. The footpath has been disused for a considerable length of time and there are suitable alternative routes nearby; and
  - (b) part of Footpath part of footpath SD1 in the parish of St. Devereux is to be diverted because it is obstructed by farm buildings.

## **CHARITABLE COLLECTION POLICY**

2. The Committee has approved a Charitable Collection Policy for Herefordshire. The Charities Act 2006 came into effect on 1 April 2009, replacing a variety of legislative arrangements for the regulation of charitable collections in public places. Although the Act does not stipulate that a Licensing Authority must have a policy for such collections, in order to demonstrate fairness and consistency it is considered to be good practice and appropriate to have a policy in place. Advice from the Local Government Ombudsman following his investigation of a complaint about a refused application was also that there should be a local policy in place to provide clear guidance for those involved in such activities. Charitable organisations have been consulted on the proposals. The Policy will provide considerable guidance and information for them and also help to regulate and control collections that are held each week, so that the public is not faced with an unacceptable number. The Policy has also formalised the previous informal practice and helped towards regularising collections using best practice.

## **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITIONS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

3. A comprehensive review is being undertaken of the Council's hackney carriage/private hire vehicle licence conditions with a view to streamline the present system to make it more user friendly for Officers and the trade in the light of operational experience and best practice. Extensive consultation has been carried out with the trade and interested parties and informal meetings have been held where appropriate. The results of this process will be reported back to the Committee with a view to the revised conditions being introduced early in the New Year.

## **REVIEW OF HACKNEY CARRIAGE FARES FOR 2009/2010**

4. An annual review of the hackney carriage fares has been undertaken. The trade had asked if there could be no change to the fare structure and the Committee and the Licensing Officers had no objection to this.

## **APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

5. Applications for the reinstatement, renewal or grant of Hackney Carriage/Private Hire driver's licences have been referred to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions and medical requirements. Incidents involving the conduct of drivers have also been heard. Applications for the renewal or transfer of vehicle licenses have also been submitted to the Committee because the applicants were late in submitting their applications and were in breach of the Council's licensing conditions, or they wished to transfer a licence to a vehicle that does not comply with those conditions.
6. The applicants, licence holders and their representatives gave details of the grounds for their applications and provided the Committee with their personal circumstances. In the case of the applications for vehicle licences, the applicants explained the circumstances which had prevented them from renewing their licences within the Council's prescribed timescale or why they wanted to transfer their licenses.

7. The applications were dealt with as follows:

- a. two applicants were allowed to renew their vehicle licences outside the prescribed timeframe because of the difficulties they had encountered; they had obtained the necessary VOSA certification; or the fact that the Committee felt that the timeframe between expiry and the application for renewal was small enough to be acceptable;
- b. an applicant was allowed to transfer his vehicle licence to another vehicle which did not comply with the condition about the replacement having at least 30,000 less recorded mileage. In this case the difference in mileage is considered by the Committee to be too small to warrant refusal.
- c. applicants for the renewal of vehicle licences were asked to be more timely when renewing to enable sufficient time for their applications to be processed and for their vehicles to be inspected at the Council's testing centre
- d. consideration of incidents regarding three drivers was deferred to enable the officers to give more consideration to the legal issues involved;
- e. three applications for drivers licenses were granted because the Committee is satisfied that evidence has been given by the applicants that they are fit and proper persons to be licensed;

**P. JONES CBE  
CHAIRMAN  
REGULATORY COMMITTEE**

**BACKGROUND PAPERS** Agenda papers from the meetings of the Regulatory Committee held on 10th August, 9th September, 6th October and 3rd November, 2009.