

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 6 July 2010 at 2.30 pm

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

Councillors: CM Bartrum, DJ Benjamin, SPA Daniels, JHR Goodwin, RC Hunt, PJ McCaull, GA Powell and JD Woodward

12. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

The Committee noted that at the meeting of Council on 28 May 2010, Councillor JW Hope MBE was elected as Chairman of the Regulatory Committee and Councillor PGH Cutter was appointed Vice-Chairman.

13. APOLOGIES FOR ABSENCE

Apologies were received from Councillor A Seldon.

14. NAMED SUBSTITUTES (IF ANY)

Councillor JD Woodward was noted as a substitute member for Councillor A Seldon.

15. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

16. MINUTES

RESOLVED: THAT the Minutes of the meeting held on 1st June 2010 be approved as a correct record and signed by the Chairman.

17. 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

18. HIGHWAYS ACT 1980, SECTION 119, PROPOSED PUBLIC PATH DIVERSION ORDER - FOOTPATH MB4 MUCH BIRCH

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 MB4 in the parish of Much Birch. He said that the application had originally been submitted in 2005 by the land owner whose reasons for making the application were, 'health and safety during building works and some privacy to the home once complete'. He advised that pre-order consultation was undertaken and the

proposal had general agreement although the Open Spaces Society and the Ramblers Association both made suggestions, which the applicant had noted and amended his proposals accordingly.

RESOLVED:

That a Public Path Diversion Order be made under Section 119 of the Highways Act 1980, to divert Footpath MB4 (part), in the parish of Much Birch, as illustrated on plan D374/274-4.

19. ADOPTION OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISC PROVISIONS) ACT 1982

The Licensing Officer presented a report regarding the adoption of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and the amendments created by Section 27 of the Policing and Crime Act 2009.

RESOLVED:

That Committee adopt Schedule 3 and the amendments of Section 27 which gives power to regulate lap dancing clubs and similar venues subject to any ratification which may, or may not, be required by Council.

20. REVIEW OF A THREE YEAR DUAL (HACKNEY CARRIAGE AND PRIVATE HIRE) DRIVER'S LICENCE

The Regulatory Services Manager presented a report about problems arising from drivers who had failed to renew their driver's licences; or provide the necessary evidence of a CRB check; or medical renewal when necessary. He said that the current three-year rolling programme for dual hackney carriage/private hire driver's licences was introduced in April, 2007. This had included a requirement that drivers needed to provide an annual self-declaration regarding the status of their medical and their CRB. The Council's budgeting arrangements also required drivers to pay an annual fee, rather than a single payment to cover each three-year period. This also helped to spread the costs for drivers. He said that despite sending two reminder letters, 74 drivers had failed to submit their self certifications which equated to a loss in revenue of £3,330.

In response to a number of questions from members the Senior Litigator advised that recorded delivery would not be necessary as first class post was accounted as good service through the magistrates court and was their preferred method for important documents such as court summons, etc.

In response to a question regarding the first reminder being issued 12 weeks before the deadline, the Licensing Officer advised that this timescale was necessary due to the time taken for CRB's to be processed.

RESOLVED:

That:

the Dual Driver Badge continues to be a 3 year renewal until the licence fees can be fully cost accounting reviewed to include an annual fee; and

those drivers with outstanding payments, self-declaration forms, Criminal Record Bureau checks and medicals are given an automatic suspension notice following two reminders sent by first class post to the address furnished by each driver to

the licensing authority. There shall be a minimum of 7 days between each notice and the service of the suspension notice.

21. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE 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. The applicant and his representative provided the Committee with the reasons why they felt that he should be granted a licence.

Members noted that the applicant had previously held a dual hackney carriage/private hire licence and had declared his previous convictions.

Having considered all of the facts put forward by the Licensing Officer, the applicant, and the applicant's representative, 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 his application for a Hackney Carriage/Private Hire driver's licence could be granted.

RESOLVED:

that the Regulatory Services Manager be delegated to grant an application for a dual hackney carriage/private hire drivers licence.

22. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE 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. The applicant provided the Committee with the reasons why he felt that he should be granted a licence.

Members noted that the applicant had declared his previous convictions and that a considerable period of time had passed since the offences took place.

Having considered all of the facts put forward by the Licensing Officer 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 his application for a Hackney Carriage/Private Hire driver's licence could be granted.

RESOLVED:

that the Regulatory Services Manager be delegated to grant an application for a dual hackney carriage/private hire drivers licence.

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

The Principal Lawyer and the Licensing Officer referred to agenda item No. 12 regarding an application for a dual hackney carriage/private hire licence. The applicant provided the Committee with the reasons why he felt that he should be granted a licence.

The applicant provided the Committee with details of the circumstances regarding his previous convictions. He advised that all of the convictions were more than twelve years old and he explained the reasons why he felt that he should be granted a licence.

Members noted that the applicant had declared his previous convictions and that a considerable period of time had passed since the offences took place.

Having considered all of the facts put forward by the Licensing Officer 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 his application for a Hackney Carriage/Private Hire driver's licence could be granted.

RESOLVED:

that the Regulatory Services Manager be delegated to grant an application for a dual hackney carriage/private hire drivers licence.

The applicant's version of events put before the committee should, where at all possible, be substantiated by officers and brought back to the committee's attention if found not to be correct.

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

The Principal Lawyer and the Licensing Officer referred to agenda item No. 13 regarding an application for a dual hackney carriage/private hire licence. The applicant provided the Committee with the reasons why he felt that he should be granted a licence.

The applicant provided the Committee with details of the circumstances regarding his previous convictions. He advised that the convictions were more than ten years old and he explained the reasons why he felt that he should be granted a licence.

Members noted that the applicant had declared his previous convictions and that a considerable period of time had passed since the offences took place.

Having considered all of the facts put forward by the Licensing Officer 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 his application for a Hackney Carriage/Private Hire driver's licence could be granted.

RESOLVED:

that the Regulatory Services Manager be delegated to grant an application for a dual hackney carriage/private hire drivers licence.

The applicant's version of events put before the committee should, where at all possible, be substantiated by officers and brought back to the committee's attention if found not to be correct.

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

The Regulatory Services Manager referred to agenda item No. 14 and provided the Committee with details of the circumstances which had given rise to the holder of a dual hackney carriage/private hire driver's licence having his licence suspended.

Members felt that the applicant should be given the opportunity to present his case before the Committee and therefore deferred consideration of the application until the next meeting.

RESOLVED:

That consideration of the application be deferred.

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

The Regulatory Services Manager referred to agenda item No. 15 and provided the Committee with the reasons which had necessitated 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 details of the circumstances which had given rise to him receiving a Police caution and explained the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Assistant, the applicant and his representative, 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 his application for a Hackney Carriage/Private Hire driver's licence should be granted.

RESOLVED:

that the Regulatory Services Manager be delegated to grant an application for a dual hackney carriage/private hire drivers licence.

The applicant's version of events put before the committee should, where at all possible, be substantiated by officers and brought back to the committee's attention if found not to be correct.

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

The Regulatory Services Manager referred to agenda item No. 16 and provided the Committee with details of the circumstances which had given rise to the holder of a dual hackney carriage/private hire driver's licence having his licence suspended.

Members noted that the applicant was no longer in possession of a UK driving licence and therefore deferred consideration of the application until such a time as the applicant's driving licence was restored.

RESOLVED:

That consideration of the application be deferred.