

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 28th February, 2006 at 2.00 p.m.**

Present: Councillor R.I. Matthews (Chairman)
Councillor Brig. P. Jones CBE (Vice Chairman)

Councillors: Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.G.S. Guthrie,
J.W. Hope MBE, T.W. Hunt, J.W. Newman, R. Preece and P.G. Turpin

In attendance: Councillors (none)

65. APOLOGIES FOR ABSENCE

Apologies were received from Councillor DC Taylor.

66. NAMED SUBSTITUTES (IF ANY)

There were no substitutions made.

67. DECLARATIONS OF INTEREST

Councillor Mrs SPA Daniels declared a personal interest in agenda item No. 10 (Minute No. 75) – application for renewal of dual hackney carriage & private hire drivers licence, and left the meeting for the duration of the item.

68. MINUTES

RESOLVED: That the Minutes of the meeting held on 31st January, 2006 be approved as a correct record and signed by the Chairman.

69. 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 for applicants and to the Licensing Officers.

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

These items disclose information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.

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

The Licensing Officer provided details to the Committee about a driver who had been observed carrying passengers in a licensed vehicle but without having renewed his Hackney Carriage/Private Hire driver's license. The applicant apologised for not renewing his licence at the right time but said that there had been a misunderstanding on his part following a change of address. He said that he had been licensed for a number of years and that he wished to continue and confirmed that there were no convictions to be revealed on the record check.

Having considered all the facts put forward by the Licensing Officer and the applicant, the Committee was satisfied that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976. It was decided that his driver's licence could be renewed with the proviso of revocation if the CRB response was not satisfactory, and that he should be given a written warning about his failure to renew his licence within the required timescale.

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

The Licensing Officer explained that an applicant for the renewal of a Hackney Carriage/Private Hire driver's license had a conviction which did not become spent until 2008. The applicant gave details of the circumstances which had given rise to the conviction and explained why he felt that he should be granted a licence.

Having considered all the facts put forward by the Licensing Officer and the applicant, the Committee decided that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his license could be renewed but with a warning about his future conduct. The Committee also agreed that there were some ambiguities in the wording of the application form and asked the Licensing Officer to make the form clearer for applicants.

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

The Licensing Officer explained that an applicant for a Hackney Carriage/Private Hire driver's license had a conviction which did not become spent until 2007 and that she had therefore referred the matter to the Committee. The applicant gave details of the circumstances which had given rise to the conviction and explained why he felt that he should be granted a licence.

Having considered all the facts put forward by the Licensing Officer and the applicant, the Committee decided that he was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he could not be granted a licence.

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

The Licensing Officer explained that an applicant for the renewal of a Hackney Carriage/Private Hire driver's license had a conviction which did not become unspent until 2008. The applicant gave details of the circumstances which had given rise to the conviction and explained why he felt that he should be granted a licence.

Having considered all the facts put forward by the Licensing Officer and the applicant, the Committee decided that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his driver's licence could be renewed.

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

The Licensing Officer provided the Committee with the details of a police caution received by a driver in 2004 which had led to his application for the renewal of a Hackney Carriage/Private Hire driver's license being referred to the Committee. The solicitor acting on behalf of the applicant gave a detailed explanation of the circumstances which had given rise to the caution and explained why he felt that the time had arrived for the applicant to be permitted to renew his licence.

Having considered all the facts put forward by the Licensing Officer and the applicant, the Committee decided that he was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he could not therefore be granted a renewal of his licence.

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

The Licensing Officer explained that an applicant for the renewal of a Hackney Carriage/Private Hire driver's license had a conviction which did not become spent until 2008 and that she had therefore referred the matter to the Committee. The applicant gave details of the circumstances which had given rise to the conviction and explained why he felt that he should be granted a renewal of the licence.

Having considered all the facts put forward by the Licensing Officer and the applicant, the Committee decided that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application could be granted.

The meeting ended at 4.05 p.m.

CHAIRMAN