

A G E N D A

Regulatory Committee

Date: **Tuesday, 25th October, 2005**

Time: **2.00 p.m.**

Place: **The Council Chamber, Town
Hall, St Owen's Street,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Regulatory Committee

To: 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, D.C. Taylor and
P.G. Turpin

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 23rd August 2005.	1 - 6
5. PROPOSED HACKNEY CARRIAGE TARIFF INCREASES 2005/2006 To consider a report setting out suggested tariff increases for Hackney Carriages in 2005/2006 Wards: Countywide	7 - 16
6. PROCEDURAL ARRANGEMENTS To note the procedural arrangements for the meeting.	17 - 18
 EXCLUSION OF THE PUBLIC AND PRESS In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.	
 RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below	

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|-----|--|---------|
| 7. | DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - REVIEW A SUSPENSION NOTICE AND DETERMINE WHETHER THE LICENCE HOLDER IS A FIT AND PROPER PERSON TO HOLD A DUAL DRIVERS LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 19 - 22 |
| | To review a suspension notice and to determine whether the licence holder is a 'fit and proper person' to hold a dual drivers licence. | |
| 8. | DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - REVIEW A SUSPENSION NOTICE AND DETERMINE WHETHER THE LICENCE HOLDER IS A FIT AND PROPER PERSON TO HOLD A DUAL DRIVERS LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 23 - 24 |
| | To review a suspension notice and to determine whether the licence holder is a 'fit and proper person' to hold a dual drivers licence. | |
| 9. | DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A FIT AND PROPER PERSON TO BE GRANTED A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 25 - 28 |
| | To determine whether an applicant is a 'fit and proper person' to be granted a dual drivers licence. | |
| 10. | DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A FIT AND PROPER PERSON TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 29 - 32 |
| | To determine whether an applicant is a 'fit and proper person' to hold a dual drivers licence. | |
| 11. | DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A FIT AND PROPER PERSON TO BE GRANTED A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 33 - 36 |
| | To determine whether an applicant is a 'fit and proper person' to be granted a dual drivers licence. | |
| 12. | DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A FIT AND PROPER PERSON TO BE GRANTED A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 37 - 40 |
| | To determine whether an applicant is a 'fit and proper person' to be granted a dual drivers licence. | |

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
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- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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A public telephone is available in the reception area.

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- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.



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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 23rd August, 2005 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, J.G.S. Guthrie, J.W. Hope MBE, T.W. Hunt, J.W. Newman, R. Preece, D.C. Taylor and P.G. Turpin

In attendance: Councillors (none)

17. APOLOGIES FOR ABSENCE

Apologies were received from Councillor DJ Fleet.

18. NAMED SUBSTITUTES (IF ANY)

There were no substitutions made.

19. DECLARATIONS OF INTEREST

There were no declarations of interest made.

20. MINUTES

RESOLVED: That the Minutes of the meeting held on 19th July, 2005 be approved as a correct record and signed by the Chairman.

21. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CZ13 (PART) IN THE PARISH OF CRASWALL

A report was presented by the Public Rights of Way Manager in respect of an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of footpath CZ13 (Part) in the parish of Craswall. He advised that proposed diversion met the criteria set out in Section 119 in that:

- the proposal benefits the owner of the land crossed by the existing path;
- the proposal does not alter the point of termination of the paths; and
- the proposal is not substantially less convenient to the public.

He also advised that the applicant required the diversion to avoid a farm building at 'White Haywood' which caused an obstruction to the path and to take the path away from house and garden at 'Three Horse Shoes' He said that the applicant had agreed to pay for advertising and to reimburse in full the Council's costs incurred in making the Diversion Order, including bringing the proposed route up to an acceptable standard. He also said that although the owners of Three Horse Shoes were not joint applicants, this proposal was also in their interest and that they had been consulted and wished for the diversion to go ahead. The local parish council, user groups and Ward Member had been consulted about the application and had raised no objections.

RESOLVED: That a Public Path Diversion Order be made under Section 119 of the Highways Act 1980 in respect of part of footpath CZ13 in the parish of Craswall, as illustrated on drawing number D265/100-13(i).

22. KNOWLEDGE TEST - DUAL DRIVERS LICENCES - THE TOWN POLICE CLAUSES ACT 1847 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer presented a report regarding the adoption of a knowledge test as part of the application process for dual (Hackney Carriage and Private Hire) drivers licences. She said that The Regulatory Committee on 19 July agreed that there was a need for a knowledge test but deferred its introduction until the licensing Manager could provide more information about the financial implications. She said that because of the workload arising from the Licensing Act 2003 it had not been possible to fully assess the costs and suggested that She suggested that there was merit in the knowledge test being introduced at the earliest opportunity for new applications and that the costs of implementation for existing drivers be reviewed in September/October 2005. The Committee was agreeable to these proposals.

RESOLVED: That the knowledge test be implemented with immediate effect in respect of new applicants for hackney carriage/private hire drivers licenses and that the costs of implementation for existing drivers be reviewed in September/October 2005.

23. 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.

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

The Licensing Officer presented a report about the holder of an existing dual Hackney carriage and private hire driver's licence. She explained issues relating to the requirement to disclose any criminal convictions and police cautions. The licence holder was given the opportunity to address the Committee in respect of his application and explained the circumstances relating to an offence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant had given a satisfactory explanation about the events and that he should continue to hold the licence.

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

The Licensing Officer presented a report about an application for a dual Hackney carriage and private hire driver's licence. She explained issues relating to the requirement to obtain medical clearance from a G.P. as stipulated within the provisions of the hackney carriage and private hire licensing legislation and the Council's licensing conditions. The applicant was given the opportunity to address the Committee in respect of his application and explained his medical background.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant could not be granted a licence

because he had not been able to fulfil the necessary medical requirements.

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

The Licensing Officer presented a report about an application for a dual Hackney carriage and private hire driver's licence. She explained the issues relating to the requirements to disclose any criminal convictions and police cautions. The applicant was given the opportunity to address the Committee in respect of his application and explained the events relating to the offence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the application should not be granted because he had unspent convictions relating to disorderly, threatening or abusive behaviour.

27. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer presented a report about an application for a renewal of an existing dual Hackney carriage and private hire driver's licence. She explained issues relating to the requirement to disclose any criminal convictions and police cautions. The applicant was given the opportunity to address the Committee in respect of his application and explained the events relating to the offence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant had given a satisfactory explanation about the events and that the application should be granted.

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

The applicant for a dual Hackney carriage and private hire driver's licence did not appear before the Committee to present his case and the Committee therefore decided to postpone consideration of the application until its next meeting on 29th November, 2005

The meeting ended at 4.15 p.m.

CHAIRMAN

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5 TO CONSIDER THE ADOPTION OF INCREASE IN HACKNEY CARRIAGE FARES 2005/2006 THE TOWN POLICE CLAUSES ACT 1847 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

REPORT BY: Head of Environmental Health and Trading Standards

Wards Affected

County-wide

Purpose

1. To consider the proposed annual price review for Hackney Carriage Fares in Herefordshire.

Legislation

2. The Local Government (Miscellaneous Provisions) Act 1976 allows the local authority to fix the rates/fares within the Authority as well for time as distance and all other charges in connection with the fare of a vehicle or with the arrangements for the hire of a vehicle, means of a table of fares.
3. If objections are made or if objections are not withdrawn the Local Authority shall set a further date not later than two months after the date specified for the increase in fares to take affect.

Background

4. The current taxi fares were reviewed and increased in November 2004 (appendix 1).
5. Proposals for an increase in charges for taxi fares were first published in the Hereford Times on 20 October 2005 there will be two weeks of consultation ending on 3 November 2005. These fares are normally reviewed annually and are due to be implemented in November 2005. The proposals were based on consideration of the annual inflation indices and submissions from the Herefordshire Hackney Carriage and Private Hire Association.
6. It is proposed the fare increase should take affect from 7 November 2005

Considerations

7. The proposed table of fares is shown in Appendix 2 and existing fares in Appendix 1.

Further information on the subject of this report is available from
Suzanne Laughland Licensing Manager 01432361675.

8. The period over which the price indices are measured is July 2004 to July 2005. The changes are as follows
 - The RPIX 2005 increase from July 2004 is 2.3% (excluding mortgages).
 - Increase in fuel prices
9. As shown in the proposed table of charges (Appendix 2) changes have been made to the initial distance travelled and the initial starting fare for the journey within the Hackney Carriage. Also changes have been made to the ongoing travelling distances.
10. The proposed fares give increases as follows:
 - 6% Increase on the starting fare.
 - 2.8% increase on the first mile travelled (this includes the starting fare).
 - 3.3% Increase on a two-mile journey.
 - 4.3% Increase on the cost of a running mile (excluding the starting fare).
11. Appendix 3 provides for examples of the fare increases in terms of miles travelled and tariff.
12. Appendix 4 table of surrounding authorities fares.
13. The proposed fare increase is generally in line with overall inflation as measured by the RPI in order to keep taxis "affordable" and hence the changes will support the Herefordshire Plan ambition of an integrated transport system for Herefordshire.
14. The proposed fares are sufficient to maintain the current standard of Hackney Carriage service in Herefordshire as, having no public feedback to the contrary, is believed to be acceptable.

Risk Management

15. If the fares are not increased this could affect the number of taxis available for the public to use. With increasing costs to the taxi trade and a finite number of customers they will need to make their businesses viable in order to continue providing the service. Therefore if the fees are not set at an appropriate level the Herefordshire ambition to provide an integrated transport system for Herefordshire may not be achieved.
16. There are no nighttime buses and with the constant reduction of the daytime bus service within Herefordshire the only means of transport for some is by taxi. The taxis were not available some people would be unable to travel to the shopping centres within Herefordshire.
17. Likewise if the fares are set too high, the public in particular the low-income households who are unable to afford their own car may be disadvantaged. Therefore the Herefordshire ambition to tackle poverty and isolation may not be achieved.

Consultees

18. With Herefordshire Hackney Carriage and Private Hire Association.
19. Members of the General Public were consulted through a public notice placed in the Hereford Times on 20 October 2005. The closing date for consultation is Thursday 3 November 2005. Also a public notice was displayed at the taxi office.

Options

- To agree in principal to the fare increase, providing there are no public objections during the consultation period ending 3 November 2005; delegating the implementation of the fare increase on 7 November 2005 to the Head of Environmental Health and Trading Standards. If any objections are received the matter should be brought back to the Regulatory Committee.
- To reject the proposed fares and keep them at the present level.
- To set an alternative fare increase.

Documents:

Appendix 1 Current taxi fares

Appendix 2 Proposed taxi fares

Appendix 3 Provides for examples of the fare increases in terms of miles travelled and tariff

Appendix 4 Table of surrounding Authorities fares

APPENDIX 1

COUNTY OF HEREFORDSHIRE
DISTRICT COUNCIL
HACKNEY CARRIAGE FARES

2004/2005

Tariff One	Inclusive of VAT
For each journey not exceeding 975 metres	£2.20p
For each subsequent 105 metres or part thereof	£0.10p
Waiting time for each period of 29 seconds or part thereof	£0.10p
 Tariff Two	
For hiring's begun between 11.00pm and 8.00am and Public holidays other than Christmas and New Year	150% of Tariff one
 Tariff Three	
For hiring's begun between 11.00pm on 24 th December to 8.00am on 27 th December and 11.00pm on 31 st December to 8.00am on 2 nd January	200% of Tariff One

EXTRA CHARGES

For each package other than hand luggage	£0.20p
For each bicycle or perambulator	£0.20p
For each person in excess of two	£0.50p
For cleaning a vehicle where it has been fouled	£50.00p
By passenger.	

Further information on the subject of this report is available from
 Suzanne Laughland Licensing Manager 01432361675.

APPENDIX 2

COUNTY OF HEREFORDSHIRE
DISTRICT COUNCIL
PROPOSED HACKNEY CARRIAGE FARES

2005/2006

Tariff One	Inclusive of VAT
For each journey not exceeding 1130 metres	£2.40p
For each subsequent 100 metres or part thereof	£0.10p
Waiting time for each period of 28 seconds or part thereof	£0.10p
 Tariff Two	
For hiring's begun between 11.00pm and 8.00am and Public holidays other than Christmas and New Year	150% of Tariff one
 Tariff Three	
For hiring's begun between 11.00pm on 24 th December to 8.00am on 27 th December and 11.00pm on 31 st December to 8.00am on 2 nd January	200% of Tariff One

EXTRA CHARGES

For each package other than hand luggage	£0.20p
For each bicycle or perambulator	£0.20p
For each person in excess of two	£0.50p
For cleaning a vehicle where it has been fouled	£50.00p
By passenger.	

Further information on the subject of this report is available from
Suzanne Laughland Licensing Manager 01432361675.

Appendix 3 Proposed Changes of Taxi Fares

The last fare increase was in 2004. This fare increase is based on 4%.

Current Tariff	£
Journey not exceeding 955 metres	2.20
Each subsequent 105 metres or part of	0.10
Waiting time for each period of 29 seconds	0.10

Proposed Tariff	£
Journey not exceeding 1130 metres	2.40
Each subsequent 100 metres or part of	0.10
Waiting time for each period of 28 seconds	0.10

1 Mile = 1608 metres (1760 yrds)

Current first running mile = £2.80
 Proposed first running mile = £2.88
 a 3% rise.

Current running mile = £1.53
 Proposed running mile = £1.60

Table comparing current rate against proposed rate per mile (including first running mile).

Miles	Tariff one		Tariff two	
	Current Rate £	Proposed Rate £	Current Rate £	Proposed Rate £
1	2.80	2.88	4.20	4.32
2	4.33	4.48	6.50	6.72
3	5.86	6.08	8.79	9.12
4	7.39	7.68	11.09	11.52
5	8.92	9.28	13.38	13.92
6	10.45	10.88	15.68	16.32
7	11.98	12.48	17.97	18.72
8	13.51	14.08	20.27	21.12
9	15.04	15.68	22.56	23.32
10	16.57	17.28	24.86	25.92

Tariff 1 = day time rate

Tariff 2 = night time rate starting 11.00pm to 8.00am (150% of tariff 1)

Tariff 3 = 11.00pm on 24 Dec to 8.00am on 27 Dec and 11.00pm on 31 Dec to 8.00am on 2 Jan (200% of tariff 1)

Further information on the subject of this report is available from
 Suzanne Laughland Licensing Manager 01432361675.

Appendix 4: Surrounding Authorities Taxi Fares

COUNCIL	TARIFF ONE			TARIFF TWO			SOILING CHARGE	DATE INTRODUCED		
	FLAG	1 MILE	2 MILES	WAITING	FLAG	1 MILE			2 MILES	WAITING
Malvern Hills	£3.20	£3.20	£4.90	24p – 1 min	£4.50	£4.50	£7.00	35p – 1 min	none	April 2005
Cheltenham	£2.00	£3.20	£4.60	10p – 23 secs	£2.50	£4.00	£5.75	10p – 18 secs	£50.00	April 2003
Hereford	£2.20	£2.90	£4.40	10p – 29 secs	£3.30	£4.35	£6.60	15p – 29 secs	£50.00	November 2004
Gloucester	£2.00	£3.20	£4.40	20p – 54 secs	£2.60	£4.00	£5.60	20p – 41 secs	£56.00	May 2005
Monmouthshire	£2.50	£2.90	£4.40	30p – 1 min	£2.80	£3.30	£5.00	30p – 1 min	£100.00	December 2004
Carmarthenshire	£2.00	£2.75	£4.25	15p – 1 min	£2.20	£3.20	£5.20	20p – 1 min	£50.00	November 2002
Worcester	£2.60	£2.80	£4.20	20p – 72 secs	£3.80	£4.20	£6.20	20p – 48 secs	"the cost"	June 2005
Vale of Glamorgan	£2.00	£2.60	£4.10	40p – 2 mins	£2.30	£2.98	£4.68	40p – 2 mins	£50.00	June 2001
Swansea	£1.30	£2.55	£4.05	25p – 80 secs	£1.40	£2.90	£4.70	30p – 80 secs	£50.00	October 2004
Neath Port Talbot	£1.90	£2.35	£3.85	10p – 30 secs	£2.60	£3.11	£4.81	13p – 45 secs	£40.00	December 2004
Wyre Forest	£2.00	£2.60	£3.70	10p – 45 secs	£4.00	£5.20	£7.40	20p – 45 secs	none	November 2003
Flintshire	£2.00	£2.36	£3.56	20p – 1 min	£2.60	£3.06	£4.63	26p – 1 min	none	October 2003
Blaenau Gwent	£2.40	£2.40	£3.50	10p – 30 secs	£3.00	£3.00	£4.10	10p – 30 secs	£150.00	October 2004
Telford & Wrekin	£1.50	£2.30	£3.30	10p – 1 min	£2.00	£3.20	£4.70	15p – 1 min	none	February 2001

Information from Private Hire And Taxi Monthly Issue 156 August 2005.

Further information on the subject of this report is available from
Suzanne Laughland Licensing Manager 01432361675.

REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Clerk to the Panel.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Panel or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Clerk to the Panel, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Panel. When the additional information has been furnished, they should all be asked to leave again.
8. The Panel can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is a refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second application the same way.

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