

A G E N D A

Regulatory Committee

Date: **Tuesday, 4th July, 2006**

Time: **2.00 p.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
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 May, 2006.	1 - 4
5. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CG3 (PART) IN THE PARISH OF CODDINGTON To consider an application under the Highways Act 1980, section 119 for a public path diversion order to divert part of footpath CG3 in the parish of Coddington. Ward:Hope End	5 - 6
6. HACKNEY CARRIAGE AND PRIVATE HIRE REVIEW OF CONDITIONS, INTRODUCTION OF A TAXI POLICY AND PENALTY POINTS SCHEME UPDATE To update the Regulatory Committee members with the progress of various issues regarding taxi licensing.	7 - 8
7. PROCEDURAL ARRANGEMENTS To note the procedural arrangements for the meeting.	9 - 10

8.	APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976	11 - 14
	To consider an application for the renewal of a dual hackney carriage/private hire drivers licence.	
9.	APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976	15 - 18
	To consider an application for a dual hackney carriage/private hire drivers licence.	
10.	APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976	19 - 22
	To consider an application for a dual hackney carriage/private hire drivers licence.	

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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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 May, 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, P.J. Edwards, 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

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

It was noted that at Annual Council on 12th May the Chairman had been re-elected and the Vice-Chairman had been re-appointed for the ensuing year.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

5. MINUTES

RESOLVED: That the Minutes of the meeting held on 18th April, 2006 be approved as a correct record and signed by the Chairman.

6. 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.

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

The Licensing Officer provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's license being referred to the Committee. The applicant gave a detailed explanation of his background and the events which had given rise to him being given a police caution and explained why he felt that his application should be granted. The applicant's employer spoke in support of his application.

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 he could therefore be granted a dual Hackney Carriage/Private Hire drivers licence.

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

The Licensing Officer provided the Committee with the details of an application for the renewal of a Hackney Carriage/Private Hire driver's licence which had been referred to the Committee because the applicant had a previous conviction. 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 the licence should be renewed.

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

The Licensing Officer said that a satisfactory CRB check had recently been received and that the applicant's dual Hackney Carriage/Private Hire driver's license had therefore been renewed.

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

The Licensing Officer provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's license being referred to the Committee. The applicant gave a detailed explanation of his personal circumstances, his previous convictions and explained why he felt that his application should be granted. The applicant's employer spoke in support of his application.

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 therefore not be granted a dual Hackney Carriage/Private Hire drivers licence.

The meeting ended at 3.40 p.m.

CHAIRMAN

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5 HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CG3 (PART) IN THE PARISH OF CODDINGTON

Report By: Public Rights of Way Manager

Wards Affected:

Hope End

Purpose

The County of Herefordshire District Council (the Council) to consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath CG3 in the parish of Coddington.

Considerations

- 1 The application was made in February 2006, by Dr. P. Soilleux, who is the landowner. The reasons for which were to take the path out of the applicants garden and away from a quarry that has been excavated across the path.
- 2 The application is one of four that is been progressed as part of a pilot project to test the new diversion procedures recently approved (subject to legal services confirmation) by the Cabinet Member for Policy and Community. The applicant has carried out all pre order consultation and the proposal has general agreement from the Parish Council, Ramblers Association, the Open Spaces Society and the adjoining landowner, Mr. West, who's property is also affected by the application.
- 3 The applicant has agreed to pay for advertising and to reimburse in full the Council's costs incurred in making the diversion order.
- 4 The local member, Cllr Rees Mills supports the application
- 5 The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 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.
 - The proposal is not substantially less convenient to the public.

Alternative Options

Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Risk Management

There is a risk that the Order will be opposed, leading to additional demand on existing staff resources.

Consultees

- Prescribed organisations as per annexe E of Department of the Environment Circular 2/93.
- Local Member - Councillor Rees Mills
- Bosbury and Coddington Parish Council.

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D377/92-3

Appendices

Order Plan, drawing number: D377/92-3

6 HACKNEY CARRIAGE AND PRIVATE HIRE REVIEW OF CONDITIONS, INTRODUCTION OF A TAXI POLICY AND PENALTY POINTS SCHEME UPDATE**REPORT BY: Head of Environmental Health and Trading Standards****Purpose**

1. To update the Regulatory Committee members with the progress of the taxi consultation for the:-
 - a) Hackney carriage and private hire vehicle conditions
 - b) Hackney carriage and private hire driver conditions
 - c) Hackney carriage and private hire operator conditions
 - d) Taxi licensing policy
 - e) Penalty point scheme

Background

2. The 1st phase of consultation has been completed where the Hackney Carriage and Private Hire Association Steering Group and all the licensed operators were asked for their comments.
3. We are now in the 2nd phase of consultation involving all licensed drivers and public consultation.
4. The finalised documents will be brought to the Regulatory Committee in September for their consideration

Recommendation**That the Committee note the documents**

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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