

# Regulatory Committee

Date: **Tuesday, 23rd October, 2007**

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Time: **2.00 p.m.**

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Place: **The Council Chamber, Brockington,  
35 Hafod Road, Hereford**

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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 P Jones CBE (Chairman)  
Councillor JW Hope MBE (Vice-Chairman)

Councillors CM Bartrum, DJ Benjamin, ME Cooper, PGH Cutter, SPA Daniels,  
JHR Goodwin, R Mills, A Seldon and DC Taylor

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b>	1 - 4
To approve and sign the Minutes of the meeting held on 28th August 2007.	
<b>5. HACKNEY CARRIAGE FARES 2007/2008 - THE TOWN POLICE CLAUSES ACT 1847 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	5 - 14
To consider the proposed annual price review for Hackney Carriage Fares in Herefordshire.	
<b>6. PROCEDURAL ARRANGEMENTS</b>	15 - 16
To note the procedural arrangements for the meeting.	
<b>EXCLUSION OF THE PUBLIC AND PRESS</b>	
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.	
<b>RECOMMENDATION:</b> 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 the report contains information relating to an individual under paragraph 1 of part 1 of Schedule 12A of the Act.	
<b>7. DUAL (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER LICENCE – TO REVIEW A SUSPENSION NOTICE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	17 - 24
To consider matters relating to the suspension of a hackney carriage/private hire driver's license	



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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, 28th August, 2007 at 2.00 p.m.**

**Present:** Councillor P Jones CBE (Chairman)  
Councillor JW Hope MBE (Vice Chairman)

Councillors: CM Bartrum, DJ Benjamin, ME Cooper, PGH Cutter,  
JHR Goodwin, R Mills, A Seldon and DC Taylor

**39. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mrs SPA Daniels.

**40. NAMED SUBSTITUTES (IF ANY)**

There were no named substitutes present.

**41. DECLARATIONS OF INTEREST**

There were no declarations made at the meeting

**42. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 31st July, 2007 be approved as a correct record and signed by the Chairman.

**43. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CD9 (PART) IN THE PARISH OF CRADLEY**

The Rights of Way Manager presented a report about an application by the Council for a Public Path Diversion Order to divert part of Footpath CD9, Cradley, under Section 119 of the Highways Act 1980. The applicants had applied for the diversion to segregate users of the path from vehicular traffic and to afford greater security to their property. The Ramblers Association felt that the proposed route was less convenient to the public as it travelled up steps on a less even surface and would be enclosed between a hedge and a fence. The Disabled Ramblers Association had agreed with this view. In the light of these comments, the applicants had amended their plans to provide a better access for less able-bodied users and it was anticipated that this would overcome the objections raised. He was therefore of the view that the application met the criteria under which a Diversion Order could be made.

The Committee agreed with the course of action suggested by the Rights of Way Manager that the Diversion Order should be made.

**RESOLVED:**

**that a Public Path Diversion Order be made under Section 119 of the Highways Act 1980 in respect of part of Footpath CD9, Cradley as illustrated on drawing number: D272/99-9(i)**

**44. APPLICATION FOR AN AMUSEMENT WITH PRIZES MACHINES PERMIT FOR OVER TWO MACHINES – SECTION 34 THE GAMING ACT 1968**

The Licensing Officer presented a report about an application for an Amusements With Prizes Permit for four gaming machines at the Litten Tree, Commercial Road, Hereford. The Chairman advised that he had held a site visit of the premises on 24th August with the Vice-Chairman and that the application met all of the licensing criteria.

Having considered all the aspects of the application, the Committee was satisfied that it should be granted.

**RESOLVED:**

**that an application be granted for four Amusement with Prizes machines under Section 34 of the Gaming Act 1968 at the Litten Tree, Commercial Road, Hereford.**

**45. ARRANGEMENTS FOR BRIEFING ABOUT STREET TRADING AND TAXI LICENSING**

It was noted that a briefing would take place at 1:00 pm, prior to the next meeting on 25th September, 2007.

**46. 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 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.**

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

**47. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Officer referred to agenda item No. 9 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence to be referred to the Committee. The applicant provided the Committee with details of the events which had given rise to him receiving a conviction and the reasons why he felt that he should be granted the licence.

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 he could be granted a dual driver's licence.

**48. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE.**

The Licensing Officer referred to agenda item No. 10 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence to be referred to the Committee. The applicant provided the Committee with details of the events which had given rise to him receiving a caution and the reasons why he felt that he should be granted the licence.

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 he could be granted a dual driver's licence.

**49. ISSUE REGARDING AN EXISTING HACKNEY CARRIAGE/PRIVATE HIRE DRIVER.**

The Licensing Officer referred to agenda item No. 11 and provided the Committee with the circumstances which had given rise to the suspension of a dual Hackney Carriage/Private Hire driver's licence. The applicant provided the Committee with details of the events which had given rise to him being investigated by the Police and the reasons why he felt that he should be allowed to continue to hold the licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee noted that the Police did not intend taking any further action. The Committee therefore decided that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the suspension on his dual driver's licence could be lifted.

The meeting ended at 3.06 p.m.

**CHAIRMAN**



**TO CONSIDER THE ADOPTION OF INCREASE IN  
HACKNEY CARRIAGE FARES 2007/2008 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 October 2006 (appendix 1).
5. Proposals for an increase in charges for taxi fares were first published in the Hereford Times on 11 October 2007 there were two weeks of consultation ending on 26 October 2007. These fares are normally reviewed annually. The proposals were based on consideration of the annual inflation indices and submissions from the Chair of Herefordshire Hackney Carriage and Private Hire Association.
6. It is proposed the fare increase should take affect from 5 November 2007.
7. We are still in the consultation period and will know if receive any comments at the end of the two weeks.

## **Considerations**

7. The proposed table of fares is shown in Appendix 2 and existing fares in Appendix 1.
8. The period over which the price indices are measured is July 2006 to July 2007. The changes are as follows

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

- The RPIX 2005 increase from August 2005 is 3% (excluding mortgages).
  - Increase in fuel prices
8. As shown in the proposed table of charges (Appendix 2) changes have been made to the ongoing travelling distances but not to the starting fare.
  9. Appendix 3 Summarises the effect of the fee increase on journeys based on miles.
  10. 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.
  10. The proposed fares are sufficient to maintain the current standard of Hackney Carriage service in Herefordshire.
  11. Earlier this year the taxi licensing fees have been reviewed for the first time in three years and were increased in April. The fee review looked at the taxi licence fees covering the cost of providing the service. Appendix 5 gives the taxi licence fees.

## Risk Management

12. 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.
13. 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.
14. 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

15. With Herefordshire Hackney Carriage and Private Hire Association. The Steering Groups recommendations Appendix 3.
16. All Operators were consulted and were asked to pass on the consultation to the drivers and vehicle owners, If there is any feed back the matters will be brought to the Committee for their consideration.
17. Members of the General Public were consulted through a public notice placed in the Hereford Times. The closing date for consultation is 26 October 2007.

## Options

- To agree in principal to the fare increase providing there are no objections to the fare increases and delegating the implementation of the fare increase on 5<sup>th</sup> November

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

2007 to the Head of Environmental Health and Trading Standards. If any objections had been received the matter would 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 Summarises the effect of the fee increase on journeys based on miles

Appendix 4 Other Neighbouring Authority Tariffs

Appendix 5 Taxi and Private Hire fees

## APPENDIX 1

**COUNTY OF HEREFORDSHIRE**  
**DISTRICT COUNCIL**  
**PROPOSED HACKNEY CARRIAGE FARES**

2006/2007

<b>Tariff One</b>	Inclusive of VAT
For each journey not exceeding 1025 metres	£2.40p
For each subsequent 95 metres or part thereof	£0.10p
Waiting time for each period of 28 seconds or part thereof	£0.10p
<b>Tariff Two</b>	
For hiring's begun between 11.00pm and 8.00am and Public holidays other than Christmas and New Year	150% of Tariff one
<b>Tariff Three</b>	
For hiring's begun between 11.00pm on 24 <sup>th</sup> December to 8.00am on 27 <sup>th</sup> December and 11.00pm on 31 <sup>st</sup> December to 8.00am on 2 <sup>nd</sup> 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
<b>By passenger.</b>	

## APPENDIX 2

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



**COUNTY OF HEREFORDSHIRE  
DISTRICT COUNCIL  
HACKNEY CARRIAGE FARES**

2005/2006

<b>Tariff One</b>	Inclusive of VAT
For each journey not exceeding 965 metres	£2.40p
For each subsequent 90 metres or part thereof	£0.10p
Waiting time for each period of 28 seconds or part thereof	£0.10p
 <b>Tariff Two</b>	
For hiring's begun between 11.00pm and 8.00am and Public holidays other than Christmas and New Year	150% of Tariff one
 <b>Tariff Three</b>	
For hiring's begun between 11.00pm on 24 <sup>th</sup> December to 8.00am on 27 <sup>th</sup> December and 11.00pm on 31 <sup>st</sup> December to 8.00am on 2 <sup>nd</sup> 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

**Payable by passenger.**



#### APPENDIX 3

#### EXAMPLE OF PROPOSED TAXI FARE INCREASES BY MILES

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

**Tariff 1**

Miles	Current Fee £	Proposed Fee £	% Increase
1	3.00	3.10	3
2	4.70	4.90	3
3	6.40	6.70	3
4	8.10	8.50	3
5	9.80	10.30	4
10	19.20	20.30	5
20	36.10	38.10	5
40	70.00	73.80	5

**Tariff 2** - For hiring's begun between 11.00pm and 8.00am and public 150% of Tariff One  
Holidays other than Christmas and New Year

Miles	Current Fee £	Proposed Fee £	% Increase
1	4.50	4.65	3
2	7.05	7.35	3
3	9.60	10.05	3
4	12.15	12.75	3
5	14.70	15.45	4
10	28.80	30.75	5
20	54.15	57.15	5
40	105.00	110.70	5

**Tariff 3** - For hiring's begun between 11.00pm on 24<sup>th</sup> December to 8.00am 200% of Tariff One  
On 27<sup>th</sup> December and 11.00pm on 31<sup>st</sup> December to 8.00am On 2<sup>nd</sup> January

Miles	Current Fee £	Proposed Fee £	% Increase
1	6.00	6.20	3
2	9.40	9.80	3
3	12.80	13.40	3
4	16.20	17.00	3
5	19.60	20.60	4
10	38.40	40.40	5
20	72.20	76.20	5
40	140.00	147.60	5

**Extra Charges**

For each package other than hand luggage	£0.20
For each bicycle or perambulator	£0.20
For each person in excess of two	£0.50

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

For cleaning a vehicle where it has been fouled by passengers £50.00

***N.B The law allows the taxi firm to charge less than metered fare if they wish to do so but it is illegal to charge more than the metered fare.***

## APPENDIX 4

**Comparison of other Neighbouring Authority Tariffs**

<b>District Councils</b>	<b>Tariff One 1 Mile</b>	<b>Tariff One 2 Miles</b>	<b>Tariff Two 1 Mile</b>	<b>Tariff Two 2 Miles</b>
<b>Monmouth</b>	£2.90	£4.40	£3.30	£5.00
<b>Cheltenham</b>	£3.40	£5.00	£4.25	£6.25
<b>Cardiff</b>	£3.30	£4.90	£4.30	£5.90
<b>South Gloucester</b>	£3.70	£5.30	£4.80	£6.40
<b>Hereford</b>	£3.10	£4.80	£4.65	£7.20
<b>Malvern</b>	£3.30	£5.20	£4.95	£7.60
<b>Worcester</b>	£2.90	£4.50	£4.20	£6.40

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

## Appendix 5

## Taxi and Private Hire fees

<b>Taxi Licensing</b>		<b>£</b>	
<b>Hackney Carriage Vehicle or Private Hire Vehicle</b>			
New / renewal/transfer plate		252.00	
Change of proprietor of vehicle		65.00	
Change of vehicle on plate		252.00	
Application to licence a spare vehicle		252.00	
Replacement of vehicle plate		35.00	
<b>Private Hire Operator</b>			
		No CRB	With CRB
	1 vehicle	80.00	116.00
	2-5 vehicles	120.00	156.00
	Over 5 vehicles	180.00	216.00
<b>Dual Driver Badge</b>			
New		198.00	
Renewal with CRB and medical		151.00	
Renewal with CRB only		121.00	
Renewal with medical only		115.00	
Renewal without CRB or medical		85.00	
Annual self declaration		45.00	
Replacement of driver badge		10.50	
Knowledge test		12.00	
CRB		36.00	
Vehicle test Rotherwas		42.00	
Doctors examination	Cost payable by examination		
Doctors paper medical referral		30.00	
Application that varies from standard conditions	(Plus New application fee)	150.00	

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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