

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 20 May 2008 at 2.00 p.m.**

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

Councillors: CM Bartrum, DJ Benjamin, PGH Cutter, SPA Daniels,
R Mills, A Seldon and DC Taylor

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors ME Cooper and JHR Goodwin.

2. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

4. 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 to the applicants and to the Licensing Officers.

5. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 1.1 BY MYKHAILO TVERDOKHLIB

The Licensing Officer presented details of an application by Mr Tverdokhlib for the re-instatement of an expired hackney carriage vehicle licence outside standard condition 1.1. for the regulation of hackney carriages and private hire vehicles, drivers and operators which were approved by the Committee on 18th December, 2007. He said that Mr Tverdokhlib had previously been granted a vehicle license for a Vauxhall Zafira (Plate No. 296) and that the licence had expired on 18th December 2007. Mr Tverdokhlib had submitted an application to transfer of the plate on 9th May, 2008 but had not provided any details about the vehicle the licence was to be transferred to. Mr Tverdokhlib was not present at the meeting and had not provided any further information.

Having carefully considered all the facts regarding the application, the Committee was of the view that because of the lengthy gap between the expiry of the licence and application for re-instatement, the matter did not comply with the standard conditions or licensing policy and that the application should be refused.

RESOLVED THAT:

an application from Mr Tverdokhlib to deviate from the standard condition number 1.1, for the renewal of a hackney carriage/private hire vehicle licence be refused

6. APPLICATION FOR NEW HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 1.1 & 20.1 & BY MAZHUR HUSSAIN

A report was presented by the Licensing Manager about an application for a hackney carriage vehicle licence by Mrs M Hussain. She said that Mr Hussain had applied to licence a Toyota Hiace Minibus which was first registered on 13th September, 2002. He had produced the registration document which indicated that the vehicle category was N1 and not M/M1. It therefore did not comply with the Council's licensing conditions and she had therefore referred the matter to the Committee for determination. Mr Hussain explained that he had acquired the vehicle in good faith on the understanding that it did comply with the Council's licensing conditions. Mr Lane also spoke on behalf of Mr Hussain and gave full details to the Committee about the specification of the vehicle and the recognised vehicle manufacturers who had converted the vehicle for wheelchair access. The Licensing Manager said that if Mr Hussain could provide the necessary certification that the vehicle had an M/M1 classification, then the application could be approved.

Having considered all the circumstances regarding the application, the Committee felt that consideration should be deferred to enable the applicant to obtain the necessary certification.

RESOLVED THAT:

an application from Mr M Hussain for a new hackney carriage vehicle licence outside standard condition 1.1 & 20.1 be deferred for the applicant to obtain the necessary certification to the satisfaction of the Licensing Manager.

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

With reference to Agenda item No. 8 it was noted that the applicant was unable to attend the meeting and agreed that consideration of the application be deferred to a future meeting.

8. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE AN APPLICATION FOR A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 9 and provided the Committee with details about an application for a Hackney Carriage/Private Hire driver's licence. The applicant provided the Committee with details of his personal circumstances and his conviction and explained why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee was satisfied that the applicant 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 3.35 p.m.

CHAIRMAN