

A G E N D A

Regulatory Committee

Date: **Tuesday, 20th May, 2008**

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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Tel: 01432 260248, Fax: 01432 261809
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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

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| <p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p> | |
| <p>2. NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p> | |
| <p>3. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p> <p>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.</p> <p>A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.</p> <p>Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.</p> | |
| <p>4. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 22 and 30 April 2008.</p> | 1 - 4 |

| | |
|---|----------------|
| <p>5. PROCEDURAL ARRANGEMENTS</p> <p>To note the procedural arrangements for the meeting.</p> | <p>5 - 6</p> |
| <p>6. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 1.1 BY MYKHAILO TVERDOKHLIB</p> <p>To consider an application to deviate from the standard condition number 9.5 regarding an expired vehicle licence.</p> | <p>7 - 8</p> |
| <p>7. APPLICATION FOR NEW HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 1.1 & 20.1 & BY MAZHUR HUSSAIN</p> <p>To consider an application to deviate from the standard conditions number 1.1, 20.1 and 20.2</p> <p>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 it is considered.</p> <p>RECOMMENDATION: 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</p> | <p>9 - 10</p> |
| <p>8. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE AN APPLICATION FOR A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To consider an application for a hackney carriage/private hire driver's licence.</p> | <p>11 - 14</p> |
| <p>9. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE AN APPLICATION FOR A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To consider an application for a hackney carriage/private hire driver's licence.</p> | <p>15 - 18</p> |

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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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, 22 April 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, JHR Goodwin,
R Mills, A Seldon and DC Taylor

In attendance: Councillors BA Durkin and RH Smith

117. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors ME Cooper and SPA Daniels.

118. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

119. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

120. MINUTES

RESOLVED: That the Minutes of the meetings held on 9th April, 2008 be approved as a correct record and signed by the Chairman, subject to The name of councillor R Mills.

121. 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.

122. NEW APPLICATION FOR HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 1.1 BY WILLIAM ROBERT PARFITT

A report was presented by the Licensing Officer about an application for a hackney carriage vehicle licence by Mr WR Parfitt. He explained that the licence had expired on 31 March 2008 and that Mr Parfitt had applied to renew it on 2 April. The Council's licensing conditions stipulated that applications received after the date of expiry would be treated as new applications and that the appropriate conditions and fees would apply. In the light of this, the licence had not been renewed and the matter instead had been referred to the Committee for determination. Mr Parfitt explained the particular personal circumstances which had prevented him from renewing his licence. He also said that when he had attempted to renew his licence, he had found that the Licensing Office was only open two days per week instead of five and he felt that this had exacerbated the situation because he had not been able to renew on time.

Having considered all the circumstances regarding the application, the Committee accepted Mr Parfitt's explanation of the situation and decided that the application for renewal of the licence could be granted.

RESOLVED THAT:

an application from Mr WR Parfitt to deviate from the standard condition number 1.1, for a new application for a hackney carriage vehicle licence, be granted.

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.

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.

This item discloses information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.

123. BUILDING AT MUCH MARCLE - MEASURES TO SECURE THE PROPER PRESERVATION OF A GRADE 1 LISTED BUILDING USING A REPAIRS NOTICE AND COMPULSORY ACQUISITION POWERS

Following a recommendation by the Conservation Manager, the Committee authorised the serving of a Repairs Notice under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the owner of a Grade 1 listed building at Much Marcle to ensure its preservation. If the owners fail to comply with the Notice, the building will be acquired under a Compulsory Purchase Order, subject to the approval of the Secretary of State. The building will then be disposed of to a third party who is willing to carry out the work required by the Repairs Notice and to reimburse the Council for its costs in acquiring it.

The meeting ended at 2.30 p.m.

CHAIRMAN

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Wednesday, 30 April 2008 at 10.00 a.m.**

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

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

124. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors DJ Benjamin and SPA Daniels.

125. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

126. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

127. 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.

**128. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING DEVIATION
BY VERA WATKINS FROM VEHICLE LICENCE CONDITION NUMBER 3.1**

A report was presented by the Licensing Officer about an application for a hackney carriage/private hire vehicle licence by Mrs V Watkins. He explained that the vehicle would become eight years old on 4 May 2008 and that under the Councils licensing conditions it would no longer be eligible to be licensed. Mr Watkins attending on behalf of Mrs Watkins said that his understanding was that provided a licence was due for renewal before a vehicle became eight years old, it could be licensed for a further twelve months but then would have to be replaced. This had been the case with the two other vehicles operated by Mrs Watkins. The Licensing Officer said that he would submit a report to a future meeting of the Committee to clarify the situation. His view was that vehicle licences could be renewed but that as soon as they became eight years old they would cease to be licensed.

Having considered all the circumstances regarding the application, the Committee felt that in view of the fact that other vehicles had been licensed for a final twelve-month period, the application from Mrs Watkins could be granted.

**RESOLVED THAT:
an application from Mrs VM Watkins to deviate from the standard condition**

number 3.1, for the renewal of a hackney carriage/private hire vehicle licence be granted

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.

This item discloses information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.

129. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE MATTERS REGARDING A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 6 and provided the Committee with the circumstances which had given rise to a dual Hackney Carriage/Private Hire licence holder accumulating 12 penalty points in respect of breaches of the Council's licensing conditions. The applicant said that she had only worked as a driver for a limited period and that she did not wish to continue. She thereupon surrendered her licence to the Licensing Officer. In view of this, the Licensing Officer withdrew the matter.

130. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE MATTERS REGARDING A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 7 and provided the Committee with the circumstances which had given rise to the need for an application for the renewal of a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with details of his personal circumstances and explained why he felt that he should be allowed to continue to be a licence holder.

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 licence could be renewed.

The meeting ended at 3.05 p.m.
<LAYOUT_SECTION>

CHAIRMAN

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.

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

**REPORT BY: Head of Environmental Health and
Trading Standards**

Purpose

1. The report introduces an applications made by Mr Tverdokhlib to deviate from the standard condition number 9.5. This condition states: -

‘All applications received after the date of expiry will be treated as Grants and not renewals and the appropriate conditions and fees will apply’.

Legal Background

2. Under the terms of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.
3. The standard licence conditions were approved at Regulatory Committee on the 18th December 2007.

Issues

4. This Authority previously licensed a Vauxhall Zafira on Plate No. 296.
5. This licence expired on 18th December 2007.
6. The application for transfer of the plate was made 9th May 2008.
7. No details have been provided of the vehicle it is to be transferred to.

Matter for Committee

8. In light of this the application to re-instate the licence has not been granted but instead referred to this Regulatory Committee for consideration and determination whether the plate should be re-instated.

Options

It is for the Regulatory Committee to decide whether the vehicle licences: -

- Can be granted outside of the standard conditions and or policy.
- Cannot be granted and the licence be refused.
- Deferred decision in order to get more information.
- Or reach some other decision.

Appendix 1 – standard vehicle licence conditions

Appendix 2 – copy of application forms

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

**REPORT BY: Head of Environmental Health and
Trading Standards**

Purpose

1. The report introduces an application made by Mr Hussain to deviate from the standard conditions number 1.1, 20.1 and 20.2. These conditions state: -
 - 1.1 For a new application for a Hackney Carriage Licence, **the vehicle to be licensed shall be a purpose built Hackney Carriage, or constructed or adapted to carry disabled persons** whilst remaining in their wheelchairs, in accordance with the provisions set out in section 20 of these conditions. **The vehicle will be 5 years of age or younger**, the age of the vehicle will be determined by the date of first registration on the registration document. The licensed vehicle shall be replaced upon or before reaching fifteen years of age.
 - 20.1 These are in addition to all other conditions and apply to wheelchair accessible vehicles.
 - (a) Vehicles offered for approval must be constructed in accordance with **M/M1**
 - (b) Every new type of wheelchair accessible vehicle must comply in all respects with the following requirements: -
 - Motor Vehicle (Type Approval) Regulations 1980
 - Motor Vehicle (Type Approval) Regulations (Great Britain) 1984And when in use with the following: -
 - Road Vehicle (Construction and Use) Regulations 1986 (C&U).
 - 20.2 When offered for approval the vehicle must comply with British and European Vehicle Regulations and by type approved to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended. Those vehicles (e.g. van conversions) which have not been 'type approved' to M or M1 Categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories. Most registration certificates issued since late 1998 should indicate the approval status of the vehicle.

Legal Background

2. Under the terms of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.
3. The standard licence conditions were approved at Regulatory Committee on the 18th December 2007.

Issues

4. Mr Hussain has applied to licence a Toyota Hiace Minibus which was first registered on 13th September 2002 and therefore is more than 5 years old.
5. He has produced the registration document which also shows the vehicle category as N1, not M/M1 as required by the conditions.

Matter for Committee

6. In light of this the licence has not been issued but instead referred to this Regulatory Committee for consideration and determination whether a new plate should be issued.

Options

It is for the Regulatory Committee to decide whether the vehicle licences: -

- **Can be granted outside of the standard conditions and or policy.**
- **Cannot be granted and the licence be refused.**
- **Deferred decision in order to get more information.**
- **Or reach some other decision.**

Appendix 1 – standard vehicle licence conditions

Appendix 2 – copy of application forms

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