

**MINUTES of the meeting of Regulatory Committee held at  
The Council Chamber, Town Hall, St Owen St, Hereford on  
Wednesday, 9 April 2008 at 10.00 a.m.**

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

**Councillors:** CM Bartrum, DJ Benjamin, PGH Cutter, SPA Daniels,  
JHR Goodwin, A Seldon and DC Taylor

**In attendance:** Councillors

**108. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor ME Cooper.

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

There were no named substitutes present at the meeting.

**110. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**111. MINUTES**

**RESOLVED:** That the Minutes of the meetings held on 29th January, 2008 be approved as a correct record and signed by the Chairman

**112. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR PENALTY POINT SCHEME. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847**

The Licensing Officer presented a report about a review of the penalty points system in respect of hackney carriage and private hire vehicle, driver and operator licences. He said that the matter appeared before the Regulatory Committee on 20 March 2007 where it was approved on a six-month trial period. It was therefore overdue for review. He reminded the Committee of the purpose of the system which was to deal with minor breaches of the conditions or byelaws in a more cost effective way without involving formal prosecution procedures. He said that the system also offered the Council the right to take formal action if the circumstances dictated and he explained how the penalty points would be awarded in relation to breaches of conditions. He said that to date 50 points had been issued and that this had helped to improve standards and compliance with conditions.

Members asked questions about the procedures and the consultation which had preceded it. The Licensing Officer outlined why the scheme had been adopted, mentioned about other authorities that used it and the consultation that had been involved. After considering various aspects the Committee was of the view that the system should continue for a further six-month trial period and that all members of the trade should be further notified about it.

**RESOLVED**

**that the hackney carriage, private hire licence conditions penalty point scheme and policy set out in the report of the Head of Environmental Health and Trading Standards be operated for a further six month trial period and that all those involved in the trade be re-notified about it.**

**113. 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.

**114. NEW APPLICATION FOR HACKNEY CARRIAGE VEHICLE LICENCES OUTSIDE STANDARD CONDITION 1.1 BY WILLIAM LESLIE YOUNG**

A report was presented by the Licensing Officer about an application for a hackney carriage vehicle licence by Mr WL Young. He explained that the licence had expired on 8 March 2008 and that Mr Young had applied to renew it on 25 March. 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 Young explained that on 26 February he had made an appointment for his vehicle to be inspected by the Council in compliance with renewal of his licence, but had found that on attending the inspection centre it had been double booked and he had to make another appointment. On 27 February his vehicle suffered engine failure and was found to be uneconomic to repair. He had therefore purchased a replacement but on applying for the licence renewal been advised that because it was a saloon and not wheelchair accessible, it did not comply with the licensing conditions. Mr J Jones who was present at the meeting and assisted Mr Young in presenting his case, pointed out the mitigating circumstances involved which were beyond Mr Young's control. He was also of the view that Mr Young had not been given the correct advice of the procedure which could be followed by him to renew a vehicle licence, rather than have the matter treated as a fresh application.

Having considered all the circumstances regarding the application, the Committee felt that in view of the fact that Mr Young had started the renewal application process but had been unable to complete it due to circumstances beyond his control, the application for renewal with the replacement vehicle could be granted.

**RESOLVED THAT:**

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

**115. NEW APPLICATIONS FOR TWO (2) HACKNEY CARRIAGE VEHICLE LICENCES OUTSIDE STANDARD CONDITION 1.1 BY KENNETH JOHN WHEADON**

A report was presented by the Licensing Officer about an application for two hackney carriage vehicle licences by Mr KJ Wheadon. He explained that the licence had expired on 2 and 9 March 2008 and that Mr Wheadon had applied to renew them on 13 March. 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 but the matter instead referred to the Committee for determination. Mr Wheadon explained that he had tried to make an appointment for his vehicles to be inspected by the Council in compliance with renewal of his licence in good time. He had been informed that the vehicles could not be inspected until 12 and 26 March. Mr Wheadon said that he had written to the Council on 15 February to explain the situation and asking for advice, followed by telephone calls, but had not received a reply. A copy of his letter was circulated at the meeting for Members to see. Mr J Jones suggested that if the testing centre was encountering delays, it would be useful if renewal letters could be sent out earlier to make allowances. He said that Mr Wheadon had made every effort to meet the Council's requirements but that as in the previous case there were mitigating circumstances involved which were beyond Mr Wheadon's control.

Having considered all the circumstances regarding the matter, the Committee felt that in view of the circumstances involved in the application process and efforts which had been made by Mr Wheadon, the application for the two vehicle licences could be dealt with as a renewal rather than a new application.

**RESOLVED THAT:**

**an application from Mr KJ Wheadon to deviate from the standard condition number 1.1, for a new application for two hackney carriage vehicle licences, 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.**

**116. 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. 9 and provided the Committee with details about the circumstances which had given rise to a dual Hackney Carriage/Private owner/driver accumulating 12 penalty points arising from breaches of the Council's licensing conditions. The licence holder provided the Committee with details of the circumstances which had given rise to him being in breach of the conditions and explained the steps he had taken to ensure compliance with them.

Having considered all of the facts put forward by the Licensing Officer and the licence holder, the Committee noted the number of contraventions involved and the opportunity presented for the matter to be rectified. They were concerned at the repetitious nature of them but also took into consideration the measures taken to rectify them. The Committee was of the view however that the licence holder had ample opportunity to deal with the matter at the appropriate time and decided to suspend his Hackney Carriage and Private Hire Driver's Licence for a period of 14

days which would have effect 21 days after the Decision Notice was received by the licence holder

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The meeting ended at 11.40 a.m.

**CHAIRMAN**