

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 2 December 2008 at 2.00 p.m.**

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

Councillors: CM Bartrum, ME Cooper, PGH Cutter, SPA Daniels,
JHR Goodwin, PJ McCaull, A Seldon and DC Taylor

71. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor DJ Benjamin.

72. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

73. DECLARATIONS OF INTEREST

Minute 77 Agenda Item No 7. Dual (Hackney Carriage & Private Hire) driver licence - to determine matters regarding an existing dual drivers licence - Local Government (Miscellaneous Provisions) Act 1976. Councillor CM Bartrum; Personal and Prejudicial, left the meeting for the duration of the item.

Minute 78 Agenda Item No 8. Dual (Hackney Carriage & Private Hire) driver licence - to determine matters regarding an existing dual drivers licence - Local Government (Miscellaneous Provisions) Act 1976. Councillor CM Bartrum; Personal and Prejudicial, left the meeting for the duration of the item.

74. MINUTES

RESOLVED: That the Minutes of the meeting held on 4th November, 2008 be approved as a correct record and signed by the Chairman.

75. APPLICATION FOR APPROVAL FROM STANFORD COACHWORKS LTD, AS A MANUFACTURER / INSTALLER OF WHEELCHAIR ACCESS FACILITIES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE

The Acting Regulatory Services Manager presented a report about the possibility of accepting Stanford Coachworks Ltd as an approved manufacturer of wheelchair access vehicles to be used as licensed vehicles in Herefordshire. He reminded the Committee that at its meeting on 7th October, 2008 approval had been given to several companies which fulfilled the Council's criteria but not Stanford. Following the meeting the Company had been invited to provide more details. Since then they had provided information that fulfilled the requirements of Quality Assurance ISO 90001 and other certification confirming that the vehicles were consistently manufactured to relevant safety standards regarding wheelchair accessibility. He

said that the vehicles manufactured by the company were used by companies doing contract work for the Council's Social Services and Education Departments, and by numerous other Councils throughout the Country. He recommended that the company should be accepted as an approved manufacturer because it had provided sufficient evidence to fulfil the Council's requirements in respect of manufacturers of wheelchair accessible vehicles. The Committee was in agreement with this view.

RESOLVED THAT Stanford Coachworks Ltd be approved for the purpose of being manufacturers of wheelchair accessible vehicles to be used as licensed vehicles in Herefordshire.

76. 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.

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

The Licensing Officer referred to agenda item No. 7 and provided the Committee with details of the circumstances which had given rise to the need for the holder of a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. It was alleged that the license holder had directed foul and abusive language at an officer of the Council in a public place. The licence holder attended the meeting and provided the Committee with an account of what had happened in his view, and the circumstances which had been involved.

Having considered all of the facts put forward by the Licensing Officer and the licence holder, and received the advice of the Legal Practice Manager, the Committee found that the licence holder had acted in an improper manner and decided that he should have his licence suspended for a period of four weeks from the date of the meeting. It was explained to the licence holder that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, he had a right of appeal to the Magistrates' Court.

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

The Licensing Officer referred to agenda item No. 8 and provided the Committee with details of the circumstances which had given rise to the need for the holder of a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. It was noted that the license holder had been involved in the incident outlined in the previous item (minute No. 77 refers). The Council Officer involved in the incident said that in his view the licence holder had not acted in an improper manner, used threatening behaviour or foul language.

Having considered all of the facts put forward by the Officers and the licence holder, the Committee found that no further action needed to be taken in respect of the incident.

79. 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 the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The partner of the applicant provided the Committee with details of the circumstances which had given rise to him not revealing convictions which had arisen a number of years ago and the reasons why he felt that he should be allowed to become a licence holder.

Having considered all of the facts put forward by the Licensing Officer and the partner of the applicant, the Committee was satisfied with the explanation given and considered that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976. It was decided that his application for a Hackney Carriage/Private Hire driver's licence should therefore be granted.

80. 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. 10 and requested that the matter be deferred because there were a number of issues to be clarified with the applicant. The Committee agreed to the request.

The meeting ended at 3.20 p.m.

CHAIRMAN