

A G E N D A

Regulatory Committee

Date: **Tuesday, 6th January, 2009**

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:

*Pete Martens, Committee Manager Planning &
Regulatory, Tel: 01432 260248,
Fax: 01432 261809
E-mail: pmartens@herefordshire.gov.uk*

Herefordshire 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, PJ McCaull, A Seldon and DC Taylor

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES (IF ANY)

To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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.

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.

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.

4. MINUTES

To approve and sign the Minutes of the meeting held on 2nd December, 2008.

Pages

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5.	PROCEDURAL ARRANGEMENTS	5 - 6
	To note the procedural arrangements for the meeting.	
6.	APPLICATION TO RE-INSTATE AN EXPIRED PRIVATE HIRE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY CLIFFORD JAMES ADRIAN HOWELLS.	7 - 12
	To consider an application for the renewal of a vehicle licence.	
7.	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.	
	RECOMMENDATION: 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	
8.	INCIDENT INVOLVING A LICENCED HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVER	13 - 14
	To consider a recent incident involving a licensed vehicle driver.	
9.	APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976	15 - 18
	To determine an application for a dual hackney carriage & private hire driver licence.	

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- 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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- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

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

REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Legal Advisor to the Committee.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Committee 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 Legal Adviser to the Committee, 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 Committee. When the additional information has been furnished, they should all be asked to leave again.
8. The Committee will then reach a decision, 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. The Committee will then deal with the next application the same way.

APPLICATION TO RE-INSTATE AN EXPIRED PRIVATE HIRE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY CLIFFORD JAMES ADRIAN HOWELLS.

REPORT BY: Head of Environmental Health and Trading Standards

Purpose

1. The report introduces an application made by Mr Howells 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 current standard taxi licence conditions were approved at Regulatory Committee on the 18th December 2007.

Issues

4. This Authority previously licensed a Ford Focus Estate on Plate No. P223.
5. On 28th September 2008 the Licensing Team wrote to Mr Howells (Appendix 1 – Background Papers) advising him that this vehicle plate would expire on 24th November 2008. There is no mandatory requirement for the Licensing Team to do this.
6. No application was received from Mr Howells and accordingly the plate expired on 24th November 2008.
7. On 27th November 2008 an application was received from Mr Howells to licence the vehicle (Appendix 2 – Background Papers).
8. Mr Howells was granted the licence until the date of this hearing to allow the Committee to make a decision regarding this matter. Accordingly the plate granted expires at midnight tonight.
9. The application requests to re-licence this vehicle.

Matter for Committee

10. In light of this the licence has not been granted but instead referred to this Regulatory Committee for consideration and determination whether the 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

ELI NVL 4 (new vehicle licence)
Within standard licence conditions



£252
P223
24/11/08

Receipt No: 249603
Income Code N80009474
Date: 27/11/07
(83258)

Application for grant/renewal of
VEHICLE LICENCE WITHIN STANDARD LICENCE CONDITIONS

PLEASE TICK		PLEASE TICK	
PRIVATE HIRE VEHICLE	✓	GRANT	
HACKNEY CARRIAGE VEHICLE		RENEWAL	✓

Surname (MR, MRS, MISS) Howells Maiden Name _____
All Forenames CLIFFORD JAMES ADRIAN Previous Surnames/Aliases _____
Date of Birth 17/9/46 Place of Birth HEREFORDSHIRE Sex M
Present address ROCKY FOLD
CRASWALL HEREFORDSHIRE Post Code HR2 0PW
Telephone Number: Business 01981510251 Home 01981510251
Mobile _____

PREVIOUS ADDRESSES IN LAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

GIVE NAMES AND ADDRESSES OF ANY CHANGE OF EMPLOYER, DURING THE PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

(Where applicant is partnership, limited company or other incorporated body)

Name of partnership, company or other incorporated body
CJA HOWELLS, EM HOWELLS

Address of Registered Office

Address from which business will be conducted
ROCKY FOLD CRASWALL HEREFORDSHIRE

ELI NVL 4 (new vehicle licence)
Within standard licence conditions

(To be completed in respect of each Director and/or Partner using a separate sheet as necessary)

Surname... HOWELLS Forename(s) CLIFFORD JAMES A DRIAN

Address... Rocky FOLD CRASWALL HEREFORDSHIRE

Date of Birth... 17/9/46 Driver's Badge No. D6083

PARTICULARS OF VEHICLE

- | | |
|--|---|
| 1. NAME ON REGISTRATION DOCUMENT <u>CLIFFORD HOWELLS ESC</u> | |
| 2. MAKE <u>FORD</u> | 8. REGISTRATION NO <u>C051 DSN</u> |
| 3. MODEL <u>FOCUS ZETEC TO DI ESTATE</u> | 9. PLATE NO. <u>P223</u> |
| 4. TYPE OF BODY <u>ESTATE</u> | 10. ENGINE CAPACITY <u>1753 cc</u> |
| 5. COLOUR(S) <u>GREEN</u> | 11. FUEL (PETROL /DIESEL/LPG) <u>DIESEL</u> |
| 6. NO. OF SEATS (EXC DRIVER) <u>4</u> | 12. CHASSIS/BODY NO. <u>W FOM X XE CDVIR S 624</u> |
| 7. DATE OF 1 ST REGISTRATION <u>01/09/2001</u> | 13. ENGINE NO. <u>1R53624</u> |

ANY ALTERATIONS TO VEHICLE IN PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL
YES/NO (if yes, please notify on a separate sheet)

Is the Vehicle Wheelchair accessible? **YES/NO**

Does the vehicle have a meter fitted? **YES/NO**

Make:..... Model:.....

Address at which vehicle will be garaged... ROCKY FOLD
CRASWALL HEREFORDSHIRE

Insurance Company... NFU

Insurance Valid From... 17/9/07 To... 17/9/08

Persons covered to drive with limitations (if any) ie. Age restriction, insured only.

Mr. C. J. A. Howells & Mrs. E. M. Howells

Hackney/Private Hire Cover... Full Comp + Social Services + use by any entitled driver for the policy holder business.

Where is the Fire Extinguisher kept? Boat

Is the vehicle to be used to undertake Social Service/Education Dept Contract? **YES/NO**
If YES, state type of contract... Social Services Contract

Name and address of proprietor of the vehicle... C. J. A. Howells & E. M. Howells
Rocky Fold Craswall Herefordshire

Has the applicant held Vehicle Licences granted by this or any other authority: **YES/NO**
If YES, give details: (Continue on separate sheet if necessary).

Private Hire Vehicle Licence No P223

ELI NVL 4 (new vehicle licence)
Within standard licence conditions

NAME OF AUTHORITY	REGISTRATION NO	PLATE NO
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Have any licences in respect of Private Hire or Hackney Carriage held by you ever been revoked, suspended or refused by any other authority? **YES/NO**

If YES, give details.....
.....

NAME, ADDRESS AND BADGE NO. of all persons who will be driving

Mr C S A Howell No D6083

Mr E M Howell No D6082

Name and address of Company/Group for whom vehicle will operate

C S A Howell, E M Howell Rectory Fold Craswell Herefordshire

Signature of Operator *C S A Howell E Howell*

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I enclose the following:

1. Certificate of Insurance
2. Registration Document
3. Certificate of Compliance (issued by Council testing depot)
4. Vehicle Inspection Certificate (issued by Council testing depot)

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature *C S A Howell* Date *26/11/07*

ON COMPLETION PLEASE RETURN Any queries regarding any aspect of this application please contact the Taxi Licensing Office. Tel: 01432 260973	(Marked PRIVATE AND CONFIDENTIAL Hackney Carriage & Private Hire Licensing Herefordshire Council County Offices Bath Street PO Box 233 Hereford HR1 2ZF
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ELI NVL 4 (new vehicle licence)
Within standard licence conditions

PARTNER

(THIS FORM TO BE COMPLETED BY THE SECOND LICENCE HOLDER, IF YOU INTEND TO HAVE TWO NAMES ON YOUR LICENCE)

VEHICLE LICENCE

Surname (MR/MRS/MISS/MS) Hawells Maiden Name Ockey
All Forenames Elizabeth Margaret Previous Surnames/Aliases
Date of Birth 02/05/50 Place of Birth Hereford Sex M F
Present Address Rocky Fold
Croswall Herefordshire Post Code HR2 0PN
Telephone Number: Business 01981510251 Home 01981510251

Particulars of Vehicle

REGISTRATION NO. C051 DSM

PLATE NO. P223

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature E. Hawells Date 26/11/07
Data Protection Act 1998

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When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

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Further information relating to the Data Protection Act 1998 can be sent to you on request.

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Data Protection Officer, County Secretary and Solicitor, Herefordshire Council, Brockington, 35 Hafod Road, Hereford HR1 1SH

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