

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 9 June 2009 at 2.00 pm

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

Councillors: CM Bartrum, DJ Benjamin, PGH Cutter, JHR Goodwin,
DW Greenow, RC Hunt and A Seldon

1. CHAIRMAN AND VICE CHAIRMAN

The Committee Manager reported that Council had not elected Chairman and Vice-Chairmen at the Annual Meeting on 22nd May, 2009 and that the matter would be dealt with at the Extraordinary Council on 12th June. It was therefore necessary for the Committee to elect a Chairman and appoint a Vice-Chairman for the meeting.

RESOLVED:

That Councillor Brig P Jones CBE be elected Chairman; and Councillor JW Hope be appointed Vice-Chairman for this meeting.

2. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors ME Cooper, SPA Daniels, PJ McCaull and DC Taylor.

3. NAMED SUBSTITUTES (IF ANY)

Councillor GW Greenow was appointed named substitute for Councillor DC Taylor and Councillor RC Hunt for Councillor PJ McCaull.

4. DECLARATIONS OF INTEREST

Mr F Spriggs the Licensing Officer declared a prejudicial interest in Agenda Item 10 (minute 153) – Application for renewal of vehicle licence by Mr J Bishop, and left the meeting for the duration of the item.

5. MINUTES

RESOLVED: That the Minutes of the meeting held on 11th May, 2009 be approved as a correct record and signed by the Chairman.

6. ALCOHOL CONSUMPTION IN PUBLIC PLACES – AMENDMENT DESIGNATION OF PUBLIC PLACES IN HEREFORD

The Licensing Officer presented a report suggesting an amendment to 'The Herefordshire (Alcohol Consumption in Designated Places) Order (No.3) 2007 in respect of Hereford City. He said that following a recent review it had been noted that when the original order was made in 2007, Broad Street had been omitted. The Order gave the Police (including Community

Support Officers) the power to require a person not to drink alcohol in a designated place, and to surrender any alcohol or alcohol containers. Failure to comply with an officer's requirements in respect of drinking or surrendering alcohol was an arrestable offence. An extensive consultation process was undertaken prior to the commencement of the Order and no further consultation was felt to be necessary by the Officers for Broad Street to be included. The Committee concurred with the view of the Licensing Officer that Broad St should be included in the Order.

RESOLVED THAT:

an amendment be made to The Herefordshire (Alcohol Consumption in Designated Places) Order (No.3) 2007 in respect of Hereford City to include Broad Street, Hereford.

7. PRIVATE HIRE VEHICLE CONDITIONS ATTACHED TO A SPECIALIST PRIVATE HIRE VEHICLES (FIRE ENGINES) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

A report was presented by the Licensing Officer about suggested additions to update the conditions to be attached to Specialist Private Hire Vehicles in respect of decommissioned Fire Engines. He said that the original conditions for fire engines were agreed by the Committee in July 2006. Since that date changes had taken place in the standard licence conditions which were applied to hackney carriage and private hire vehicles which necessitated additional conditions for such decommissioned fire engines. The Licensing Officer explained the purposes for which such vehicles were used and said that consideration had been given to the best practice of other licensing authorities when licensing them. He proposed that the following condition should be added:-

- 1.1 A vehicle may only be licensed providing that the vehicle has passed an enhanced VOSA Single Vehicle Approval (SVA) test and the applicant has provided a written self-declaration that no changes have taken place to that vehicle since the SVA test was passed.

The Committee discussed the proposals and felt that an additional condition should be added to require that only those vehicles which are classified as fire engines when first registered by the DVLA could be licensed and not vehicles which had been converted to fire engines from other vehicles.

RESOLVED THAT:

the vehicle licence conditions attached to decommissioned fire engines as specialist private hire vehicles be amended as follows:

- 1.2 **A vehicle may only be licensed providing that the vehicle has passed an enhanced VOSA Single Vehicle Approval (SVA) test and the applicant has provided a written self-declaration that no changes have taken place to that vehicle since the SVA test was passed; and the vehicle must be one which has been classified as a fire engine when first registered by the DVLA and not one which has been converted to fire engines from another vehicle.**

8. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for the following items to ensure that Officers and applicants received a fair hearing.

9. APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR NICHOLAS MADDY

The Licensing Officer presented a report was about an application from Mr NJ Maddy for the re-instatement of a hackney carriage hire vehicle licence outside the Councils standard condition 9.5. which stipulated that an application for the renewal of a vehicle license after it had expired would be treated as a new application. He said that Mr Maddy's licence had expired on 9th April, 2009 but that due to a procedural oversight the details had not been recorded on the computer system last year and therefore no renewal reminders had been sent. There was no mandatory requirement for the Licensing Team to do this and the responsibility for renewal lay with the applicant. Mr Maddy had however been granted a temporary renewal up to the day of the meeting in the light of this.

Having considered the matter, the Committee decided that in view of the particular circumstances involved, Mr Maddy's licence could be renewed until 9th April 2010.

RESOLVED THAT:

an application from Mr NJ Maddy to deviate from the standard condition number 9.5, for the renewal of Hackney Carriage Licence No. H332 in respect of Scoda Octavia GN53 HVG, be approved.

10. APPLICATIONS TO RE-INSTATE AN EXPIRED PRIVATE HIRE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR JOHN BISHOP

The Acting Regulatory Services Manager presented a report about an application from Mr J Bishop for the re-instatement of a private hire vehicle licence outside the Councils standard condition 9.5. which stipulated that an application for the renewal of a vehicle license after it had expired would be treated as a new application. He said that Mr Bishop wished to transfer Private Hire Plate No. P225 from a Ford Mondeo saloon to a Rover 75 with this renewal application. The licence expired on 27th February 2009 and although Mr Bishop applied to renew and transfer it on 3rd March 2009, the timescale for the application did not comply with the Council's licensing conditions.

Mr Bishop said that he had encountered problems in arranging for the vehicle to be inspected by the Council's vehicle testing centre in time and then to submit the application to the Licensing Section which was only open on certain days of the week. The Acting Regulatory Services Manager said that he had recently met the manager of the testing centre and it became clear that proprietors needed to be more timely in submitting their vehicles for inspection. Proprietors could also start the application process for renewal by submitting their applications to the Info in Hereford Centres when the Licensing Office was closed.

Having considered all the circumstances regarding the application and the timescale involved, the Committee decided that an exception could be made to the Council's licensing conditions and the application could be granted. The Acting Regulatory Services Manager was also requested to remind the trade about the need to be timely in submitting their vehicles for inspection at the testing centre, and advise that they could submit their applications to the Council's Info Centres.

RESOLVED THAT:

- (i) an application from Mr J Bishop to deviate from the standard condition number 9.5, for the renewal and transfer of Private Hire Plate No. P225 in respect of Rover 75 VO54 TWE, be approved;
- (ii) The Acting Regulatory Services Manager remind the trade about the need to be timely in submitting their vehicles for inspection at the testing centre, and advise that they could submit their applications to the Council's Info Centres.

11. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR BAIRKDAR

The Licensing Officer introduced a report about an application from Mr Bairkdar to transfer a licence to a vehicle which did not comply with the Council's licensing conditions in respect of the age and mileage of vehicles. Condition umber 3.3b stipulated that :-

The replacement vehicle shall be no more than 2 years older than the outgoing vehicle, and have at least 30,000 less miles on the clock. All vehicles must be replaced at 8 years for non wheel chair and 15 years for wheel chair access vehicles.

He said that since the last meeting Mr Bairkdar has sourced another vehicle which had M1 classification on the registration document, but had higher mileage than the outgoing vehicle. vehicle to be plated on P406. The mileage on the proposed new vehicle is 262,898 and the outgoing vehicle had 189,707. He advised that Condition 3.2 stated that :-

Written authorisation must be obtained before any new/replacement new vehicle is purchased and tested. The test will not be carried out until this is handed to the test centre.

Mr Bairkdar had not submitted written authorisation for this vehicle.

Mr Bairkdar said that he was unable to confirm the difference in mileage between the outgoing vehicle and its replacement because the former had already been sold. The Committee felt that there was merit in deferring further consideration of the matter to enable Mr Bairkdar to obtain confirmation of the mileage of the sold vehicle. Furthermore if everything was to the satisfaction of the Acting Regulatory Services Manager, the licence could be transferred to the replacement vehicle.

RESOLVED THAT:

consideration of an application from Mr Bairkdar to transfer a vehicle licence be deferred pending him obtaining the necessary evidence of mileage but that if he complied with all the requirements of the licensing conditions to the satisfaction of the Acting Regulatory Services Manager, the licence could be granted.