

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 14 July 2009 at 2.00 pm

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

Councillors: CM Bartrum, JHR Goodwin, RC Hunt, A Seldon and JD Woodward

12. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors DJ Benjamin, PGH Cutter, SPA Daniels and PJ McCaull.

13. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

14. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

15. CHAIRMAN AND VICE CHAIRMAN

The Committee noted that at the extraordinary meeting of Council on 12th June, 2009, Councillor Brig P Jones was re-elected as Chairman and Councillor JW Hope was re-appointed as Vice-Chairman of the Committee.

16. MINUTES

RESOLVED: That the Minutes of the meeting held on 9th June, 2009 be approved as a correct record and signed by the Chairman.

17. PROCEDURAL ARRANGEMENTS

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

18. APPLICATIONS 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 renew 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 Bairkdar's licence had expired on 23rd June, 2009 but that he had not applied to renew it until 29th June. Mr Bairkdar had been granted a temporary renewal until midnight on the day of the Regulatory Committee meeting. Mr Bairkdar said that he had started the process for renewal before the expiry of a licence but had been delayed whilst waiting for a part to be delivered for his vehicle and then having it

tested at the Council's vehicle inspection centre. He had been a licensed proprietor for some eleven years and this was the first time that he had been late in applying for a licence.

Having considered the matter, the Committee decided that in view of the particular circumstances involved, Mr Bairkdar's licence could be renewed but he was reminded to be more timely with his applications in future to allow for such unforeseen eventualities.

RESOLVED THAT:

an application from Mr Bairkdar to deviate from the standard condition number 9.5, for the renewal of Hackney Carriage Licence No. H190 in respect of Volkswagen Passat AK05 RWX, be approved.

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 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.

19. DUAL HACKNEY CARRIAGE / PRIVATE HIRE LICENCE HOLDER

The Licensing Officer referred to agenda item No. 8 and provided the Committee with the circumstances which had given rise to a dual Hackney Carriage/Private Hire driver's licence being suspended. The driver and his representative provided the Committee with details of the incidents from their perspectives. The driver had previously been prevented from driving on school contracts and the officers involved from the Children and Young Person's Services directorate and a local school gave evidence to the Committee. The driver felt that the incidents had been taken out of context and expressed his disappointment at not having been given the opportunity to put his side of the events to the Directorate.

Having considered all of the facts put forward about the suspension, the Committee decided that the driver was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his licence should be revoked. He was informed that he did have a right of appeal to the Magistrates Courts under the provisions of the aforementioned Act.

The meeting ended at 4.25 pm

CHAIRMAN