

# AGENDA

## Regulatory Committee

Date: **Tuesday 11 August 2009**

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Time: **2.00 pm**

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Place: **The Council Chamber, Brockington,  
35 Hafod Road, Hereford**

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Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

**Pete Martens, Committee Manager Planning & Regulatory**

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If you would like help to understand this document, or would like it in another format or language, please call Pete Martens, Committee Manager Planning & Regulatory on 01432 260248 or e-mail [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Regulatory Committee

## Membership

<b>Chairman</b>	<b>Councillor Brig P Jones CBE</b>
<b>Vice-Chairman</b>	<b>Councillor JW Hope MBE</b>
	<b>Councillor CM Bartrum</b>
	<b>Councillor DJ Benjamin</b>
	<b>Councillor PGH Cutter</b>
	<b>Councillor SPA Daniels</b>
	<b>Councillor JHR Goodwin</b>
	<b>Councillor RC Hunt</b>
	<b>Councillor PJ McCaull</b>
	<b>Councillor A Seldon</b>
	<b>Councillor JD Woodward</b>

## **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. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

**AGENDA**

		<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>	To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b>	To approve and sign the Minutes of the meeting held on 14th July, 2009.	1 - 2
<b>5. PROCEDURAL ARRANGEMENTS</b>	To note the procedural arrangements for the meeting.	3 - 4
<b>6. EXCLUSION OF THE PUBLIC AND PRESS</b>	<p>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.</p> <p><b>RECOMMENDATION:</b> 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</p>	
<b>7. INCIDENT REGARDING THE HOLDER OF A DUAL HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE</b>	To consider issues regarding the holder of a joint hackney carriage / private hire driver's licence.	5 - 10



## **The Public's Rights to Information and Attendance at Meetings**

### **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- 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.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- 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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

## **HEREFORDSHIRE 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 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 23<sup>rd</sup> June, 2009 but that he had not applied to renew it until 29<sup>th</sup> 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**



**REGULATORY COMMITTEE**  
**LICENSING APPEAL PROCEDURE**

1. Introduction by Clerk to the Panel.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Panel 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 Clerk to the Panel, 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 Panel. When the additional information has been furnished, they should all be asked to leave again.
8. The Panel can then reach a decision in the usual way, 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. Deal with the second application the same way.



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