

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 6 April 2010 at 2.00 pm

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

Councillors: CM Bartrum, PGH Cutter, SPA Daniels, JHR Goodwin, RC Hunt, A Seldon and JD Woodward

108. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors DJ Benjamin and PJ McCaull.

109. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

110. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

111. MINUTES

RESOLVED: THAT the Minutes of the meeting held on 9th March 2010 be approved as a correct record and signed by the Chairman.

112. NON-CONFORMITIES DUE TO AMENDMENTS OF THE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS

A report was presented by the Licensing Officer suggesting the action that could be taken in respect of certain licensed vehicles following the adoption of the revised hackney carriage/private hire vehicle licence conditions. The new conditions were agreed on 31st March 2010 but there were a number of vehicles which did not comply fully with them.

The report included a table which set out the approximate number of vehicles which were affected, the relevant licence condition, and the recommended timescale or other action necessary to comply. In answer to a question, the Licensing Officer explained that 'grandfather rights' would only apply to individual vehicles until they were replaced.

Having considered the proposals put forward by the Licensing Officer, the Committee agreed that they should be accepted.

RESOLVED: THAT

- (a) **The strategy for managing the non-compliances in accordance with the table included in the report be accepted; and**
- (b) **Authority be granted to officers to agree timescales for non-compliances based on the table of timescales and actions included in the report.**

113. PROCEDURAL ARRANGEMENTS

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

114. EXCLUSION OF PUBLIC AND PRESS

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.

115. APPLICATION FOR A NON-STANDARD PRIVATE HIRE VEHICLE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Principal Lawyer and the Licensing Officer referred to agenda item No. 8 and presented a report about an application for a hybrid electric vehicle which did not comply with the Council's licensing condition 4.1 in that it had three passenger seats instead of four. The applicant said that he was aiming more at the luxury end of the market for weddings, business use and executive travel to airports etc rather than standard private hire use. The Licensing Officer said that in view of the fact that this was an electric hybrid vehicle with minimal air pollution impact, the Head of Service wished to encourage its use as a private hire vehicle as an exception to the conditions.

Having considered the matter, the Committee concurred with the view of the officers and agreed that an exception could be made to the licence conditions and decided that an exception could be made to the Council's licensing policies because the vehicle complied with policies regarding the promotion of greener transport and encouraging the reduction of pollution. The Committee decided that a contrary decision would be unfair and disproportionate.

RESOLVED: THAT an application to deviate from the standard condition number 4.1 (C) for the number of passenger seats in respect of Lexus LS600HL registration number VX08 BXB be granted.

116. APPLICATION FOR A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Principal Lawyer and the Licensing Officer referred to agenda item No. 9 and said that an applicant for a dual hackney carriage/private hire licence had not attended the meeting. The Committee decided to defer consideration of the application until the next meeting.

117. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER A MATTER REGARDING A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Principal Lawyer and the Licensing Officer referred to agenda item No. 10 and provided the Committee with the reasons which had necessitated the need for a driver to have his dual hackney carriage/private hire licence suspended and the matter being referred to the Committee. The applicant provided the Committee with details of the circumstances which had led to a police investigation and said that his bail had been cancelled and that no further action was being taken. He provided the Committee with a detailed explanation of the events which had led to his arrest. In view of this and the driver's previous excellent record, the Licensing Officer recommended that his licence should be reinstated.

Having considered all of the facts put forward by the Licensing Officer and the driver, the Committee was satisfied that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his hackney carriage/private hire driver's licence should be reinstated.

118. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER A MATTER REGARDING A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

A report was presented by the Principal Lawyer and the Licensing Officer at agenda item No 11 which set out the circumstances which had led to a driver having his dual hackney carriage/private hire licence suspended, and the matter being referred to the Committee.

The representative of the driver had submitted additional information the day before the meeting. The Chairman said that there had been insufficient time to fully consider the additional information and the driver was given the opportunity to defer consideration of the case to enable members and officers to read the papers. The driver asked for his request for reinstatement to still be considered by the Committee. The Chairman agreed to this and the Principal Lawyer explained the main points to be taken into consideration in determining the application for the licence to be reinstated. The Licensing Officer dealt with the key-points summary in the report and explained why the officers had recommended that the licence should not be reinstated. The driver's representative presented the case for the reinstatement of the licence. He drew attention to the fact that following a previous suspension of the licence which had been confirmed by the Committee, it had subsequently been reinstated by the Magistrates following the driver lodging an appeal with them. The Police had decided to take no further action in respect of allegations made against the driver towards the end of last year and he said that there was no reason why the suspension of the licence should continue. He questioned certain aspects of the approach of the officers together with their integrity and felt that the Committee should only consider the evidence which had been presented to them after the Magistrates' Court ruling, and that the evidence put forward against his client from before that date should be disregarded because of the inaccuracies it contained. The Principal Lawyer said that the Committee did have the power to take into consideration all the legal aspects prior to the Magistrates' Court ruling if it so wished.

The driver's adviser wished to expand upon a number of points and referred to the judgement by the Magistrates and questioned the views of the officers. Councillor A Seldon felt that there was potentially much more information that the Committee needed to be aware of and suggested that further consideration of the matter should be deferred to enable this to be done. The Committee concurred with this view.

RESOLVED: THAT consideration of the application to reinstate a hackney carriage driver's licence be deferred to give the Committee time to consider the issues raised and the additional information which had been referred to in support of the licence being reinstated.

The meeting ended at 3.53 pm

CHAIRMAN