

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 1 June 2010 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)
Councillor PGH Cutter (Vice Chairman)

Councillors: CM Bartrum, DJ Benjamin, JHR Goodwin, RC Hunt, PJ McCaull, GA Powell and A Seldon

1. CHAIRMAN

The Committee noted that Councillor JW Hope had been elected Chairman for the ensuing year at the recent Annual Council meeting.

2. VICE-CHAIRMAN

The Committee noted that Councillor PGH Cutter had been appointed Vice-Chairman for the ensuing year at the recent Annual Council Meeting.

3. MEMBERSHIP OF THE COMMITTEE

The Chairman welcomed Councillor GA Powell to her first meeting of the Committee.

4. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors SPA Daniels, J Seldon and Brigadier P Jones.

5. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting

6. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

7. MINUTES

RESOLVED: THAT the Minutes of the meeting held on 4th May 2010 be approved as a correct record and signed by the Chairman.

8. TO CONSIDER A 2 % UPLIFT ON THE TAXI LICENCE FEES AND CHARGES - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Regulatory Services Manager presented a report about a suggested 2% increase on taxi licence fees and charges. He advised that the hackney carriage/private hire licence fees had not been increased since April 2007 and that the Council had required that there should be a

2% increase to fees and charges for the current financial year. He said that the proposals had been advertised and that the local Herefordshire Taxi Association had been consulted separately and had submitted objections which were set out in the report. No other objections had been received. He drew attention to the fact that in 2009 / 2010, the full cost of hackney carriage and private hire licensing to the Council amounted to £231,397 compared to an income of only £145,730. Therefore the service made a loss and was in effect subsidised in the region of £85,000. A 2% increase in fees would only realise a total income figure of about £148,000 and mean that the service would need to continue to be subsidised.

The Regulatory Services Manager drew attention to the fact that in line with Central Government and Audit Commission guidance, the Council was developing an overall Charging Policy for Services. This would involve a review of the level of subsidy provided by council tax payers towards Council services and the options for full-cost recovery for the provision of relevant services. The policy was likely to result in changes to charging levels which would be implemented over the medium-term. This meant that the proposed 2% increase might need subsequent revision to ensure full cost accounting and cost recovery. He also said that the financial adviser to the service had indicated that if the fees and charges were not increased, savings or increases would have to be made in other areas.

The Committee discussed the proposals and noted that the proposed increase was fairly modest given the length of time that had elapsed since the previous one. It was also noted from figures tabled at the meeting that although some of the fees charged by adjoining licensing authorities were higher, there were some that were lower. The Regulatory Services Manager said that it may be that those Councils had a subsidising policy but that he would find out more information from them about how their fees were arrived at.

RESOLVED THAT:

a 2% uplift be approved as an interim price increase to hackney carriage/private hire fees and charges, subject to a more detailed review being undertaken as a full cost recovery exercise.

9. PROCEDURAL ARRANGEMENTS

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

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

10. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Principal Lawyer and the Regulatory Services Manager referred to agenda item No. 10 and said that an applicant for a dual hackney carriage/private hire licence had not attended the meeting. The Committee noted that the applicant had also failed to appear before it previously. The Committee was of the view that because of his previous convictions, in the absence of any mitigation he was not a fit and proper person under

the meaning of the provisions of the Local Government Miscellaneous Provisions Act 1976 and decided that the application should be refused.

RESOLVED THAT:

an application for a dual hackney carriage/private hire drivers licence be refused because in the absence of any mitigation, the applicant was not deemed to be a fit and proper person under the meaning of the provisions of the Local Government Miscellaneous Provisions Act 1976 and had failed to appear before the Committee.

11. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - TO DETERMINE WHETHER A LICENCE HOLDER CONTINUES TO BE A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

A report was presented by the Principal Lawyer and the Regulatory Services Manager regarding agenda item No 11 which set out the circumstances that had led to a driver having his dual hackney carriage/private hire licence suspended, and the matter being referred to the Committee. The Committee noted the legal proceedings which had taken place since the licence had been suspended.

Having considered all of the facts put forward by the Regulatory Services Manager and received the advice of the Principal Lawyer, 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 hackney carriage/private hire driver's licence should be revoked.

RESOLVED THAT:

a dual hackney carriage/private hire drivers licence be revoked because the licence holder had ceased to be a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting ended at 2.40 pm

CHAIRMAN