

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 7 September 2010 at 2.00 pm

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

Councillors: CM Bartrum, SPA Daniels, JHR Goodwin, RC Hunt,
Brig P Jones CBE, PJ McCaull, GA Powell and A Seldon

38. APOLOGIES FOR ABSENCE

There were no apologies for absence.

39. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

40. DECLARATIONS OF INTEREST

10. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - MATTER REGARDING THE HOLDER OF A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976.

Councillor A Seldon, Prejudicial.

Mrs C Berrow (Officer), Prejudicial.

14. MATTER REGARDING THE HOLDER OF A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976.

Councillor GA Powell, Prejudicial.

41. MINUTES

RESOLVED: That the Minutes of the meeting held on 3 August 2010 be approved as a correct record and signed by the Chairman.

42. EVENING VISIT TO TOWN CENTRE VENUES IN HEREFORD BY MEMBERS, OFFICERS AND POLICE

Members thanked the Police for allowing the Committee to be escorted throughout the city centre in order to monitor issues dealt with by police in respect of licensing matters on a regular basis. They also requested that a letter of thanks be sent to Superintendent Kevin Purcell.

43. PROCEDURAL ARRANGEMENTS

To note the procedural arrangements.

44. APPLICATION TO LICENCE A VEHICLE OUTSIDE STANDARD CONDITION BY MR ISSAM BAIRKDAR

The Licensing Officer introduced a report about an application from Mr Bairkdar to renew a hackney carriage hire vehicle licence outside the Council's standard condition 9.5 which stipulated that an application for the renewal of a vehicle licence after it had expired would be treated as a new application. She said that Mr Bairkdar's licence had expired in September 2008.

Mr Bairkdar advised the Committee that his previous vehicle had been replaced with a newer vehicle which had been registered in 2004.

Having considered the matter, the Committee decided that in view of the particular circumstances involved, Mr Bairkdar's licence should not be renewed and that he should apply for a new licence in accordance with the Council's Standard Condition 3.1.

RESOLVED:

THAT the application be refused.

45. APPLICATION TO LICENCE A VEHICLE OUTSIDE STANDARD CONDITION 5.2 (I) BY MR CHRISTOPHER RICHARDS

The Licensing Officer introduced a report about an application from Mr Richards to renew a hackney carriage hire vehicle licence outside the Council's standard condition 5.2. She advised that the vehicle was deemed acceptable to the Licensing Authority.

Mr Richards advised the Committee that the vehicle benefited from secure rear seats and not the collapsible seats which had raised concerns to the Licensing Authority previously.

Having considered the matter, the Committee decided that in view of the particular circumstances involved, Mr Richards' licence could be renewed.

RESOLVED

That the Committee allow this vehicle to have "grandfather rights" on this occasion outside of the standard conditions.

That Officers named in the scheme of delegation to Officers be permitted to approve applications for licenses in respect of similar vehicles.

46. APPLICATION TO LICENCE A VEHICLE OUTSIDE STANDARD CONDITION 5.2 (I) BY MR STEPHEN DAVID WILLIAMS

The Committee noted that the vehicle in question was the same as the vehicle approved in the previous agenda item. The application could therefore be dealt with under delegated powers.

RESOLVED

That Officers named under the scheme of delegation to Officers be permitted to allow this vehicle to have "grandfather rights" on this occasion outside of the standard conditions.

47. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - MATTER REGARDING THE HOLDER OF A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The applicant submitted a number of documents for the Committee to take into consideration in respect of his application. The Chairman adjourned the meeting for 10 minutes to ensure that Members had sufficient time to read the documents. The Committee also received a document from the Police regarding the applicant's previous convictions.

The Principal Lawyer and the Regulatory Services Manager referred to agenda item No. 10 regarding the fit and proper status of the applicant to continue to hold a dual hackney carriage/private hire licence following his recent suspension. The applicant provided the Committee with the reasons why he felt that he should continue to hold a licence.

The applicant and his representative provided the Committee with details of the circumstances regarding his recent conviction, which had resulted in his licence being suspended.

Jim Mooney, representing West Mercia Police, presented the police account of the events surrounding the applicant's conviction.

Having considered all of the facts put forward by the Regulatory Services Manager and the applicant, the Committee decided that the applicant was no longer cumulatively a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application for a Hackney Carriage/Private Hire driver's licence should be revoked.

RESOLVED:

That the applicant has ceased to be a fit and proper person and;

The applicant's dual driver's licence be revoked.

48. APPLICATION FOR 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. 11 regarding an application for a dual hackney carriage/private hire licence.

The applicant provided the Committee with details of the circumstances regarding his previous conviction and he explained the reasons why he felt that he should be granted a licence.

Members noted the nature of the applicant's previous conviction.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application for a Hackney Carriage/Private Hire driver's licence could be granted.

RESOLVED:

That the Regulatory Services Manager be delegated to grant an application for a dual hackney carriage/private hire drivers licence.

49. APPLICATION FOR 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. 12 regarding an application for a dual hackney carriage/private hire licence.

The applicant provided the Committee with details of the circumstances regarding his previous convictions and he explained the reasons why he felt that he should be granted a licence. He explained the reason why he had omitted to declare his previous convictions on the application form.

Jim Mooney, representing West Mercia Police, presented the police accounts of the events surrounding the applicant's previous convictions.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application for a Hackney Carriage/Private Hire driver's licence could be granted.

RESOLVED:

That the Regulatory Services Manager be delegated to grant an application for a dual hackney carriage/private hire drivers licence.

The applicant's version of events put before the committee should, where at all possible, be substantiated by officers and brought back to the committee's attention if found not to be correct.

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

Prior to the hearing the applicant and the Committee received a document from West Mercia Police containing details of records held by the police in respect of the applicant.

The Principal Lawyer and the Licensing Officer referred to agenda item No. 13 regarding an application for a dual hackney carriage/private hire licence.

The applicant provided the Committee with details of the circumstances regarding his previous convictions and he explained the reasons why he felt that he should be granted a licence. He explained the reason why he had omitted to declare his previous convictions on the application form.

Jim Mooney, representing West Mercia Police, presented the police accounts of the events surrounding the applicant's previous convictions.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application for a Hackney Carriage/Private Hire driver's licence should be refused.

RESOLVED:

That the application for a dual driver's licence be refused. The Committee would however entertain a new application in 12 months from the date of this meeting.

51. MATTER REGARDING THE HOLDER OF A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Prior to the hearing the applicant and the Committee received a document from West Mercia Police containing details of records held by the police in respect of the applicant.

The Principal Lawyer and the Regulatory Services Manager referred to agenda item No. 14 regarding the driver's recent suspension as a dual hackney carriage/private hire licence holder.

Jim Mooney, representing West Mercia Police, presented the police accounts of the events surrounding the applicant's previous convictions as well as additional details regarding complaints made to the police which had not resulted in further action.

The applicant and his representative addressed the Committee in respect of the applicant's current suspension.

Having considered all of the facts put forward by the Licensing Officer, the police representative and the applicant, the Committee decided that the applicant's dual driver's licence should continue to be suspended.

RESOLVED:

That the applicant's dual driver's licence remains suspended until the outcome of the current police investigation is known.

The meeting ended at 5.10 pm

CHAIRMAN