

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 5 April 2011 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 and A Seldon

122. APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor GA Powell.

123. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

124. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting

125. MINUTES

RESOLVED: That the Minutes of the meeting held on 1st February, 2011 be approved as a correct record and signed by the Chairman.

126. PROPOSED REVISED DUAL HACKNEY CARRIAGE/PRIVATE HIRE DRIVER CONDITIONS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847

A report was presented by the Regulatory Services Manager about proposed revisions to the licence conditions for dual hackney carriage/private hire drivers as part of an overall review of licensing conditions that was carried out from time to time.

The Herefordshire Hackney and Private Hire Taxi Association had requested a review following on from the adoption of revised vehicle conditions in March 2010.

The Regulatory Services Manager outlined the process which had been followed for the review which had taken place over a period of several months and involved extensive consultation with the Association and interested parties. He outlined the proposed conditions which had been amended with input from the trade and which were detailed in his report. He did not consider that any further consultation was necessary on the proposals which met the legislative and legal requirements and fulfilled the Council's main aim of protecting the public.

The Committee discussed the main points and consultation that had taken place and heard the views of Mr Jones the Chairman of the Association. It expressed its agreement with the proposals put forward by the Regulatory Services Manager

RESOLVED THAT

the revised hackney carriage/private hire driver conditions presented in the report of the Regulatory Services Manager be approved.

127. PROGRESS OF REGULATORY MATTERS

The Committee Manager presented a report about the Changes that had been made to the Constitution regarding the Regulatory Committee. The changes were aimed at incorporating and regularising the regulatory function which had evolved over the years in line with best practice, legislation and operational requirements, but had not been clearly reflected within the Constitution. He said that the amendments were part of an ongoing comprehensive review of the Constitution which had been approved by Council at its meeting on 19th November, 2010. At Council it was decided that the amendments should be introduced on 1st February 2011, subject to consultation first being undertaken with key stakeholders. He said that the consultation process had involved the Committee, officers dealing with the legal framework, safeguarding, licensing and footpath diversions and West Mercia Police.

Council had also decided that an officer review panel should be created to deal with certain taxi licensing matters and applications for County transport badges. Council had also suggested that the Committee may wish to consider delegating certain functions to the Regulatory Sub-Committee, thereby freeing up the Committee to consider policy matters and the performance of those departments that were involved in the wider regulatory aspects of the Council. The Sub-Committee already dealt with matters under the provisions of the 2003 licensing Act and the 2005 Gambling Act and the Committee Manager suggested that the opportunity also now presented itself for it to deal with certain footpath diversion matters; hear appeals against refusals for hackney carriage/private hire drivers licences; and recommendations for the revocation of such licences by the Officer Panel.

The Committee discussed the proposals put forward by the officers and agreed that certain matters should be delegated to the Regulatory Sub-Committee. It also received in formation about the following:

- matters considered at meetings of the Regulatory Sub-Committee;
- a review of the Licensing Policy and Cumulative impact Policy – Licensing Act 2003
- adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 2003 (power to regulate lap dancing and similar clubs); and
- the activities of the Community Protection Team during a six-month period.

RESOLVED THAT:

- (i) the report be noted; and
- (ii) the Regulatory Sub-Committee be given delegated authority to consider appeals and recommendations for revocation of hackney carriage/private hire drivers licences by the Officers Panel; together with certain footpath diversion matters.

128. REPORT ON REGULATORY ACTIVITY OF ENVIRONMENTAL HEALTH & TRADING STANDARDS

The Committee received an information report presented by the Regulatory Services Manager regarding the main regulatory activities of the Environmental Health & Trading Standards service for the year 2010/11.

129. TO CONSIDER A 2 % UPLIFT ON THE TAXI LICENCE FEES AND CHARGES

The Regulatory Services Manager presented a report setting out proposals for a 2% increase in respect of the fees for hackney carriage and private hire licences. He said that it was proposed to implement the increase on 1st April but that an objection had been received from the trade. He advised that the proposed increase was advertised for a two week period ending on the 31st March 2011 and that an objection had been received from the Chairman of the Herefordshire Taxi Association.

Mr Jones the Chairman of the Association set out the grounds for his objection and drew attention to the considerable increase in operational costs which were already facing the trade, together with a decrease in demand by customers because of the economic situation.

The Committee carefully considered the objections which had been made and noted that the licensing service was also faced with increasing costs and would still be facing a deficit. The Council had asked for a proportionate increase across all its services to meet costs and the government cutbacks it was having to face. The Committee noted the alternatives that were available to it. Having carefully considered the options, the Committee felt that there was no alternative but to approve the increase.

RESOLVED THAT:

the hackney carriage/private hire licence fees be increased by 2% with immediate effect

The meeting ended at 4.35 pm

CHAIRMAN