

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 15 November 2011 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)
Councillors: PJ McCaull and FM Norman

64. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected Chairman for the meeting.

65. APOLOGIES FOR ABSENCE

No apologies for absence were received.

66. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

67. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

68. FOOTPATH MA32 (PART) MATHON PUBLIC PATH DIVERSION ORDER 2011

The Parks, Countryside and Leisure Development Manager presented a report about an application under Section 119 of the Highways act 1980 to divert part of Footpath MA32 at Mathon. The landowner had made the application to enable him to extend his nursery garden. The Parks, Countryside and Leisure Development Manager felt that the proposed route would provide an attractive alternative around the edge of a small lake. The proposal had general agreement from consultees, the local ward member and the parish Council. The applicant had agreed to meet the costs associated with the diversion. The proposal also met the criteria set out in the legislation and in particular that:

- it benefited the owner of the land;
- it was not substantially less convenient to the public; and
- it would be expedient to proceed with the proposal given the effect it will have on public enjoyment of the footpath.

Having considered all aspects of the application, the Sub-Committee concurred with the view of the Parks, Countryside and Leisure Development Manager that the application should be approved

RESOLVED THAT

a Public Path Diversion Order be made in respect of part of Footpath MA32 at Mathon under section 119 of the Highways Act 1980, as illustrated on drawing number D369/265-32.

69. REGULATORY SUB-COMMITTEE APPEALS PROCEDURE

The Sub Committee noted the procedure for dealing with appeals about licensing matters which was aimed at giving a fair hearing to applicants and Officers.

70. APPLICATION TO LICENCE TWO PRIVATE HIRE VEHICLES OUTSIDE STANDARD CONDITION 3.1II

The Licensing Officer presented a report regarding an application for two vehicles to be granted private hire vehicle licences outside the Council's standard licensing condition 3.1ii regarding the age and wheelchair accessibility of such vehicles. Mr JJ Marshall had submitted an application for a stretch-limousine and a mini-bus, neither of which met this licensing condition. Since the agenda for the meeting had been circulated, the Licensing Officer said that Mr Marshall had provided her with additional information about the vehicles which were to a very high specification and for which she felt that an exception could be made to the licensing condition.

Mr Marshall attended the meeting and provided the Sub-Committee with full details about the specification of both vehicles which were of a luxurious standard. He said that the vehicles would be used for weddings and business functions and would not be used for general private hire work but still needed to be licenced to meet the Council's licensing requirements.

Having considered all the facts regarding the application, the Sub-Committee was of the opinion that given the standard of the vehicles, an exception could be made to the licensing condition and that private hire vehicle licenses could be granted, subject the vehicles first passing the Council's required mechanical and safety inspection.

RESOLVED THAT

Subject to the vehicles first passing the tests required by the Council, private hire vehicle licences be granted in respect of the following vehicles outside standard licensing condition 3.1ii:

- (i) Lincoln Town Car P555 GSP; and**
- (ii) Mercedes Benz Sprinter BK57 HSZ**

71. MATTER REGARDING A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

The Sub-Committee gave further consideration to the suspension of a hackney carriage/private hire driver's licence which it had upheld at its meeting on 4th October, 2011. The Licensing Officer outlined the developments that had taken place since that meeting and Mr J Mooney of West Mercia Police explained the action being taken by the Police in respect of alleged offences that had been committed by the licence holder. The Sub-Committee also heard from the licence holder who denied the allegations that had been made against him.

In view of the course of action being taken by the Police, the Sub-Committee decided that the suspension should remain in place whilst they were pursuing the matter and that further consideration should be given to it by the Taxi and County Transport Badge Officers Panel.