

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 21 May 2013 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)

Councillors: CM Bartrum and BA Durkin

138. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

139. APOLOGIES FOR ABSENCE

No apologies for absence were received.

140. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

141. DECLARATIONS OF INTEREST

There were no declarations of interest made.

142. EXCLUSION OF THE 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

1 Information relating to any individual.

2 Information which is likely to reveal the identity of an individual.

143. REVIEW OF A DUAL DRIVER'S LICENCE

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

The Sub-Committee gave consideration to a recommendation from the Licensing Officer that a hackney carriage/private hire driver's licence should be suspended. The recommendation of a suspension was brought to the Sub-Committee in accordance with the Council's Penalty Points Scheme after the licence holder had accrued penalty points for the same offence on three occasions over a 12 month period.

Prior to making their decision the Sub-Committee heard from the licence holder, who explained the reasons which had led to her being reported to the Licensing Authority. She supplied evidence confirming that she regularly picked up a booking from the St Peters Square, and stated that this was the case when she had been reported.

In view of the evidence put before it, the Sub-Committee decided that the licence should not be suspended. The Sub-Committee issued a final warning and wished it to be put on record that it was concerned that there had been three similar offences over a six-month period. However it noted that there was no significant evidence that the driver was plying for hire in the most recent incident.

RESOLVED

THAT a final warning be issued to the licence holder.

144. REVIEW OF A DUAL DRIVER'S LICENCE

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

The Sub-Committee gave consideration to a recommendation from the Licensing Officer that a hackney carriage/private hire driver's licence should be suspended for a period of two weeks. The recommendation of a suspension was brought to the Sub-Committee in accordance with the Council's Penalty Points Scheme after the licence holder had accrued penalty points for the same offence on three occasions over a 12 month period.

Prior to making their decision the Sub-Committee heard from the licence holder, who explained that on 22 April 2013 he was collecting a pre-arranged booking and was waiting for his fare to arrive. He also advised that in respect of the allegation on 22 September 2012, he was not the owner of the vehicle at that time. He did not dispute the third allegation.

In view of the evidence put before it, the Sub-Committee decided that the licence should not be suspended and that the driver should receive a final warning.

RESOLVED

THAT the Hackney carriage/private hire licence holder remains a fit and proper person to hold a licence but is issued with a final warning regarding future conduct and reminded of the importance of adhering to the licence conditions.

145. REVIEW OF A DUAL DRIVER'S LICENCE

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

The Sub-Committee gave consideration to a recommendation from the Licensing Officer that a hackney carriage/private hire driver's licence should be suspended for a period of one month. The recommendation of a suspension was brought to the Sub-Committee in accordance with the Council's Penalty Points Scheme after the licence holder had accrued in excess of 12 penalty points in a 12 month period.

Prior to making their decision the Sub-Committee heard from the licence holder, who explained the reasons which had led to him receiving the penalty points. He disputed the incident where he had been accused of using a mobile phone whilst driving and stated that his vehicle was stationary and the phone was in his lap at the time. He also advised that he had not received any of the letters from the licensing department as they had been sent to his brother's house.

In view of the evidence put before it, the Sub-Committee decided that the licence should be suspended for a period of two weeks. The licence holder was advised that the suspension would come into force at midnight on 21 May 2013 unless appealed.

RESOLVED

THAT the Hackney carriage/private hire licence be suspended for a period of two weeks.

146. REVIEW OF A DUAL DRIVER'S LICENCE

The Sub-Committee were advised that the licence holder was out of the Country at present and could not attend the hearing.

RESOLVED:

THAT consideration of the matter be deferred.

The meeting ended at 5.00 pm

CHAIRMAN