

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford. on Wednesday, 13th June, 2007 at 2.00 p.m.**

Present: Councillor P Jones CBE (Chairman)
Councillor JW Hope MBE (Vice Chairman)

Councillors: CM Bartrum, DJ Benjamin, ME Cooper, PGH Cutter,
SPA Daniels, JHR Goodwin, A Seldon and DC Taylor

In attendance: Councillors (none)

118. CHAIRMAN

It was noted that Councillor P Jones CBE had been elected Chairman for the ensuing year

119. VICE-CHAIRMAN

It was noted that Councillor JW Hope MBE had been appointed Vice-Chairman for the ensuing year

120. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Mills.

121. NAMED SUBSTITUTES (IF ANY)

There were no substitutions present at the meeting

122. DECLARATIONS OF INTEREST

There were no declarations made at the meeting

123. MINUTES

RESOLVED: That the Minutes of the meeting held on 10th April, 2007 be approved as a correct record and signed by the Chairman

124. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for hearing appeals to ensure that the laws of natural justice were followed to give a fair hearing for applicants and to the Licensing Officers.

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

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 involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

This item discloses information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.

125. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO REVIEW A SUSPENSION NOTICE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 8 and provided the Committee with the circumstances which had given rise to a Suspension Notice being served on the holder of a joint hackney carriage/private hire drivers licence. The Committee was informed that the suspension had arisen following a conviction imposed by the Magistrates Court. The Solicitor acting on the driver's behalf had notified the Council that he had lodged an appeal with the Courts about the conviction and that he had asked for the suspension to be reviewed and expressed concerns about his client's human rights and the effect of him not being able to work as a licensed driver.

At the meeting the Officers presented all the details about the conviction and suspension, the appropriate legal aspects of hackney carriage/ private hire licensing and the obligations of the Council in protecting the public. The Committee was also advised that the driver had been licensed since 2000 and had an otherwise unblemished record. The Committee carefully considered those matters brought before them, including the representations by the applicant and his spokesperson. They also took into account the circumstances of the conviction and the fact that the driver had suffered financial hardship since the suspension and that the conviction was subject to appeal. They also noted that there had been no other reports of offending or complaints arising from his work as a taxi driver and that he had not been on bail with any conditions attached. It was also taken into account that he was of previous good character. They weighed these factors against the risks to other taxi drivers and passengers if he was to continue to drive. They noted that he had been sentenced to a 200 hours Community Work Order out of a possible maximum of 240 hours. They also took account of the fact that he stood convicted of the public order offence. The Committee took into account the local knowledge of the increase in ethnic minority population locally, including both taxi drivers and those who rely upon them.

Balancing all these factors, the Committee decided that in the interest of the protection of the public, the suspension should continue until the outcome of the appeal was known, at which time his right to hold a licence as a fit and proper person would once again be reviewed.

The meeting ended at 3.00 p.m.

CHAIRMAN