

**REPORT OF THE REGULATORY COMMITTEE**  
**Meetings Held on 26 February, 6 March, 25 March, 9 April, 22 April**  
**and 30 April, 2008**

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**Membership:**

**Councillors:** P. Jones CBE (Chairman), J.W. Hope MBE (Vice-Chairman) C.M. Bartrum, D.J Benjamin, M.E. Cooper, P.G.H. Cutter, Mrs. S.P.A. Daniels, J.H.R. Goodwin, R. Mills, A. Seldon, D.C. Taylor.

**HIGHWAYS ACT 1980 SECTION 119 – APPLICATIONS FOR PUBLIC PATH DIVERSION ORDERS**

1. The Committee has determined applications for the following Public Path Diversion Orders for which there has been consultation with interested parties, the local parish councils and the local Ward Councillors where appropriate:-
  - (a) MA16 (part) in the parish of Mathon – approved as recommended and;
  - (b) MD13 and MD16 (parts) in the parish of Much Dewchurch - withdrawn by the applicants.

**APPENDIX TO THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY PROVIDING GUIDANCE ON THE RELEVANCE OF CONVICTIONS. THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847 AMENDMENT AND ADDITION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS**

2. A new policy has been adopted to deal with applications for hackney carriage and private hire licences from those who have relevant criminal convictions. As part of the licensing process, applicants have to undertake an enhanced criminal records bureau (CRB) check at the time of application and thereafter at least every three years. The guidance has been based upon advice from the Department of Transport the Home Office and the CRB. There is a right of appeal to the Magistrates Court in the event of an application being refused, or a licence being suspended or revoked. Previously during the time allowed for an appeal to be lodged, and up to the time the appeal was determined, a licensee had a statutory right to continue working as a hackney carriage/private hire driver. This however changed in January when the right was removed and a refusal, suspension or revocation now takes immediate effect. New guidelines have been adopted for the way in which these issues can be dealt with by the Committee, after consultation with the Assistant Chief Executive Legal and Democratic, and the Police.

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING - DEVIATION FROM VEHICLE LICENCE CONDITIONS FOR SPARE AND REPLACEMENT VEHICLES**

3. The Committee has considered seven applications to vary licence conditions for licences in respect of hackney carriage or private hire vehicles which are more than two years old. The reasons which had given rise to the applications were taken into account and the Committee felt that there were mitigating circumstances which were outside the control of the applicants which had led to them not being able to comply with the Councils licensing conditions. It was decided that in view of the particular circumstances, exceptions could be made to the Council's licensing policies and that six of the applications should be granted. The application for the remaining vehicle

licence was refused because there were no mitigating circumstances under which it could be granted.

**REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR PENALTY POINT SCHEME - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847**

4. The Committee has reviewed the penalty points system in respect of hackney carriage and private hire vehicle, driver and operator licences. The purpose of the system is to deal with minor breaches of the conditions or byelaws in a more cost effective way without involving formal prosecution procedures. It also offers the Council the right to take formal action if the circumstances dictate. Some 50 points had been issued for minor breaches of the licensing conditions which had helped to improve standards and compliance. The Committee has decided that the system should continue for a further six-month trial period and that all members of the trade should be further notified about it.

**ACCUMULATION OF PENALTY POINTS IN BREACH OF THE LIMIT SET WITHIN THE COUNCILS HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR PENALTY POINT SCHEME**

5. A case was referred to the Committee regarding a Hackney Carriage/Private Hire driver who had accumulated 12 penalty points arising from breaches of the Councils licensing conditions. The licence holder provided the Committee with details of the circumstances which had given rise to him being in breach of the conditions and he explained the steps he had taken to ensure compliance with them. The Committee noted the number of contraventions involved and the opportunity presented for the matter to be rectified. They were concerned at the repetitious nature of them but also took into consideration the measures taken to rectify them. The Committee was of the view however that the licence holder had ample opportunity to deal with the matter at the appropriate time and decided to suspend his Hackney Carriage and Private Hire Driver's Licence for a period of 14 days.

**MEASURES TO SECURE THE PROPER PRESERVATION OF A GRADE 1 LISTED BUILDING AT MUCH MARCLE USING A REPAIRS NOTICE AND COMPULSORY ACQUISITION POWERS**

6. The Committee has authorised the serving of a repairs notice under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the owner of a Grade 1 listed building at Much Marcle to ensure its preservation. If the owners fail to comply with the Notice, the building will be acquired under a Compulsory Purchase Order, subject to the approval of the Secretary of State. The building will then be disposed of to a third party who is willing to carry out the work required by the Repairs Notice and to reimburse the Council for its costs in acquiring it.

**APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

7. Six applications for the reinstatement, renewal or grant of Hackney Carriage/Private Hire driver's licences have been referred to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions and medical requirements. The applicants, licence holders and their representatives gave details of the grounds for their applications and they provided the Committee with the circumstances giving rise to their offences. The applications

were dealt with as follows:

- (a) one licence licence was reinstated because the Committee is satisfied that evidence had been given that the applicant is a fit and proper person to be licensed;
- (b) two applications were refused because the applicants are not considered to be a fit and proper persons to be granted a licence;
- (c) two applications were granted because the Committee is satisfied that evidence had been given that the applicants are fit and proper persons to be licensed; and
- (d) in the case of one licence holder, the case was withdrawn because she surrendered her licence to the Licensing Officer.

**P. JONES CBE  
CHAIRMAN  
REGULATORY COMMITTEE**

**BACKGROUND PAPERS** Agenda papers from the meetings of the Regulatory Committee held on 26th February, 6th March, 25th March, 9th April, 22 April.