

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 17 June 2008 at 2.00 p.m.**

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

Councillors: CM Bartrum, DJ Benjamin, PGH Cutter, SPA Daniels,
JHR Goodwin, R Mills, DC Taylor and JD Woodward

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors ME Cooper and A Seldon.

2. NAMED SUBSTITUTES (IF ANY)

Councillor J Woodward was appointed as named substitute for Councillor A Seldon.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

4. MINUTES

RESOLVED: That the Minutes of the meetings held on 15/27th May and on 20th May, 2008 be approved as a correct record and signed by the Chairman, subject to the following amendments to Minute 134 (15/27th May):-

Para 7 – replace ‘Motability’ with ‘Mobility’;

Para 8 - add ‘Mr Friar also said that he had previously offered a vehicle for testing and also the required paperwork’;

Resolution 17.6 and 17.8 - replace ‘and the SVA VOSA test’ with ‘or the SVA VOSA test.’

5. 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 to the applicants and to the Licensing Officers.

6. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 1.1 BY JULIUS GUDAS

The Licensing Officer presented an application by Mr J Gudas for the re-instatement of an expired hackney carriage vehicle licence outside standard condition 1.1. Full details of the application appeared before the Committee in the agenda and the

background papers with which it was provided. It was noted that under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, the Council had adopted conditions for the regulation of hackney carriages and private hire vehicles, drivers and operators. The standard vehicle licence conditions were approved by the Regulatory Committee on 18th December, 2007.

It was explained by the Licensing Officer that Mr Gudas had previously been granted a vehicle license for a Toyota Hiace Minibus (Licence Plate No. H239) and that the licence had expired on 30 May 2008. Mr Gudas had submitted an application to renew the licence on 3 June 2008. The vehicle had been submitted for the Council's licensing compliance test on 28 May and had failed. It was re-tested on 3 June and had passed. Mr Gudas said that he had intended to submit the vehicle for testing earlier but had been prevented from doing so because of a mechanical breakdown.

Having considered all the details about the application, the Committee was of the view that because of the short gap between the expiry of the licence and application for re-instatement, and the intentions of the applicant, there was no conflict with the standard conditions or licensing policy and that the application could be granted.

RESOLVED THAT:

the application from Mr Gudas to deviate from the standard condition number 1.1, for the renewal of a hackney carriage/private hire vehicle licence be granted

7. APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 1.1 BY LESLIE RAYMOND KNAPMAN

The Licensing Officer presented an application by Mr LR Knapman for the re-instatement of an expired hackney carriage vehicle licence outside standard condition 1.1. Full details of the application appeared before the Committee in the agenda and the background papers with which it was provided. It was noted that under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, the Council had adopted conditions for the regulation of hackney carriages and private hire vehicles, drivers and operators. The standard vehicle licence conditions had been approved by the Regulatory Committee on 18th December, 2007.

At the meeting it was explained by the Licensing Officer that Mr Knapman had previously been granted a vehicle license for a Peugeot 406 (Licence Plate No. P009) and that the licence had expired on 22 February 2008. Mr Knapman had submitted an application to renew the licence on 2 June 2008. Mr Knapman admitted that he had failed to renew his licence and said that this was a complete oversight on his behalf, for which he apologised. He explained the recent personal problems which had put him under considerable stress. He was also at a new address and the licence renewal reminder had not reached him. He explained the procedures he had put in place to ensure that the situation did not arise again.

The Committee carefully considered those matters brought before them. The Committee accepted Mr Knapman's explanation and decided that due to the particular circumstances involved, an exception could be made to policy and the application could be granted.

RESOLVED THAT:

an application from Mr Knapman to deviate from the standard condition number 1.1, for the renewal of a hackney carriage/private hire vehicle licence be approved

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are 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 they involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

These items disclose information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.

8. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE MATTERS REGARDING A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 8 and provided the Committee with details about an application for a Hackney Carriage/Private Hire driver's licence. The applicant had not disclosed previous convictions/cautions but on seeing the CRB form his spokesperson said that the details on it were incorrect and that she would need to write to the CRB about it. In view of this the Committee decided to defer consideration of the application until the matter had been clarified.

9. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE MATTERS REGARDING A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 9 and provided the Committee with details about an application for a Hackney Carriage/Private Hire driver's licence. The applicant provided the Committee with details of his personal circumstances and the police caution he had received and explained why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee was satisfied that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application could be granted.

The meeting ended at 3.20 p.m.

CHAIRMAN

