

REPORT OF THE REGULATORY COMMITTEE

**Meetings Held on 4 November and 2 December 2008;
and 6 January 2009**

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, PJ McCaull, A. Seldon, D.C. Taylor.

MINISTERIAL LETTER TO LOCAL AUTHORITIES

1. A letter has been sent to Local Licensing Authorities by Gerry Sutcliffe MP, Ministry of Sport, Department of Culture Media and Sport. The letter deals with the Licensing Act 2003 and particularly focuses on reviewing licensed premises, the sale of alcohol to the under-aged, and the introduction of a red/yellow card scheme for licensed premises. The Committee has noted the contents of the letter with a view that it may be used in relation to any reviews of premises which may be called for in the future.

ALCOHOL CONSUMPTION IN PUBLIC PLACES - DESIGNATION OF PUBLIC PLACES IN KINGTON

2. The Committee has reviewed the Herefordshire (Alcohol Consumption in Designated Places) Order (No.6) 2007 in respect of Kington, which was introduced in July 2007. The Order designated certain streets and public places in Kington to control the consumption of alcohol. All relevant parties, organisations, licensed premises and individuals have been consulted and that there had been no objections raised about the Order since its introduction. The Town Council remained in support of the Order and had asked for it to be made permanent. West Mercia Constabulary had requested that the Order should remain in force and was also of the view that there was no need for the area it covered to be extended. The Committee has decided that the Order should be made permanent.

REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR PENALTY POINT SCHEME

3. The Committee has reviewed the penalty points system in respect of Hackney Carriages, Hackney Carriage & Private Hire Driver Licences and Operators Licences. The scheme was introduced on a trial basis in May 2007 and was extended for a further six-month period in April 2008. The enables Officers to deal with minor breaches of the conditions and byelaws without the need to involve formal prosecution procedures and is a speedier and more cost effective process. The system has been used to good effect in the control of drivers and vehicles and has helped to improve the standard of the latter to the point where it is unusual to see any that do not comply with the licensing conditions. The Committee has agreed that the scheme should be made permanent.

APPLICATION FOR APPROVAL FROM STANFORD COACHWORKS LTD, AS A MANUFACTURER / INSTALLER OF WHEELCHAIR ACCESS FACILITIES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE

4. The Committee has approved Stanford Coachworks Ltd as an approved manufacturer of wheelchair access vehicles to be used as licensed vehicles in Herefordshire. The Company complies with the requirements of Quality Assurance ISO 90001 and other certification which confirms that the vehicles it produces or

converts are consistently manufactured to relevant safety standards regarding wheelchair accessibility. Vehicles manufactured by the company are used by companies doing contract work for the Council's Social Services and Children's Services Departments, and by numerous other Councils throughout the Country.

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

5. 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. Incidents involving the conduct of drivers have also been heard. Applications for the renewal or transfer of vehicle licenses have also been submitted to the Committee because the applications were late in submitting their applications and were in breach of the Councils licensing conditions and policies, or wished to transfer to a vehicle that does not comply with the conditions and policies.
6. The applicants, licence holders and their representatives gave details of the grounds for their applications and provided the Committee with their personal circumstances. In the case of the applications for vehicle licences, the applicants explained the circumstances which had prevented them from renewing their licences within the Council's prescribed timescale or why they wanted to transfer. The applications were dealt with as follows:
 - (a) one driver had his licence suspended for four weeks because of an incident involving conduct which the Committee considered to be unacceptable;
 - (b) in the case of another driver involved in the same incident, the Committee decided that no action was necessary because it was satisfied that there had been no improper conduct on the part of the driver;
 - (c) Consideration of another incident involving a different driver was deferred to enable him to be present at the meeting;
 - (d) four applications for drivers licenses were granted because the Committee is satisfied that evidence had been given that the applicants are fit and proper persons to be licensed. Consideration of a further application was deferred for the applicant to be present at the meeting;
 - (e) two applicants were allowed to renew their vehicle licences outside the prescribed timeframe because of their particular circumstances, they had obtained the necessary VOSA certification, or the fact that the Committee felt that the timeframe between expiry and the application for renewal was small enough to be acceptable. Consideration of a further application was deferred for the applicant to be present at the meeting; and
 - (f) an application for the transfer of an existing vehicle licence to another vehicle was refused because the vehicle does not comply with the Council's licensing conditions and policy that new hackney carriages must be wheelchair accessible.

**P JONES CBE
CHAIRMAN
REGULATORY COMMITTEE**