

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday 3 February 2009 at 2.00 pm**

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

Councillors: CM Bartrum, DJ Benjamin, JHR Goodwin, DW Greenow,
PJ McCaull, A Seldon and DC Taylor

91. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors ME Cooper, PGH Cutter and SPA Daniels.

92. NAMED SUBSTITUTES (IF ANY)

Councillor DW Greenow was appointed named substitute for Councillor PGH Cutter.

93. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

94. MINUTES

RESOLVED: That the Minutes of the meeting held on 6th January, 2009 be approved as a correct record and signed by the Chairman.

**95. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION
ORDER FOOTPATH 4 IN THE PARISH OF ADFORTON**

The Acting Public Rights of Way Manager presented a report about an application for a Diversion Order under the provisions of the Town & Country Planning Act 1990 in respect of part of Footpath 4 in the parish of Adforton. Border Group Parish Council had proposed that the application be made after consulting Officers on the Rights of Way Improvement Plan. He advised that the reasons for making the application were:

- to improve walker safety by improving visibility where path meets the main County Road A4110;
- to improve links with footpaths AF8 and AF12 by reducing road walking;
- to create a new circular walk;
- to improve access along the path by removing need for steps; and
- to improve walking conditions by taking the path out of a streambed and onto dry and level ground.

The proposal had the general agreement of the Open Spaces Society; the Ramblers

Association; the Byways and Bridleways Trust & Cyclists Touring Club; Border Group Parish Council together with all Statutory Undertakers and the landowners whose property was affected by the application. The new route would create a safe circular walk which the parish council felt would be well used by locals and visitors, because it will take in the Wigmore Abbey and Adforton Church.

The Committee was in favour of the proposal and agreed with the course of action suggested by the Acting Public Rights of Way Manager that the Diversion Order should be made.

RESOLVED:

that a Public Path Diversion Order be made under Section 119 of the Highways Act 1980 in respect of Footpath 4 in the parish of Adforton, as illustrated on drawing number: D383/7-4.

96. ADDITION OF VEHICLE CONDITIONS REGARDING: LIMOUSINES - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847

The Acting Regulatory Services Manager presented a report suggesting the implementation of licensing conditions in relation to stretch-limousines. He advised that under the terms of the Local Government (Miscellaneous Provisions) Act 1976 s.47 (Private Hire Vehicle) and the Town Police Clauses Act 1847 s.42 (Hackney Carriages), the Council had power to make reasonable conditions for the regulation of licensed vehicles. He said that the current conditions were approved by the Committee on 18th December 2007. He added that an enquiry had been received about licensing a stretched-limousine but that such vehicles were not covered by the adopted conditions. He presented an additional set of conditions which would cover these vehicles and suggested that they should be incorporated into the existing conditions. He said that they had been compiled following research into those used by other licensing authorities and that they therefore captured best practice.

The Committee considered the proposals which were put forward by the Acting Regulatory Services Manager. Councillor A Seldon felt that condition 25.3 may be too onerous because it would place a ten-year age limit on what were highly specialised expensive vehicles. The Committee agreed with his suggestion that the new conditions should be adopted with the exception of 25.3.

RESOLVED:

that the conditions set out in the report of the Acting Regulatory Services Manager regarding stretched limousines be adopted and incorporated into the Council's hackney carriage and private hire vehicle license conditions, subject to the deletion of condition 25.3 about a ten-year vehicle age limit.

97. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for the following items to ensure that Officers and applicants received a fair hearing.

98. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY ROBERT PERELKA

The Acting Regulatory Services Manager introduced the report of the Head of Environmental Health and Trading Standards about an application to reinstate an expired hackney carriage vehicle licence outside the Councils licensing policy 9.5.

He said that Mr Perelka's licence had expired on 9th January, 2009 and that he had applied to renew it on 13th January. He outlined the Council's policy for renewing such licences. He added that as decided previously by the Committee, a temporary licence had been granted to Mr Perelka because his application for renewal had been made within seven days of the expiry of the licence. Mr Perelka said that he had been abroad on holiday over the Christmas/New Year fortnight and that he had applied to renew his licence at the earliest opportunity on his return.

Having considered the circumstances regarding the application, the Committee accepted the reasons put forward by Mr Perelka and decided that the licence should be renewed.

RESOLVED THAT:

an application from Mr R Perelka to deviate from the standard condition number 9.5, in respect of hackney carriage plate No.H254 for a Peugeot 407 be granted.

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.

99. INCIDENT INVOLVING A LICENCED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

The Acting Regulatory Services Manager referred to agenda item No. 9 and provided the Committee with details of the circumstances which had given rise to the need for the holder of a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. It was alleged that the license holder had directed foul and abusive language at an officer of the Council in a public place. The licence holder attended the meeting and provided the Committee with an account of what had happened in his view, and the circumstances which had been involved.

Having considered all of the facts put forward by the Acting Regulatory Services Manager and the licence holder, the Committee decided that no further action should be taken on the matter but warned him about his future conduct.

100. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Acting Regulatory Services Manager referred to agenda item No. 10 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to her receiving a caution from the police and explained the reasons why she felt that she should be allowed to become a licence

holder.

Having considered all of the facts put forward by the Acting Regulatory Services Manager and the applicant, the Committee considered that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that she could be granted a Hackney Carriage/Private Hire driver's licence.

101. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Assistant referred to agenda item No. 11 and provided the Committee with the reasons which had necessitated the need for an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to him receiving a caution from the Police and explained the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Assistant and the applicant, the Committee considered that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he could be granted a Hackney Carriage/Private Hire driver's licence.

102. APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Assistant referred to agenda item No. 12 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to him receiving convictions and a caution and the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Assistant and the applicant, the Committee did not consider that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he should not be granted a Hackney Carriage/Private Hire driver's licence. He was advised to re-apply when his convictions became spent in 2011.

The meeting ended at 3.40 pm

CHAIRMAN