

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Monday 16 March 2009 at 2.00 pm**

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

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

103. APOLOGIES FOR ABSENCE

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

104. NAMED SUBSTITUTES (IF ANY)

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

105. DECLARATIONS OF INTEREST

Councillor SPA Daniels declared a prejudicial interest in agenda item 9 (Minute 111) and left the meeting for the duration of this item.

106. MINUTES

RESOLVED: That the Minutes of the meeting held on 3rd February, 2009 be approved as a correct record and signed by the Chairman.

**107. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION
ORDER FOOTPATH AV1B (PART) IN THE PARISH OF AVENBURY**

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 AV1B in the parish of Avenbury. He said that the application had been submitted by the landowner because it was seen as the most cost-effective long-term solution to resolve a safety hazard that had arisen on the path, due to the construction of a large lake nearby. The creation of the lake had resulted in part of the path being situated within a narrow corridor of land between an earth bund retaining the lake and the River Frome. Slippage of part of the bund had caused part of the path and the riverbank to collapse into the river, effectively closing it for use. The first proposed diversion route had raised a number of concerns from the Ramblers' Association and Open Spaces Society because it was not as convenient to walkers and would need problems with obstacles and boggy ground resolving. The revised proposed diversion would provide a much more satisfactory route and had met with the general approval of consultees and the Local Ward Councillors.

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 AV1B in the parish of Avenbury, as illustrated on drawing number: D392/18-1B.

108. PROCEDURAL ARRANGEMENTS

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

109. HACKNEY CARRIAGE VEHICLE LICENSING DEVIATION BY CHRISTOPHER JOHN PANNIERS FROM VEHICLE LICENCE CONDITION NUMBER 3.2.

The Acting Regulatory Services Manager introduced the report of the Head of Environmental Health and Trading Standards about an application from Mr CJ Panniers to replace a hackney carriage vehicle with one which did not comply with the Council's licensing policy 3.2 in respect of mileage. This stipulated that a replacement vehicle should have at least 30,000 less miles on the clock. Mr Panniers' vehicle bearing licence plate H239 was written off in a road traffic accident and he had applied to replace it with a vehicle which had 27,000 miles less on the clock and therefore did not comply with the conditions.

Having considered the circumstances regarding the application, the Committee felt that in view of the fairly small mileage difference concerned, an exception could be made to the Council's licensing conditions and that the application could be granted.

RESOLVED THAT:

an application from Mr CJ Panniers to deviate from the standard condition number 3.2, in respect of hackney carriage plate No.H239 for Toyota Avensis registration number YM04 XNW, be granted.

110. HACKNEY CARRIAGE VEHICLE LICENSING DEVIATION BY SHAUN FRY FROM VEHICLE LICENCE CONDITION NUMBER 1.1

The Licensing Assistant introduced the report of the Head of Environmental Health and Trading Standards about an application from Mr S Fry for the renewal of a hackney carriage licence vehicle licence which was just outside the five-year vehicle age limit set out in licensing condition 1.1. She explained that Mr Fry had made an application to renew the licence on 13th February 2009 but that the vehicle had become five years old on 26th January, 2009 and therefore did not comply with the licence condition. She explained that Mr Fry had discussed the matter with the Licensing Section well in advance and that it would have been in order for him to have applied to renew the license before the vehicle had become five years old, but that due to a misunderstanding he had not done so.

Having considered the circumstances regarding the application, the Committee was satisfied that the situation had arisen due to a genuine misunderstanding on behalf of the applicant, and decided that an exception could be made to the licensing conditions and the licence renewed.

RESOLVED THAT:

an application from Mr S Fry to deviate from the standard condition number 1.1, in respect of hackney carriage plate No.H401 for Fiat Doblo registration NK53 RSX 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.

111. 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. 9 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 convictions 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 decided that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that she should be granted a Hackney Carriage/Private Hire driver's licence.

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

The Licensing Assistant referred to agenda item No. 10 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 his convictions 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 decided that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he should be granted a Hackney Carriage/Private Hire driver's licence.

113. 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. 11 and said that the applicant was not able to attend the meeting. The Committee discussed whether to defer consideration of the application until the next meeting or whether there were sufficient grounds for the application to be refused, given the convictions which were set out in the report. The Senior Litigator suggested that the issues set out in paragraph No. 8 of the report regarding an occasion when the applicant had been arrested should be disregarded. He pointed out that information had not been provided by the police about the subsequent court appearance of the applicant in

January of this year and that the Committee therefore did not know the outcome.

Having further considered the application and notwithstanding the views of the Senior Litigator, the Committee decided that the applicant was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he should therefore not be granted a Hackney Carriage/Private Hire driver's licence.

114. 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 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 his conviction 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 decided that the applicant was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application for a Hackney Carriage/Private Hire driver's licence should be refused.

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

With reference to agenda item No. 13 the Committee noted that an applicant for a dual Hackney Carriage/Private Hire driver's licence was not able to attend the meeting and it was therefore decided to defer consideration of the application until the next meeting.

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

With reference to agenda item No. 14 the Committee noted that an applicant for a dual Hackney Carriage/Private Hire driver's licence was not able to attend the meeting and it was therefore decided to defer consideration of the application until the next meeting.

The meeting ended at 3.06 pm

CHAIRMAN