

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 9 March 2010 at 2.00 pm

Present: Councillor JW Hope MBE (Vice-Chairman in the Chair)

Councillors: CM Bartrum, DJ Benjamin, PGH Cutter, JHR Goodwin, RC Hunt, PJ McCaull, A Seldon and JD Woodward

95. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors SPA Daniels and Brigadier P Jones, MBE.

96. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

97. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

98. MINUTES

RESOLVED: That the Minutes of the meeting held on 9 February 2010 be approved as a correct record and signed by the Chairman.

99. PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS, WITH AMENDMENTS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847.

The Regulatory Services Manager presented his report about proposed revised licence conditions for private hire and hackney carriage vehicles. The Committee had considered the majority of revisions at its last meeting and he explained the minor amendments which had been made since then. He said that the aim was to implement the conditions at the end of March. He expressed his appreciation for the assistance from the Hereford Taxi Association in preparing the revisions. He said that not all the amendments proposed from the trade could be included because of the legal framework and practical grounds. Mr Jones said that the Association had not however proposed any unlawful changes.

The Committee considered the proposed changes and agreed to their implementation as suggested. The Regulatory Services Manager suggested that he be granted delegated powers to make some final small alterations in consultation with the Chairman and Vice-Chairman and the Committee was agreeable to this proposal.

RESOLVED:

THAT the proposed changes to the hackney carriage and private hire vehicle licence conditions set out in the report be approved and that the Regulatory Services Manager be authorised to make some final alterations in consultation with the Chairman and Vice-Chairman before they come into force.

100. PROCEDURAL ARRANGEMENTS

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

101. APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR ANTHONY BURGE

The Principal Lawyer and the Regulatory Services Manager presented a report about an application from Mr A Burge to renew a hackney carriage vehicle licence outside the Council's standard condition 9.5, which stipulated that an application for the renewal of a vehicle licence after it had expired would be treated as a new application. They said that Mr Burge's licence had expired on 20 February 2010 and that he had applied to renew it on 24th February. Mr Burge had been granted a temporary renewal until midnight on the day of the Regulatory Committee meeting. Mr Burge said that he had started the process for renewal in advance of the expiry date but that the delay arose through having to arrange the vehicle inspection.

Having considered the matter, the Committee decided that in view of the short time that had elapsed between expiry of the licence and the application made by Mr Burge, the licence could be renewed. The Committee decided that a contrary decision would be unfair and disproportionate. He was however reminded to be more timely with his applications in future to allow sufficient time for the vehicle to be tested and the paperwork to be processed.

RESOLVED:

THAT an application from A Mr Burge to deviate from the standard condition number 9.5, for the renewal of Hackney Carriage Licence No. H353 in respect of Volvo 560 registration number YF52 NKX, be approved.

EXCLUSION OF PUBLIC AND PRESS

RESOLVED: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

102. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - INCIDENT REGARDING THE HOLDER OF A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Regulatory Services Manager referred to agenda item No. 8 and explained the legal proceedings which the suspended driver was subject to. In view of these the Committee decided to defer consideration of the matter until the next meeting.

103. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - INCIDENT REGARDING THE HOLDER OF A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Regulatory Services Manager referred to agenda item No. 9 and provided the Committee with the reasons which had necessitated the need for a driver to have his dual hackney carriage/private hire licence suspended and the matter being referred to the Committee. The applicant provided the Committee with details of the circumstances

which had led to a recent court appearance where he had been found to be not guilty and asked for the reinstatement of his licence.

Having considered all of the facts put forward by the Regulatory Services Manager and the driver, the Committee decided that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his hackney carriage/private hire driver's licence should be reinstated.

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

The Regulatory Services Manager referred to agenda item No. 10 and explained the reasons why an applicant for a dual hackney carriage/private hire licence was unable to attend the meeting. In view of these the Committee decided to defer consideration of the application until the next meeting.

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

The Regulatory Services Manager 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 regarding some motoring offences 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 his application for a Hackney Carriage/Private Hire driver's licence should be granted.

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

The Regulatory Services Manager 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. He suggested that although the applicant was not able to attend the meeting, he had grave concerns about the number of convictions received by the applicant. Having considered all of the facts put forward, 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.

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

The Regulatory Services Manager referred to agenda item No. 13 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 convictions in the past and explained the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the 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 his application for a Hackney Carriage/Private Hire driver's licence should be granted.

The meeting ended at 3.12 pm

CHAIRMAN