

MEETING:	COUNCIL
DATE:	28 MAY 2010
TITLE OF REPORT:	REPORT OF THE REGULATORY COMMITTEE 2009 - 2010
MEMBERSHIP:	P Jones CBE (Chairman), JW Hope MBE (Vice-Chairman) CM Bartrum, DJ Benjamin, PGH Cutter, SPA Daniels, JHR Goodwin, RC Hunt, PJ McCaull, A Seldon and JD Woodward.

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To note the main activities of the Committee during the period December 2009 – May 2010.

HIGHWAYS ACT 1980 SECTIONS 118 & 119 – PUBLIC FOOTPATH DIVERSION ORDERS

1. The Committee has dealt with the following applications for Public Path Diversion Orders for which there has been consultation with interested parties, the local parish councils and the local Ward Councillors:-
 - (a) **FOOTPATH EH18 (PART), EWYAS HAROLD** - This application has been refused because of the poor visibility at the point that the proposed route would meet a road and failure of the applicants attempt to obtain a landowners' consent to the installation of a gate;
 - (b) **FOOTPATH LW4 (PART), LLANWARNE** - This application has been refused because the applicants had not obtained a landowners consent for the diversion. The applicants had also failed to confirm that they would indemnify the Council against any possible claim for compensation in respect of land ownership if an Order was made;
 - (c) **FOOTPATH AV1B (PART) IN THE PARISH OF AVENBURY** - The application is to resolve a safety hazard that had arisen from collapsed land on the route of the path and has been approved;
 - (d) **WZ1 (PART); WALTERSTONE** - approval has been given to this application which will to move the route of a footpath from a property and improve its convenience to walkers and the applicant.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847

2. The Committee has approved revised licence conditions for private hire and hackney carriage vehicles. This follows an extensive process of discussion with the trade, partner organisations and other licensing authorities following on from a request from the Hereford Taxi Association in September 2008 for a review to be carried out. A number of successive drafts had been prepared and discussed with the trade and amendments made where acceptable to officers and which comply with the legislation governing licensing. The revisions have streamlined the former system to make it more user friendly to Officers and the trade in the light of operational experience and best practice.

VEHICLES THAT DO NOT CONFORM TO THE REVISED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS

3. Following the introduction of the new licensing conditions at the end of March there are some 102 vehicles that do not fully comply with them to their age or particular vehicle type. The majority do not comply due to fairly routine matters and the safety of passengers has not been compromised. The Committee has therefore allowed a reasonable amount of time for the conditions to be met either by way of necessary alterations to the vehicles, or their replacement with compliant ones when their licences expire.

APPLICATION FOR APPROVAL FROM PONTING & BETTY LTD TO BE ON HEREFORDSHIRE COUNCIL'S APPROVED LIST FOR WHEELCHAIR ACCESS FACILITIES & N1 CONVERSION FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

4. Ponting & Betty, Bernard Mansell, Media House, St James Mill Road, Northampton N5 5JW have been accepted as an approved manufacturer/installer of wheelchair facilities for their Volkswagen and Mercedes taxi adaptations.

REVIEW OF THE LICENSING 'STATEMENT OF PRINCIPLES' (POLICY) UNDER THE GAMBLING ACT 2005. - GAMBLING ACT 2005

5. The Committee has carried out a three-yearly review of the Licensing Statement of Principles Policy which was introduced under the provisions of the Gambling Act 2005. The Policy is aimed at :
 - preventing gambling being a source of crime or disorder;
 - ensuring that gambling is conducted in a fair and open way; and
 - protecting children and the vulnerable people from being harmed or exploited by gambling.

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

6. 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 applicants were late in submitting their applications and were in breach of the Council's licensing conditions, or they wished to transfer a licence to a vehicle that does not comply with those conditions.

7. 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 their licenses.
8. The applications were dealt with as follows:
 - a. five applicants were allowed to renew their vehicle licences outside the prescribed timeframe because of particular problems they had encountered or the Committee felt that the timeframe between expiry and the application for renewal was small enough to be acceptable;
 - b. an applicant was allowed to transfer his vehicle licence to another vehicle which did not comply with the condition about the replacement having at least 30,000 less recorded mileage. In this case the difference in mileage is considered by the Committee to be too small to warrant refusal.
 - c. an application for a hybrid petrol electric vehicle was approved because it conforms with the Council's green transportation policies;
 - d. consideration of incidents or applications regarding three drivers was deferred to enable the officers to give more consideration to the legal issues involved;
 - e. thirteen applications for the grant or reinstatement of drivers licenses were granted because the Committee is satisfied that evidence has been given by the applicants that they are fit and proper persons to be licensed;
 - f. three applications for drivers licenses were refused because the Committee is not satisfied that evidence has been given by the applicants that they are fit and proper persons to be licensed;
 - g. an application for the reinstatement of a driver's licence which had been revoked was refused because the Committee was not satisfied that evidence has been given by the applicant that he is a fit and proper person to be licensed; and
 - h. two operators licences which had been suspended because they had inadvertently allowed unlicensed drivers to take vehicles for annual inspection were reinstated.

THE COMMITTEE AND THE NEW CONSTITUTION

- 9** The functions and procedure rules for the Committee will be considered in due course in line with wider organisational issues regarding regulatory functions which will be investigated by the Constitution Review Working Group.

**P JONES CBE
CHAIRMAN
REGULATORY COMMITTEE**

BACKGROUND PAPERS Agenda papers from the meetings of the Regulatory Committee held between December 2009 and May 2010.