

**MINUTES of the meeting of Regulatory Committee held at
The Library, Shirehall, St. Owen's Street, Hereford on
Tuesday, 19th July, 2005 at 2.00 p.m.**

Present: Councillor R.I. Matthews (Chairman)
Councillor *Brig. P. Jones CBE (Vice Chairman)

Councillors: Mrs. S.P.A. Daniels, D.J. Fleet, J.W. Hope MBE, T.W. Hunt,
J.W. Newman, R. Preece and P.G. Turpin

In attendance: Councillors P.J. Edwards (Cabinet Member)

9. APOLOGIES FOR ABSENCE

Apologies were received from Councillors G.W. Davis, J.G.S. Guthrie, Brig. P. Jones C.B.E. and D.C Taylor.

10. NAMED SUBSTITUTES (IF ANY)

There were no substitutions of interest made.

11. DECLARATIONS OF INTEREST

There were no declarations of interest made.

12. MINUTES

RESOLVED: That the Minutes of the meeting held on 24th May, 2005 be approved as a correct record and signed by the Chairman.

13. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for hearing appeals to ensure that the laws of natural justice were followed to give a fair hearing for applicants and to the Licensing Officers.

14. THE LICENSING POLICY SCHEME OF DELEGATED POWERS - LICENSING ACT 2003 AND GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

The Licensing Manager presented a report regarding the licensing policy scheme of delegated powers. She advised Members that whilst the Licensing Officers had been dealing with personal applications it had become apparent that a number of applications would have to be referred to the regulatory committee due to the fact that the applicants had unspent convictions. She also advised members that the Licensing Department were legally obliged to issue these licences if no objections had been raised by the Police and that referring them to the Regulatory Committee would result in the Committee having no option but to grant the license.

Councillor D.J. Fleet felt that the Police would not object to issues regarding section 15 of the Food Safety Act and that this would be an issue for Herefordshire Council's Environmental Health department.

The Licensing Manager advised Members that only the police were authorised to make representations and that no other bodies would be contacted during the representation period.

The Chairman felt that the Police should be requested to liaise with the Environmental Health department if an application was received which contained a relevant offence under Section 15 of the Food Safety Act. The Environmental Health department's comments could then be taken into account as part of the Police Authority's submission. He also felt that these applications should be discussed with the Chairman or Vice-Chairman of the Regulatory Committee.

15. KNOWLEDGE TEST - DUAL DRIVERS LICENCES - THE TOWN POLICE CLAUSES ACT 1847 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Manager presented a report regarding the adoption of a knowledge test as part of the application process for dual (Hackney Carriage and Private Hire) drivers licences. She reported the receipt of four letters of complaint regarding some taxi drivers knowledge of Herefordshire. She said that a number of existing taxi drivers had raised concerns regarding the increased number of applications being received from applicants located outside Herefordshire. She advised Members that the Herefordshire Taxi Steering Group were in support of the proposal and that only 3 letters of objection had been received out of 500 registered taxi drivers. She explained that the test was made up of two sections which would seek to establish the driver's knowledge of the locality and the laws associated with licensed drivers, vehicles and operators.

The Chairman advised Members that he had recently chaired a meeting of the Herefordshire Taxi Steering Group and that they supported the introduction of a knowledge test.

In response to a number of questions raised by Members, the Licensing Manager said that taxi drivers would be charged £10.00 to sit the knowledge test and that they would be permitted to take the test a maximum of 3 times in order to achieve the 80% pass rate. She also said that if the driver failed the test 3 times their application would be referred to the Regulatory Committee.

Councillor D.J. Fleet felt that existing drivers should be requested to take the knowledge test within 12 months of its introduction and should not be given 2 years as recommended in the Officer's report.

The Cabinet Member for the Environment noted that current registered taxi drivers would not be charged a fee to sit the test, he felt that this could have cost implications to the Council and that the issue should be researched further. The Licensing Manager agreed to investigate the cost implications to the Council and said that she would submit a report to the next meeting of the Regulatory Committee.

16. APPLICATION FOR A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (Pages 1 - 2)

The Licensing Manager presented a report about an application for a renewal to an existing dual Hackney carriage and private hire driver's licence. She explained issues relating to the requirement to disclose any criminal convictions and police cautions. The applicant was given the opportunity to address the Committee in respect of his application.

Having considered all of the facts put forward by the Licensing Manager and the applicant, the Committee decided that the application should be granted.

The meeting ended at 2.56 p.m.

CHAIRMAN