

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 23rd August, 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, G.W. Davis, J.G.S. Guthrie,
J.W. Hope MBE, T.W. Hunt, J.W. Newman, R. Preece, D.C. Taylor and
P.G. Turpin

In attendance: Councillors (none)

17. APOLOGIES FOR ABSENCE

Apologies were received from Councillor DJ Fleet.

18. NAMED SUBSTITUTES (IF ANY)

There were no substitutions made.

19. DECLARATIONS OF INTEREST

There were no declarations of interest made.

20. MINUTES

RESOLVED: That the Minutes of the meeting held on 19th July, 2005 be approved as a correct record and signed by the Chairman.

**21. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION
ORDER FOOTPATH CZ13 (PART) IN THE PARISH OF CRASWALL**

A report was presented by the Public Rights of Way Manager in respect of an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of footpath CZ13 (Part) in the parish of Craswall. He advised that proposed diversion met the criteria set out in Section 119 in that:

- the proposal benefits the owner of the land crossed by the existing path;
- the proposal does not alter the point of termination of the paths; and
- the proposal is not substantially less convenient to the public.

He also advised that the applicant required the diversion to avoid a farm building at 'White Haywood' which caused an obstruction to the path and to take the path away from house and garden at 'Three Horse Shoes' He said that the applicant had agreed to pay for advertising and to reimburse in full the Council's costs incurred in making the Diversion Order, including bringing the proposed route up to an acceptable standard. He also said that although the owners of Three Horse Shoes were not joint applicants, this proposal was also in their interest and that they had been consulted and wished for the diversion to go ahead. The local parish council, user groups and Ward Member had been consulted about the application and had raised no objections.

RESOLVED: That a Public Path Diversion Order be made under Section 119 of the Highways Act 1980 in respect of part of footpath CZ13 in the parish of Craswall, as illustrated on drawing number D265/100-13(i).

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

The Licensing Officer 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 said that The Regulatory Committee on 19 July agreed that there was a need for a knowledge test but deferred its introduction until the licensing Manager could provide more information about the financial implications. She said that because of the workload arising from the Licensing Act 2003 it had not been possible to fully assess the costs and suggested that She suggested that there was merit in the knowledge test being introduced at the earliest opportunity for new applications and that the costs of implementation for existing drivers be reviewed in September/October 2005. The Committee was agreeable to these proposals.

RESOLVED: That the knowledge test be implemented with immediate effect in respect of new applicants for hackney carriage/private hire drivers licenses and that the costs of implementation for existing drivers be reviewed in September/October 2005.

23. 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.

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

The Licensing Officer presented a report about the holder of 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 licence holder was given the opportunity to address the Committee in respect of his application and explained the circumstances relating to an offence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant had given a satisfactory explanation about the events and that he should continue to hold the licence.

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

The Licensing Officer presented a report about an application for a dual Hackney carriage and private hire driver's licence. She explained issues relating to the requirement to obtain medical clearance from a G.P. as stipulated within the provisions of the hackney carriage and private hire licensing legislation and the Council's licensing conditions. The applicant was given the opportunity to address the Committee in respect of his application and explained his medical background.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant could not be granted a licence

because he had not been able to fulfil the necessary medical requirements.

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

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

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the application should not be granted because he had unspent convictions relating to disorderly, threatening or abusive behaviour.

27. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer presented a report about an application for a renewal of 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 and explained the events relating to the offence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant had given a satisfactory explanation about the events and that the application should be granted.

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

The applicant for a dual Hackney carriage and private hire driver's licence did not appear before the Committee to present his case and the Committee therefore decided to postpone consideration of the application until its next meeting on 29th November, 2005

The meeting ended at 4.15 p.m.

CHAIRMAN

