

REGULATION COMMITTEE

9th June 2010 at 6.00 pm

PRESENT: Councillor: Riaz (Chair), Ayub, Rutstein and Worlding

12 APOLOGIES FOR ABSENCE (REF: 1)

Apologies for absence from the meeting were received from Councillors Mead and Singh.

13 MINUTES (REF: 2.1 AND 2.2)

Resolved: That the Minutes of the meeting of the Committee held on 27th April 2010 and 18th May 2010 be taken as read, approved as a correct record and signed by the Chair.

14 CLOSURE OF FOOTPATH FORMER HART HILL SCHOOL (REF: 7)

The Committee considered a report of the Head of Capital and Asset Management for the closure of a footpath from the former Hart Hill School site in the event that no representations or objections are duly made, or if any are made they are withdrawn. At the meeting of the Committee on 27th April 2010 approval was given to the starting of the process to close the footpath on the proviso that a new footpath was opened before the old footpath was closed. Closure of the footpath was necessary to permit the development of social housing scheduled for September 2010.

Resolved: (i) That the report (Ref: 7) be noted.

(ii) That the Head of Legal Services be delegated the authority to confirm the Luton Borough Council (Tower Road to Hart Hill Lane) Footpath Diversion Order 2010 in the event that no representations or objections are duly made, or if any so made are withdrawn.

15 REQUEST FOR POLICY FOR CONDITIONS OF FITNESS IN RESPECT OF PRIVATE HIRE VEHICLES (REF: 8)

The Committee considered a report to consider the introduction of a licensing policy and conditions for private hire vehicles in respect of external advertising. It was reported that Mr Curtis-Bird, the applicant had requested the matter of advertising on private hire vehicles. The Licensing Services Manager informed the Committee that the Council currently had a policy in respect of advertising on Hackney Carriage Vehicles that had been established since January 1998.

The Committee were informed that any agreement to advertise was between the advertising agency and the individual licence holder and was not compulsory or integral to any standard licensing conditions.

A proposed flat fee of £45 would be charged by the Council for each vehicle to be authorised to advertise. The fee would cover the officer's time and overheads plus materials for the registration and inspection of the vehicles.

The fee would be payable by the agency/company upon application and would be applicable to both Hackney Carriage and Private Hire trades.

The Chair enquired about the cost of the advertisements to the taxi driver and was informed that the cost was approximately £50.00 per panel. The advertising company the applicant dealt with was a reputable company that they had used for many years. The applicant would sign the deal for the final procedure rather than the driver having to do this.

Resolved: (i) That the report (Ref: 8) be noted.

(ii) That the provision of advertising on vehicles is discretionary and to ensure that the Council's costs in assessing such schemes are covered and that a fee should be levied to cover the services on-costs.

(iii) That a flat fee of £45 to be charged for each vehicle to be authorised. The fee covered the officers time and overheads plus materials for the registration and inspection of the vehicles and the issue of an authorisation that detailed the period of advertising.

(iv) The fee to be paid by the agency/company upon application would be applicable for both Hackney Carriage and Private Hire Trades.

(v) The current resources within the service have the capacity to deal with such requests.

16 DELEGATION TO THE HEAD OF STREET SERVICES OF POWERS UNDER SECTIONS 115E, 115F AND 115K OF THE HIGHWAYS ACT 1980 (REF: 9)

The Committee considered a report to delegate to the Head of Street Services the powers and duties under the legislation detailed below and to agree that Parts 3 and 7 of the Constitution be amended accordingly.

The Solicitor reported that the Council's policy was to encourage the provision of amenities on the highway when these were consistent

with the protection of the public. The aim was to stimulate a café culture to improve and enhance the town centre areas.

A Member stated that he had no problem with encouraging this type of culture, however he enquired if the Head of Service did not approve an application did the client have the right to appeal to a magistrate's court.

The solicitor was unable to answer this question but felt sure that there was a right of appeal for the applicant.

The Committee discussed this matter further and considered that if there was no right of appeal for the applicant and should the Head of Service be minded to refuse the application and the applicant was minded to appeal the decision then the application should be decided by this Committee.

Resolved: (i) That the report (Ref: 9) be noted.

(ii) That the Head of Street Services be delegated the powers and duties under the legislation to stimulate a 'café culture' to improve and enhance the town centre if minded to approve the application.

(iii) That if there was no right of appeal for the applicant and if the Head of Street Services was minded to refuse the application and the applicant was minded to appeal the decision then the application should be decided at Regulation Committee.

(iv) That Parts 3 and 7 of the Constitution be amended to reflect (ii) and (iii) above.

(Note: The meeting ended at 6.50 p.m.)