

MINUTES of the meeting of Regulatory Sub Committee held at Room 22A The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 28 June 2011 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: CM Bartrum and AJ Hempton-Smith

1. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected Chairman for the meeting.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

5. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH MB16 (PART) AND MB18 (PART) IN THE PARISH OF MUCH BIRCH

The Parks, Countryside and Leisure Development Manager presented a report about an application under the provisions of Section 119 of the Highways Act 1980 to divert part of Footpath MB16 & MB18, Much Birch. The route of the footpath was obstructed by farm buildings which had been on site for a number of years and the current owner wished to divert it around the perimeter. Objections had been received from the Open Spaces Society and the Ramblers' Association on the grounds that the proposed route would not be as convenient as the existing right of way.

The Rambler's Association was concerned about the potential hazard users might face in having to climbing over a stile and down a flight of steps onto the adjoining road. The Parks, Countryside and Leisure Development Manager said that the stile would be replaced with a pedestrian gate. Although it was not practicable to remove the steps, a gentler incline could be created to reduce the gradient. The Ramblers' Association also had concerns about the proposed route of the footpath on the grounds of increased distance, gradient and enjoyment for the public. Mr M Lee the Chairman of the Hereford Rambler's Association was present at the meeting and further explained their concerns.

Members discussed the proposed route and noted that the gradient of the diversion could not be reduced without considerable earthworks and expenditure which would be disproportionate to any limited improvement that could achieved. The fact remained that the existing path was obstructed and the current landowner and tenant were attempting to provide a solution. Stiles would be replaced with pedestrian gates and the steps altered to improve the existing path. The Parks, Countryside and Leisure Development Manager felt that the gradient of the proposed path would be similar to that already encountered by walkers in the vicinity, given the general topography of the terrain.

Having carefully considered the representations which had been made and the practical issues put forward by the officers, the Sub-Committee agreed to the proposals put forward by the Parks, Countryside and Leisure Development Manager.

RESOLVED

THAT a Public Path Diversion Order be made under Section 119 of the Highways Act in respect of part of Footpaths MB16 & MB18, Much Birch, as illustrated on drawing number D323/274-16/18.

6. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH ET2 (PART) IN THE PARISH OF ELTON

A report was presented by the Parks, Countryside and Leisure Development Manager about an application under the Highways Act 1980, section 119, to make a Public Path Diversion Order to divert part of footpath ET2 at Elton. He said that the existing route of the path was obstructed by a barn and he was of the view that the diversion should be permitted because the proposals met the criteria set out within the Highways Act and the Council's Public Path Order Policy. Objections had been received at the pre-order consultation stage but had been addressed by some amendments to the proposals. No objections had been received from the parish council or the Local Ward Member and the applicant would meet the costs involved which were appropriate at the time when he first lodged the application.

Having discussed all the aspects about the application, the Sub-Committee was agreeable to the course of action proposed by the Parks, Countryside and Leisure Development Manager.

RESOLVED

THAT a Public Path Diversion Order be made under Section 119 of the Highways Act in respect of part of Footpath ET2, Elton, as illustrated on drawing number D196/139-2(ii).

7. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER RESTRICTED BYWAY LG49 (PART) IN THE PARISH OF LLANGARRON

The Parks, Countryside and Leisure Development Manager presented a report about an application for a Diversion Order under the provisions of Section 119 of the Highways Act 1980 in respect of part of restricted byway LG49 at Llangarron. The applicant wished to formalize a route which had been in use for many years and which was easily negotiable for users. Pre Order consultation had resulted in general agreement but the Open Spaces Society and the Byways and Bridleways Trust were of the view that the footpath may have higher rights associated with it which would remain undiverted in the event of an order being made. To overcome this problem, the landowners had agreed to dedicate the relevant section of path (subsequently named LG49) as a restricted byway and then to apply to divert it.

The Sub-Committee considered all the aspects of the application. It was noted that The proposal had been agreed by the various user groups, the parish council and the Local Ward Member and met the criteria set out in Section 119 of the Highways Act 1980.

RESOLVED

THAT a Public Path Diversion Order be made under Section 119 of the Highways Act in respect of part of restricted byway LG49, Llangarron, as illustrated on drawing number D397/242-49.

8. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 11.5

The Licensing Officer presented a report about an application to licence a vehicle outside the standards vehicle licence conditions. He explained that the licence had expired on 23rd April, 2011 but that the licence holder had not applied to renew it until 27th May, 2011.

The licence holder informed the Sub-Committee that he had not been able to renew the licence when it expired because the vehicle was off the road for some time whilst he was obtaining parts for repairs. He also had a certificate of readiness in place for a replacement vehicle which he had been using until the repairs had been carried out. He explained that he had been licensed for over eleven years and had not previously encountered any problems in renewing a licence

The Licensing Officer advised the applicant that he could still submit an application for renewal even if a vehicle was not ready for testing or there was a delay with any supporting information. Having considered all the points raised, the Sub-Committee decided that the application could be treated as a renewal on this occasion but that the applicant needed to be more circumspect in future.

RESOLVED

THAT:

- (i) hackney carriage vehicle licence No.H050 be renewed in respect of Peugeot E7 registration number SA08 KVK outside the standard conditions on this occasion; and**
- (ii) the applicant be advised that any future late application may not be viewed favourably.**

9. APPLICATION FOR VARIATION OF PREMISES LICENCE 'SHOOTER'S BAR. GRAFTON HOUSE, LEOMINSTER, HR6 8DE.'

A report was presented by the Licensing Officer regarding an application by Shooters Bar in Leominster to extend its opening hours. The existing licence for the bar in Grafton House allowed the performance of live music, provision of facilities for dancing and other entertainment facilities 11:00 to 23:30 Sunday to Thursday and 11:00 to 01:00 Friday and Saturday. It also allowed the sale of alcohol and provision of sporting events and playing of recorded music 10:00 to 23:30 Sunday to Thursday and 10:00 to 01:00 Friday and Saturday. The applicants wished to extend the hours during the week and at weekends for which such entertainment could be provided for customers.

The Sub-Committee heard from Mr J Mooney, representing West Mercia Police together with Mr Harris and Miss Larocque, the applicants. Members also considered written representations from local residents. Having carefully considered all aspects of the application and the impact on local residents, The Sub-Committee decided that it was not prepared to grant the extended hours requested but that it would permit a modest increase on certain days.

RESOLVED

THAT an application for a variation to the premises licence in respect of Shooters Bar, Grafton house Leominster be approved, subject to the amended hours

granted by the Sub-Committee and the conditions imposed, as detailed in the decision notice issued in respect of the application.

THAT under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

10. APPLICATION FOR A MOTOR SALVAGE OPERATORS LICENCE

The Licensing Officer presented a report about an application for a Motor Salvage Operators Licence. He explained that The Vehicle (Crimes) Act 2001 and The Motor Salvage Operators Regulations 2002 place responsibility on local authorities to make provision for the registration of Motor Salvage Operators. He further explained that before approving an application, the Council must be satisfied that the applicant was a 'fit and proper' person.

The applicant had a number of unspent convictions and the police had lodge an objection to a licence being granted. Mr J Mooney of West Mercia Police explained why there were concerns from the Police about the licence being granted. The applicant provided the Sub-Committee with a full account of the circumstances which had given rise to the convictions arising. He also provided details about the business he operated as a motorcycle salvage operator and the licences and accreditation he had obtained relating to it.

Having carefully considered all the evidence presented, the representations made and the legal issues involved, The Sub-Committee decided that the applicant had provided satisfactory evidence that he was a fit and proper person to be granted a Motor Salvage Operators Licence.

RESOLVED

THAT the applicant is a fit and proper person to hold a Motor Salvage Operators Licence.

The meeting ended at 1.30 pm

CHAIRMAN