

AGENDA

Regulatory Committee

Date: **Tuesday 11 December 2012**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

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Agenda for the Meeting of the Regulatory Committee

Membership

Chairman

Councillor JW Hope MBE

Vice-Chairman

Councillor RC Hunt

Councillor CM Bartrum

Councillor PL Bettington

Councillor BA Durkin

Councillor Brig P Jones CBE

Councillor PJ McCaull

Councillor C Nicholls

Councillor FM Norman

Councillor GA Powell

AGENDA

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES	1 - 2
To approve and sign the Minutes of the meeting held on 11 September 2012.	
5. APPLICATION FOR A TOWN GREEN AT THE GRESLEYS, ROSS-ON-WYE, HEREFORDSHIRE	3 - 8
To determine whether land at the eastern end of The Gresleys, Ross-On-Wye, Herefordshire ("the Land") should be registered as a town green.	
6. REVIEW OF HACKNEY CARRIAGE FARES FOR 2012/2013	9 - 30
To consider a proposal from the Taxi Association and other trade members to increase the taxi fares by 7%. The matter for consideration has also attracted some objections to the increase which must also be taken into account when making any decision.	
7. REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH & TRADING STANDARDS, HEALTH & WELLBEING SERVICE	31 - 52
To note the main regulatory activities of the Council's Environmental Health & Trading Standards (EHTS) service for the first 7 months of 2012/13 (period 1 April-31 October 2012).	

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 11 September 2012 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)
Councillor RC Hunt (Vice Chairman)

Councillors: CM Bartrum, PL Bettington, Brig P Jones CBE, PJ McCaull and FM Norman

43. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BA Durkin, RC Hunt and C Nicholls.

44. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

45. DECLARATIONS OF INTEREST

There were no declarations of interest made.

46. MINUTES

RESOLVED: That the Minutes of the meeting held on 22 May 2012 be approved as a correct record and signed by the Chairman.

47. REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH & TRADING STANDARDS, HEALTH & WELLBEING SERVICE

The Acting Head of Environmental Protection and Licensing presented a report about the main regulatory activities of Environmental Health & Trading Standards service between 1 April and 31 July 2012.

The Committee expressed their appreciation for the work which was undertaken by the Department.

RESOLVED

THAT the report be received and noted and that the Environmental Health and Trading Standards Team be thanked for the important work they were undertaking.

48. REPORT ON ACTIVITY OF COMMUNITY PROTECTION TEAM

The Committee Manager presented an information report about the main activities of the Community Protection Team between 1 April and 31 July 2012.

RESOLVED

THAT the report of the community Protection Team be received and noted and that the team be thanked for the important enforcement work they were undertaking.

The meeting ended at 2.40 pm

CHAIRMAN

MEETING:	REGULATORY COMMITTEE
DATE:	11 DECEMBER 2012
TITLE OF REPORT:	APPLICATION TO REGISTER LAND AT THE END OF THE GRESLEYS, ROSS-ON-WYE, HR9 5JN, AS A TOWN GREEN
REPORT BY:	CHRIS CHAPMAN

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

Ross-on-Wye

4. Purpose

To determine whether land at the eastern end of The Gresleys, Ross-On-Wye, Herefordshire (“the Land”) should be registered as a town green.

5. Recommendation(s)

THAT:

- (a) That the Land is registered as a town green

6. Key Points Summary

- The Council is the registration authority for determining applications to register land as a town or village green and has a responsibility to decide whether or not the Land qualifies to be registered as a town green.

7. Alternative Option

- 7.1 Decide that the Land does not qualify as a town green.

8. Reasons for Recommendations

- 8.1 The evidence submitted regarding recreational use of the Land is sufficient to satisfy the legal tests for registration of the Land as a town green.

9. Introduction and Background

- 9.1 The Land is a triangular, grassed area of 0.07 hectares at the junction of The Gresleys and Penyard Lane in Ross-on-Wye and is shown coloured red on the plan to this Report.
- 9.2 Officers have been unable to establish ownership of the Land. Title to it is not registered at the Land Registry. A notice of the Application was placed on the Land and also published in the Ross Gazette on the 20th July 2011 inviting any owner or anyone else with an interest in the Land to contact the Council regarding the Application but no responses were received. A company which owns the adjacent building says it does not own the Land. Another company which a local resident thought was the owner was written to at its last known address but the letter was returned “addressee gone away”.
- 9.3 Local residents have provided evidence going back to 1975 of the Land being used for recreational activities, so it seems that whoever owns it considers it of no importance to them. In any event, except in very limited circumstances where the landowner is a statutory body, of which there is no evidence here, it does not matter who owns land subject to a town or village green application.

10. Key Considerations

- 10.1 The test for registration is contained in section 15 of the Commons Act 2006. Under section 15 any person may apply to register land as a town or village green where “a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and they continue to do so at the time of the application”.
- 10.2 The number of people using the land will count as significant if it indicates that the Land is used for recreation by the local community and not just by the odd individual. The applicants have provided statements from 35 residents of The Gresleys saying that they have used the Land for a range of recreational activities. It is considered that this is a significant number and indicates that the Land was used by the general local community.
- 10.3 The significant number must come from a locality or a neighbourhood within a locality. A locality means an administrative area such as a parish, and The Gresleys is within Ross-On-Wye East Parish. Unlike a locality, a neighbourhood does not have to be a legally recognised administrative unit and can include an area with a sufficient degree of cohesiveness as to be recognisable by name. Although the Gresleys is just one street (edged red on the plan to this report), from evidence submitted with the application and web search results showing charitable fund raising events arranged by its residents, The Gresleys does appear to have such a community cohesiveness as to be regarded as a neighbourhood, within the usual meaning of that word.

- 10.4 Use of land as of right means that use was not by force (for example, in face of the landowner's objections); nor secretly (for example, only at times when users knew that the landowner would not have noticed); nor by licence (for example, under a permission granted by the landowner for a limited period). Photographs of a children's party for the Queen's Silver Jubilee in 1977 and of a Big Lunch in 2010 with bunting around the Land and a gazebo on it indicate that the Land was not being used secretly. It seems that the landowner, whoever it is, has effectively abandoned the Land and so use would appear not to have been by force or with permission.
- 10.5 The Land must have been used for lawful sports and pastimes. Activities identified in evidence forms include birthday and street parties, picnics and football, all of which count as lawful sport and pastimes.
- 10.6 It is not necessary for the land used for sports and pastimes to resemble the traditional picture of a village green, and the relatively small area of this Land and its location should not prevent it qualifying as a town green.
- 10.7 The evidence forms describe the Land as being used for recreational purposes since 1977 up to when the application was received in 2010 and this meets the 20 years requirement.

11. Community Impact

- 11.1 Registration of the Land would ensure that it remains available to the local community for recreational use. When land is registered as a town or village green it can be used for all lawful sports and pastimes, not just those enjoyed at the time of registration, but this would be subject to any restrictions which might be lawfully imposed e.g. by bye-laws.

12. Equality and Human Rights

- 12.1 Land registered as a green is equally available to all members of the local community.
- 12.2 Although the landowner (albeit unknown here) remains the legal owner, registration effectively prevents any future development of land that would interfere with recreational use. The courts have held that this is not inconsistent with the European Convention on Human Rights when balanced against the purpose of registration which is to preserve open space in the public interest.

13. Financial Implications

- 13.1 Approval or refusal of the application will have no financial implication for the Council.

14. Legal Implications

- 14.1 If the evidence submitted with an application is disputed or if there are legal arguments around it then registration authorities have adopted a practice of holding a public inquiry conducted by an independent barrister who will make a recommendation to the authority. However, no objections have been received from the landowner or anyone else, the evidence has not been disputed and the Council's legal officer cannot see any arguable issues regarding the application or the evidence. It was therefore considered that an inquiry was unnecessary.
- 14.2 The standard of proof for registration of a new green is the balance of probabilities. The evidence showing the Land has been used as of right for at least 20 years for lawful recreational purposes has not been contested and so it would be reasonable to conclude that the applicants are correct in claiming that the evidence demonstrates that the Land qualifies as

a green.

- 14.3 The application has been submitted, publicised and managed in accordance with the procedural requirements of the Commons Registration (England) Regulations 2008.

15. Risk Management

- 15.1 The applicants, or perhaps a last minute objector, might seek to have the Committee's decision judicially reviewed and so it is important that the decision is made by applying the legal criteria identified above to the evidence submitted and not on the basis of any perceived benefits or disadvantages in the Land being registered as a town green.

16. Consultees

- 16.1 An advertisement in the Ross Gazette and notices on site invited anyone concerned with the application to make representations to the Council but none were received.

17. Appendices

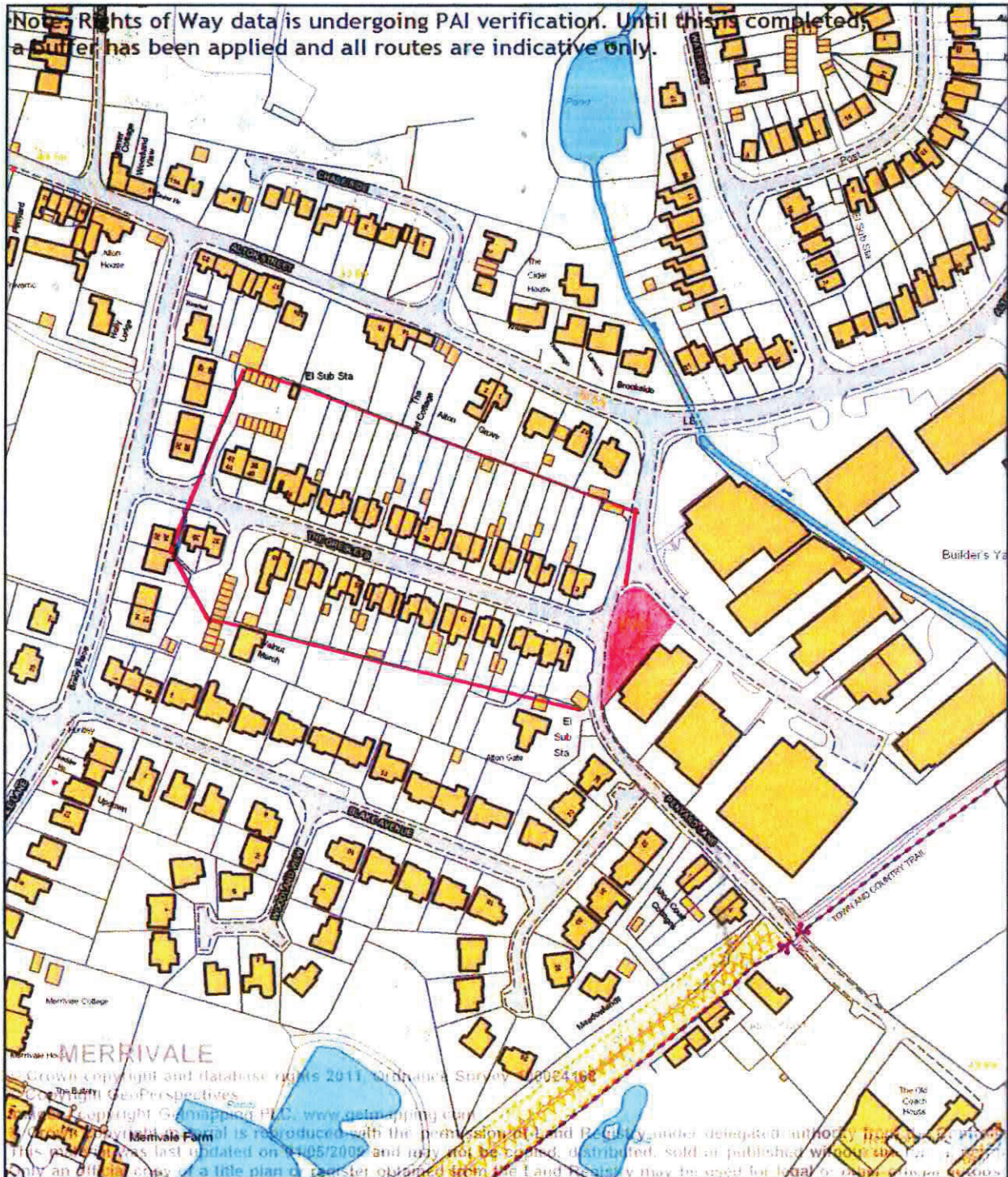
- 17.1 None.

18. Background Papers

- 18.1 Evidence forms and photographs submitted with the application and the results of a web search on The Gresleys.



Herefordshire Council,
Asset Management,
PO Box 4, Hereford
HR4 0XH
propertyinformation@herefordshire.gov.uk



Location: Eastern end of The Gresleys, Ross-on-Wye, Herefordshire
Description: Land proposed to be registered as town or village green shown in red

Please ask for: George Thompson
Tel(Direct): 01432 261991

Map Scale: 1:2,360 ; **Map Centre OS Grid Reference:** 360,331.3995551:223,649.1048669
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This map has been produced for Herefordshire Council business purposes only.

MEETING:	REGULATORY COMMITTEE
DATE:	11 DECEMBER 2012
TITLE OF REPORT:	PROPOSED HACKNEY CARRIAGE FARE INCREASE
REPORT BY:	ENVIRONMENTAL HEALTH & TRADING STANDARDS, HEALTH & WELLBEING SERVICE, PEOPLE'S DIRECTORATE

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

County-wide

4. Purpose

To consider a proposal from the Taxi Association and other trade members to increase the taxi fares by 7%. The matter for consideration has also attracted some objections to the increase which must also be taken into account when making any decision.

5. Recommendation(s)

THAT:

- (a) Committee review the information within this report and consider any additional information provided at this hearing in order to determine whether or not to accept the proposed 7% increase or accept any other amount.

6. Key Points Summary

- A request for a 7% increase was received from the Taxi Association and other trade groups for

Further information on the subject of this report is available from Claire Corfield Licensing Manager
on Tel: (01432) 383324

a review of the taxi fares. (See Appendix 1).

- There was an increase in taxi fares during the period 2011/2012. The increase was 7%.
- An advert was placed for a period of one week with two weeks consultation. This advert and time scale was necessary to comply with the legislation.
- Proposed taxi fare sheet (as advertised) is included at Appendix 2.
- Background information regarding the cost of running vehicles and fuel prices are attached at Appendix 3.
- Objections have been received and are included at Appendix 4.
- The commencement of any tariff increase cannot be implemented until the outcome of today's meeting.
- Table showing Hackney Carriage application fee increases agreed from May 2012 (See Appendix 5).
- Figures showing monthly petrol price trends from 2007 to 2012 (as a guide to diesel) are shown in Appendix 6.
- The fee increase last year in relation to vehicle renewal and the annual self declaration equates to a £49 increase, which translates to an average 18% rise for the annual fees.

7. Alternative Options

7.1 a) The fares be increased as presented:-

Advantages: This option is preferred by the Taxi Association and those trade members who requested the 7% rise. It also helps the trade to offset the fee increases imposed after the Regulatory Committee met in May.

Disadvantages: Other parts of the Trade report that business is slow at present and any increase could further depress the market. The increase exceeds the projected RPI and the travelling public are also likely to consider that 7% far exceeds average pay increases in the region.

b) The fares to remain unaltered:-

Advantages: This option takes into account the objections received and is the objectors' preferred option. It helps keep the cost to the paying public down, in a time of little or no annual pay rises.

Disadvantages: The Taxi Association represents a significant number of drivers and their operators, and fares staying the same would therefore go against their trade association members' recommendation.

c) The fares be increased by an alternative amount:-

Advantages: This option may act as a compromise to both those supporting a 7% rise and those objecting to it. It could therefore be attractive to members and could also allow the tariff to correspond with current RPI projections (3.2% in October 2012 according to the Office of National Statistics).

Disadvantages: This outcome does not tally with either the proposers or objectors request for 7% and nothing respectively.

d) To defer the decision in order to get more information:-

Advantages: Gives the opportunity for further information to be sought to help guide members.

Disadvantages: This would delay the decision process and could incur further advertising costs. If a fare increase was eventually agreed by committee, the delay would mean that the increased income from the Christmas trading period would be lost to the Trade.

e) To reach some other decision:-

Advantages: This leaves any other option open to the Committee to resolve the matter.

Disadvantages: This would delay the decision process and could incur further advertising costs. If a fare increase was eventually agreed by committee, the delay would mean that the increased income from the Christmas trading period would again be lost to the Trade.

8. Reasons for Recommendations

- 8.1 The licensing authority believes the Committee Members can consider current trends in local fuel prices and increases in insurance costs and hear from both the objectors and supporters of the rise to make their decision.

9. Introduction and Background

- 9.1 The Taxi Association and some other trade members have requested a fare increase (See Appendix 1). There is normally an annual request during the November / December period, although statutorily it does not have to be at this time of year nor does such a decision have to be made annually.
- 9.2 At about this time last year, a 7% tariff increase was accepted by members and thereafter implemented for all hackneys.
- 9.2 The proposed increase was advertised in a local newspaper because there is a legal requirement to do this. A 14 day consultation period was also permitted, again as required by statute.
- 9.3 The proposed taxi fare sheet (as advertised) is included at Appendix 2. This shows that prices are increased by reducing the distances to be travelled rather than increasing the unit price per charge. This is the normal way the Trade wish to see any increase presented to the public.
- 9.4 Background information relating to the cost of running taxi vehicles and fuel prices are attached at Appendix 3 to help guide members as to recent trends.
- 9.5 Objections have been received by the Council in response to the public advertisement and the proposed 7% increase. These objections are contained in the report as Appendix 4. One objector is disabled and appears to have no alternative but to use taxis. The other objector is from the taxi trade and makes the point that very few customers are getting pay rises and intimates that taxi drivers are already having to discount fares to attract customers at the present rates.
- 9.6 A public hearing has to be heard to consider the proposed increase if objections are received from the newspaper advertisement for the proposed increase. The commencement of any tariff increase (whether 7% or any other agreed figure) cannot be implemented until the outcome of today's meeting.
- 9.7 A table showing Hackney Carriage application fee and other fee increases agreed following the 22nd May 2012 Regulatory Committee hearing is shown in Appendix 5. This was the last time that fees were increased to the Trade.

- 9.8 Figures showing monthly petrol price trends from 2007 to 2012 are shown in Appendix 6 which provides a guide to diesel costs, the fuel type predominantly used by taxis.
- 9.9 The typical fee increases that would apply to an average driver would be a hackney vehicle renewal and a driver annual self declaration. Together these both equate to a £49 increase, which translates to an average 18% rise for the annual fees. These fee increases were agreed at committee in May 2012.
- 9.10 Members should be aware that most taxi companies now offer 'tariff 1' (the cheapest) at all times of night or day when the fare is through a pre-booking. This is done by much of the trade for competitive business reasons. Therefore, although Herefordshire Council sets a maximum fare, it cannot and does not set a minimum fare. In this way the trade are free to make individual decisions about discounts. The tariff system allows the fares to be increased at peak times, but this is only done when hackneys are hailed or hired off a rank.
- 9.11 A spreadsheet in Appendix 7 shows how the proposed variations to the tariff would look over a 1 to 10km journey and demonstrates that it approximately sits at around 7%.

10. Key Considerations

- 10.1 Members are to consider whether or not taxi fares should remain unaltered or reset to include a 7% increase or other agreed amount. The reason given by the trade for the proposed increase is to offset costs, although some of the trade and the public clearly consider that now is not the time to increase the fares, given the current economic climate.

11. Community Impact

- 11.1 It is felt that any decision made will have a measurable financial impact on both the taxi users and the trade within the community.
- 11.2 Those members of the public most likely to be detrimentally affected by a tariff increase will be those on benefits or on a low salary, including frequent users like young night time revellers who tend to be on low salaries / unemployed / in education etc.
- 11.3 Other key groups within the community likely to be detrimentally affected will be those who have no choice but to use taxis regularly, including those without a car, those with no access to public transport (i.e. some rural communities) and also the very elderly and disabled public who are unable to travel other than by taxi.

12. Equality and Human Rights

- 12.1 This report has paid due regard to our public sector equality duty in coming to its recommendation for members to consider whether or not to increase taxi tariffs.
- 12.2 An equalities impact assessment does not need to be undertaken because the taxi business sector is not a 'key target group' and the travelling public will range over the entire population of Herefordshire, therefore not falling into any one specific 'key target group' of the community.

13. Financial Implications

- 13.1 Not applicable for Council.

14. Legal Implications

- 14.1 Section 65(1) of the Local Government (Miscellaneous Provisions) Act 1976 allows the local authority to fix the rates/fares within the Authority for time, distance and all other charges in connection with the fare of a vehicle or with the arrangements for the hire of a vehicle, by means of a table of fares.
- 14.2 Section 65(2)(a) dictates a minimum 14 day period for consultation. If no objections are received then fare changes can take effect from the specified date. If objections are made or if objections are not withdrawn the Local Authority must set a further date not later than two months after the date specified for the changes in fares to take effect, following consideration of the objections at the Regulatory Committee.

15. Risk Management

- 15.1 If the proposal for a fare increase is agreed, then the trade could price themselves out of the market and as a result Herefordshire could lose taxi drivers and taxi companies.
- 15.2 The travelling public could also publicly criticise any increase with resulting reputational damage to both the Council and the Taxi Trade.

16. Consultees

- 16.1 The proposed fare increase has been advertised in a local newspaper and made available at the Licensing Offices at Bath Street, Hereford. The Taxi Association requested the increase and have been consulted during the process.

17. Appendices

- 17.1 Appendix 1 – Requests from Mr John Jones, other trade members and the Taxi Association for a 7% increase
 - Appendix 2 – Proposed taxi fare sheet 2012 - 2013 (as advertised)
 - Appendix 3 – AA cost of running a domestic petrol/diesel vehicles. Fuel price report
 - Appendix 4 – Objections to proposed increase
 - Appendix 5 – Taxi Licensing fees from April 2012 with comparison to 2011
 - Appendix 6 – Monthly petrol price trends from 2007 to 2012

18. Background Papers

- 18.1 None identified.

From: johnjones354321@gmail.com [mailto:johnjones354321@gmail.com]
Sent: 20 October 2012 13:49
To: Corfield, Claire
Cc: garnet; Matthew Lane
Subject: Re: Fare increase

Hi Claire worked out a 7% increase and put my working out as well as the new tariff sheet in the attachment.

Your suggested 7% solely on the start up of £2.60 would mean a 3.5% increase on a £5.20 fare, 1.75% increase on a £10.40 fare and ever decreasing percentage as the fare rises.

There are just a couple of issues with vehicle conditions that might merit a short discussion please let me know if I can be of further assistance and also please let me know that this email has arrived.

Many thanks,

John Jones

From: Corfield, Claire
Sent: Wednesday, October 17, 2012 10:18 AM
To: johnjones354321@gmail.com
Subject: Fare increase

Good morning John

The Taxi Association have also requested a 7% increase so I shall advertise shortly. Have you a preference for how the increase should be done? I hope to draft the advert by the end of this week, so if you could let me know, otherwise I will just add 7% onto the starting fare.

Hope you are well.

Claire

Claire Corfield
Licensing Manager
Environmental Health and Trading Standards
People's Services Directorate
Herefordshire Council
Bath Street Offices
Hereford
HR1 2ZF

Telephone:- 01432 383324
Fax 01432 383142

E-mail:- clcorfield@herefordshire.gov.uk



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Corfield, Claire

From: garnet [garnet@gmx.com]
Sent: 03 October 2012 12:20
To: Corfield, Claire; clive goodwin
Cc: Willimont, Marc; Taxi Licensing
Subject: meter price

Follow Up Flag: Follow up
Flag Status: Red

Dear Claire

At a trade meeting last night it was agreed that the 7% price request you have already received is in line with with our own request. Therefore we can confirm we would also submit a request for a uplift of 7% on the current meter price in line with R.P.I. and other financial indicators. Should you need supporting evidences please let me know.

Also at the meeting I was asked to register our regret over the time it is taking to get the results from the unmet demand survey, do you have any indication as to when the report will be published. As we see this as a vital part of our future.

In addition we unhappy with the level of consultation, rank meeting seemed to have slipped and you are setting out polices without even telling us until there are published (CCTV) let alone ask for our view.

We believe Herefordshire dos not have enough space for us conduct our trade safe and in a proper way.

The complete failure to deal with our concerns/issues over the night trade although you have trialed a solution that was successful, and have the governance to enforce conditions there appears to be a reluctance on your part. Although we now pay full cost are we getting value for the money.

Garnet
Secretary Herefordshire Hackney Carriage & Private Hire Association

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
HACKNEY CARRIAGE FARES 2012/2013

NOTICE IS HEREBY GIVEN that Herefordshire Council in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 propose to set the maximum fare charged in a licensed Hackney Carriage for the period 2012/2013 as follows: *current fares shown in italics.*

Tariff One	Inclusive of VAT
For each journey not exceeding 690 (819) metres	£2.60 (£2.60)
For each subsequent 69.66 (74.5) metres or part thereof	£0.10 (£0.10)
Waiting time for each period of 20 (22) seconds or part thereof	£0.10 (£0.10)
Tariff Two	
For hirings begun between 11.00pm and 8.00am and public Holidays other than Christmas, New Year and Easter	150% of Tariff One
Tariff Three	
For hirings begun between 11.00pm on 24 th December to 8.00am	200% of Tariff One
On 27 th December and 11.00pm on 31 st December to 8.00am	
On 2 nd January	
For hirings begun between 11.00pm on Easter Sunday and Monday to 8.00am	

Extra Charges

For each package other than hand luggage	£0.30 (£0.30)
For each bicycle or perambulator	£0.30 (£0.30)
For each person in excess of two	£0.60 (£0.60)
For cleaning a vehicle where it has been fouled by passengers	£75.00 (£75.00)

A copy of this notice will be deposited at the Taxi Licensing Unit, County Offices, Bath Street, Hereford HR1 2ZF, and will be open to public inspection without payment during normal office hours.

Any objections to the proposed increases should be made in writing stating the reason therefore and be sent the undersigned at the address above by the 14th November 2012.

If no objections are made or if all objections so made are withdrawn, the proposed increase shall come into operation on 19th November 2012, or at the date of withdrawal of the last objection, whichever is the later, subject to approval of elected members.

If objections are duly made and not withdrawn, the Herefordshire Council, shall set a further date not later than two months after the date specified above on which the proposed increases shall take effect with or without modifications, as decided by Herefordshire Council after consideration of any objections.

Dated this 28th day of October 2012

If you require a copy please telephone Mrs C Corfield on 01432 260105.



Motoring Costs 2012

Petrol Cars

		Purchase price of the car when new:				
		Up to £14 000	£14 000 to £17 000	£17 000 to £25 000	£25 000 to £42 000	Over £42 000
See note:	Standing charges per year, £					
A	VED (Road Tax)	135	195	215	270	475
B	Insurance	695	841	1106	1684	3499
C	Cost of capital	246	322	482	730	1218
D	Depreciation	1274	2134	2672	4438	8838
E	Breakdown cover	50	50	50	50	50
	Standing charges only: £	2400	3542	4525	7172	14080
Standing charges as pence per mile						
	at 5,000 miles per year	47.49	69.99	89.43	141.66	278.06
	at 10,000	24.00	35.42	45.25	71.72	140.80
	at 15,000	16.34	24.18	30.88	49.00	96.22
	at 20,000	12.64	18.78	23.96	38.08	74.82
	at 25,000	10.21	15.19	19.38	30.82	60.56
	at 30,000	8.55	12.73	16.24	25.83	50.76
Running costs, pence per mile						
F	Petrol *	12.93	14.84	15.57	19.05	22.89
G	Tyres	1.03	1.52	1.81	2.81	3.27
H	Service labour costs	3.68	3.78	3.43	3.27	4.88
I	Replacement parts	2.27	2.27	2.43	2.94	3.27
J	Parking and tolls	2.00	2.00	2.00	2.00	2.00
	Running costs only: p.	21.91	24.41	25.24	30.07	36.31
* NB: Petrol at 132.3 pence per litre						
For each penny more or less,						
add or take away:						
		0.10	0.11	0.13	0.14	0.17
Total of standing and running costs as pence per mile						
	at 5,000 miles per year	69.40	94.39	114.67	171.74	314.38
	at 10,000	45.91	59.83	70.49	101.79	177.11
	at 15,000	38.25	48.59	56.11	79.07	132.54
	at 20,000	34.55	43.18	49.20	68.15	111.13
	at 25,000	32.12	39.60	44.62	60.89	96.87
	at 30,000	30.46	37.14	41.48	55.90	87.08

Please see the associated notes for more detail. These figures are typical but do not represent all types of vehicle and conditions of use. Once compiled, some of the variables may change at any time.



Motoring Costs 2012

Diesel Cars

See note:	Standing charges per year, £	Purchase price of the car when new:				
		Up to £16 000	£16 000 to £22 000	£22 000 to £27 000	£27 000 to £39 000	Over £39 000
A	VED (Road Tax)	100	120	215	250	460
B	Insurance	738	874	1139	1550	1989
C	Cost of capital	300	394	499	714	1100
D	Depreciation	1490	2244	3024	3699	7547
E	Breakdown cover	50	50	50	50	50
	Standing charges only: £	2678	3682	4927	6263	11146

Standing charges as pence per mile

	Up to £16 000	£16 000 to £22 000	£22 000 to £27 000	£27 000 to £39 000	Over £39 000
at 5,000 miles per year	52.96	72.74	97.33	123.78	219.90
at 10,000	26.78	36.82	49.27	62.63	111.46
at 15,000	18.25	25.15	33.65	42.74	76.32
at 20,000	14.14	19.53	26.15	33.16	59.50
at 25,000	11.43	15.81	21.16	26.83	48.21
at 30,000	9.57	13.25	17.73	22.48	40.42

Running costs, pence per mile

F	Diesel Fuel *	10.37	11.24	14.96	16.06	18.60
G	Tyres	1.15	1.63	1.82	2.83	3.75
H	Service labour costs	3.29	3.37	3.61	3.65	4.97
I	Replacement parts	2.60	2.51	2.57	2.78	3.02
J	Parking and tolls	2.00	2.00	2.00	2.00	2.00
	Running costs only: p.	19.41	20.75	24.96	27.32	32.34

* NB Fuel at: 137.8 pence per litre

For each penny more or less,

add or take away:	0.07	0.08	0.10	0.11	0.14
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Total of standing and running costs

as pence per mile		Up to £16 000	£16 000 to £22 000	£22 000 to £27 000	£27 000 to £39 000	Over £39 000
at 5,000 miles per year		72.37	93.49	122.29	151.10	252.25
at 10,000		46.19	57.57	74.23	89.95	143.80
at 15,000		37.66	45.90	58.61	70.06	108.66
at 20,000		33.54	40.28	51.11	60.49	91.85
at 25,000		30.83	36.56	46.12	54.15	80.55
at 30,000		28.98	34.00	42.69	49.80	72.77

Please see the associated notes for more detail. These figures are typical but do not represent all types of vehicle and conditions of use. Once compiled, some of the variables may change at any time.

Fuel Price Report

October 2012



For the road ahead

FUEL PRICE REPORT OCTOBER 2012

Despite a 1.26p-a-litre fall in the average cost of petrol over the past month, the UK remains within 4p of the record (142.48p). Diesel drivers are faring slightly better with average pump prices more than 5p below the record (147.93p), although this month's fall is only 0.86p a litre. Oil:\$113

Unleaded prices have fallen by 1.3ppl from 140.2ppl to 138.9ppl. Diesel prices have fallen by 0.9ppl from 144.6ppl to 143.7ppl. The price difference between unleaded and diesel has risen to 4.8ppl.

Northern Ireland recorded the highest price for unleaded at 139.4ppl. London recorded the lowest price for unleaded at 138.6ppl. Scotland, Wales and Northern Ireland recorded the highest diesel price at 144.1ppl. Yorkshire and Humberside has the cheapest diesel at 143.2ppl.

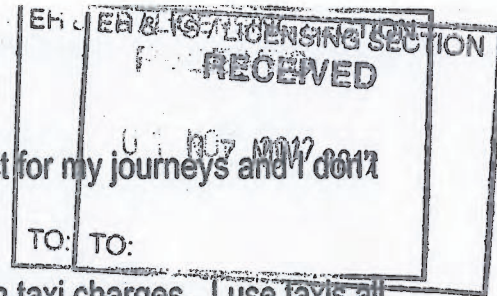
Supermarket prices for unleaded fell by 1.4ppl to 136.8ppl. The gap between supermarket prices and the UK average for unleaded has risen to 2.1ppl.

The UK has the eighth highest petrol price in Europe and the second highest diesel price.

Garages and Supermarkets	Unleaded 95 Octane (pence)		Diesel (pence)		Super Unleaded (pence)		LPG (pence)
	litres	(gallons)	litres	(gallons)	litres	(gallons)	litres
Northern Ireland	139.4	633.7	144.1	655.09	146.4	665.5	79.9
Scotland	138.9	631.5	144.1	655.09	146.5	666.0	68.2
Wales	139.2	632.8	144.1	655.09	146.7	666.9	68.9
North	138.8	631.0	143.8	653.73	146.6	666.5	71.7
North West	139.1	632.4	143.6	652.82	148.1	673.3	76.9
Yorkshire & Humberside	138.7	630.5	143.2	651.00	147.1	668.7	71.6
West Midlands	139.2	632.8	143.8	653.73	147.1	668.7	79.6
East Midlands	139.1	632.4	143.7	653.27	147.4	670.1	68.7
East Anglia	138.9	631.5	144.0	654.64	146.1	664.2	74.9
South East	139.0	631.9	143.9	654.18	146.2	664.6	76.7
South West	139.2	632.8	144.0	654.64	145.9	663.3	75.6
London	138.6	630.1	143.4	651.91	146.6	666.5	76.1
UK AVERAGE	138.9	631.5	143.7	653.27	146.6	666.5	74.7
Per cent taken as Tax		58.4		57.00		56.2	

Supermarkets	Unleaded 95 Octane		Diesel		Super unleaded		LPG
	litres	(gallons)	litres	(gallons)	litres	(gallons)	litres
SUPERMARKET AVERAGE	136.8	621.9	141.2	641.9	142.2	646.5	70.7
Per cent taken as Tax		59.0		57.71		57.4	

The AA Public Affairs Fuel Price Report uses data sourced from Experian Catalist (www.catalist.com)
They are an average of mid-month prices from the respective regions.



I do not want to leave my name as I have a contract for my journeys and I don't want to annoy the company I go with.

I would like to make complaint about the increase in taxi charges. I use taxis all the time as I am disabled. My benefits for travel have been cut and I cannot get about without using taxis which are already too expensive.

The driver who I was talking with said that he is not allowed to charge the agreed tariff at night so he only works days.

I hope the charge does not go up as I already spend about £40-£50 a month on taxis and can't pay more.

Hereford City resident

Corfield, Claire

From: Rone, Paul (Clr)

Sent: 08 November 2012 08:57

To: Corfield, Claire

Subject: tariff increase

Claire, we had a group meeting last night and although we never took a vote , the general feeling in the room was against the increase so as to put pressure on the taxi trade in general to start using tariff 2 at the permissible times.

Corfield, Claire

From: paul rone [paul.rone@hotmail.co.uk]

Sent: 05 November 2012 10:02

To: Corfield, Claire

Subject: Re: tariff increase

Morning Claire, thanks for that - I did see it in the Journal about an hour after I e-mailed you. I would like to object on a number of grounds.

1) there is at present so much discounting of the current tariff that it is obvious that the prices are currently too high.

2) no one I know is getting a pay rise so why should we.

I hope that this will be considered.

Sent from my iPad

On 5 Nov 2012, at 08:54, "Corfield, Claire" <clcorfield@herefordshire.gov.uk> wrote:

Hi Paul

Yes one has been requested and advertised in the Journal on the 7th Nov. The increase was requested by John Jones and the Taxi Association.

Best wishes Claire

Claire Corfield
Licensing Manager
Environmental Health and Trading Standards
People's Services Directorate
Herefordshire Council
Bath Street Offices
Hereford
HR1 2ZF

Telephone:- 01432 383324

Fax 01432 383142

E-mail:- clcorfield@herefordshire.gov.uk



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Council's Homepage www.herefordshire.gov.uk

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APPENDIX 5

REVISED PROPOSED FEES AND CHARGES

TAXI LICENSING FEES from April 2012 with comparison to 2011

Taxi and Private Hire Licensing

TAXI AND PRIVATE HIRE LICENSING		2012 fees	2011 fees
Hackney Carriage vehicle	New / Renewal/Transfer plate (inc vehicle compliance test)	285.00	239.00
Private Hire vehicle	New / Renewal/Transfer plate (inc vehicle compliance test)	285.00	239.00
Private Hire Operator	1 vehicle	110.00	83.00
	2-5 vehicles	170.00	124.00
	Over 5 vehicles	233.00	187.00
	Plus (Annual Standard CRB cost if applicant has not had one previously)		
Dual driver badge	New (including CRB, medical and knowledge test as part of this fee)	320.00	206.00
	3 year renewal (plus medical fee and/or CRB if due)	185.00	157.00
	Annual Self declaration renewal (not new or 3 year renewal)	50.00	47.00
Change of Proprietor of vehicle		97.00	67.00
Change of vehicle on plate (3 months or less)	(inc vehicle compliance test)	230.00	217.00
Change of vehicle on plate (6 months or less)	(inc vehicle compliance test)	170.00	155.00
Change of vehicle on plate (9 months or less)	(inc vehicle compliance test)	100.00	88.00
Application for a certificate of readiness	(inc vehicle compliance test)	190.00	145.00
Application for temporary insurance vehicle replacement	(inc vehicle compliance test)	142.00	135.00
Replacement of driver badge		12.00	11.00
Replacement of vehicle plate	without brackets	6.00	5.50
Replacement of vehicle plate	with brackets	13.00	12.50
CRB		47.00	44.00
DVLA check		6.00	6.00
Knowledge test		13.00	12.50
Vehicle Test Rotherwas		47.50	47.50
Doctors examination	Cost payable by applicant to own GP		
Occupational Health Doctors paper medical referral (being reviewed)		30.00	30.00
Application that varies from standard conditions	(Plus new application fee)	160.00	153.00

Revised April 2012 and presented to Regulatory Committee on 22nd May 2012

Appendix 6

Petrol price increases monthly from 2007 to 2012

Month	2007	2008	2009	2010	2011	2012
January	87.3p	104.0p	87.0p	111.4p	127.9p	133.3p
February	86.7p	104.3p	90.2p	112.1p	128.7p	135.1p
March	89.4p	106.4p	90.8p	115.6p	132.2p	138.9p
April	92.6p	108.1p	94.8p	120.5p	134.7p	141.9p
May	95.6p	112.5p	97.7p	121.0p	136.7p	137.9p
June	96.9p	117.6p	102.2p	118.2p	135.7p	133.1p
July	96.7p	118.7p	103.0p	117.3p	134.9p	132.1p
August	96.0p	113.4p	103.9p	116.2p	135.5p	135.9p
September	95.3p	112.0p	106.2p	115.3p	135.4p	139.6p
October	97.7p	104.7p	105.7p	117.4p	134.6p	
November	101.1p	94.9p	108.4p	118.9p	133.8p	
December	102.8p	89.5p	108.2p	122.0p	132.5p	

Although petrol prices are shown in the above table, these can be taken to demonstrate correlated diesel prices.

Source: <http://www.petrolprices.com/the-price-of-fuel.html>

MEETING:	REGULATORY COMMITTEE
DATE:	11 DECEMBER 2012
TITLE OF REPORT:	REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH & TRADING STANDARDS
REPORT BY:	HEALTH & WELLBEING SERVICE

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

Countywide

4. Purpose

To note the main regulatory activities of the Council's Environmental Health & Trading Standards (EHTS) service for the first 7 months of 2012/13 (period 1st April – 31st October 2012).

5. Recommendation(s)

THAT: the report be received and noted.

6. Key Points Summary

The report provides the Committee with the activities of those service areas in the Council's Environmental Health & Trading Standards service involved in regulatory matters, namely:

- Licensing matters via the Regulatory Sub-Committee;
- The Taxi & County Transport Badge Officers' Panel;
- Licensing Team;

For further information please contact
 Marc Willimont, Head of Environmental Protection and Licensing on 01432 261986
 Mike Pigrem, Head of Consumer & Business Protection on 01432 261658

- Environmental Protection Team;
- Air, Land & Water Protection Team,
- Pest control Team
- Gypsy Traveller Service,
- Business & Agriculture Support Team
- Consumer Protection & Special Investigations Team
- Environmental Health Commercial Team

7. Alternative Options

7.1 There are no alternative options relevant to this information report.

8. Reasons for Recommendations

8.1 The report provides the Committee with information about the main activities and regulatory responsibilities within the Environmental Health & Trading Standards service and gives the opportunity for Members to ask for any additional information they require.

Introduction and Background

1. The following paragraphs outline the regulatory activities on a team by team basis:

LICENSING TEAM

2. The Licensing Team encompasses key areas such as:-

- Taxi Licensing
- Licensing Act (pubs and clubs and events)
- General Licensing (animal boarding, street collections etc)
- Gambling Act licensing

3. During the first seven months of 2012/13 the Officers' Taxi Panel has met on 7 occasions and dealt with the following matters:

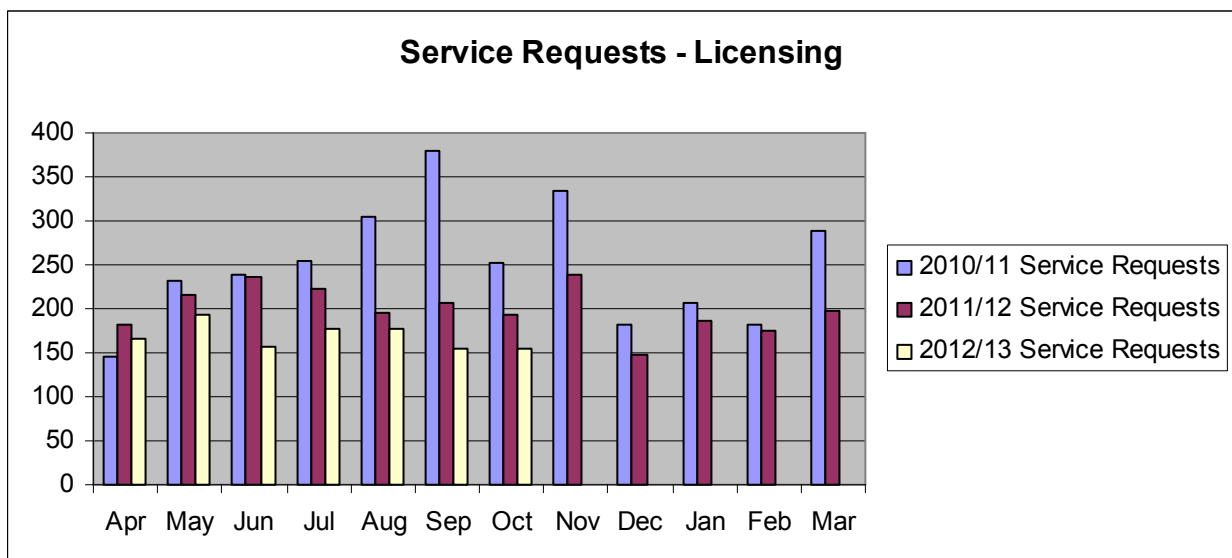
- a. applications for a County Transport Badge – 16
- b. applications for hackney carriage/private hire drivers licence – 3
- c. suspension of a hackney carriage/private hire drivers licence - 1
- d. disciplinary matters regarding the holder of a hackney carriage/private hire drivers licence - 10

Where necessary (e.g. revocations and appeals) these matters are referred onto the Sub

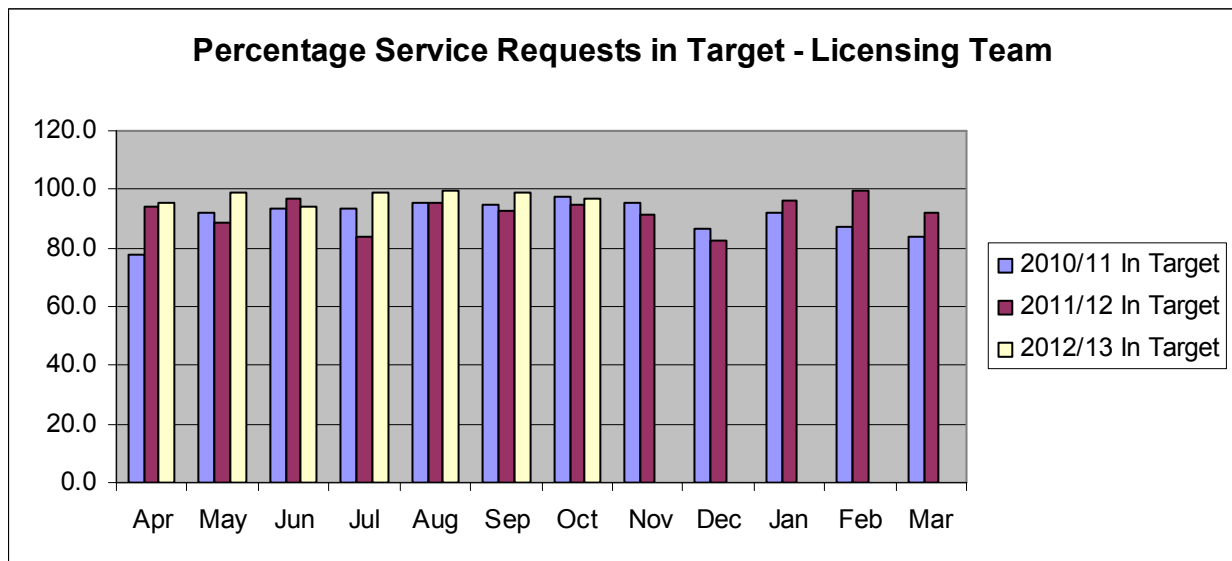
Regulatory and/or Regulatory Committee.

4. During the first seven months of 2012/13, the Sub-Committee has met on 18 different occasions and has dealt with the 34 reviews/matters referred to in [Appendix 1](#) attached.
5. In addition to the above committee work, the licensing team also deals with many enquiries and complaints from the public. In the first 7 months of 2012/13 there were 1178 such service requests, which compares to 1453 during the previous year, implying a reduction in retail/hospitality activity in the county. So far in 2012/13, 97% of these service requests have been responded to within target which compares to a 92% response rate in the previous year. This trend implies that licensing performance is improving, which correlates with service requests being slightly down.
6. The first 7 months of 2012/13 has involved the successful licensing of events associated with the EuroCup and the Diamond Day Jubilee event in June and extensive work in July & August in preparation for events tallying with the Olympics.
7. The workloads and trends are shown in Graphs 1 and 2 below.

Graph 1: Licensing Service Requests

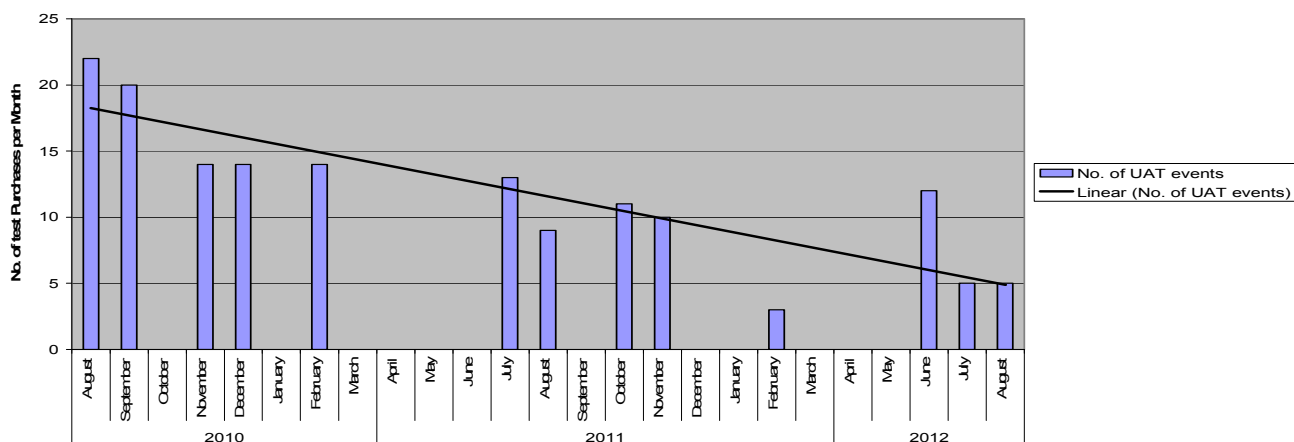


Graph 2: Licensing Service Requests



8. The Licensing Team implemented new changes required by the Licensing Act in April 2012 whereby environmental health is now consulted for noise on all new temporary event notices (TENs). The consultation has increased the regulatory effort required, as can be seen in Appendix 1 where committee has had to consider objections to TENs on the basis of noise nuisance for the first time.
9. The Licensing Team continue to undertake night time joint enforcement inspections with the police, including checks on SIA door staff at Hereford's pubs and clubs with the SIA Authority. Much of this late night work has been focussed on achieving public health outcomes, such as reducing under age drinking.
10. A number of festivals during the summer months have required extra effort from the team in order to ensure compliance. Of particular note was the Nozstock Festival in July, which was successfully licensed and did not pose any regulatory problems. Although the Big Chill festival was postponed in August 2012, it is likely to return in 2013.
11. The Licensing Team has worked closely with the police and the Trading Standards Team in the continuation of covert underage test purchase of alcohol in licensed premises. The results of these operations continue to reinforce the belief that there has been a marked improvement since on-sale test purchases were initiated in late. Media coverage of the various reviews relating to test purchases referred to in Appendix 1 has helped get the message across to the licensed trade.
12. In order to measure the outcomes from this licensing work, the team continues to receive regular data from the NHS in relation to A&E admissions related to alcohol at Hereford's hospital. This followed funding for this initiative from Public Health. Graph 3 below is derived from this data and clearly shows the linkage between joint licensing/trading standards covert test purchasing for under aged persons (which was initiated in December 2010). This graph shows a downward trend for A&E alcohol related admissions for people under 18 who have sought medical attention from the hospital's A&E, typically on Friday and Saturday nights.

Graph 3: Underage Test Purchasing Initiative Linkage to Underage Alcohol A&E Admissions

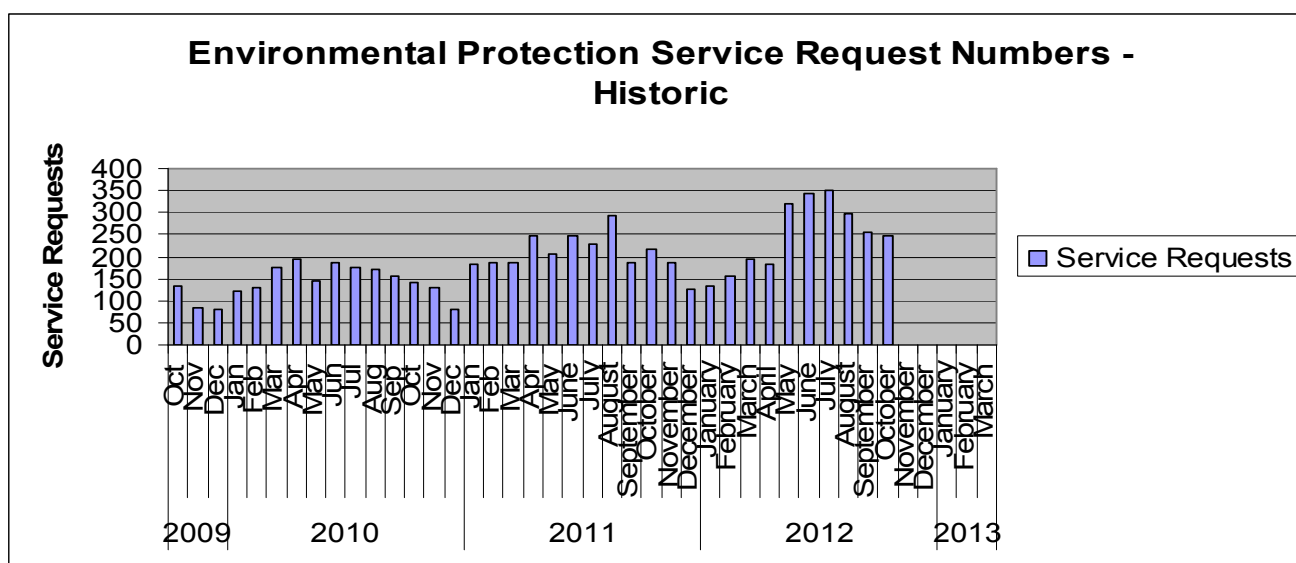


15. Taxi licensing enforcement work has also continued into 2012/13, both in the day time and late at night. This has involved checks on driver identity as well as checks on vehicle suitability, including tinted windows.
16. The fees and charges for taxi licensing were increased to a level above inflation at a Regulatory Committee hearing on 22 May 2012, in order to move towards full cost recovery. This is being monitored and will be reviewed in January 2013.
17. Other 'general licensing fees' were also increased towards full cost recovery in April 2012.
18. Cabinet agreed a revised taxi licensing policy with consolidated and updated conditions at a meeting on 12th July 2012. This included the requirement for CCTV in all new hackney carriages and the phasing of CCTV in over three years for existing cabs.
19. Taxi Marshalling will be deployed in Hereford City on Friday and Saturday nights in December 2012. This will manage the way taxis operate in Commercial Road and will hopefully reduce crime & disorder and A&E admissions from alcohol, as revellers are more effectively dispersed and taxis are better managed. This new initiative is being sponsored by Hereford City Council, Public Health, West Mercia Police and Heineken and will therefore be cost neutral to the public. The impact on A&E admissions and crime & disorder will be reviewed.

ENVIRONMENTAL PROTECTION TEAM

20. The Environmental Protection Team encompasses key areas such as:-
- Noise nuisance – investigation and service of abatement notices
 - Other nuisances – e.g. odour, dust, smoke etc
 - High Hedge complaints
 - Burial of deceased without means
 - Smoke offences – e.g. Clean Air Act and dark smoke offences
 - Drainage – clearance of drains and sewers and broken septic tanks
 - Public Health – clearance of land or housing with rats, mice or rubbish
 - Planning Consultations
 - Licensing Consultations
21. In the first 7 months of 2012/13 there were 1998 service requests, comparing to 1631 during the same period in 2011/12 year. This is a significant 22% increase and clearly reflects greater public expectation and demand on public services to resolve environmental and noise problems countywide. It also reveals the increased workload resulting from licensing's TENS consultations, as previously mentioned under the licensing section above following changes to legislation. So far in 2012/13, 79% of the service requests were responded to within 5 working days, compared to 80% for the same period in the previous year. This is similar and demonstrates that the team are coping with increased workloads by working in different ways, although there is considerable and growing pressure on this small team.
22. The graph below helps show the seasonality and long term rising trend year on year.

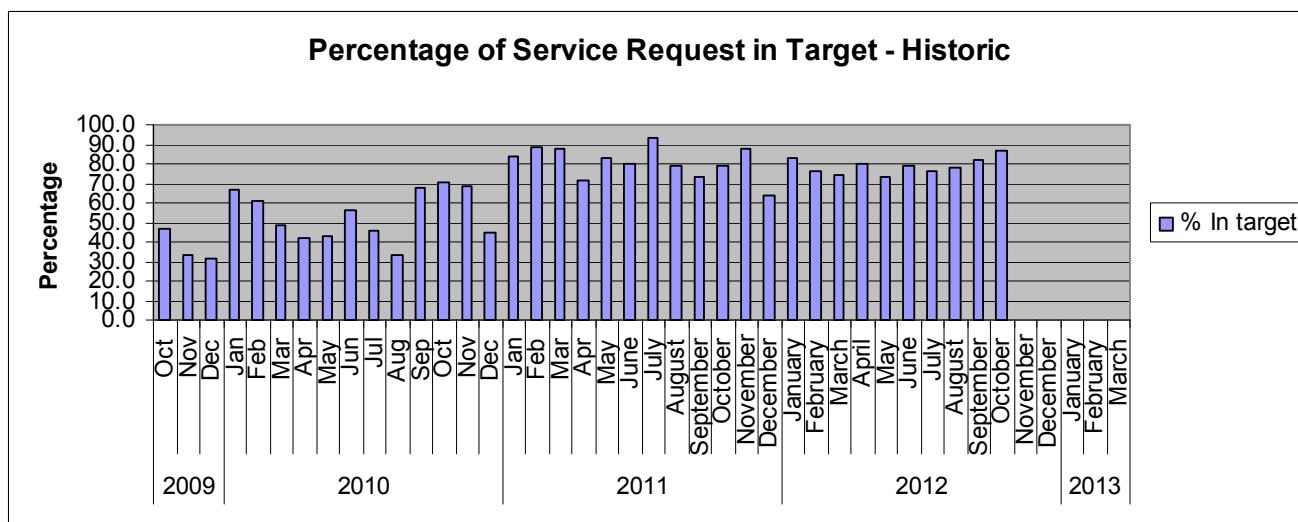
Graph 4: Environmental Protection Service Requests since 2009



23. Graph 5 below shows those service requests which met EHTS's tight response targets. The Formal Report Template DRAFT 30Oct12

performance of this can be seen to be improving, despite increasing workloads.

Graph 5: Percentage of Service Requests in Target



24. About 39% of these service requests so far received in 2012/13 relate to noise, which is similar to last year. Therefore noise continues to be the main activity and also the reason for much of the increased workloads. This tends to show a rising trend in public expectation.
25. The team again operated the night time 'Noise Response Team' from June to September of this 7 month period, working as late as 3am on Fridays and Saturdays. This is the second year that such a service has been offered in Herefordshire. This year's service was operated over a longer period than the previous year and worked later into the night. At the time of writing this report, questionnaires have been sent to all service users although returns are in the process of being interpreted. It is not therefore possible to review its success yet. However, as an indication of performance by using last year's review, this out-of-hours service revealed an 80% satisfaction rating with 58% of responders reported that the intervention had improved their health & wellbeing, i.e. reduced stress / loss of sleep / smoking / alcohol use.
26. Rather than prosecute, the Council's enforcement policy encourages the service to utilise statutory notices to resolve problems and escalate this to prosecution only when absolutely necessary. During the year 2012/13 the following statutory notices have so far been served by the Environmental Protection Team.

Table 1: Environmental Protection Notices Served

Type of Statutory Notice	Number Served since 1 st April 2012
Drainage Notices	51 notices in Ross-on-Wye on an estate with a failed pumping station. (2 notices on 2 houses in Hereford).
Noise Abatement Notices	3 notices served for domestic noise. (Two in Hereford and one in Moreton-on-Lugg)
High Hedge Notices	0
Unsecured Property	1
TOTAL	52

27. In addition to this work, the team were consulted by Licensing for 127 licensing applications and 580 Temporary Event Notices. The team were also consulted by Planning on 211 applications of which all were investigated and responded to. 26 pre-application visits have also been undertaken for Planning. This is a considerable amount of work undertaken, with the sole purpose being the prevention of possible future enforcement.

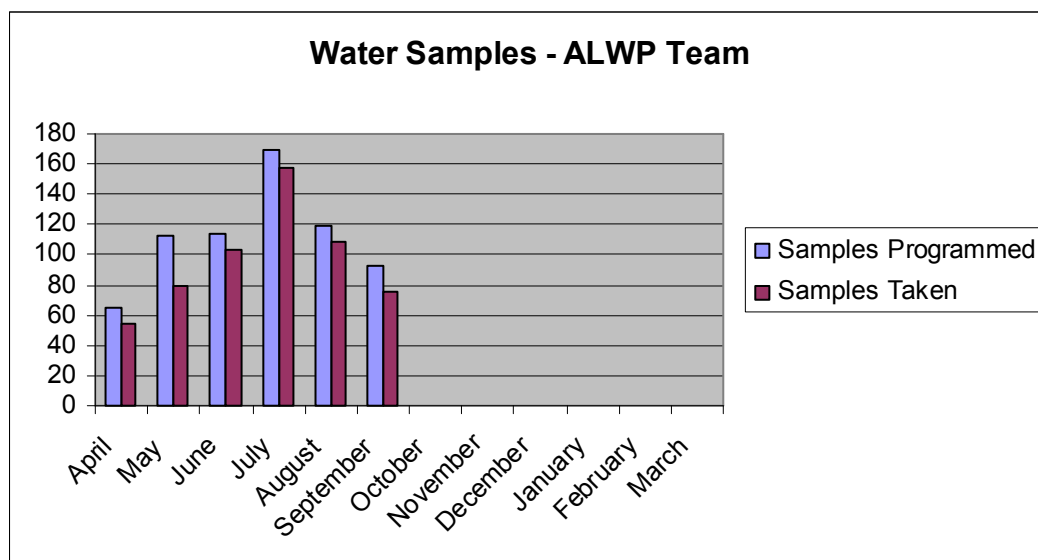
AIR, LAND & WATER PROTECTION TEAM

28. The Air, Land & Water Protection Team encompasses key areas such as:-
- Closed landfill site management – monitoring and project managing engineering works etc.
 - Contaminated land – service requests, responses to planning application consultation requests and contaminated land strategy investigations
 - Private water supply monitoring and regulation and overview of mains water quality
 - Industrial pollution control – issuing of environmental permits for large factories & processes
 - Air Quality – monitoring and assessment of air quality across the county with statutory reporting to Defra.
29. Although much of this team's remit is not enforcement based, during the first 7 months of 2012/13 the following regulatory work was undertaken by this team:
- Nearly half of EHTS's 211 consultations requested by Planning were undertaken for potential land contamination.
 - Water samples are taken from private supplies only. They are also only required where a supply is shared with other houses or is provided to the public for consumption / commercial use. Sole users of their own private water supply are therefore not required to be sampled, although the team does undertake this if requested and will recharge for this service.
 - Water sampling is recharged where at all statutorily possible and these fees went up in April 2012 to move those chargeable parts of the service towards full cost recovery. The service has so far earned an income of £41k compared to £31k this time last year, thus further subsidising costs.
 - For the period April to September, 671 water samples from private supplies were programmed and 579 of these were taken (85%). There were 170 bacteriological failures recorded (29%) and 83 chemical failures recorded (14%). This regulatory work has so far resulted in only 20 notices having to be served to improve unfit / unwholesome supplies. It is not yet possible to compare this data to previous years, although this should be possible at year end.
 - For the period April to September, 62 risk assessments as required under the new Private Water Supply Regulations were programmed in for the calendar year and 50 of these were completed (83%). These are recharged for in accordance with the regulations.

- Members of the team have continued their close working with the Environment Agency (EA) on a detailed investigation of the Sutton Walls closed landfill site. Written communication updates have been sent on a regular basis to Moreton-on-Lugg, Sutton St Nicholas and Marden Parish councils as well as to the local member.
- Extensive work has simultaneously been undertaken at the closed landfill site at Stretton Sugwas, as well as routine work at the closed Strangford, Belmont and Leominster sites.
- Air quality monitoring has continued at a reduced number of sites and an annual report to Defra is in draft form, soon to be published.
- Environmental permitting of the county's 93 industrial processes has continued, the statutory recharged income from this being £38k so far this year. Several permits are being varied and a new integrated pollution prevention control (IPPC) permit is shortly to be issued for a large printworks using organic solvent.

Graph 6 below shows the number of water samples so far taken in 2012/13:-

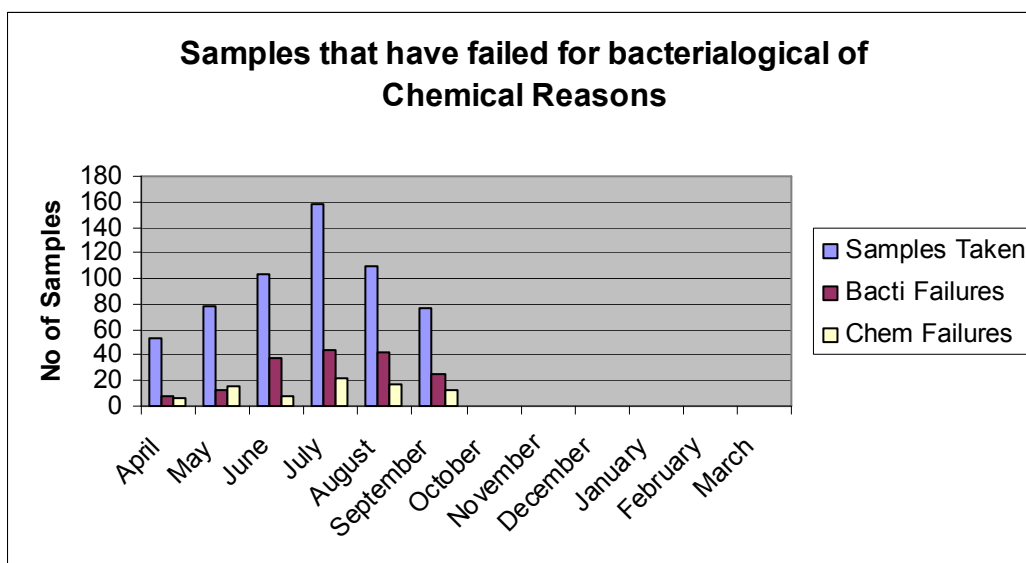
Graph 6: Number of water samples so far taken in 2012/13



The reason why not all these samples have been undertaken is due to postponements from the public / house owners.

Graph 7 below shows the number of water samples that have failed statutory public health water quality standards so far in 2012/13:-

Graph 7: Number of water samples that have failed statutory health standards so far in 2012/13



GYPSY & TRAVELLER TEAM

- 30. Although much of this team’s remit is the management of the six council owned gypsy & traveller sites across the county, during the first 7 months of 2012/13, regulatory activity occurred through intervention at 10 unauthorised encampments, including one on the Bishops Meadows just days before the Queen’s visit in June. The travellers were moved on by this team.
- 31. The team also manages the six council owned sites. Following a consultation exercise in March 2012, new fees were implemented from April 2012 onwards now making this service cost neutral to the council tax payer. The new fees have meant that this service has earned income of £106k so far this year, compared to only £64k earned for the same period last year.

PEST CONTROL TEAM

- 32. The Pest control team deals with the eradication of most domestic pest infestations through treatment and prevention. They also operate a number of contracts with businesses for pest control services including many council services and school. During the first 7 months of the year 2012/13 the team has:
 - Responded to service requests ranging from wasps fleas, rats, mice and moles.
 - Has increased its 130 contracts in place with businesses for pest control
 - Has increased its advertising into parish magazines, local newspapers and has looked to expand its area of operation into parts of Worcestershire.
 - Implemented a new fee structure to move this service towards full cost recovery.
 - Annualised the hours of staff to meet seasonal demands at no increased cost
 - Earned income of £72k so far this year.

- Taken on the management of the seagull control programme (previously with the Air, Land & Water Protection Team) and secured the co-funding of this project with Hereford City Council.
- Continued to assist the Environmental Protection Team with regulatory work about overgrown gardens
- Is available 24/7 in case of any unforeseen public health incidents or outbreaks requiring immediate pest control treatment.

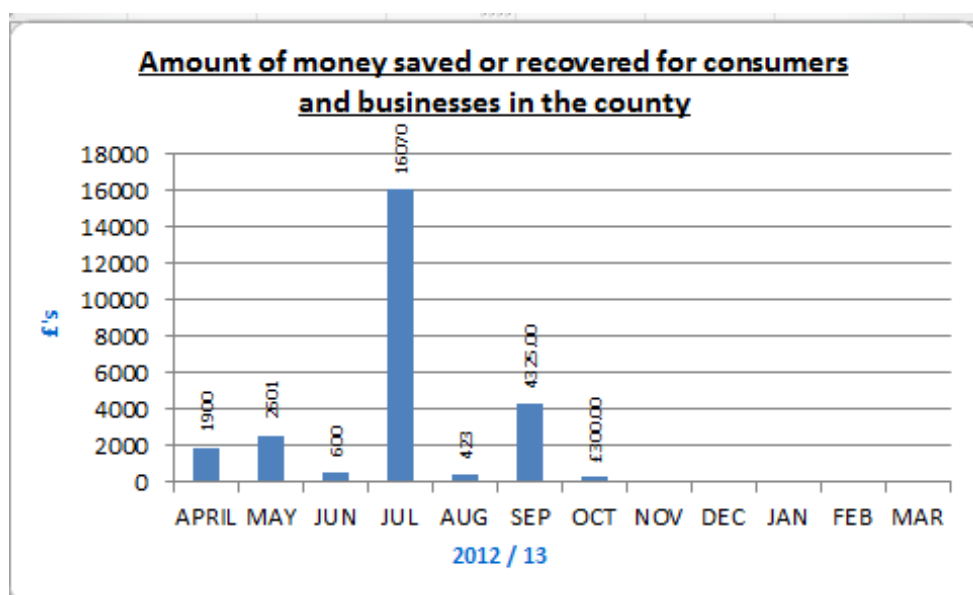
BUSINESS & AGRICULTURE SUPPORT TEAM
CONSUMER COMPLAINTS & SPECIAL INVESTIGATIONS TEAM
ENVIRONMENTAL HEALTH COMMERCIAL TEAM

Money saved or recovered for consumers & businesses in the county data (see table 1) via the Business & Agriculture Support Team and the Consumer Complaints & Special Investigations Team

33. The cumulative total for April to October 2012 is £26,219.

Comment: No target has been set for money recovered; officers do however seek to recover as much monies as possible . Money recovered for the same period last year was £62,898.00 (April to October 2011). We have been without one trading standards officer for a period of time due to secondment to the Public Health team and our consumer advisor has been on sick leave - which would have had an adverse affect on amount saved or recovered.

Table 1

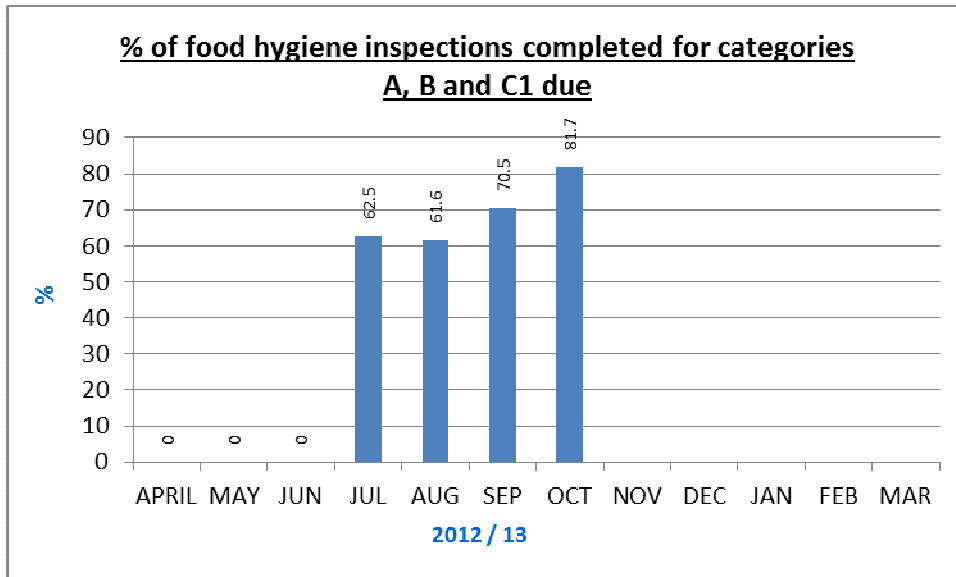


The percentage of completed food hygiene inspections undertaken by the Environmental Health Commercial Team for risk categories A, B and C1 due (see table 2)

34. From 1st April to 31st October 2012, 81.7% have been completed [below target of 100% but improving on last month 70.5%]. This is for premises risk assessed as A, B & C1 (highest risk categories) which have been prioritised as part of the food hygiene inspection programme. Premises categorised as C2, D & E (medium & low risk - although part of the Food Standards Agency food hygiene inspection programme as outlined within their code of practice) have not been scheduled for inspection due to limited resources available.

Comment: Historically, inspections are 'end of year' loaded. We are planning to increase inspection rates over the coming months and to achieve the programme for A, B & C1's.

Table 2



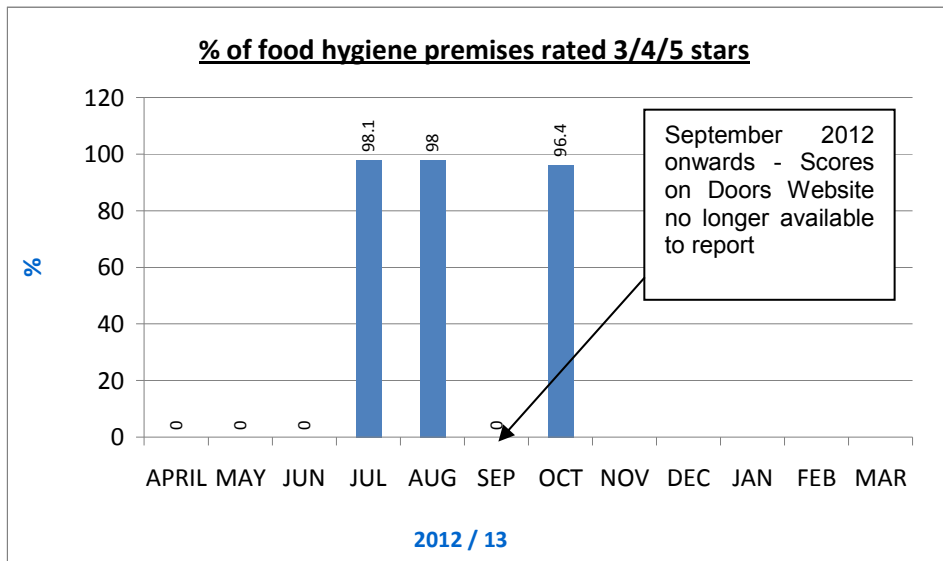
The percentage of food hygiene premises rated 3/4/5 stars undertaken by the Environmental Health Commercial team(see table 3)

35. In 2012/13, 96.4% of our food businesses are rated under the Food Hygiene Rating Scheme (FHRS) as 3 / 4 / 5 * rated.

Comment: This is an indication that food hygiene standards are generally good for food businesses within Herefordshire. EHTS have now moved from the previous system of ‘Scores on the Doors’ to the Food Standards Hygiene Rated system (FHRS) which is scored out of a maximum of 5. A considerable amount of work has been undertaken by officers in the prelude to the full implementation of this new rating system (scheduled for January 1st 2013), involving a mail shot to all premises, upgrading the back office computer system and internal processes and undertaking awareness seminars for all those affected. The standard has been raised from what was ‘broadly compliant 2*’ under the previous system to ‘3 out of 5- generally satisfactory’ for the FHRS.

Targeted seminars for minority businesses within the take away sector have also been undertaken to improve awareness of E-Coli and the new guidelines.

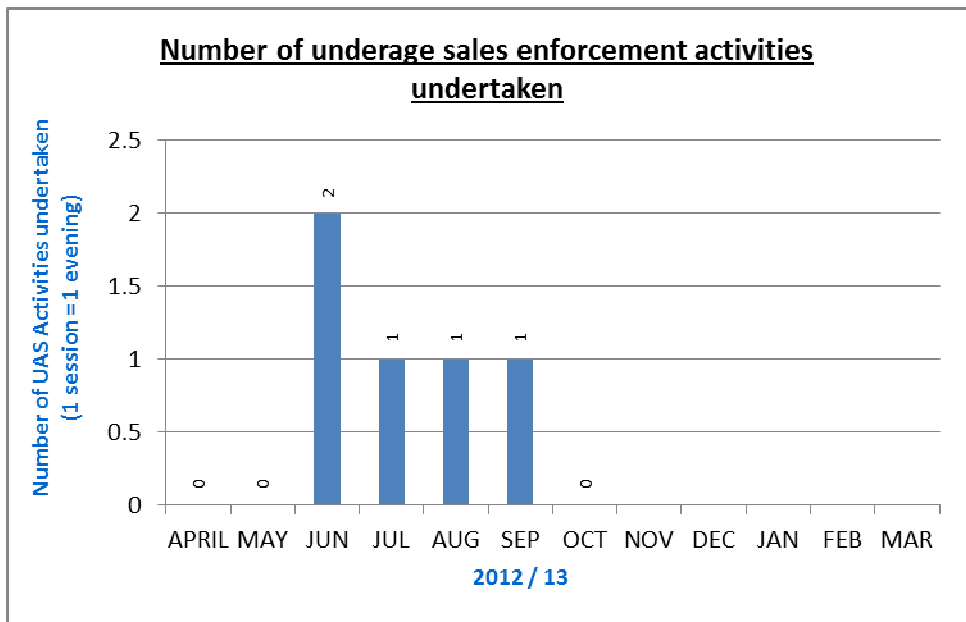
Table 3



The number of underage sales enforcement activities undertaken (see table 4) by the Business & Agriculture Support Team with the Consumer Complaints & Special Investigations Team

36. Underage Test Purchasing (UAS) activity (enforcement) target is 2 sessions per quarter with 8 in total for the year. This has been achieved for both Q1 and Q2. No UAS enforcement activities were planned for October.

Table 4



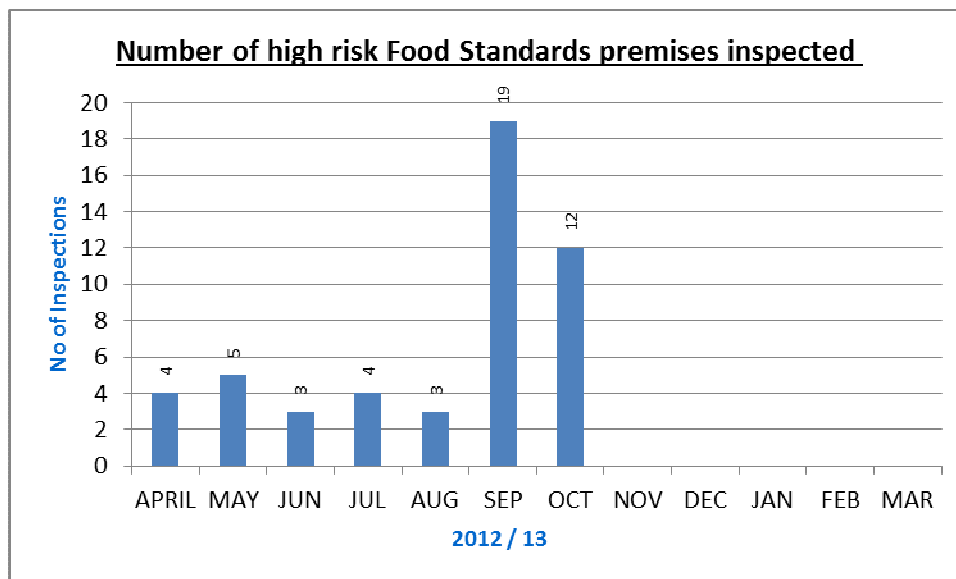
37. A significant quantity (4000 bottles) of non-duty paid illicit alcohol was found following the undertaking of a test purchasing exercise at one premise within Hereford City. This premise has now lost its alcohol licence which was upheld following a recent appeal to magistrates court and is a good example of some of the partnership working being undertaken by trading standards, the licensing team and the Police.

The number of high risk “Food Standards” premises inspected (see table 5) undertaken by the Business & Agriculture Support Team and the Consumer Complaints & Special Investigations Team

38. In October 2012, 12 high risk food premises were inspected. The target for the month was 8 inspections. 50 inspections have now been carried out this year. The yearly total is now 56 which is equivalent to 89%

Comment: Previously, the target of 8 inspections per month was not been achieved due to the team being under resourced with one officer on secondment since April 2012. As of 1st September 2012, a contractor was appointed (for 3 months) to undertake those high risk inspections that were outstanding and with the intention of getting ahead of target out over the next few months. Unfortunately the contractor has now left following permanent employment in another authority so this target is now likely to slip.

Table 5



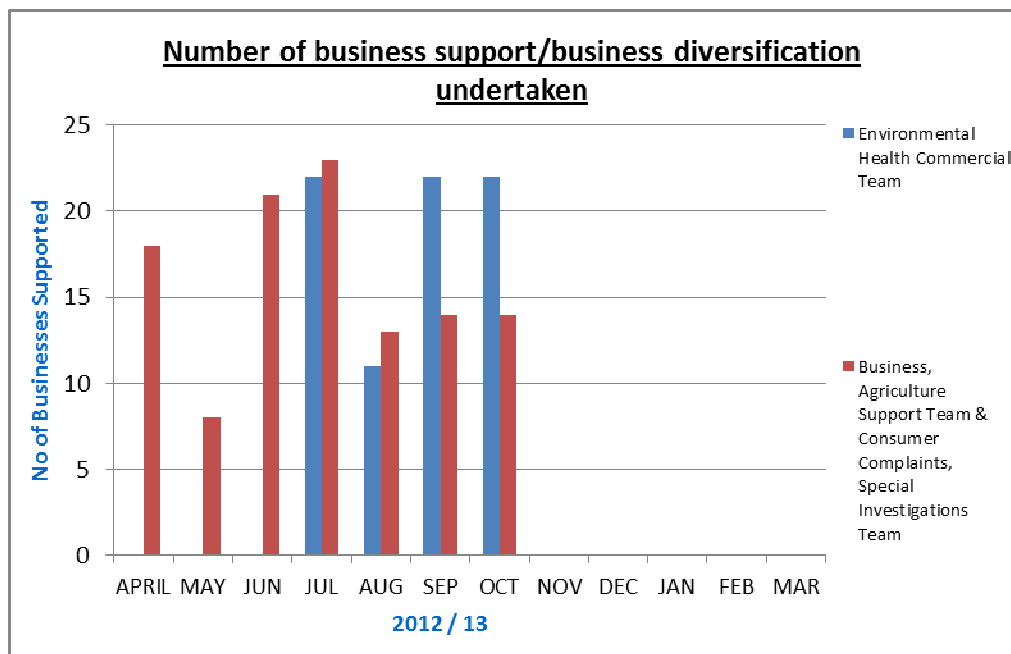
The number of business support/business diversification undertaken (see table 6) by the Business & Agriculture Support Team, the Consumer Complaints & Special Investigations Team and the Environmental Health Commercial

39. In October 2012, the Business, Agriculture Support Team & Consumer Complaints, and Special Investigations Team & Environmental Health Commercial gave 36 businesses in Herefordshire business support / advice.

Comment: This is a new indicator, so no target had been set for the year. Business advice & support is actively promoted through adoption of the home authority principle and through dedicated business support & advice officers /teams. It is seen as a good means of highlighting the support that regulatory services provide to businesses to help them through the ‘regulatory minefield’ and to support business growth for the economy. Initial engagement has been made with the new Local Enterprise Partnership & Enterprise Zone and it is being contemplated to further assist business

and the economy.

Table 6



10. Key Considerations

- 10.1 Since the new arrangements came into effect, The Regulatory Committee meets on a quarterly basis to consider policy matters within the framework decided upon by the Cabinet Member and information reports. The information reports provide the Committee with an overview of the regulatory activities on a Council-wide basis. The Committee has also decided to delegate certain matters to the Sub-Committee which enables it to meet less frequently, which allows the Regulatory Committee to be provided with a more strategic overview of the matters which fall within its remit.
- 10.2 This report is therefore for the Regulatory Committee to note, in order to enable members to be aware of the regulatory activity of Environmental Health & Trading Standards (EHTS) for the year 2012/13 up to 31st October.

11. Community Impact

- 11.1 The report provides information about the regulatory matters which have an impact on the public of Herefordshire, including those activities which specifically help to safeguard our vulnerable people, protect consumers and businesses, protect the environment as well as those activities which ensure that disease control and welfare of its livestock / animals is maintained at a high standard.

12. Equality and Human Rights

- 12.1 There are a number of areas within the Council's regulatory function which assist with the promotion or observance of equality and human rights.

12.2 This information report has paid due regard to our public sector equality duty.

13. Financial Implications

13.1 There are no direct financial implications regarding the information set out in this report.

14. Legal Implications

14.1 The Council's regulatory functions are undertaken within the scope of the relevant legislation and Council policies.

15. Risk Management

15.1 There are no particular risk management matters associated with the contents of this report, as it is an information report only.

16. Consultees

16.1 None

17. Appendices

17.1 Appendix 1: Sub Regulatory (Licensing) Committees

Appendix 2: Summary of prosecution and formal enforcement activities for EHTS

18. Background Papers

18.1 None identified.

APPENDIX 1

2012/13	Reviews held by Sub Regulatory (Licensing) Committees
April	<p><u>3rd April 2012</u></p> <ul style="list-style-type: none"> • McColls, 7 The Oval, Hereford – review following failed underage test purchase <p><u>12th April 2012</u></p> <ul style="list-style-type: none"> • Golden Fleece, 1 St Owens St, Hereford – Expedited review following serious assault in premises. <p><u>16th April 2012</u></p> <ul style="list-style-type: none"> • Crown & Anchor, Lugwardine – representation against variation on basis of noise. • Somerfields, Dishley St, Leominster Hereford – review following failed underage test purchase. • Yamz Tapas Bar, Turner Court, Ledbury – review • Etnam News, 35 Etnam St, Leominster – review following failed underage test purchase.
May	<p><u>8th May 2012</u></p> <ul style="list-style-type: none"> • Eagle inn, 23 Broad St, Ross-on-Wye - representation against variation on basis of noise. <p><u>29th May 2012</u></p> <ul style="list-style-type: none"> • McDonalds, 46 Commercial St, Hereford – application to extend opening to 4am.
June	<p><u>11th June 2012</u></p> <ul style="list-style-type: none"> • Hackney Carriage – application for grant outside of standard conditions – refused
July	<p><u>18th June adjourned to 9th July 2012</u></p> <ul style="list-style-type: none"> • Franky & Benny's, Unit 29 Old Livestock Market, Hereford – review • Chiquitos Restaurant, Unit 28 Old Livestock Market, Hereford – review

	<p><u>19th July 2012</u></p> <ul style="list-style-type: none"> Leominster & District British Legion, South St, Leominster – representation against the variation of club certificate - withdrawn Crown & Anchor, Lugwardine – objection against TEN on basis of noise - withdrawn. <p><u>25th July 2012</u></p> <ul style="list-style-type: none"> European Fresh Foods, 141 -143 Eign St, Hereford – expedited review on basis of failed underage alcohol test purchase and illicit alcohol found on premises. <p><u>31st July 2012</u></p> <ul style="list-style-type: none"> Co-op, Crabtree Rd, Kington - – review following failed underage test purchase. Coop, Old Station Yard, Newport St, Hay-on-Wye – review following failed underage test purchase.
August	<p><u>14th August 2012</u></p> <ul style="list-style-type: none"> Wormelow Cricket Club – representation against a new premises licence. Granted, subject to conditions. European Fresh Foods, 141 -143 Eign St, Hereford – review of premises licence following an expedited review. Licence revoked. Application to licence a taxi outside of vehicle licence conditions - refused
Sept	<p><u>4th September 2012</u></p> <ul style="list-style-type: none"> King’s Fee, 49 – 53 Commercial Rd, Hereford – Application for 5 gaming Machines – approved Gwalia Stores, 27 – 29 Broad St, Ross-on-Wye – review of premises licence following failed underage test purchase. Adjourned <p><u>18th September 2012</u></p> <ul style="list-style-type: none"> Gwalia Stores, 27 – 29 Broad St, Ross-on-Wye – review of premises licence following failed underage test purchase. Licence suspended 3 months, DPS removed with 4 new conditions. The Royal Hall, Ledbury – representation of new premises licence. Granted with conditions
October	<p><u>2nd October 2012</u></p> <ul style="list-style-type: none"> Application to licence a taxi outside of vehicle licence conditions – allowed

	<ul style="list-style-type: none"> • The Crown Inn, lea – representation against a variation of a premises licence. Withdrawn. • The Jailhouse Night Club, 1 Gaol Street, Hereford – review of premises licence - Adjourned • The Spread Eagle, 2 Kings St, Hereford – review of premises licence - withdrawn / agreed to apply for a minor variation.
	<p><u>16th October 2012</u></p> <ul style="list-style-type: none"> • Application to licence a taxi outside of vehicle licence conditions – refused • Steiner Academy – representation against a new premises licence - adjourned <p><u>26th October 2012</u></p> <ul style="list-style-type: none"> • Steiner Academy – representation against a new premises licence. Granted, subject to conditions

APPENDIX 2

Prosecutions/Enforcement activity

1. Taha Najim seller of illicit tobacco from a retailer within Hereford City given a conditional discharge for 6 months and was fined £528.49p
2. James Smith t/a Town & Country Roof Coatings – bogus property repairs / cold calling / rogue trading concerning an 87 year consumer - given a 3 month curfew, £2,966 costs imposed and compensation of £350 awarded.
3. Keith Price of Belmont, Hereford, sale of alcohol to a person under 18years. £115 fine and £130 costs awarded.
4. Joseph Carter, Bromyard Herefordshire, cold calling/rogue trading activities – Crown Court 15months imprisonment.
5. F J Williams of Hay – Health & Safety at Work Act, employee losing fingers to a non-compliant circular saw. Fined £4,500 with costs of £4,128 awarded.

Formal cautions.

1. Part time farmer – failure to replace lost bovine ear tags.
2. Food business operator – take away restaurant in Hereford City Health & Safety at Work Act, failure to comply with an improvement notice in relation to gas safety.

Other.

1. One defendant alleged rogue trading practices current pending arrest following absconding bail
2. Four cases pending, currently awaiting trial.

