

REPORT OF THE REGULATORY COMMITTEE

Meetings Held on 15th February, 1st March, 15th March and 12th April, 2005

Membership:

Councillors: R.I. Matthews (Chairman), Brig. P. Jones CBE (Vice-Chairman) Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope, T.W. Hunt, G. Lucas, J.W. Newman, R. Preece, D.C. Taylor, P.G. Turpin.

PUBLIC ENTERTAINMENT LICENSING – APPLICATIONS WHICH REQUEST A DEVIATION FROM POLICY

1. The Committee considered two applications for Occasional Public Entertainment Licences requesting a finishing time of later than that of 0100 hours, which is set out in the Council's Licensing Policies.
2. Each applicant was given the opportunity to present their case, as were Officers of the Environmental Health and Trading Standards Department.
3. Comments were also considered from the West Mercia Constabulary and the Fire and Rescue Authority. The Committee was mindful of the implications of the Crime and Disorder Act 1998 and the fact that the finishing time was in place to protect the local community and individuals from disturbance by night time events within the County.
4. Having considered all the facts in relation to each application, the Committee took note of the Council's policies but was of the view that the applicants had given satisfactory evidence to suggest that the events would be well supervised in a responsible manner. The applicants had held similar events in previous years and there had been no problems arising.
5. It was therefore decided that the following extension of hours should be granted, subject to conditions to be imposed by the Head of Environmental Health and Trading Standards, but only because of the exceptional circumstances involved in each application.
 - (a) Herefordshire Young Farmers Club County Rally – 7.00 pm Saturday, 21st May, 2005 – 2.00 am Sunday, 22nd May, 2005 at Lower Hope Farm, Ullingswick; and
 - (b) Radnor and West Herefordshire Hunt Ball – 7.30 pm Saturday, 19th February, 2005 - 2.00 am Sunday, 20th February, 2005 at The Old Cinema, Shobdon.

HIGHWAYS ACT 1980 SECTION 119 PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CS5 IN THE PARISH OF CASTLE FROME

6. An application for a Public Path Diversion Order has been granted in respect of footpath CS5 at Castle Frome. The application had been made to take the path away from the pond and buildings which are currently causing obstructions to it. An alternative route has been provided which is acceptable under the provisions of the Act following successful consultation with interested parties, the local parish council and the local Ward Councillor.

THE LICENSING ACT 2003

7. The preparations for the transfer of liquor and other licences from the Magistrates' Court to the Council are continuing. The licensing policies have been approved by the Committee following consultation with the police, fire authority, licensing trade and other interested parties. The proposals had been presented at Local Area Forums, to Town and Parish Councils, to the holders of public entertainment licences and also been advertised through press releases and news items on local radio. Transitional arrangements came into force on 7th February 2005 whereby existing licence holders can apply to the Council for renewal. New applications will be dealt with by the Magistrates Court until November 2005 when the Council takes over full responsibility for the licensing arrangements. A Cumulative Impact Policy has also been approved in respect of the Commercial Road area of Hereford where there are a number of licensed premises concentrated in one area. This has been developed in conjunction with the police to address the potential impact on crime and disorder or public nuisance on the town centre.

DETERMINATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCES

8. Four applications for the renewal or grant of Hackney Carriage/Private Hire drivers licences were referred to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions. The applicants and their representatives gave details of the grounds for their applications for the renewal or grant of their licences and provided the Committee with the circumstances under which they had previously held them. Having considered all the facts put forward by the Licensing Manager, the applicants and their representatives, the Committee decided that the Licensing Manager should be authorised to grant three of the applications because they considered the applicants to be deemed fit and proper persons under the meaning of the Local Government (Miscellaneous Provisions) Act 1976. In the case of one application, it was decided that the licence should not be granted but that the situation could be reviewed in February 2006 when the applicant's convictions have become spent.

CONDITIONS IN RESPECT OF OCCASIONAL PUBLIC ENTERTAINMENT, THEATRE AND CINEMA LICENCES

9. The Committee has decided to revise the conditions for Occasional Public Entertainment Theatre and Cinema Licences so that the permitted finishing time can be extended from 1.00 am to 3.00 am where there are no objections to the application. This change will enable members and officers to save time to concentrate on the transitional period for the Licensing Act 2003 by avoiding the necessity for the Committee to meet to deal with straight forward and routine applications. The Chairman and the local Ward Members will be consulted prior to any such finishing times being granted.

LICENCE FEES

10. The Committee has agreed a scale of licence fees for 2005/2006 in respect of the licensing areas that fall within its remit. Details of the approved fees are set out in the minutes of the meeting held on 1st March 2005 which can be viewed on the internet (Minute 50 refers).

POLICY IN RESPECT OF SEX ESTABLISHMENTS

11. The Committee has reviewed its policy which was established in December 2001 regarding the licensing of sex establishments. The Committee has taken into consideration the views put forward by interested organisations, the trade and the public and decided to reaffirm its policy that nil is an appropriate number of sex establishments in the County.

**R.I. MATTHEWS
CHAIRMAN
REGULATORY COMMITTEE**

BACKGROUND PAPERS

- Agenda papers from the meetings of the Regulatory Committee held on 15th February, 1st March, 15th March and 12th April, 2005