

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 30th November, 2004 at 2.00 p.m.**

Present: Councillor R.I. Matthews (Chairman)
Councillor Brig. P. Jones CBE (Vice Chairman)

Councillors: Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope,
T.W. Hunt, G. Lucas, J.W. Newman, D.C. Taylor and P.G. Turpin

In attendance: Councillors P.E. Harling

10. APOLOGIES FOR ABSENCE

Apologies were received from Councillor R Preece.

11. NAMED SUBSTITUTES (IF ANY)

There were no substitutions made.

12. DECLARATIONS OF INTEREST

There were no declarations of interest made.

13. MINUTES

RESOLVED: That the Minutes of the meeting held on 29 June 2004 be approved as a correct record and signed by the Chairman.

14. ALCOHOL CONSUMPTION IN PUBLIC PLACES DESIGNATION OF PUBLIC PLACES IN HEREFORD

The Environmental Health Manager (Commercial) presented a report about proposals to designate certain areas of Hereford City as public places within the meaning of the Criminal Justice and Police Act 2001 to restrict anti social public drinking therein. He explained the greater powers available to the Council and the Police (including Community Support Officers) under the Act compared to the current bylaws. There was greater flexibility and greater powers to deal with offences more swiftly. He provided the Committee with a list of the proposed designated public places, explained why they were proposed and the consultation process which had been undertaken regarding them. Sergeant Powell and PC Thomas also provided the Committee with the views of the West Mercia Constabulary about the proposed designations.

The Committee supported the proposals put forward by the Environmental Health Manager (Commercial) and also decided to add Quay Street, Castle Street, Barrel Street and Gaol Street to the list of the areas to be designated.

RESOLVED: That the Committee makes an Order designating those areas detailed in the report of the Head of Environmental Health and Trading Standards and also the additional streets mentioned above as public places for the purposes of section 13 of the Criminal Justice and Police Act 2001, and

request the Police (directly and through the Community Safety Partnership) to treat applications for liquor licences in designated areas sympathetically and in keeping with the aim of facilitating a vibrant and attractive city centre.

15. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH FD4 (PART) IN THE PARISH OF FORD

A report was presented by the Public Rights of Way Manager in respect of an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of footpath FD4 in the parish of Ford. He advised that proposed diversion met the criteria set out in Section 119 in that:

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

He also advised that the applicant required a diversion to move the footpath around the golf club house and to increase the safety of walkers by taking them off the golf fairway and away from the driving range. He said that the local parish council, user groups and Ward Member had been consulted about the application.

RESOLVED: That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D165/148-4.

16. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATHS VO33 (PART) AND VO34 (PART) IN THE PARISH OF VOWCHURCH

A report was presented by the Public Rights of Way Manager in respect of an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of footpath VO33 and VO34 in the parish of Vowchurch. He advised that proposed diversion met the criteria set out in Section 119 in that:

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

The application had been made to divert the footpaths away from the applicant's property of Cwm Du Cottage and the Public Rights of Way Manager outlined the consultations that had been undertaken with interested parties, the local parish council and the local Ward Councillor.

RESOLVED: That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D393-393-33/34(ii).

17. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH RC10 (PART) IN THE PARISH OF RICHARDS CASTLE

A report was presented by the Public Rights of Way Manager in respect of an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of footpath RC10 in the parish of Richards Castle. He advised that proposed diversion met the criteria set out in Section 119 in that:

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

The application had been made to take the path out of the applicant's garden and buildings and reduce the number of fences that had to be crossed by walkers. The Public Rights of Way Manager outlined the consultations that had been undertaken with interested parties, the local parish council and the local Ward Councillor.

RESOLVED: That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D220/321-10(i).

18. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CU23 (PART) IN THE PARISH OF CUSOP

A report was presented by the Public Rights of Way Manager in respect of an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of footpath CU23 in the parish of Cusop. He advised that proposed diversion met the criteria set out in Section 119 in that:

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

The application has been made because the use of the footpath had not been evident for at least 35 years; the legal line of the path was obstructed by a building and ran across a patio area and through the very steep garden of Mouse Castle Cottage. The Public Rights of Way Manager outlined the consultations that had been undertaken with interested parties, the local parish council and the local Ward Councillor.

RESOLVED: That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D134/106-23.

19. RIDING ESTABLISHMENTS LICENCE CONDITIONS IMPLEMENTATION OF THE REVISED LICENCE CONDITIONS FOR RIDING ESTABLISHMENTS, RIDING ESTABLISHMENTS ACT 1964

The Licensing Manager presented a report suggesting the implementation of revised license conditions for riding establishments. She advised that since the last review of conditions in 2002 the Royal College of Veterinary Surgeons and the British Veterinary Association had published new guidelines. She said that the new license conditions were a combination of these guidelines, the previous conditions and the best practice of other local authorities. She advised that all the riding establishments license holders in the County had been consulted and that minor amendments had been made to the conditions as a result. An advert has also been placed in the Hereford Times inviting people to comment on the proposed conditions.

RESOLVED: That the revised riding establishment license conditions set out in Appendix 1 to the report of the Head of Environmental Health and Trading Standards be approved.

20. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for the meeting.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: 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 involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION**21. DETERMINATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCES**

The Licensing Manager explained the reasons why she has refused two applications for the renewal of Hackney Carriage/Private Hire drivers licenses 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 of their licenses 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 the applications for license renewals because they considered the applicants to be deemed fit and proper persons under the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

Meeting closed at 3.08 pm

22. DETERMINATION OF APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENSE**NOT FOR PUBLICATION**

The Licensing Manager presented a report about an application by Mrs Sarah Jane Lincoln for renewal of a dual driver license. She said that the applications required the applicant to disclose any criminal convictions and police cautions and that Mrs Lincoln has previously been licensed and declared the most recent convictions on her application form. In the light of the information provided by Mrs Lincoln the license had not been issued and instead referred to the Regulatory Committee for consideration and to determine whether Mrs Lincoln was a fit and proper person to hold a license.

Mr Richards the representative of Mrs Lincoln outlined the circumstances relating to her criminal conviction which amounted to a conditional discharge for the offence of common assault. He explained the circumstances of the incident and drew attention to the good conduct of Mrs Lincoln prior to and since the event.

Having considered all the circumstances in respect of the application, the Committee was satisfied with the information provided and decided that the application could be granted.

RESOLVED: That the Licensing Manager be authorised to grant a Hackney Carriage/Private Hire Drivers License to Mrs SJ Lincoln.

23. DETERMINATION OF APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**NOT FOR PUBLICATION**

The Licensing Manager presented a report about an application by Mr Simon John Evans for renewal of a dual driver license. She said that the applications required the applicant to disclose any criminal convictions and police cautions and that Mr Evans has previously been licensed and declared the most recent convictions on his application form. In the light of the information provided by Mr Evans the license had not been issued and instead referred to the Regulatory Committee for consideration and to determine whether Mr Evans was a fit and proper person to hold a license.

Mrs Evans the representative of Mr Evans outlined the circumstances relating to his criminal conviction which amounted to a conditional discharge for the offence of battery. She explained the circumstances of the incident and drew attention to the good conduct of Mr Evans prior to and since the event and the fact that he had reported the incident to the Council.

Having considered all the circumstances in respect of the application, the Committee was satisfied with the information provided and decided that the application could be granted.

RESOLVED: That the Licensing Manager be authorised to grant a Hackney Carriage/Private Hire Drivers License to Mr SJ Evans.

The meeting ended at Time Not Specified

CHAIRMAN