

A G E N D A

Regulatory Committee

Date: **Tuesday, 30th November, 2004**

Time: **2.00 p.m.**

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:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Regulatory Committee

To: 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, R. Preece, D.C. Taylor and P.G. Turpin

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details 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 To approve and sign the Minutes of the meeting held on 30th June, 2004.	1 - 6
5. ALCOHOL CONSUMPTION IN PUBLIC PLACES DESIGNATION OF PUBLIC PLACES IN HEREFORD To consider a proposal to designate streets, roads and other areas (listed in Appendix 1) as public places within the meaning contained in the Criminal Justice and Police Act 2001 and thereby restricting anti-social public drinking in those areas. Ward: Central	7 - 14
6. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH FD4 (PART) IN THE PARISH OF FORD To consider 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. Ward: Hampton Court	15 - 16

7. **HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATHS VO33 (PART) AND VO34 (PART) IN THE PARISH OF VOWCHURCH** 17 - 20

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Ward: Bircher

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To consider 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.

Ward: Golden Valley North

10. **RIDING ESTABLISHMENTS LICENCE CONDITIONS IMPLIMENTATION OF THE REVISED LICENCE CONDITIONS FOR RIDING ESTABLISHMENTS, RIDING ESTABLISHMENTS ACT 1964** 27 - 36

To consider implementing revised licence conditions for Riding Establishments

Wards: County-wide

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To note the procedural arrangements for the following items.

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the next items will not be, or are likely not to be, open to the public and press at the time they are considered

RECOMMENDATION: 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, as indicated below

12. **DETERMINATION OF APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENSE** 39 - 42

To determine a Hackney Carriage/Private Hire Driver Licence application.

(This item discloses information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority)

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To determine a Hackney Carriage/Private Hire Driver Licence application.

(This item discloses information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority)

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To determine a Hackney Carriage/Private Hire Driver Licence application

(This item discloses information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority)

15. ITEMS FOR NEXT MEETING - 14TH DECEMBER 2004

To note that the following items will be submitted to the special meeting to be held on 14th December, 2004:

- (a) Christmas licensing policy 2004;
- (b) Application from Time Nightclub;
- (c) Review of licensing Fees
- (d) The Licensing Act 2004

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 29th June, 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, R. Preece and D.C. Taylor

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor PG Turpin.

2. NAMED SUBSTITUTES (IF ANY)

There were no substitutions made.

3. DECLARATIONS OF INTEREST

The were no declarations of interest made:

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 19 April 2004 be approved as a correct record and signed by the Chairman.

5. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for hearing appeals to ensure that the laws of natural justice were followed to give a fair hearing for applicants and to the officers.

6. PUBLIC ENTERTAINMENTS LICENSING VARIATION TO EXTEND THE OPENING HOURS BEYOND THE HOURS SET BY COUNCIL POLICY FOR O'NEILLS', COMMERCIAL ROAD, HEREFORD, HR1 2BP

The Acting Licensing Manager presented the report of the Head of Environmental Health and Trading Standards in respect of an application from O'Neil's', Commercial Road, Hereford to vary the opening hours for an Annual Public Entertainment License beyond that of 23.30 hours set out in the Council's licensing policies. She said that the finishing time was in place to protect the local community and individuals from disturbance by events involving music, singing and dancing and also advised that the Committee would need to have regard to the implications of any decisions it made which would relate to the provisions of the Crime and Disorder Act 1998. The applicants had applied for a finishing time of 1.30am Mondays to Saturdays and 00.30 am on Sundays. She advised that the Hereford and Worcester Fire Brigade and the Environmental Health Department had no objections to the application. She also advised that a public notice had been published in the Hereford Times over a two week period and the objections received were set out in the report.

Mr Crowley and his Solicitor Mr Drake presented their application for the variation of the license. Mr Crowley explained that the intention was to re-develop O'Neil's into a theme bar which would provide 1980s music and be aimed at the age group of 25 plus. The Company already operated 20 such establishments nationally and had strict policies in place to ensure safety within the premises; that drinkers under 21 were not permitted entry; and that there were no price-discounted or special offer drinks available.

PC Thomas who represented Area Commander Ian Bentley who was unable to attend lodged a formal objection to the application on behalf of West Mercia Constabulary. He said that O'Neil's was a very well run public house and that he was confident that the applicants would have an equally well run establishment. The objection of the Police centred on the impact of another late night premises in Commercial Road, which according to Police records was already a hot spot, another club they felt would exacerbate the existing public order problems encountered in the early hours of Thursdays, Fridays, Saturdays and Sundays. He provided the Committee with details of the opening hours of the other premises in the area together with comprehensive statistical details about public order problems during each year, when they arose, the type of incidents involved and the police manpower needed to deal with it. He also gave evidence of the statistics being collected since late 90's by the Police about changes in shift patterns; CCTV usage showed a 10-minute video of Commercial Road police incident; and the co-operation being sought of proprietors to cease special or all-inclusive offers involving cheap alcohol. He also explained about the work being undertaken by the Herefordshire Community Safety Partnership and the guidance it issued with a view to introducing steps to prevent and reduce alcohol related crime and disorder. He also reminded the Committee that the Licensing Act 2003 was due to come into force during 2005 and that rather than dealing with such applications on an individual and piecemeal basis, the Committee would be able to introduce a comprehensive licensing policy for all the premises in the area at the same time for the benefits of customers, the trade and local residents.

The Committee discussed details of the application and asked questions of the applicants and the officers. The applicant and his Solicitor were also given the opportunity to question the officers and the Police.

At the conclusion of the hearing the applicants and the licensing officers and the Police withdrew from the meeting whilst consideration was given to the application. Having considered all the facts in relation to the application the Committee had grave concerns about the effects that the later finishing times could have on local residents and the provisions of the Crime and Disorder Act 1998. They were mindful of the evidence given by the Police about the problems of alcohol related crime and disorder in the area and decided that the application should be refused. The applicants and the officers returned to the meeting and were informed of the decision.

RESOLVED: That the application for the variation of the Public Entertainment Licensing hours be refused because the Committee did not believe a restriction on the times or conditions of the license can sufficiently counter the objections that the Committee feel are sustained namely:

- (a) that Commercial Road at its current level is unacceptably tying up Police resources in dealing with late night disorder in the area, fuelled by alcohol;**

and

- (b) those who reside and trade in the area are likely to be put to further nuisance by the addition of another establishment offering late night entertainment.

7. PUBLIC ENTERTAINMENTS LICENSING REPORT TO DETERMINE THE OPENING HOURS FOR AN APPLICATION FOR LUCTONIANS RUGBY CLUB KINGSLANDON 16 JULY 2004 IN A MARQUEE AT LUCTONIANS RUGBY CLUB - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Consideration was given to a report in respect of an application from Luctonians Rugby Football Club for an Occasional Public Entertainment Licence with a finishing time of later than 0100 hours which was set out in the Council's policies. The Acting Licensing Manager provided the Committee with details of the Council's policies for granting Public Entertainment Licenses and said that the finishing time of not later than 0100 hours was in place to protect the local community and individuals from disturbance by events involving music, singing and dancing. She also advised that the Committee would need to have regard to the implications of any decisions it made which would relate to the provision of the Crime and Disorder Act 1998. She added that the Fire Authority and the Police had no objections to the application and that the Area Environmental Health Manager had also raised none, subject to certain conditions being imposed on the licence if the appeal was upheld.

The Licensee Tracy Hyde handed over to Mr S Green-Price presented the application by Luctonians Rugby Football Club for a finishing time of 3.30am on 16th July 2004. He said that the event had been held at the venue in previous years and that no problems had been encountered. The funds raised at the event played a very important part to enable to the club to promote rugby in the area. Those invited were members of the club, their friends and relatives and no tickets would be sold on the night. As had been the case in previous years, local residents would be notified about the event in writing and the notice would be hand delivered.

At the conclusion of the appeal the applicant and the licensing officers withdrew from the meeting whilst consideration was given to the application. Having considered all the facts in relation to the application the Committee whilst mindful of the Council's policies took the view that Mr Green-Price had given satisfactory evidence to suggest that the event would be well supervised in a responsible manner. The Committee decided that the extension of hours should be granted, but only because of the exceptional circumstances involved. The applicant and the licensing officers were invited back to the meeting and were informed of the decision.

RESOLVED: That an Occasional Public Entertainment Licence be granted to Luctonians Rugby Football Club in respect of their summer ball on 16th July 2004 between 8.30pm and 3.30am at Mortimer Park, Kingsland, Leominster subject to:

- (a) the applicant fulfilling any conditions imposed by the Police and the Fire Authority;
- (b) the applicant agreeing final details of the event with the Head of Environmental Health and Trading Standards, satisfying his requirements regarding car parking, stewarding, minimisation of noise nuisance and providing him with a responsible contact person for the event;

and

- (c) the local residents being notified or reminded in writing by the applicant.

8. PUBLIC ENTERTAINMENTS LICENSING REPORT TO DETERMINE THE OPERATING HOURS FOR AN APPLICATION FOR HEREFORDSHIRE YOUNG FARMERS CLUB DANCE ON SATURDAY 9TH JULY 2004 IN A MARQUEE ON LOWER HOPE FARM, ULLINGSWICK

Consideration was given to a report in respect of an application from Herefordshire Young Farmers Club for an Occasional Public Entertainment Licence with a finishing time of later than 0100 hours which was set out in the Council's policies. The Acting Licensing Manager provided the Committee with details of the Council's policies for granting Public Entertainments Licences and said that the finishing time of not later than 0100 hours was in place to protect the local community and individuals from disturbance by events involving music, singing and dancing. She also advised that the Committee would need to have regard to the implications of any decisions it made which would relate to the provision of the Crime and Disorder Act 1998. She added that the Police and the Fire Authority had no objections to the application and that the Area Environmental Health Manager had also raised none, subject to certain conditions being imposed on the licence if the appeal was upheld.

Mr Carless and Mr Lewis presented the application by Herefordshire Young Farmers Club for a finishing time of later than 0100 hours on 9 July 2004. They said that the event had been held in previous years and that no problems had been encountered. At the conclusion of the appeal the applicants and the licensing officers withdrew from the meeting whilst consideration was given to the application. Having considered all the facts in relation to the application the Committee whilst mindful of the Council's policies took the view that Mr Carless and Mr Lewis had given satisfactory evidence to suggest that the event would be well supervised in a responsible manner. The Committee decided that in view of the circumstances and previous good record of the applicants that the application should be granted.

RESOLVED: That an Occasional Public Entertainment Licence be granted to Herefordshire Young Farmers Club in respect of their summer ball on 9 July 2004 at Lower Hope Farm, Ullingswick, Herefordshire until 2.00 am subject to:

- (a) the applicant fulfilling any conditions imposed by the Police and the Fire Authority;
 - (b) the applicant agreeing final details of the event with the Head of Environmental Health and Trading Standards, satisfying his requirements regarding car parking, stewarding, minimisation of noise nuisance and providing him with a responsible contact person for the event;
- and
- (c) the local residents being notified or reminded in writing by the applicants.

9. PUBLIC ENTERTAINMENTS LICENSING REPORT TO DETERMINE THE OPENING HOURS AND CINEMA LICENSING REPORT TO DETERMINE THE OPENING HOURS FOR AN OCCASIONAL CINEMA LICENSE APPLICATION FOR AN APPLICATION FOR THE BIG CHILL FESTIVAL ON 30TH JULY 2004 - 1ST AUGUST 2004 AT EASTNOR DEER PARK, EASTNOR CASTLE DEER PARK, EASTNOR, NR LEDBURY

Consideration was given to a report in respect of an application from Chill Fest Ltd for an Occasional Public Entertainment Licence and for an Occasional Cinema Licence with finishing times later than those which were set out in the Council's policies. The Acting Licensing Manager gave details of the policies and the reasons for which they were in place. She advised that the policies protected the local community and individuals from disturbance by such events and she also said that the Committee would need to have regard to the implications of any decisions it made which would relate to the provision of the Crime and Disorder Act 1998. She added that the Fire Authority and the Police had no objections to the applications and that the Area Environmental Health Manager had also raised none, subject to certain conditions being imposed on the licence if the appeal was upheld. .

Fiona Stewart presented the application on behalf of Chill Fest Ltd for a finishing time of 2.00 am on 30 and 31 July 2004 and 1.00 am on 1 August 2004. She asked for the opening hours to be varied to 6.00 am in respect of an Occasional Cinema License on 30 July 2004 – 1 August 2004. She provided the Committee with details about the event and said that four full time Police Officers and forty-five professional security guards would be employed. The event had first been held at the same venue last year and had proved to be extremely successful with few problems or complaints arising. CCTV would be used at the venue and steps would be taken to minimise traffic congestion on the adjoining road network by staggering the admission period. There would be strict controls in place so that those attending would be by ticket only. She also explained that the Occasional Cinema License was for a marquee which would be showing films during the night time period of the event.

At the conclusion of the appeal the applicant and the licensing officers withdrew from the meeting whilst consideration was given to the applications. Having considered all the facts in relation to the application the Committee whilst mindful of the Council's policies took the view that Ms Stewart had given satisfactory evidence to suggest that the event would be well supervised in a responsible manner. The Committee decided that the extension of hours should be granted, but only because of the exceptional circumstances involved. The applicant and the licensing officers were invited back to the meeting and were informed of the decision.

RESOLVED: That

- (i) an Occasional Public Entertainment Licence be granted to Chill Fest Ltd in respect of the Big Chill Festival at Eastnor Castle Deer Park, Ledbury with a finishing time of 2.00 am on 30 and 31 July 2004 and 1.00 am on 1 August 2004; and**
- (ii) an Occasional Cinemas License be granted to Chill Fest Ltd at Eastnor Castle Deer Park, Ledbury to 6.00 am Friday 30 July 2004 – Sunday 1 August 2004, subject to:**
 - (a) the applicant fulfilling any conditions imposed by the Police and by the Fire Authority;**

- (b) the applicant agreeing final details of the event with the Head of Environmental Health and Trading Standards, satisfying his requirements regarding car parking, stewarding, minimisation of noise nuisance and providing him with a responsible contact person for the event;**

and

- (c) the local residents being notified or reminded in writing by the applicant.**

The meeting ended at 4.40 pm

CHAIRMAN

ALCOHOL CONSUMPTION IN PUBLIC PLACES DESIGNATION OF PUBLIC PLACES IN HEREFORD

**Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING
STANDARDS**

Wards Affected

Central

Purpose

- 1.1 To consider a proposal to designate streets, roads and other areas (listed in Appendix 1) as public places within the meaning contained in the Criminal Justice and Police Act 2001 and thereby restricting anti-social public drinking in those areas.

Background

- 2.1 Local authorities have for some time had the power to bring in byelaws to control the consumption of alcohol in streets, roads and other such places within their areas. Herefordshire Council and its predecessor Councils brought such byelaws into effect in parts of the City of Hereford, Ross-on-Wye, Ledbury, Leominster and Bromyard.
- 2.2 Where the byelaw is in force, an offence exists where a person who is consuming intoxicating liquor in a designated place, continues to do so when told to stop doing so by a Police officer. Such powers have brought about a change in town centres in terms of the previously held perceptions of some that loutish, anti-social behaviour prevailed. A 'tool' was therefore available to control such behaviour and reduce the chances of drinking vessels being used in acts of violence.
- 2.3 The byelaw in the City of Hereford was introduced circa 1991 and scheduled a large number of streets and other areas as being encompassed by the powers. The existence of the powers has been regarded as a success.

New Powers

- 3.1 On 1st September 2001 sections 12-16 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001, came into force.
- 3.2 These new statutory powers replace the Home Office model byelaw relating to the consumption of alcohol in designated public places. From 1st September 2006, local authorities that wish to place a restriction on public drinking within their area, where it is associated with nuisance or annoyance to members of the public, or disorder, will have to consider making an order under section 13 of the aforementioned Act rather than proceeding with a byelaw.
- 3.3 The principal improvement of an order over the byelaw gives the Police (also includes Community Support Officers) the power to require a person not to drink alcohol in a designated place where the officer reasonably believes that the person is, has or intends to do so, and to surrender any alcohol or alcohol containers (other than sealed containers) in the person's possession. As before, it is not an offence to drink alcohol in a designated public place, but failure to comply with an officer's

requirements in respect of public drinking or surrender of alcohol, without reasonable excuse, is an arrestable offence.

- 3.4 Unlike the procedure associated with the byelaw, the local authority is not under any obligation to conduct a formal assessment of the nature of any alleged problem(s). However, the local authority has to be satisfied that public nuisance, annoyance or disorder has been associated with public drinking in a proposed area. Where there have been no such problems, a designation order will not be appropriate.
- 3.5 Incidentally, local authorities will need to replace any existing drinking byelaws with designation orders within a five-year period commencing 1st September 2001.

The proposed designated public places

- 4.1 Earlier this year, the local Police made a request to make areas of Hereford City centre designated places under the 2001 Act in order to give the relevant powers to Community Support Officers. In addition, a subsequent request (also from the police) was received to make those areas 'designated places' in order to improve the existing powers available to them. The requests were therefore to replace the powers relating to the current areas with the new powers for those same areas.
- 4.2 Since that initial communications, matters needing clarification have arisen relating to an area/premises in Commercial Road and the Cathedral Close namely with respect to defining whether or not the frontage to the Baptist Church in Commercial Road, and the exact areas adjacent to the Cathedral that were included in the Byelaw and therefore would become designated places. These matters have now been clarified.
- 4.3 In addition, having had the opportunity to look at the extent of the existing areas, statistics for drink-related problems and the proximity of recently created designated places (namely the designated place known as the Castle Green), it is proposed that St Owen Street as far as its junction with Bath Street, be included.
- 4.4 A full listing appears at Appendix 1.

The case for designation and the associated process

- 5.1 Neither the Police nor Herefordshire Council wishes to bring about a comprehensive ban on drinking in the open air – quite the contrary. Problems typically associated with uncontrolled consumption of alcohol relate to the effects that a small number of people have on other members of the public and businesses. This, in some cases, includes occupiers and visitors to residential properties.
- 5.2 Since late 2001, the Council has passed 2 orders relating to 6 designated places (Coningsby Hospital; Graveyard on Commercial Road; Castle Green; Rose Garden on Ledbury Road; Madley Recreation Ground; Madley Church grounds) where it was considered that there were drink-related problems and that the powers available to the Police would assist in controlling such problems. There have been no reports made to Environmental Health and Trading Standards (with the exception of Castle Green) that the problems previously encountered in those areas still persist. The introduction of these powers may therefore be regarded as a success.
- 5.3 The current powers available to the Police within the existing Byelaw area are also regarded as a success and their removal would be resisted strongly by the Police and possibly others as, since 1991, the level of problems associated with the

consumption of alcohol in the city centre of Hereford has been low. However, the current powers do not allow police officers to deal with certain types of incident as easily and effectively as they could. This is particularly the case in areas such as the Cathedral Close.

- 5.4 Following discussions with the Police and receipt of the request to designate places, a notice was placed in the Hereford Journal on 16 June 2004 (see Appendix 2) informing the public of the intention to bring in an order. At the same time, the Police, parish council and certain landowners/occupiers were formally given notice and asked for their comments with a view to assessing opinion on whether these, and any other areas, should be put forward for inclusion in a designation order.
- 5.5 Representations have been received from the Police, Hereford City Council, Maylord Shopping Centre, the Cathedral Administrator and Chapter Clerk, Councillor D Fleet, and Mr L Conod (Managing Director, DNG).
- 5.6 No comments have been received from Tesco Stores Limited nor the Baptist Church on Commercial Road.
- 5.7 Representations fall into two general groups: those supporting the continuation of controls on the consumption of alcohol in public places (including support for the provision of better powers) and those wishing to see a more relaxed approach to the control in situations that are subject to other controls.
- 5.8 The representations of the former group are outlined above but it is worth noting that the Police have stated "... under both the Licensing Act 1964 and the Licensing Act 2003 will look at any applications made in respect of any locations within the designated areas on their own merits." Furthermore the Police also stated "Any application made for a pavement cafe with the ability to sell alcoholic drinks would be looked at sympathetically, and providing there were some control measures in place, such as waitress service or possibly CCTV, or time controls on when it operated it is very unlikely that the West Mercia Constabulary would make any objections. Clearly until such time as an application is made it is not possible to give a definitive answer on the police position, but if the aim is to facilitate a vibrant and attractive city centre it is one the police would support."
- 5.9 The comments of the latter group consist of "encourage and promote the 'Continental Café Culture' that is one of the main principles behind Hereford City Centre rejuvenation and Herefordshire Councils Economic Development aims". Currently this is difficult because the Byelaw prohibits such consumption except in very limited situations where a person has the benefit of an occasional licence or occasional permission. In addition, liquor on-licences cover areas within licensed premises including areas within its curtilage. Streets are not part of such premises and therefore the licence (and control) cannot extend out into the street.
- 5.10 The current limitations of the 1964 Licensing Act will change in November 2005 when the Licensing Act 2003 comes fully into force. The licensing authority will have greater flexibility to grant licences in situations, which are not currently strictly catered for with such areas coming under the control and responsibility of the licensed person(s). Provided that person also has the benefit of a street trading consent (for consent streets) then there is the potential for allowing controlled alcohol consumption in clearly delineated areas within designated places whilst at the same time allowing the police to deal with drink-related problems using these powers for the 'street' and under other powers for licensed premises.

- 5.11 Changes to the licensing regime do not come into full force until next autumn but there is a desire to facilitate 'café society' conditions now and certainly next spring and summer. At the same time there is a need to provide the enhanced powers to the police to assist them in their work now and especially during those parts of the year when outdoor drinking is more likely. From next autumn this Council will have direct control over the sale of liquor from premises including any that utilise parts of the highway. Not only will the licensing authority change but there will also be changes to the legislation that will allow areas currently outside licensed premises to have the benefit of an 'on-licence'. That direct control coupled to control over street trading would mean that the Council could control the development of 'café society' and within areas subject to powers available to the police.
- 5.12 The proposals accord with initiatives already commenced by the Herefordshire Community Safety Partnership with respect to crime and disorder and in particular tackling alcohol-associated problems.

Options

Option One – do nothing

Would result in maintenance of the status quo and not satisfy the police's needs to have more effective powers.

Would, by September 2006, result in no control over consumption of alcohol in public places and result in a probable return to the unsatisfactory situations experienced in the late 1980s and early 1990s.

Would result in the continued conflict between the desire to prevent problems and the desire to create a vibrant city centre.

Option Two – designate all currently regulated areas with minor additions and clarification

Would result in providing the police with a more effective way of dealing with drinking related problems.

Would result in the continued conflict between the desire to prevent problems and the desire to create a vibrant city centre.

Option Three – designate all currently regulated areas with minor additions and clarification plus adopting a flexible approach to street trading

Would result in providing the police with a more effective way of dealing with drinking related problems.

Would facilitate the development of certain street trading activities and integrate with other initiatives etc put forward by this Council and partners.

Financial Implications

- 7.1 Should the recommendation be agreed then a further advertisement must be placed in the local newspaper. In addition, appropriate signage must be purchased and erected in suitable places. Advertisement will cost approximately £400.00. Signs

erected at the principal entrances to each of the areas of land along with some located within the land should result in between 40 and 50 signs being purchased and erected at an estimated, average cost of £15 per sign.

RECOMMENDATION

THAT The Committee makes an Order designating those areas detailed in Appendix 1 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.

BACKGROUND PAPERS

- Letter dated 20 January 2004 from West Mercia Constabulary
- Electronic mail from West Mercia Constabulary
- Letters to consultees
- Letters and emails from consultees and others
- Copy of notice placed in Hereford Journal – 16 June 2004
- Hereford City Council Byelaw
- Crime and Disorder Act 1998
- Criminal Justice and Police Act 2001
- The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001

APPENDIX 1

Proposed streets etc within the designated area

All Saints Street	High Town
Aubrey Street	King Street
Berrington Street	Little Berrington Street
Bewell Street	Mansion House Walk
Blue School Street Service Road	Maylord Orchards Service Areas
Booth Hall Passage (25m from junction with St Peter Street)	Maylord Street
Brewers Passage	Offa Street
Bridge Street	Palace Yard
Capuchin Lane	St John Street
Cathedral Close (all areas with the exception of the Cloisters and the Deanary)	St Nicholas Street
Church Street	St Owen Street (to its junction with Bath Street)
Commercial Road	St Peter Street
Commercial Street	St Peter's Square
East Street	Union Passage
Eign Gate	Union Street
Fryzers Court	Victoria Street Subway
Gomond Street	Wall Street
Gwynne Street	West Street
High Street	Widemarsh Street (to its junction with Newtown Road)

APPENDIX 2

**HEREFORDSHIRE COUNCIL
ENVIRONMENTAL HEALTH AND
TRADING STANDARDS**

**CRIMINAL JUSTICE AND POLICE
ACT 2001
THE LOCAL AUTHORITIES
(ALCOHOL CONSUMPTION IN
DESIGNATED PUBLIC PLACES)
REGULATIONS 2001**

The Herefordshire Council, under powers available to it in the Criminal Justice and Police Act 2001, has identified streets, roads, paths and areas of land in the centre of the City of Hereford as 'public places' with the intention of making an order to control the consumption of intoxicating liquor in those areas.

These streets, roads, paths and areas of land are those currently the subject of an 'alcohol' byelaw plus an additional area namely the land surrounding Hereford Cathedral.

The Council is inviting representations as to whether or not an order should be made. Any such representations should be in writing and sent to Mr. P Nicholas, Herefordshire Council, P.O. Box 233, Hereford, HR1 2ZF, to arrive no later than 16th July 2004.

Any person wishing to obtain further details of the proposed streets, road, paths and areas and the effect of the Order may telephone Mr. Nicholas on 01432 261761 during normal office hours.

Any person wishing to view a copy of a plan showing the areas and/or view a copy of the relevant legislation may do so at the Council's Bath Street Offices, Hereford. The Offices are open between 0845 and 1715 Mondays to Thursdays and until 1645 on Fridays.



**HEREFORDSHIRE
COUNCIL**

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

Report By: Head of Highways and Transportation

Wards Affected

Hampton Court

Purpose

To consider 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.

Reasons

The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 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.
- The proposal is not substantially less convenient to the public.

Considerations

- 1 This application for a public footpath diversion relates to a development for which a diversion application was made in 1993 under the Town and Country Planning Act (TCPA) 1990. Unfortunately, due to objections concerning the incorrect classification of the bridleway and footpath on the Definitive Map, the application had not been determined before completion of the development. A definitive Map Modification Order was made in 1999 to rectify the errors in the Definitive Map.
- 2 Diversion Orders under the TCPA cannot be confirmed if the development to which they relate has been completed prior to confirmation. As an alternative, the Council has powers under Section 119 of the Highways Act 1980 to divert public rights of way.
- 3 The applicant has agreed to pay for advertising and to reimburse in full the Council's costs incurred in making the diversion order.
- 4 The applicant's reasons for the diversion are: To divert around a long term obstruction (the Clubhouse) and to increase the safety of walkers by taking them off the fairway and away from the driving range.

Further information on the subject of this report is available from Lisa Hughes Assistant Rights of Way Officer on (01432) 261721

- 5 The Open Spaces Society has not responded to the pre-order consultation. The Ramblers Association are concerned that the Club House was built across the public right of way and that the modification order in 1999 did not include a connection between FD3 and FD4. They are happy that the new proposal does seek to create that link.
- 6 The Parish Council approves of the proposal, subject to the path being clearly marked with posts and warning signs due to its proximity to golfers. The Local member also approves of the proposal.

Alternative Options

Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Risk Management

There is a risk that the Order will be opposed, leading to additional demand on existing staff resources.

Consultees

- Prescribed organisations as per annexe E of Department of the Environment Circular 2/93.
- Statutory undertakers.
- Local Councillor Keith Grumbley.
- Humber, Stoke Prior and Ford Group Parish Council.

Appendix

Appendix 1: Drawing number: D165/148-4

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D165/148-4 (appendix 1)

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

Report By: Head of Highways and Transportation

Wards Affected:

Golden Valley South

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert parts of footpaths VO33 and VO34 in the parish of Vowchurch.

Reasons

The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 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.
- The proposal is not substantially less convenient to the public.

Considerations

- 1 An application for a diversion order was made in 1996 and has been the subject of subsequent consultation and amendment. The reasons for the diversion are: ease of movement for walkers and the current close proximity of the path to the house.
- 2 The applicant has agreed to pay for advertising, to pay the Council £400 in administration costs and to reimburse in full the Council's costs incurred in making the diversion order.
- 3 During the initial consultation stage the original proposal was objected to by the Ramblers Association and Open Spaces Society. They suggested amendments to the proposal which the applicant has accepted.
- 4 The main reason for the delay in processing this application is that one of the landowners affected was unwilling to give consent to the proposed diversions. That owner has since sold his land, and the new landowner has given written confirmation that the proposals can go ahead with no objections from himself.

Further information on the subject of this report is available from Lisa Hughes Assistant Rights of Way Officer on (01432) 261721

REGULATORY COMMITTEE

30TH NOVEMBER 2004

- 5 Pre-order consultations have been carried out again, due to the time elapsed since the initial consultation in 1996. The Ramblers Association objected to the proposal for several reasons in a letter dated 5th March 2004 (appendix 1). The Open Spaces Society made several comments on the proposal in its letter of the 18th of February 2004 (appendix 2). Following a site visit made on the 16th March 2004 slight amendments to the plan were made and a letters sent to the Open Spaces Society (appendix 3) and the Ramblers Association (appendix 4) asking whether they wish to sustain their objection to the proposal. No response to this letter has been received from the Ramblers Association. The Open Spaces Society did respond and is not minded to object to the new proposal (appendix 5)
- 6 Local Member Cllr J B Williams and the Vowchurch Group Parish Council support the proposal.

Alternative Options

Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Risk Management

There is a risk that the Order will be opposed, leading to additional demand on existing staff resources.

Consultees

- Prescribed organisations as per annexe E of Department of the Environment Circular 2/93
- Statutory undertakers
- Local Member - Councillor J B Williams
- Vowchurch and District Group Parish Council.

Appendix

Appendix 1: Letter of objection from Ramblers Association. Dated 5th March 2004.

Appendix 2: Letter from the Open Spaces Society making comments. Dated 18th Feb 2004.

Appendix 3: Letter to the Ramblers Association outlining amendments made to the plan and asking if they wish to sustain their objection. Dated 18th March 2004.

Further information on the subject of this report is available from Lisa Hughes Assistant Rights of Way Officer on (01432) 261721

Appendix 4: Letter to the Open Spaces Society outlining amendments made to the plan and asking if they wish to sustain their objection. Dated 18th March 2004.

Appendix 5: Letter from the Open Spaces Society stating that they are not minded to object to the proposal. Dated 22nd March 2004.

Recommendation

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).

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

Report By: Head of Highways and Transportation

Wards Affected

Bircher

Purpose

To consider 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.

Reasons

The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 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.
- The proposal is not substantially less convenient to the public.

Considerations

- 1 The application for the diversion of the public footpath was made in April 1996, by Mr N I Kemsley. The reasons for which were to take the path out of the applicant's garden and buildings and reduce the amount of fences crossed by users.
- 2 The initial consultation drew objections based on the obstruction of the legal line by fences and the view of the Open Spaces Society that the proposed route would be unnecessarily convoluted. The Open Spaces Society proposed an alternative route for the footpath.
- 3 That proposal was not acceptable to the applicant but, following a site meeting with Rights of Way Officers, a new route was proposed as shown in drawing number D220/321-10(i) (appendix 1). This proposal has been the subject of further consultation.
- 4 The applicant has agreed to pay for advertising and to reimburse in full the Council's costs incurred in making the diversion order.
- 5 The Open Spaces Society and the Ramblers Association have not commented on this proposal. The Parish Council has not objected to the proposal, but has made an alternative suggestion. The line proposed on Drawing Number D220/321-10(i) is considered to be a reasonable compromise between wishes of the Parish Council

Further information on the subject of this report is available from Lisa Hughes Assistant Rights of Way Officer on (01432) 261721

and suggestions from the Open Spaces Society. No response was received from the local Councillor, S Bowen.

Alternative Options

Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Risk Management

There is a risk that the Order will be opposed, leading to additional demand on existing staff resources.

Consultees

- Prescribed organisations as per annexe E of Department of the Environment Circular 2/93.
- Statutory undertakers.
- Local Member - Councillor Sebastian Bowen
- Richards Castle Parish Council

Appendix

Appendix 1: Drawing number: D220/321-10(i)

Recommendation

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) (appendix 1).

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

Report By: Head of Highways and Transportation

Wards Affected

Golden Valley North

Purpose

To consider 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.

Reasons

The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 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.
- The proposal is not substantially less convenient to the public.

Considerations

- 1 This application was made in 1992, by a previous owner of the property 'Mousecastle'. The current owners took over the application in 1994. The applicant's reasons for the diversion are that the footpath has not been evident, let alone used for at least 35 years. The existence of a permissive path through Mousecastle Wood makes the diversion obvious. The legal line of the footpath is currently obstructed by a building, runs across a patio area and through the very steep garden of the property.
- 2 The application was approved by the Council in 1997. The order was never proceeded with due to problems with obtaining the permission of the 'Woodland Trust', which owns Mousecastle Wood through which the diversion was proposed to run.
- 3 Problems encountered with regard to obtaining permission for the diversion from the Woodland Trust have since been overcome, through the Woodland Trust granting it's permission, along with their approval for the installation of steps and drainage where required (appendix 2).
- 4 The strip of land E to F is unregistered. It is not owned by the Council, and is not part of the highway. It does not belong to the Moor Estate, the Woodland Trust, the applicants or the owners to the northern side. It is described on the 1840 parish tithe

Further information on the subject of this report is available from Lisa Hughes Assistant Rights of Way Officer on (01432) 261721

map as 'waste'. The applicant has contacted the Land Registry in Telford and established that the land is unregistered. Although all reasonable steps have been taken to try to ascertain ownership of this portion of land, there is the risk of a compensation claim should this Order be made.

- 5 Since the application was made before administration costs were charged. The applicant has agreed to pay only the advertisement costs for two advertisements, as set out in a letter from the Hereford and Worcester County Council (HWCC) in October 1997 (appendix 3).
- 6 A recent consultation with user groups has not resulted in any objections.
- 7 The Parish Council have agreed to the proposal, the Local Member has not responded to the consultation.

Alternative Options

Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Risk Management

There is a risk that the Order will be opposed, leading to additional demand on existing staff resources.

Consultees

- Prescribed organisations as per annexe E of Department of the Environment Circular 2/93.
- Statutory undertakers.
- Local Member - Councillor Nigel Davies
- Cusop Parish Council

Appendix:

Appendix 1: Order Plan, drawing number: D134/106-23.

Appendix 2: Agreement of Woodland Trust

Appendix 3: Letter from HWCC and agreement to pay advertising costs.

Further information on the subject of this report is available from Lisa Hughes Assistant Rights of Way Officer on (01432) 261721

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D134/106-23 (appendix 1).

Background Papers

Draft Order and decision notice from 1997

Further information on the subject of this report is available from Lisa Hughes Assistant Rights of Way Officer on (01432) 261721

RIDING ESTABLISHMENTS LICENCE CONDITIONS IMPLIMENTATION OF THE REVISED LICENCE CONDITIONS FOR RIDING ESTABLISHMENTS, RIDING ESTABLISHMENTS ACT 1964

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

County-wide

Purpose

1. To consider implementing revised licence conditions for Riding Establishments.

Legislation: **Duty to specify conditions in the licence**

2. The authority shall specify conditions to ensure :-

- Section 1(4) (a) whether that person appears to them to be suitable and qualified either by experience in the management of horses or by being the holder of an approved certificate or by employing in the management of the riding establishment a person so qualified, to be the holder of such a licence; and
- (b) the need for securing:
- (i) that paramount consideration will be given to the condition of horses and that they will be maintained in good health, and in all respects physically fit and that, in the case of a horse kept for the purposes of its being let out on hire for riding or a horse kept for the purpose of its being used in providing instruction in riding, the horse will be suitable for the purpose for which it is kept;
 - (ii) that the feet of all animals are properly trimmed and that, if shod, their shoes are properly fitted and in good condition;
 - (iii) that there will be available at all times accommodation for horses suitable as respects construction, size, number of occupants, lighting, ventilation, drainage and cleanliness and that these requirements be complied with not only in the case of new buildings but also in the case of buildings converted for use as stabling;
 - (iv) that in the case of horses maintained at grass there will be available for them at all times during which they are so maintained adequate pasture and shelter and water and that supplementary feeds will be provided as and when required;
 - (v) that horses will be adequately supplied with suitable food, drink and (except in the case of horses maintained at grass, so long as they are so maintained) bedding material, and will be adequately exercised, groomed and rested and visited at suitable intervals;

Further information on the subject of this report is available from Suzanne Laughland, Licensing Manager on
(01432) 261675

- (vi) that all reasonable precautions will be taken to prevent and control the spread amongst horses of infectious or contagious diseases and that veterinary first aid equipment and medicines shall be provided and maintained in the premises;
 - (vii) that appropriate steps will be taken for the protection and extrication of horses in the case of fire and, in particular, that the name, address and telephone number of the licence holder or some other reasonable person will be kept displayed in a prominent position on the outside of the premises and that instructions as to action to be taken in the event of fire, with particular regard to extrication of horses, will be kept displayed in a prominent position on the outside of the premises;
 - (viii) that adequate accommodation will be provided for forage, bedding, stable equipment and saddlery.
- 1(4a) (a) a horse found on inspection of the premises by an authorised officer to be in need of veterinary attention shall not be returned to work until the holder of the licence has obtained at his own expense and has lodged with the local authority a veterinary certificate that the horse is fit for work;
- (b) no horse will be let out on hire for riding or used for providing instruction in riding without supervision by a responsible person of the age of 16 years or over unless (in case of a horse let out for hire for riding) the holder of the licence is satisfied that the hirer of the horse is competent to ride without supervision;
 - (c) the carrying on of the business of a riding establishment shall at no time be left in the charge of any person under 16 years of age;
 - (d) the licence holder shall hold a current insurance policy which insures him against liability for any injury sustained by those who hire a horse from him for riding and those who use a horse in the course of receiving from him, in return for payment, instruction in riding and arising out of the hire or use of a horse as aforesaid and which also insures such persons in respect of any liability which may be incurred by them in respect of injury to any person caused by, or arising out of, the hire or use of a horse aforesaid;
 - (e) a register shall be kept by the licence holder of all horses in his possession aged three years and under and usually kept on the premises which shall be available for inspection by an authorised officer at all reasonable times.
- 1.(9) Any person who contravenes the provision of subsection (1) of this section shall be guilty of an offence ; and if any condition subject [to which a licence under this Act is subject (whether by virtue of subsection (4a) of this section or otherwise)] is contravened or not complied with, the person to whom the licence was granted shall be guilty of an offence.

Background

3. Since the last review of conditions in 2002 the Royal College of Veterinary Surgeons and the British Veterinary Association have published new Guidelines. These were published in January 2004.
4. The new licence conditions are a combination of the previous conditions, the new Guidelines and other Authorities Conditions.
5. All the Riding Establishment licence holders in the County were consulted, responses were received and amendments made as appropriate.
6. Also an advert had been placed in the Hereford Times inviting people to comment on the proposed licence conditions from which no responses were received.
7. The revised conditions are set out in Appendix 1.

Options

8. it is for the Regulatory Committee to decide:-
 - a whether to adopt the Riding Establishments Conditions
 - b refuse to adopt the licence conditions
 - c or reach some other decision

Appendix 1

**Standard Conditions Attached to Riding Establishment Licences****Riding Establishments Act 1964****1.1 INSURANCE**

- 1.1** The licence holder shall hold a current Public Liability Insurance policy to provide indemnity against liability at law to pay damages for accidental bodily injury or damage to property to those hiring a horse for riding or receiving instruction in riding resulting from his own activities or those of members of his staff or of his clients in connection with his business.

2.0 QUALIFICATIONS OF APPLICANT AND RESPONSIBLE PERSONS

- 2.1** The person keeping a riding establishment shall be suitable and qualified either by experience in management of horses or by having the holder of an approved certificate or by employing in the management of the riding establishment a person so qualified.
- 2.2** If the management of a riding establishment is to be entrusted to another person by the applicant, the suitability and experience of the nominated person must be considered and reported on.
- 2.3** No horse may be let out for hire for riding or used for providing instruction in riding without supervision by a responsible person of the age of 16 years or over unless (in the cases of a horse let out for hire for riding) the holder of the licence is satisfied that the hirer of the horse is competent to ride without supervision.
- 2.4** The carrying on of the business of the establishment must at no time be left in the charge of any person under 16 years of age.

Further information on the subject of this report is available from Suzanne Laughland, Licensing Manager on (01432) 261675

3.0 RECORD KEEPING

- 3.1 **A register must be kept of all horses in the licence holders possession aged three years and under and usually kept on the premises which shall be available for inspection by an authorised officer at all reasonable times.**
- 3.2 **An appointment book/stable records must be maintained and be available for the inspector to ascertain that the horses are adequately rested, supplied with food, drink and bedding material.**
- 3.3 **Records of parasite control must be available to be checked.**
- 3.4 **The Health and Safety Assessment must be available for an authorised officer of the Council to see during any inspections.**

4.0 GENERAL MANAGEMENT

- 4.1 **The supply of food, drink and bedding material must be adequate and suitable; the hay and food shall not be mouldy or rat infested. Horses must be adequately exercised, groomed, rested and visited at suitable intervals.**

5.0 NOTICES

- 5.1 **The name address and telephone number of the licence holder or other responsible person must be displayed prominently and clearly on the outside of the premises. The postcode must also be displayed on the notice to help the emergency services locate the premises in the event of fire.**
- 5.2 **The notice must have directions of what to do in the event of a fire.**
- 5.3 **No smoking notices must be present in all areas of the premises in prominent positions.**
- 5.4 **The current licence must be displayed prominently for public viewing on the premises at all times.**
- 5.5 **The licence conditions must be kept safely on the premises and must be readily available to all members of staff.**

6.0 FIRE PRECAUTIONS

- 6.1 **The licence holder must ensure that appropriate steps will be taken for the protection and extrication of horses in case of fire and in particular, that the name, address and telephone number be displayed in a prominent position on the outside of the premises. Instructions as to the action required with particular attention being paid to the extrication of the horses, are kept displayed in a prominent position on the outside of the premises.**

- 6.2 Fire extinguishers must be serviced annually and the last service date must be visible on an attached label.
- 6.3 There must be clear access to all stalls and loose boxes.
- 6.4 For small fires a water tap and hose must be available at all times.
- 6.5 A full and sufficient fire risk assessment must be undertaken. If five or more persons are employed then the significant findings must be recorded.

7.0 DISEASE CONTROL AND FIRST AID EQUIPMENT

- 7.1 All reasonable precautions will be taken to prevent and control the spread among horses of infectious or contagious diseases and that veterinary first aid equipment and medicines shall be provided and maintained in the premises.
- 7.2 Isolation facilities must be provided for the isolation of any animal with infectious disease.
First aid equipment shall include antiseptic solution and powder, dressings, bandages, scissors and a thermometer.
- 7.3 The name address and telephone number of the attending veterinary surgeon and doctor be prominently displayed at each establishment in case of emergency.

8.0 THE HORSES

- 8.1 Horses must be in good health, and in all respects physically fit and, in the case of a horse kept for the purpose of its being let out on hire for riding or a horse kept for the purpose of its being used in providing instruction in riding, the horse must be suitable for the purpose for which it is kept.
- 8.2 No horse aged three years or under nor any mare heavy in foal nor any mare within three months after foaling may be let out for hire for riding or used, in return for payment, for instruction in or demonstrating riding.
- 8.3 The feet of all animals must be properly trimmed and, if shod their shoes must be properly fitted and in good condition.
- 8.4 Any horse in need of veterinary attention must be removed from work immediately and veterinary advice sought. Appropriate treatment must then be carried out.
- 8.5 A horse found on inspection of the premises by an authorised officer to be in need of veterinary attention must not be returned to work until the holder of the licence has obtained at his expense and has lodged with the local authority a veterinary certificate that the horse is fit for work.
- 8.6 In the case of horses maintained at grass there must be available for them at all times during which they are so maintained adequate pasture,

Further information on the subject of this report is available from Suzanne Laughland, Licensing Manager on
(01432) 261675

shelter and water. Supplementary feeds must be provided as necessary.

8.7 Horses at grass must be visited at least twice daily by a person competent to recognise injury or illness.

8.8 Horses must be adequately supplied with suitable food, drink and (except in the case of horses maintained at grass, so long as they are so maintained) bedding material, and must be adequately exercised, groomed and rested and visited at suitable intervals.

9.0 ACCOMODATION

9.1 There will be available at all times accommodation for the horses suitable as respects construction, size and number of occupants. Able to provide warmth and shelter in hygienic conditions.

9.2 Yards must provide enough space for every animal kept there.

9.3 Access to boxes and stalls must be safe and convenient. Stalls shall be large enough to allow the animal to lie down and get up without risk of injury. Boxes shall be large enough to allow the animal to turn around and there should be sufficient headroom, as a minimum for a horse to hold its head in a normal upright position without its ears touching the roof. Both shall be free of fittings and projections or other structural features that might cause injury to horse occupants. Doors must open outwards and be of robust construction.

9.4 Lighting must be adequate to render the use of artificial lighting unnecessary in daylight. Horse must be protected from injury from windows, electric switches, loose wires and other equipment in stalls and boxes. In the absence of electricity alternative lighting must be available.

9.5 Ventilation must provide fresh air without draughts.

9.6 Drainage must be adequate to carry away liquid voided by the horses and keep the standings dry. Drains shall discharge outside the buildings. Provision for the storage and disposal of manure and spoiled bedding must be made. This must be located sufficiently far from buildings to avoid the risk of fire and spread of disease.

9.7 Fences must be maintained in safe condition, free from hazards and loose or broken rails. Fields must be free of rubbish, parked machinery and other equipment likely to cause injury to horses. There must be control of injurious weeds including ragwort.

9.8 Adequate accommodation must be provided for forage bedding, stable equipment and saddlery.

10.0 SADDLERY AND RIDING HATS

10.1 All riding equipment shall be maintained in a good condition so as not to cause suffering to the horse or accident to the rider.

Further information on the subject of this report is available from Suzanne Laughland, Licensing Manager on (01432) 261675

- 10.2 Riding hats must comply with the most recent British Safety Standard and display the BSI Kite mark.**

11.0 INDOOR AND OUTDOOR SCHOOLS

- 11.1 The surface of the school must be well drained, free of standing water and maintained regularly to keep it level and smooth. There must be give in the surface consistent with the nature of the surface material of which it is composed.**
- 11.2 Indoor schools must have no central roof stanchions. All stanchions around the walls must be either outside of the innermost protecting wall or well padded up to a height above the head of a rider on the tallest horse used in the establishment.**
- 11.3 There must be no other projections either around the walls or elsewhere in the school that could cause injury to horse or rider.**
- 11.4 Outdoor schools must be properly fenced and maintained so as not to cause injury to horse or rider. Lighting stanchions must be properly padded (as above) if they are sufficiently close to the riding surface to present the danger of contact.**
- 11.5 Indoor schools must have functional doors and outdoor schools must be able to be closed off by gates or rails when in use.**

12.0 HACKING

- 12.1 The operator must be able to demonstrate their ability to gauge the skill level of the rider for the appropriate horse.**

13.0 TRAIL RIDING

- 13.1 Provision must be made for replacing sick or lame horses must be made.**
- 13.2 Any horse used for longer distances must be rested sufficiently between rides.**
- 13.3 Unguided Trail Riding must have adequate control and management in place to cover all eventualities. This will include checking in rider by phone at night. The horse must be checked during overnight stays.**

14.0 RIDING SCHOOLS WITH ATTACHED LIVERY

- 14.1 There shall be a clear distinction of premises between the hired out horse and those for livery.**
- 14.2 A separate feed, tack, and other facilities should be provided.**

15.0 CLINICAL INSPECTION OF THE HORSES

Further information on the subject of this report is available from Suzanne Laughland, Licensing Manager on (01432) 261675

15.1 A suitably darkened stable must be provided for the ophthalmic examination.

15.2 The Horse must be rested for inspection of auscultation of the chest.

Further information on the subject of this report is available from Suzanne Laughland, Licensing Manager on
(01432) 261675

REGULATORY COMMITTEE
LICENSING DETERMINATION PROCEDURE

1. Introduction by Clerk to the Panel.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Panel or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Clerk to the Panel, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Panel. When the additional information has been furnished, they should all be asked to leave again.
8. The Panel can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is a refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second application the same way.

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