

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 29th November, 2005 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.G.S. Guthrie,
J.W. Hope MBE, T.W. Hunt, J.W. Newman, R. Preece, D.C. Taylor and
P.G. Turpin

In attendance: Councillors P.J. Edwards

41. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Brig P Jones CBE.

42. NAMED SUBSTITUTES (IF ANY)

There were no substitutions made.

43. DECLARATIONS OF INTEREST

There were no declarations of interest made.

44. MINUTES

RESOLVED: That the Minutes of the meeting held on 25th October, 2005 be approved as a correct record and signed by the Chairman.

45. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CS4 (PART) IN THE PARISH OF CASTLE FROME

A report was presented by the Assistant Rights of Way Officer in respect of an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of footpath CS54 (Part) in the parish of Frome. She 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.

She also advised that the applicant required the diversion so that the footpath would be removed from the garden of Moorend Farm. The applicant also wanted some security to his private wildlife reserve which was based around several ponds and has been built up over the years. She also said that the applicant had agreed to pay for advertising and to reimburse in full the Council's costs incurred in making the Diversion Order, including bringing the proposed route up to an acceptable standard. The local parish council, user groups and Ward Member had been consulted and although some objections had been made, her view was that the applicant had

fulfilled all the requirements of the legislation and that they could not therefore be sustained.

Having considered all the facts in respect of the application, the Committee decided that it should be granted.

RESOLVED: That a Public Path Diversion Order be made under Section 119 of the Highways Act 1980 in respect of part of footpath CS54 in the parish of Castle Frome, as illustrated on drawing number D306/79-4(i).

46. PROPOSED HACKNEY CARRIAGE TARIFF INCREASES 2005/2006

The Licensing Officer presented the report of the Head of Environmental Health and Trading Standards about proposed increases in taxi fares. She said that the proposed increases were agreed in principle by the Committee on 25th October 2005 provided that there were no objections received. Unfortunately the incorrect tariff increase had been advertised in the press and an objection had been received from Mr J Clyde (chairman of the local hackney carriage Steering Group). She said that if the Committee was agreeable, a revised advert would be placed with a view to the proposed fare increases taking affect from 12 December 2005.

The Committee considered the proposed fare structure and agreed with the proposals put forward by the Licensing Officer.

RESOLVED

that the proposed fare increase set out in the report of the Head of Environmental Health and Trading Standards takes effect from 12th December 2005.

47. REGULATORY SUB-COMMITTEE

The Committee Manager (Statutory and Planning) gave an outline of the licensing work which had been undertaken by the Regulatory Sub-Committee during the past few months as follows:-

Premise licence applications

During transition Received 732 in total of which 401 varied = 55%

Currently have 45 pending licences

Pubs Licensable activities to 01.00 – 02.00 Closing 1.30 - 3.00

Night Clubs Licensable activities to 03.00 Closing 3.30

The majority of premises kept extension for New Years Eve up to 36 hours and some have added an hour for New Years Eve and Christmas Day.

total 787 Approx = 80%

20% = 200 not applied

Club Premise Certificate Applications

During transition received 58 in total of which 25 varied = 43%

Currently have none pending

Clubs extensions range for licensable activities up to 01.00 to 03.00

Closing 01.30 – 03.00

applied = 80 %

not applied = 20%

Personal Licence Applications

During transition received 762 in total

Currently have 70 pending

Reports sent to Regulatory Sub Committee

5/7/2005 - 1/11/2005 = 18 meetings arranged of the Regulatory Sub Committee (2 of these meetings were cancelled as the applications were agreed before committee hearing)

58 reports have been submitted to the Regulatory Sub-Committee, 15 of these were agreed before they got to Committee, leaving 43 determined by it.

Appeals

Three premises have lodged appeals to committee decision. To be heard at the Magistrates Courts.

Village Halls

162 non fee paying include village halls, churches, community buildings

11 Village Halls applied for alcohol licence (would pay a fee)

Current Situation

All the licences submitted before 6th August have been determined however the licensing staff are now imputing the information onto the data base to issue the licences. Some of the applicants may not receive their licence before 24th November but we will notify them that their licence is on the way.

If they haven't applied for their licence technically they will not be licensed carry out a licensable activity.

The Licensing Section was seeking Government guidance on what action to take against those premises for which a licence had not been applied for following the 24th November deadline.

48. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for hearing appeals to ensure that the laws of natural justice were complied with for the benefit of appellants and Officers.

49. APPLICATION FOR A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer explained that an applicant for a Hackney Carriage/Private Hire driver's license had a conviction which did not become unspent until 2010 and

that she had therefore referred the matter to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions. The applicant gave details of the circumstances which had given rise to the conviction and explained why he felt that he should be granted a licence. Having considered all the facts put forward by the Licensing Officer and the applicant, the Committee was satisfied that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he could be granted a licence.

50. APPLICATION FOR A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer presented a report about an application for a dual Hackney carriage and private hire driver's licence. She explained issues relating to the requirement to obtain medical clearance from a G.P. as stipulated within the provisions of the hackney carriage and private hire licensing legislation and the Council's licensing conditions. She also provided the Committee with the views of the Council's Medical Advisor that the application should not be granted. The applicant was given the opportunity to address the Committee in respect of his application and explained his medical background.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant could not be granted a licence because he had not been able to fulfil the necessary medical requirements.

51. DATE OF NEXT MEETING

The meeting ended at 4.20 p.m.

CHAIRMAN