

A G E N D A

Regulatory Committee

Date: **Tuesday, 1st March, 2005**

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:

*Pete Martens, Members' Services, Tel:
01432 260248, Fax: 01432 261809*

e-mail: pmartens@herefordshire.gov.uk

**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 MBE,
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 15th February, 2005.	1 - 6
5. PROCEDURAL ARRANGEMENTS To note the procedural arrangements for the meeting.	7 - 8
6. PUBLIC ENTERTAINMENTS LICENSING REPORT TO DETERMINE THE OPERATING HOURS FOR AN APPLICATION FOR HEREFORDSHIRE YOUNG FARMERS CLUB RALLY DANCE ON SATURDAY 21ST MAY 2005 IN A FARM BUILDING ON LOWER HOPE FARM, ULLINGSWICK. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 To consider an application for the variation of the finishing time of a Public Entertainments Licence – Herefordshire Young Farmers Club.	9 - 20
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7. REVISE THE LICENSING CONDITIONS IN RELATION TO OCCASIONAL PUBLIC ENTERTAINMENT THEATRE AND CINEMA LICENCES. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, CINEMAS ACT 1985 AND THEATRES ACT 1968 To consider changing the current conditions for occasional public entertainment, theatre and cinema applications to extend the permitted finishing time from 01.00 to 03.00 where there are no objections to the application	21 - 22

Wards: County-wide

8. LICENCE FEES

To consider implementing revised licence fees for the specified Council's licensing functions issued by the Environmental Health and Trading Standards licensing Section.

Wards: County-wide

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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, Town Hall, St Owen St, Hereford on Tuesday, 15th February, 2005 at 10.00 a.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, J.W. Newman, R. Preece, D.C. Taylor and P.G. Turpin

In attendance: Councillors (none)

34. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor G Lucas.

35. NAMED SUBSTITUTES (IF ANY)

There were no substitutions made.

36. DECLARATIONS OF INTEREST

There were no declarations of interest made

37. MINUTES

RESOLVED: That the Minutes of the meeting held on 14 December 2004 be approved as a correct record and signed by the Chairman

38. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements to hear licence applications.

39. APPLICATION FOR PUBLIC ENTERTAINMENTS LICENCE - RADNOR AND WEST HEREFORDSHIRE HUNT BALL - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Consideration was given to a report in respect of an application from Radnor and West Herefordshire Hunt 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 Principle Trading Standards Officer provided the Committee with details of the Council's policies for granting Public Entertainment 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 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 application was approved.

Mrs Gardner presented the application by Radnor and West Herefordshire Hunt for a

finishing time of 2:00 am in respect of the Hunt Ball to be held on Saturday 19th February, 2005 in a Marquee at The Old Cinema Shobdon. She said that the event had been held at various venues within the County during previous years and that no problems had been encountered. She explained the steps that would be put in place to minimise noise and disturbance and outlined the arrangements for car parking and security, and the likely number of those who would be attending.

At the conclusion of the application Mrs Gardner and the 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 Mrs Gardner 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. There were some concerns about the short timescale involved to determine the application but noted that there had not been a Committee meeting scheduled since the last meeting on 14th December and that at that time the application was still going through the consultation process. The applicant and the Officers were then invited back to the meeting and were informed of the decision.

RESOLVED: That an Occasional Public Entertainment Licence be granted to Radnor and West Herefordshire Hunt in respect of their Hunt Ball on Saturday 19th February, 2005 between 7.30 pm and 3.00am at The Old Cinema Shobdon subject to:
the applicant fulfilling all conditions imposed by the Police, Fire Authority and the Head of Environmental Health and Trading Standards; and the applicant first 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;

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

A report was presented by the Public Rights of Way Manager in respect of an application under Section 119 of the Highways Act 1980 to make a Public Path Diversion Order to divert footpath CS5 in the parish of Castle Frome. 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; and
- the proposal does not alter the point of termination of the paths.

A report was presented by the Public Rights of Way Manager in respect of an application under Section 119 of the Highways Act 1980 to make a Public Path Diversion Order to divert footpath CS5 in the parish of Castle Frome. 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; and
- the proposal does not alter the point of termination of the paths.

The application had been made to take the path away from the pond and buildings currently causing obstructions to the path and the Public Rights of Way Manager

explained that the proposed route was acceptable following 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 in respect of Footpath CS5, as illustrated on drawing number: D268/79-5(iii).

41. THE LICENSING ACT 2003

The Licensing Manager presented a report suggesting formal adoption of the Herefordshire Council's Licensing Policy and Cumulative Impact Policy agreed by the Committee on the 14 December 2005 to enable the Regulatory Committee and the Regulatory Sub Committee to carry out its functions under the Licensing Act 2003. She said that Section 5 of the Licensing Act 2003 required the Council to determine its policy with respect to the exercise of its licensing functions every three years and to publish a statement of that policy. She advised that 7th February, 2005 was the first appointed date when local authorities could start to receive applications for licences under the Licensing Act 2003. She also advised that following approval of the Herefordshire Councils Licensing Policy and Cumulative Impact Policy on 14th December 2004, the policies had been published on the Council's website in January 2005. Having asked questions about the new licensing arrangements, the Committee agreed with the proposals put forward by the Licensing Manager.

RESOLVED That the Herefordshire Council's Regulatory Committee in taking on the role as the Licensing Committee as prescribed under the Licensing Act 2003, formally adopt the Licensing Policy and Cumulative Impact Policy and to exercise its functions in accordance with those said policies.

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.

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

The Licensing Manager presented a report about an application for a dual hackney carriage and private hire driver's license. She explained issues relating to the requirement to disclose any criminal convictions and police cautions. The applicant was given the opportunity to address the Committee in respect of his application.

Having considered all the facts put forward by the Licensing Manager and the applicant, the Committee decided that the application should be refused because of unspent convictions but that it could be reviewed in February 2006.

The meeting ended at 11.00 a.m.

CHAIRMAN

Document is Restricted

REGULATORY COMMITTEE
LICENSING APPEAL 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.

6 PUBLIC ENTERTAINMENTS LICENSING REPORT TO DETERMINE THE OPERATING HOURS FOR AN APPLICATION FOR HEREFORDSHIRE YOUNG FARMERS CLUB RALLY DANCE ON SATURDAY 21ST MAY 2005 IN A FARM BUILDING ON LOWER HOPE FARM, ULLINGSWICK.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

Bromyard

Purpose

1. To determine whether to grant a finishing time later than the current policy of 01.00 am hours for an occasional public entertainment.

Background

2. Local Authorities are, when licensing public entertainment events, permitted to make the licence conditional.

The purpose of conditions attached to and forming part of a licence broadly fall into four categories.

- (a) Securing the safety of everyone present: this includes fire safety and some health and safety matters
- (b) Securing adequate access to the premises in emergencies
- (c) Ensuring adequate sanitary arrangements in the premises and
- (d) Preventing nuisance and disturbance in the neighbourhood.

The holder of an Entertainment's Licence may at any time apply to the Authority for such variations of the terms, conditions and restrictions on a subject to which the licence is held.

The Authority may:-

- (a) Make the variation specified in the application

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

- (b) Make such variations as they think fit, including subject to the four categories above. Impose terms, conditions or other restrictions other than those specified or
- (c) Refuse the application

Conditions

3. Amongst the various Conditions and Regulation there are specific ones which related to finishing times for events.

Condition 4.1 of the Standard Conditions for Licensing of Premises for Public Entertainment

Premises licensed for Public Entertainment shall only be opened and used for any of the said purposes on such days and during such hours as the Licensing authority specifies in the schedule to the licence conditions.

The Regulations (standard conditions) of the Council specify the opening times of entertainment establishments as follows

11.00 until 0100 (Monday to Saturday)	In respect of premises that <u>do not</u> have the benefit of a liquor licence under the Licensing Act 1964
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The application for deviation from policy

4. Mr Michael Lewis and Miss C M Hope on behalf of the Young Farmers Club request a variation of the licence condition to extend the opening entertainment hours from 0100 to 0200 am. The intended venue for this event is in a farm building on the farm at Lower Hope Farm, Ullingswick on 21 May 2005 for 1600 people.

Issues

5. The main cause for concern to the Police and ourselves is the potential for disturbance to others. The 0100 hours finishing time is a policy designed to limit the intrusive effects of events and has worked well over the years supported by and with the co-operation of the police.
6. This is a one off event, we have no problem with granting a licence until 01.00 hours, whether this event should be allowed to finish later than 01.00 is a matter for consideration
7. The Council in the past has dealt with such applications for deviation from policy and to allow many of them to terminate at times later than the 01.00 hours but impose special conditions designed to minimise the chances of nuisance occurring. (The special conditions imposed can be found in appendix 1)
8. The Police were consulted and have no objection.

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

9. The Fire Brigade have been consulted and have no objection.

10. Environmental Health had no objections

Options

- to grant the extended hours
-
- to grant the extended hours and impose conditions
-
- to refuse the extended hours
-
- or come to some other conclusion

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



APPLICATION FOR GRANT OF AN OCCASIONAL PUBLIC ENTERTAINMENT LICENCE

85365
To:
The Licensing Section
Herefordshire Council
P.O. Box 233
Hereford
HR1 2ZF
Tel 01432 260105/260013

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Please read the guidance notes when completing this application form.

<p>APPLICANT 1 DETAILS NAME MR M W LEWIS ADDRESS LOWER TOWN FARM BERRINGTON, TENBURY WELLS, WORCS TEL NO 01584 810 202/07968 040 723 HAVE YOU PREVIOUSLY HELD A PUBLIC ENT. LICENCE? YES NO IF YES, WHEN & FOR WHERE? ARKSTONE COURT 22 MAY 2004 (if more than 1, please give last event)</p>	<p>APPLICANT 2 DETAILS NAME MISS C M HOPE ADDRESS TAN HOUSE FARM LONGTOWN HEREFORDSHIRE TEL NO 01873 860 444/221 HAVE YOU PREVIOUSLY HELD A PUBLIC ENT. LICENCE? YES NO IF YES, WHEN & FOR WHERE? (if more than 1, please give last event)</p>
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KEYHOLDER'S DETAILS

NAME AND LOCATION OF VENUE LOWER HOPE FARM, UWNESWICK, HEREFORDSHIRE HR1 3GF

TYPE OF VENUE FARM BUILDINGS & FIELDS
(e.g. pub, hall, farm, field, etc.)

HAS A PUBLIC ENT. LICENCE BEEN PREVIOUSLY GRANTED FOR THIS VENUE? **YES/NO** **DONT KNOW** IF YES, WHEN & FOR WHAT PURPOSE? **SATURDAY, 20th MAY 2004 - COUNTY RALLY + RALLY DANCE**
(if more than 1, please give last event) **FRIDAY 9th JULY 2004 - CHAIRMAN'S BALL**
Note: performance of plays requires a Theatre licence

EVENT DETAILS

PURPOSE(S) OF EVENT (e.g. dance, music only, sport, etc.) **COUNTY RALLY & RALLY DANCE**

NUMBER ATTENDING 1600 DATE 21-05-2004 TIME(S) 9.00 AM : 2.00 AM (i.e. start & finish)

NUMBER ATTENDING DATE TIME(S) (i.e. start & finish)

NUMBER ATTENDING DATE TIME(S) (i.e. start & finish)

IS A LIQUOR LICENCE IN FORCE? **YES/NO** IF NO, WILL ONE BE SOUGHT? **YES/NO**

IF A LIQUOR LICENCE IS TO BE SOUGHT, WHO WILL APPLY FOR IT? **MISS CHRISTINE HOPE**

NOTE: While the Council has the power to licence musical entertainments on Sundays under the Sunday Entertainment Act 1932, the Sunday Observance Act 1780 prohibits the use of premises for public dancing on a Sunday where there has been a charge for admission.

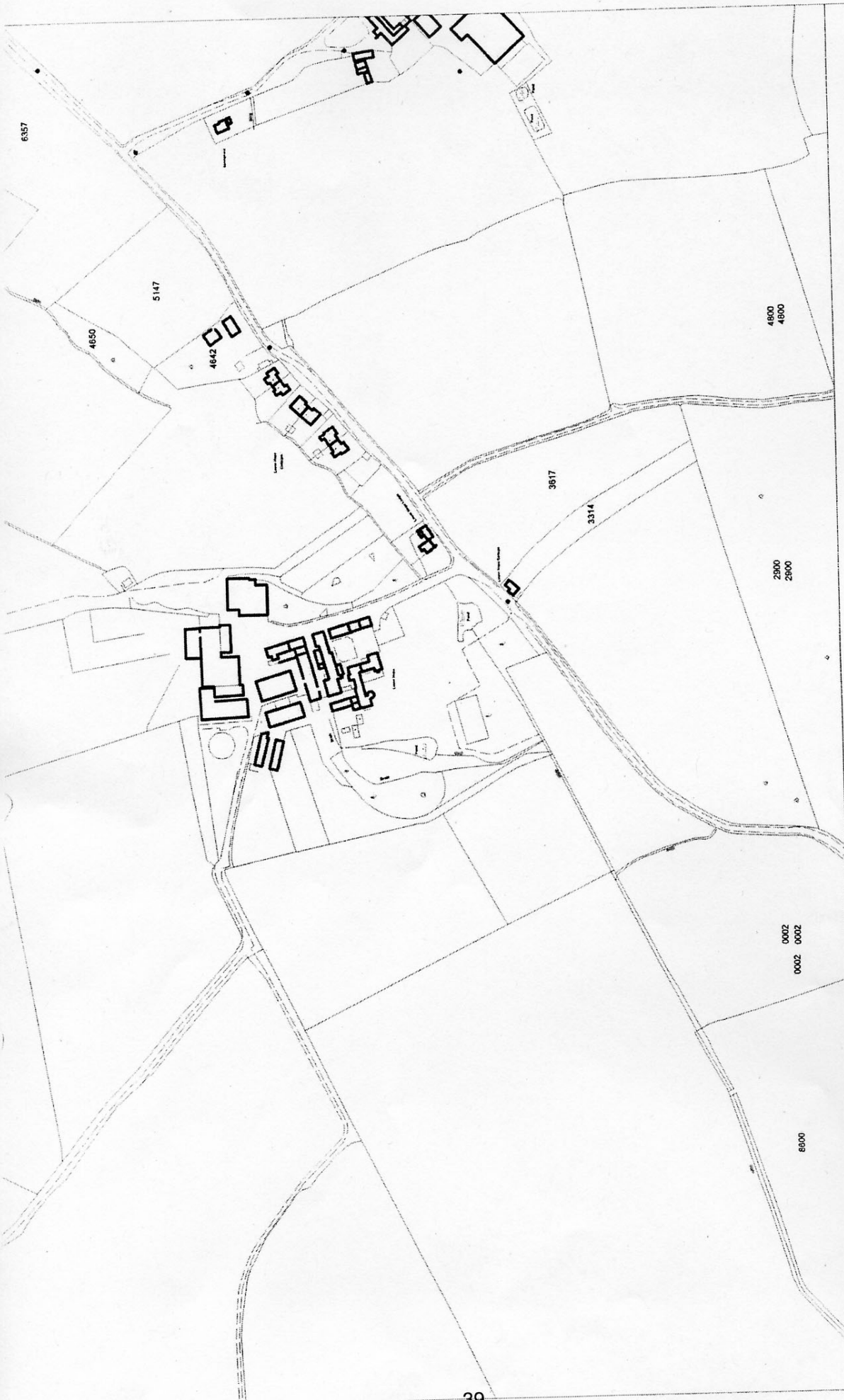
I/We, the undersigned, HEREBY APPLY for the grant of an Occasional Public Entertainment Licence and declare that all the above details are to the best of my/our knowledge correct and that copies have today been sent to the police, fire authority and Licensing Justices.

Signed: *Michael Lewis* Signed: *C M Hope*

Date: 13-12-04 Date: 13.12.04

- PLEASE ENSURE THAT YOU HAVE**
1. COMPLETED ALL PARTS
 2. SIGNED THE FORM
 3. ATTACHED THE CORRECT FEE (cheques to be made payable to Herefordshire Council)
 4. PROVIDED PLANS SHOWING; a. THE LOCATION, b. DETAILED PLAN OF VENUE WITH EXITS AND ENTRANCES CLEARLY MARKED
 5. SENT COPIES TO THE POLICE AND FIRE AUTHORITY
 6. ENCLOSED FIRE CERTIFICATE

Receipt No	Fee	Date	Income Code N8000 9362
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Herefordshire Council
 Licensing Unit
 County Offices
 Bath Street
 Hereford
 HR1 2ZF



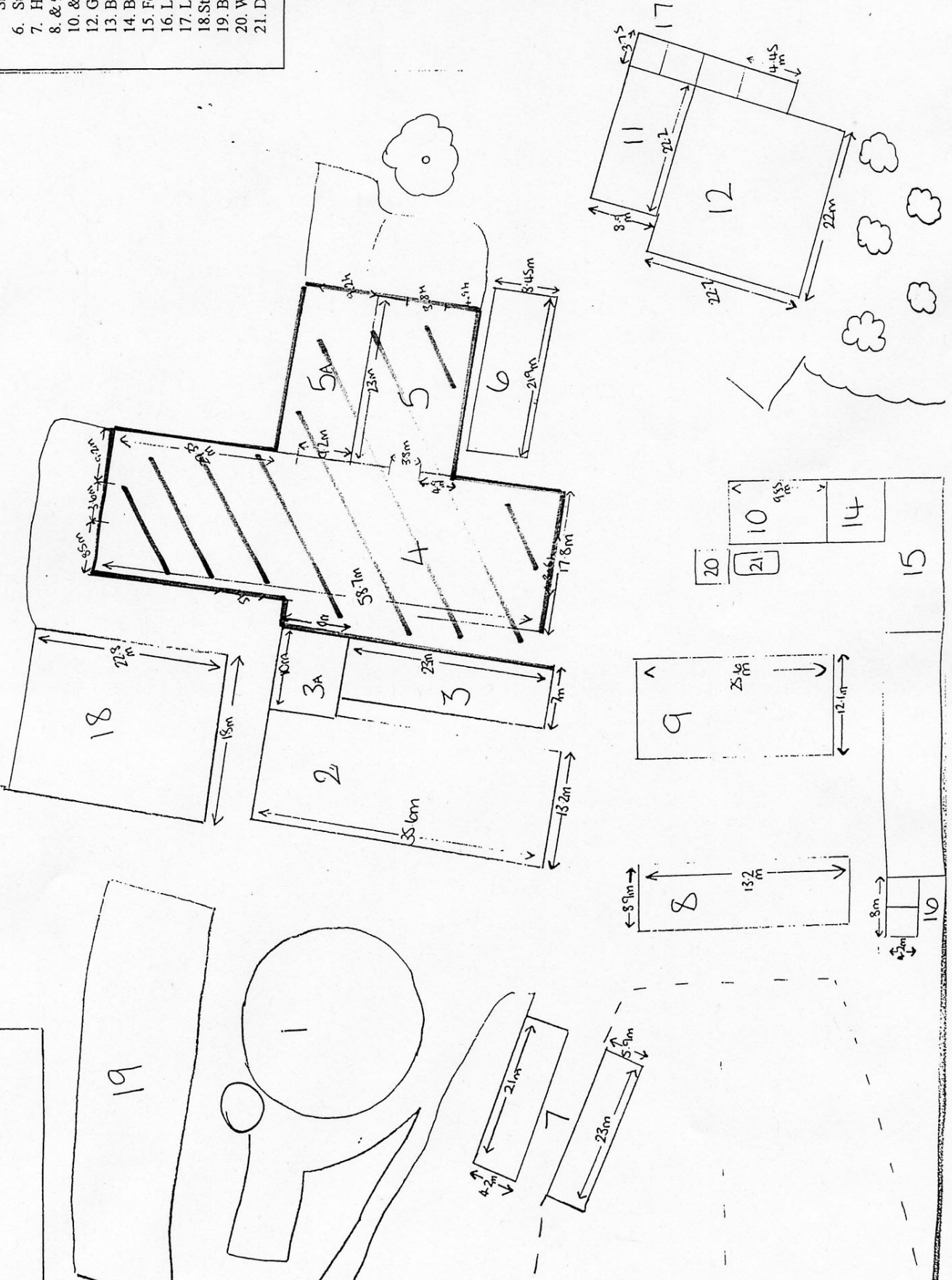
Lower Hope Farm, Ullingswick
Scale 1:5000

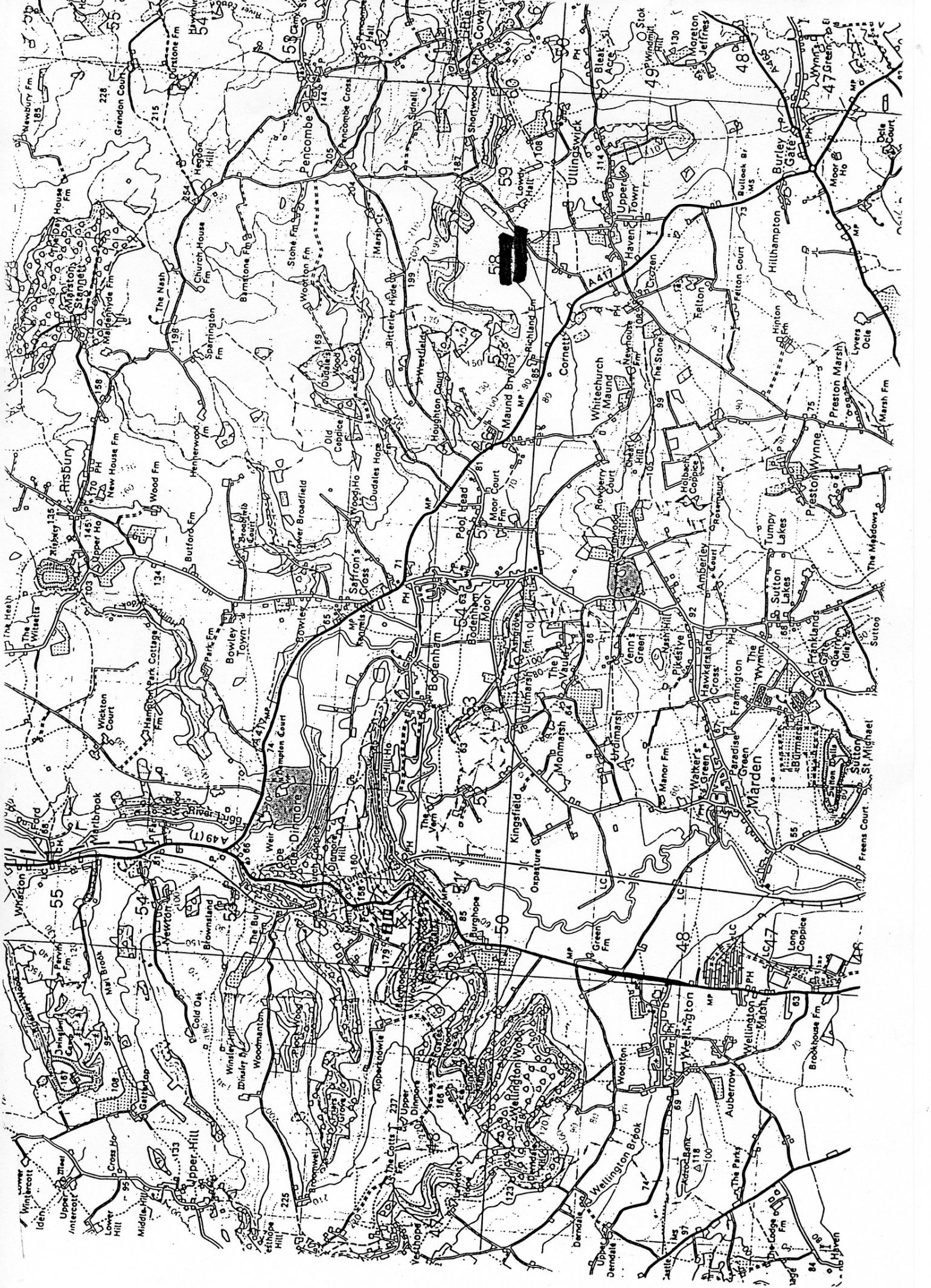


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 Herefordshire Council, LA09989L, 2003.

Key

- 1. Water Tank
- 2. Sheep Shed
- 3. Barn 3a) Lambing Pens
- 4. Sheep / Tractor Shed
- 5. Sheep Shed 5a) Suffolk Shed
- 6. Storage
- 7. Hereford Yard
- 8. & 9. Cattle Sheds
- 10. & 11. Tractor Sheds
- 12. Grain Store
- 13. Barn
- 14. Bait Room
- 15. Forestry Shed
- 16. Loose Boxes
- 17. Loose Boxes
- 18. Straw Barn
- 19. Bale Store
- 20. WC + First Aid
- 21. Diesel Tank







WEST MERCIA
CONSTABULARY
TOGETHER - WORKING FOR SAFETY AND JUSTICE

Licensing Unit
Hereford Police Station,
Bath Street, Hereford, HR1 2HT
Lo-Call Tel: 08457 444888 Ext: 4732
Direct Dial 01432 347132

Fax: 01432 347148
Email: stephen.thomas@westmercia.pnn.police.uk

Our Ref: ST/AW
Your Ref

16 DECEMBER 2004

Mrs J Acaster
Licencing Officer
Herefordshire Council
Bath Street
HEREFORD
HR1 2ZF

Dear Mrs Acaster

APPLICATION FOR GRANT OF AN OCCASIONAL PEL
LOWER HOPE FARM, ULLINGSWICK, HEREFORDSHIRE
2005 COUNTY RALLY/RALLY DANCE – 21 MAY 2005
9am 21.05.05 to 2am 22.05.05

We write to confirm there are no police objections to the above application made by Mr. M. W. Lewis, Lower Town Farm, Berrington, Tenbury Wells.

Yours faithfully

S THOMAS
PC697
LICENCING DEPT.



Awarded for excellence

Policing in Herefordshire, Shropshire, Telford & Wrekin and Worcestershire



INVESTOR IN PEOPLE



Hereford and Worcester Combined Fire Authority

Hereford and Worcester Fire Brigade

West District, St. Owen Street,
Hereford HR1 2JW

D.J. O'Dwyer QFSM, MA, DMS, MIFire E
Chief Fire Officer / Chief Executive

Environmental Health & Trading
Standards
PO Box 233
Bath Street
Hereford
HR1 2ZF
For the attention of Mrs Acaster

Telephone 01432 274561 Fax: 01432 270298
Your Reference
My Reference D23/150583/CS/hb/Lower Hope
Farm
Please ask for Sub Officer Sanders
Date 21 December 2004

Dear Sirs

**Re: Lower Hope Farm, Ullingswick, Herefordshire HR1 3JF
Application for Grant of an Occasional Public Entertainment Licence
Local Government (Miscellaneous Provisions) Act 1982**

From the information provided the Fire Authority has no objection to the Granting of the above licence.

If you require further assistance please do not hesitate to contact me.

Yours faithfully,

Fire Safety Officer



Appendix 1

Public Entertainment's Special Conditions

1. Police & Fire Officer Recommendations

To comply with any recommendations made by the police or the fire officer in particular the number of stewards specified.

2. Car Parking

Adequate car parking facilities shall be made available to the satisfaction of the Licensing Authority, with stewards being appointed where necessary to control car parking arrangements.

3. Measures to minimise noise nuisance

The Licensee(s) shall make contact with the Environmental Health Pollution Area Manager before the event commences and discuss with him measures required to prevent noise nuisance occurring. Those measures shall be agreed with the Area Manager and implemented before and during the event.

4. Notification of event to nearby residents

The Licensee(s) shall take all reasonable steps to ensure that any residents who may be affected by noise emanating from the event or disturbed by vehicles entering and/or leaving the event, are given sufficient information regarding the event and such information shall be to the satisfaction of the Environmental Health Pollution Area Manager.

5. Means of contacting the Licensee(s) during the event

The telephone number of a licensee or some other nominated person who has control of the event shall be given to the Environmental Health Pollution Area Manager before the event commences and that person(s) shall be contactable during the course of the event.

6. Electrical Certificates

An electrical certificate shall be forwarded to the Licensing Officer before the event commences. An inspection should take place prior to the event by a competent electrician to determine whether the electrical installation conforms to legal and any industry-recognised standards. A certificate should be provided to this effect. If a generator is to be used appropriate safety Certificates shall be forwarded prior to the event.

7 REVISE THE LICENSING CONDITIONS IN RELATION TO OCCASIONAL PUBLIC ENTERTAINMENT THEATRE AND CINEMA LICENCES. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, CINEMAS ACT 1985 AND THEATRES ACT 1968**Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS****Wards Affected:**

County-wide

Purpose

1. To consider changing the current conditions for occasional public entertainment, theatre and cinema applications to extend the permitted finishing time from 01.00 to 03.00 where there are no objections to the application.

Background

2. This would allow the officers of the licensing section to issue licences to those applicants who wished to provide entertainment, theatre and cinema up to 03.00 where there are no objections without submitting a report to the regulatory committee.
3. The licensing section consult with the Police Force, Fire Service and Environmental Health to establish if there are any objections to the event taking place.
4. Where there are no objections the licensing officers will issue the licence however if there are any objections the matter will be referred to the Regulatory Committee.
5. The applicant would receive the licence quicker.
6. The officers and committee members would save time to concentrate on the transitional period for the Licensing Act 2003.

Recommendations

To change the current conditions for occasional public entertainment, theatre and cinema licences to extend the permitted finishing time from 01.00 to 03.00 where there are no objections to the application. All applications asking for entertainment over 01.00 the Chair of the Regulatory Committee (or Vice Chair in the absence of the chair) and the ward member shall be notified.

8 LICENCE FEES**IMPLEMENT REVISED LICENCE FEES**

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

County-wide

Purpose

- 1 To consider implementing revised licence fees for the specified Council's licensing functions issued by the Environmental Health and Trading Standards licensing Section.

Legislation

- 2 The following legislation sets out this Authority's powers to charge a license fee.

The Public Entertainment's

Local Government (Miscellaneous Provisions) Act 1982

To set any fee providing it is reasonable.

Theatres

Theatres Act

Reasonable fee as the Authority may determine.

Cinema

Cinemas Act 1985

Fees fixed by licence authority not exceeding

£600 for grant/ renewal for one year

£200 for each month providing fees does not exceed £600 for each year

£120 for transfers.

Amusements with Prizes

Gaming Act 1968

Gaming machines with maximum prize of £25 to pay set fee of £32

Gaming machines with maximum prize of greater than £25 to pay a reasonable fee to cover expenditure by the Authority not exceeding £250.

Animal Boarding Establishments

Animal Boarding Establishments Act 1963

Charge a fee as may be determined by the Local Authority.

Dog Breeding Establishments

Breeding of Dogs Act 1973

A payment of two pounds or such reasonable sum as the Authority may determine.

Zoo Licensing

Zoo Licensing Act 1981

Charge such fees as they may determine in account of expenses incurred by them on grant renewal or transfer of licences and upon inspections.

Pet Animals (Pet Shops)

Pet Animals Act 1951

Fee as may be determined by the Local Authority.

Riding Establishments

Riding Establishments Act 1964

Fee as may be determined by the Local Authority.

Dangerous Wild Animals

Dangerous Wild Animals Act 1976

Such fee as the Local Authority may stipulate to meet the direct and indirect costs incurred as a result of the application.

Game Dealers

Game Licences Act 1860

Pay a fee of £6.

Sex Establishments

Local Government (Miscellaneous Provisions) Act 1982.

Shall pay a reasonable fee as determined by the appropriate Authority.

Acupuncture Ear Piercing and Electrolysis

Local Government (Miscellaneous Provisions) Act 1982

May charge such reasonable fees as they may determine for registration.

Massage

Hereford City Council Act 1985

Pay a reasonable fee to cover the expenses of the Council.

Pleasure Boats

Public Health Acts Amendment Act 1907

Fee as appears to the Local Authority to be appropriate.

Late Night Refreshment Houses

Late Night Refreshment Houses Act 1969

Fee is calculated in relation to the administrative cost of processing the application,

May grant licence on payment of a proportion of the full fee, if taken out

- | | | |
|------|-------------------------------|----------------|
| i) | July August and September | three quarters |
| ii) | October November and December | one half |
| iii) | January February and March | one quarter |

Butchers

Food Safety (General Food Hygiene)(Butcher's Shops) Amendment Regulations 2000

Set statutory fee of £100.

Performing Animals

Performing Animals (Regulations) Act 1925

Such fee as appears to the Local Authority.

Small Lotteries

Lotteries and Amusements Act 1976

Statutory set fee of

- | | |
|--------------|--------|
| Registration | £35 |
| Renewal | £17.50 |

Background

3. The fees have not been increased in over two years.
4. The proposed table of fees are shown in Appendix 1 and existing fees in Appendix 2.
5. The retail price index inflation rate has been between 2.5% and 3.5% over the last 2 years (2003 to 2004).
6. The fees have been set at a rate intended to cover the cost to the Council of issuing the licences and to ensure the Council does not make a profit from the fees, as required by the legislation listed above.
7. The Sex shop licence fee was not agreed at the previous regulatory committee due to the committee deciding the policy of having no sex establishments being permitted within Herefordshire. Recently we have had a request for a sex shop licence therefore it is necessary to set a fee. Appendix 3 shows comparison of fees set by neighbouring authorities.
8. The new proposed fees submitted within this report do not include the taxi fees, which are currently undergoing an assessment of the cost to the Council of administration and enforcement of this function.

9. The Licensing Act fees have been set by the Licensing Act 2003 (transitional Conversions Fees) Order 2005 and the Licensing Act 2003 (fees) Regulations 2005. See appendix 4.

Options

7. It is for the Regulatory Committee to decide,
- a) To adopt the licence fees as Council Policy.
 - b) Set their own fees.
 - c) Or reach some other conclusion.

DIRECT SERVICES SCALE OF FEES
AND CHARGES
LICENCE FEES 2005/2006



PUBLIC ENTERTAINMENT LICENCES	MAX. NO OF PERSONS	£	
Annual	Up to 200	200	
	Up to 201-400	370	
	401-1000	550	
	1001 plus	80	Plus £0.50 per head of application up to maximum of £3500
Occasional	Up to 200	90	Plus £52 per additional day
	201-400	210	Plus £52 per additional day
	401 plus	88	Plus £0.52 per head of application and £100 per additional day up to a maximum of £3850
Transfer		83	
Variation		206	
Variation outside standard policy		370	Plus £ advertisement costs
THEATRE			
Annual	Up to 200	120	
	201-400	220	
	401 Plus	60	Plus £0.50 per head of application maximum £600
Occasional	Up to 200	90	
	201-400	210	
	400 Plus	88	Plus £0.25 per head of application maximum £600
Premises with benefit of public entertainment's licence or cinema's licence		63	
Transfer		83	
Variation		206	
Variation outside standard policy		370	Plus £ advertising costs
CINEMA			
Annual	Up to 200	120	
	201-400	220	
	401 Plus	60	Plus £0.50 per head of applicant maximum £600
Occasional	Up to 200	90	
	201-400	200	
	400	88	Plus £0.25 per head or maximum of £200 per month £600 total
Premises with benefit of public entertainment's licence or Theatre's licence		63	
Transfer		83	
Variation		127	
Variation outside standard policy		200	Plus £ advertising costs maximum £600
Amusements with prizes			
Maximum prizes under £25		32	
Maximum prize £25 and over		250	

ANIMAL BOARDING ESTABLISHMENTS			
Up to 20 animals		90	
21 to 40		136.50	
41 to 60		140.00	
Over 60		273.00	
DOG BREEDING ESTABLISHMENT			
Up to 6 breeding bitches, thereafter £10.00 per bitch		90	
ZOO LICENSING			
Granting of licence		350	
Renewal		150	Plus £50 for each year on the licence
PET ANIMALS (PET SHOPS)			
Grant / renewal		90	
RIDING ESTABLISHMENTS			
Grant / renewal		90	Plus Vet Fees (1/4/04 – 31/3/05) to be reviewed
			Vets fees,
			No. horses. Renewal Fee New License
			1 – 5 horses £162.50 £227.50
			6 – 10 horses £211.25 £276.35
			11 – 15 horses £276.25 £341.25
			16 – 20 horses £308.75 £373.75
			21 – 25 horses £341.25 £406.25
DANGEROUS WILD ANIMALS			
Grant / renewal		90	Plus Vet Fees
GAME DEALERS			
Grant / renewal		6	
SEX ESTABLISHMENTS			
Council ruled on no sex establishments			
ACCUPUNCTURE/TATOOING/ ELECTROLOSIS. E.T.C			
Person		90	Maximum of £250 if three or more people apply at the same time.
Premises		130	
MASSAGE			
Grant / renewal		130	
PLEASURE BOATS			
Holding up to 6 Persons		90	Plus £21 for each additional boat maximum of £227
Holding 7 persons Plus		90	
Navigator		65	
LATE NIGHT REFRESHMENT HOUSES			
		62	
BUTCHERS			
		100	
PERFORMING ANIMALS			
		35	
SMALL LOTTERIES			
Registration		35	
Renewal		17.50	

Appendix 2.



**HEREFORDSHIRE
COUNCIL**

DIRECT SERVICES SCALE OF FEES AND CHARGES

LICENCE FEES 2002/2003

PUBLIC ENTERTAINMENT LICENCES	MAX. NO OF PERSONS	£	
Annual	Up to 200	200	
	Up to 201-400	370	
	401-1000	550	
	1001 plus	80	Plus £0.50 per head of application up to maximum of £3500
Occasional	Up to 200	85	Plus £50 per additional day
	201-400	200	Plus £50 per additional day
	401 plus	80	Plus £0.50 per head of application and £100 per additional day up to a maximum of £3500
Transfer		80	
Variation		200	
THEATRE			
Annual	Up to 200	120	
	201-400	220	
	401 Plus	60	Plus £0.50 per head of application maximum £600
Occasional	Up to 200	60	
	201-400	100	
	400 Plus	60	Plus £0.25 per head of application maximum £600
Premises with benefit of public entertainment's licence or cinema's licence		60	
Transfer		60	
Variation		120	
CINEMA			
Annual	Up to 200	120	
	201-400	220	
	401 Plus	60	Plus £0.50 per head of applicant maximum £600
Occasional	Up to 200	60	
	201-400	100	
	400	60	Plus £0.25 per head or maximum of £200 per month £600 total
Premises with benefit of public entertainment's licence or Theatre's licence		60	
Transfer		60	
Variation		120	
Amusements with prizes			
Maximum prizes under £25		50	
Maximum prize £25 and over		110	

ANIMAL BOARDING ESTABLISHMENTS			
Up to 20 animals		85	
21 to 40		130	
41 to 60		180	
Over 60		260	

DOG BREEDING ESTABLISHMENT			
Up to 6 breeding bitches, thereafter £10.00 per bitch		85	
ZOO LICENSING			
Granting of licence		350	
Renewal		150	Plus £50 for each year on the licence
PET ANIMALS (PET SHOPS)			
Grant / renewal		85	
RIDING ESTABLISHMENTS			
Grant / renewal		85	Plus Vet Fees
DANGEROUS WILD ANIMALS			
Grant / renewal		85	Plus Vet Fees
GAME DEALERS			
Grant / renewal		6	
SEX ESTABLISHMENTS			
Council ruled on no sex establishments			
ACCUPUNCTURE			
Person		85	
Premises		120	
TATOING			
Person		85	
Premises		120	
MASSAGE			
Grant / renewal		120	
PLEASURE BOATS			
Holding up to 6 Persons		85	Plus £20 for each additional boat maximum of £220
Holding 7 persons Plus		85	
Navigator		60	
LATE NIGHT REFRESHMENT HOUSES			
		60	
BUTCHERS			
		100	
PERFORMING ANIMALS			
		30	
SMALL LOTTERIES			
Registration		35	
Renewal		17.50	

Appendix 3

Comparison table of other authority's sex establishment fees and policy/.

Authority	Policy	Fees
Swindon	Not adopted	
Worcester	One licence issued	£3200 to grant £1500 renew
Gloucester	3 on outskirts	£8878 pre annum
Cheltenham	£500	Nil policy
Monmouthshire	No applicants – no policy	£2500 grant £500 renew

Appendix 4. Fees- Licensing Act 2003.

- The premise licence fees are based of the rateable value of the premise.
- There is an increased fee if the premise is selling exclusively or primarily alcohol and it has a D or E rateable value.
- There is an additional fee if there is a variation to a premise that sells/supply's alcohol/
- There are exemptions, see below.

Rateable value	Band	Transitional fees for conversions and new application fees			Annual fees	
		Fee	Fee for Premises exclusively or primarily supply alcohol	Variation on any matter when supplying alcohol; in addition to the fee	Fee	Premises exclusively or primarily supply alcohol
No rateable value to £4300	A	£100		£20	£70	
£4,300 to £33,000	B	£190		£60	£180	
£33,001 to £87,000	C	£315		£80	£295	
£87,001 to 125,000	D	£450	£900	£100	£320	£640
125,001 and above	E	£635	£1905	£120	£350	£1050

Additional fee. To be added to the standard fee above where the persons permitted into the premises exceed 5000.

	Transitional fees for conversions and new application fee or variations	Annual fees
Number of persons admitted	Additional fee	Additional fee
5,000 to 9,999	£1,000	£500
10,000 to 14,999	£2,000	£1,000
15,000 to 19,999	£4,000	£2,000
20,000 to 29,999	£8,000	£4,000
30,000 to 39,999	£16,000	£8,000
40,000 to 39,999	£24,000	£12,000
50,000 to 59,999	£32,000	£16,000
60,000 to 69,999	£40,000	£20,000
70,000 to 79,999	£48,000	£24,000
80,000 to 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

Permitted temporary activities, personal licences and Miscellaneous

Application or notice	Fee
Theft or loss of premises licence or summary	£10.50
Application for a provisional statement where premises being built, e.t.c	£315.00
Notification of change of name or address	£10.50
Application to vary licence to specify individual as premises supervisor	£23
Application for transfer of premises licence	£23
Interim authority notice following death e.t.c of licence holder	£23
Theft loss e.t.c of certificate summary	£10.50
Notification of change of name or alteration of rules of club	£10.50
Change of relevant registered address of club	£10.50
Temporary event notice	£21
Theft, loss e.t.c of temporary event notice	£10.50
Application for a grant or renewal of personal licence	£37
Theft loss e.t.c of personal licence	£10.50
Duty to notify change of name or address	£10.50
Right of freeholder e.t.c to be notified of licensing matters	£21

Exemptions:

The following organisations are exempt from paying a fee for a premise licence where they are ONLY providing regulated entertainment. (If they sell/supply alcohol or late night refreshment they will have to pay a fee.)

- Educational institutions such as Schools or Collages
- Premises forming part of a Church Hall, Chapel Hall or other similar building or a Church Hall, Chapel Hall or other similar building

Regulated entertainment covers the following activities:-

- The performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- Boxing or wrestling;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- or entertainment of a similar description to live music recorded music or dance.