

# A G E N D A

## Regulatory Committee

Date: **Tuesday, 15th March, 2005**

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Time: **2.00 p.m.**

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Place: **Committee Room 1, Town Hall,  
Hereford**

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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](mailto:pmartens@herefordshire.gov.uk)*

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# 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
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b>	1 - 6
To approve and sign the Minutes of the meeting held on 1st March, 2005.	
<b>5. PROCEDURAL ARRANGEMENTS</b>	7 - 8
To note the procedural arrangements for the meeting.	
<b>EXCLUSION OF THE PUBLIC AND PRESS</b>	
In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are considered	
<b>RECOMMENDATION:</b>	That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below
<b>6. APPLICATION FOR DUAL (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	9 - 18
To consider an application for a dual drivers licence and Hackney carriage/private hire vehicle licence.	
<i>This item discloses information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.</i>	

7. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 19 - 28

To consider an application for a dual drivers licence.

***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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## **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, 1st March, 2005 at 2.00 p.m.**

**Present:** Councillor R.I. Matthews (Chairman)

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

**43. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R. Preece and Brig P. Jones CBE.

**44. NAMED SUBSTITUTES (IF ANY)**

There were no substitutions made.

**45. DECLARATIONS OF INTEREST**

There were no declarations of interest made

**46. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 15th February, 2005 be approved as a correct record and signed by the Chairman.

**47. 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 licensing officers.

**48. 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**

Consideration was given to a report in respect of an application from Herefordshire Young Farmers Association 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 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 the Police had no objections to the application; and that neither had the Fire Authority and Area Environmental Health Manager, subject to their respective conditions being met if the application was approved.

Mr M Lewis presented the application by Herefordshire Young Farmers Club for a finishing time of 2:00 am in respect of their County Rally Dance to be held on 21st May 2005 at Lower Hope Farm Ullingswick. He said that the event had been held at various venues within the County during previous years and that no problems had been encountered. He 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 the Officers and Mr Lewis 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 satisfactory evidence had been given 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 Officers were invited back to the meeting and were informed of the decision.

**RESOLVED: That an Occasional Public Entertainment Licence be granted to Herefordshire Young Farmers in respect of their County Rally on 21st May 2005 between 7a.m. and 2.00am at Lower Hope Farm Ullingswick subject to:**

**(a) the applicant fulfilling all of the conditions imposed by the Police, Fire Authority and the Head of Environmental Health and Trading Standards; and**

**(b) 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.**

**49. 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**

The Licensing Manager presented a report of the Head of Environmental Health and Trading Standards suggesting changing the 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. She said that such changes would enable Members and the officers to save time to concentrate on the transitional period for the Licensing Act 2003. The Committee noted that if an objection was submitted by a Member or any other person, the application would be submitted to the Committee for determination. The Committee concurred with the proposals of the Licensing Manager.

**RESOLVED THAT**

**(a) the current conditions for occasional Public Entertainment, Theatre and Cinema licences be extended to change the permitted finishing time from 01.00 to 03.00 where there are no objections to the application; and**

**(b) in the case of all applications asking for entertainment beyond 01.00, the Chair of the Regulatory Committee (or Vice Chair in the absence of the Chair) and the appropriate Ward Member(s) shall be notified.**

**50. LICENCE FEES**

A report was presented by the Licensing Manager suggesting the implementation of revised licence fees for the specified Council's licensing functions issued by the Environmental Health and Trading Standards licensing Section. She outlined the proposed fees and explained the legislation under which each licensing area was controlled. She advised that the fees had not been increased in over two years and that they had been set at a rate intended to cover the cost to the Council of issuing the licences and to ensure the Council did not make a profit as required by the legislation. She said that a Sex shop licence fee had not previously been agreed due to the Committee having decided a policy of having no sex establishments permitted within Herefordshire. The Licensing Manager said that a request had been received for a Sex Shop Licence and that it was necessary to set a fee before the application was determined. The Committee agreed that the fee should be set at £3200 with renewal of £1500. She also said that the fee for the grant/renewal of a game dealers licence was £6 in the report and that it should be £25. She advised that taxi fees were not included in the report because an assessment of the cost to the Council of administration and enforcement of this function was being carried out and would be the subject of a report to a future meeting. Having considered the proposals put forward by the Licensing Manager, the Committee agreed to the implementation of the new fee structure.

**RESOLVED THAT: the licence fees be implemented for 2005/2006 as set out in the following table:**

**DIRECT SERVICES SCALE OF FEES AND CHARGES**

**LICENCE FEES 2005/2006**

<b>PUBLIC ENTERTAINMENT</b>	<b>MAX.</b>	<b>£</b>	
Annual	Up to	200	
	Up to	370	
	401-	550	
	1001	80	Plus £0.50 per head
Occasional	Up to	90	Plus £52 per
	201-	210	Plus £52 per
	401	88	Plus £0.52 per head

Transfer		83	
Variation		206	
Variation outside standard policy		370	Plus £ advertisement costs
<b>THEATRE</b>			
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
<b>CINEMA</b>			
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
<b>Amusements with prizes</b>			
Maximum prizes under £25		32	
Maximum prize £25 and over		250	
<b>ANIMAL BOARDING ESTABLISHMENTS</b>			
Up to 20 animals		90	
21 to 40		136.50	
41 to 60		140.00	
Over 60		273.00	
<b>DOG BREEDING ESTABLISHMENT</b>			
Up to 6 breeding bitches, thereafter £10.00 per bitch		90	
<b>ZOO LICENSING</b>			
Granting of licence		350	
Renewal		150	Plus £50 for each year on the licence
<b>PET ANIMALS (PET SHOPS)</b>			
Grant / renewal		90	
<b>RIDING ESTABLISHMENTS</b>			
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
<b>DANGEROUS WILD ANIMALS</b>			
Grant / renewal		90	Plus Vet Fees
<b>GAME DEALERS</b>			
Grant / renewal		25	

<b>SEX ESTABLISHMENTS</b>			
Grant & Renewal		1500	
<b>ACCUPUNCTURE/TATOOING/ ELECTROLOSIS. E.T.C</b>			
Person		90	Maximum of £250 if three or more people apply at the same time.
Premises		130	
<b>MASSAGE</b>			
Grant / renewal		130	
<b>PLEASURE BOATS</b>			
Holding up to 6 Persons		90	Plus £21 for each additional boat maximum of £227
Holding 7 persons Plus		90	
Navigator		65	
<b>LATE NIGHT REFRESHMENT HOUSES</b>		62	
<b>BUTCHERS</b>		100	
<b>PERFORMING ANIMALS</b>		35	
<b>SMALL LOTTERIES</b>			
Registration		35	
Renewal		17.50	

The meeting ended at 2.59 a.m.

**CHAIRMAN**

**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.





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