

# A G E N D A

## Regulatory Committee

Date: **Tuesday, 23rd May, 2006**

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Time: **2.00 p.m.**

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Place: **The Council Chamber,  
Brockington, 35 Hafod Road,  
Hereford**

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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.G.S. Guthrie,  
J.W. Hope MBE, T.W. Hunt, J.W. Newman, R. Preece, D.C. Taylor and  
P.G. Turpin

	Pages
<p><b>1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN</b></p> <p>To note that at the recent Annual Council the Chairman was re-elected and the Vice-Chairman was re-appointed.</p>	
<p><b>2. APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p><b>3. NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
<p><b>4. DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p><b>5. MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 18th April, 2006.</p>	1 - 8
<p><b>6. PROCEDURAL ARRANGEMENTS</b></p> <p>To note the procedural arrangements for the meeting.</p> <p><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.</p> <p><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</p>	9 - 10
<p><b>7. APPLICATION FOR DUAL (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b></p> <p>To consider an application for a dual hackney carriage/private hire drivers licence.</p>	11 - 14

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|------------|---|---------|
| <b>8.</b>  | <b>APPLICATION FOR (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>        | 15 - 18 |
|            | To consider an application for the renewal of a dual hackney carriage/private hire drivers licence.                                       |         |
| <b>9.</b>  | <b>APPLICATION FOR DUAL (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>   | 19 - 22 |
|            | To consider an application for the renewal of a dual hackney carriage/private hire drivers licence.                                       |         |
| <b>10.</b> | <b>APPLICATION FOR A DUAL (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b> | 23 - 28 |
|            | To consider an application for a dual hackney carriage/private hire drivers licence.  |         |

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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, 18th April, 2006 at 2.00 p.m.**

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

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

**76. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Brig P Jones & JW Newman.

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

There were no named substitutes present at the meeting.

**78. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**79. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 28th February, 2006 be approved as a correct record and signed by the Chairman.

**80. ALCOHOL CONSUMPTION IN PUBLIC PLACES - DESIGNATION OF PUBLIC PLACES IN HEREFORDSHIRE**

The Environmental Health Manager (Commercial) presented a report about the proposed designation of certain public places in Herefordshire to control anti social drinking in public places. He said that Local authorities had 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. The powers were strengthened by the Criminal Justice and Police Act 2001 which made it easier for the Police to arrest those engaged in anti-social drinking. The Council and its predecessor Councils had previously brought Byelaws into effect in parts of the City of Hereford, Ross-on-Wye, Ledbury, and Bromyard. He also said that the powers within the 2001 Act had brought about a change in town centres by helping to reduce loutish and anti-social behaviour. A 'tool' was therefore available to control such behaviour and to reduce the chances of drinking vessels being used in acts of violence. Since 2001 Herefordshire Council had made three Orders relating to areas within Hereford City and the village of Madley.

The Committee concurred with the proposals put forward by the Environmental Health Manager (Commercial) to introduce a further Order to designate other areas within the County. The Environmental Health Manager (Commercial) said that the next stage would be to place an advertisement in a local newspaper informing the public that an Order had been made and when it would come into effect, and that signs would be erected within the appropriate areas. He advised that The Home

Office, landowners, police and Parish Councils would be informed of the commencement of the Order.

**RESOLVED**

**THAT** an Order be made designating those areas detailed below as public places for the purposes of section 13 of the Criminal Justice and Police Act 2001.

**Public open space (inc. Ball Court) to the west of Waterfield Road and south of Kestrel Road, Belmont, Hereford**

**Public open space (inc. Skateboard Park) to the east of Brampton Road, to the west of the dismantled railway line and south of Ethalstan Crescent, Newton Farm, Hereford**

**Public open space to the north of Luard Walk and south of the River Wye, Belmont, Hereford**

**Eastholme Centre, Eastholme Road, Belmont, Hereford (i.e. areas adjacent to and around the library, health centre and community centre including the car park)**

**Public open space at Northolme Road, Belmont, Hereford (to include the building, tarmacaded areas adjacent to the building, children's play area and land between the building and the play area)**

**Churchill Gardens, Aylestone, Hereford (in its entirety)**

**Recreation ground off Grandstand Road, Bobblestock, Hereford (i.e. those areas comprising the football pitch, car park, play area, changing rooms, bowling green and areas between these parts)**

**Recreation Field (inc. its car park), Peterchurch**

**Peterchurch Churchyard, Peterchurch**

**Chapel Road (aka Station Road), Peterchurch**

**Bromyard Cemetery**

**Broad Street, Bromyard**

**High Street, Bromyard**

**Rowberry Street, Bromyard**

**Church Lane, Bromyard (to the entrance to Old School Court)**

**Church Street, Bromyard (to its jct. with Porthouse Industrial Estate)**

**Cruxwell Street, Tenbury Road, Bromyard (to its jct. with Firs Lane)**

**Tenbury Road car park, Bromyard**

**Land within the curtilage of Bromyard Leisure Centre**

**Council Offices, Bromyard**

**Alleyway adj. to Library, Bromyard**

**Pump Street, Bromyard (to its jct.with Little Hereford Street)**

**Market Square, Bromyard**

**Queens Passageway, Bromyard**

**Kempson Players, Bromyard (formerly the Playing Fields)**

**St Peter's Closed Churchyard, Bromyard**

**Nunwell Park, Bromyard**

**The Knapp Recreation Ground, Bromyard**

**Bowling Green and Tennis Courts, Rowberry Street, Bromyard**

**81. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATHS BF17 (PART) AND FOOTPATH LH25 (PART) IN THE PARISH OF BRIMFIELD AND LITTLE HEREFORD**

A report was presented by the Rights of Way Manager in respect of an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of footpaths BF17 and LH25, Brimfield and Little Hereford. The application had been made by the owners of Nun Upton, Little Hereford to enable them to have greater privacy for their property and to make it more convenient for walkers. He outlined the history of the application and correspondence which had been entered into and said that that proposed diversion did not meet the following two crucial tests in that:

- a) the path should not be substantially less convenient to the public as a result of the diversion, and
- b) the Highway Authority must have regard to the effect, which the diversion would have on public enjoyment of the path as a whole, and to the effects of agriculture and forestry.

He also advised that the Open Spaces Society were opposed to the application although the Local Ward Member and the Parish Council did not feel that it should be rejected. Having considered all the facts in respect of the application, the Committee decided that it should be refused.

**RESOLVED**

**That the application made to divert part of footpaths BF17 and LH25 in the parish of Brimfield and Little Hereford under Section 119 of the Highways Act 1980 be rejected because the proposed diversion does not meet the specified criteria as set out in section 119 of the Highways Act 1980 in that it is less convenient to the public.**

**82. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER BRIDLEWAY HD22 (PART) IN THE PARISH OF BIRLEY WITH UPPER HILL**

The Rights of Way Manager presented a report in respect of an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of Bridleway HD22 in the parish of Birley with Upper Hill. He advised that the

owner of Gattertop had applied for the diversion to move the bridleway from near to the property for greater security. He said that the local parish council, user groups and Ward Member had been consulted. Several of the user groups had objected because the proposed diversion was not satisfactory due to it being longer, steeper and having have stiles making it difficult for horse riders. He supported the view that the proposal was more inconvenient for the public.

Having considered all the facts in respect of the application, the Committee concurred with the views of the Rights of Way Officer and decided that the application should be refused.

#### **RESOLVED**

**That the application to divert part of Bridleway HD22 in the parish of Birley with Upper Hill, made under Section 119 of the Highways Act 1980 be rejected because the proposed diversion does not meet the specified criteria as set out in section 119 of the Highways Act 1980 in that it is less convenient to the public.**

#### **83. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH WZ1 (PART) IN THE PARISH OF WALTERSTONE**

A report was presented by the Rights of Way Manager to confirm a Public Path Diversion Order to divert part of Bridleway WZ1 in the parish of Walterstone under the Highways Act 1980, Section 119. He advised that an application had been made to divert the bridleway from the garden of the applicants property and that following the making of the Order in 1995, objections had been received from two of the user groups that the proposal was substantially less convenient to the public. He outlined the correspondence and further consultations that had taken place since that time and said that it was felt by the officers that the diversion met the tests set out in the Highways Act 1980 in that it is not substantially less convenient to the public. He felt therefore that it would be unreasonable for the Council not to attempt to conclude this diversion after such a long period of time and that it should be submitted to the Secretary of State for confirmation. Having considered all the facts in respect of the diversion, the Committee agreed with the course of action suggested.

#### **RESOLVED:**

**That the Order to confirm a Public Path Diversion Order in respect of Bridleway WZ1 in the parish of Walterstone under the Highways Act 1980, Section 119, be recommended to the Secretary of State for confirmation**

#### **84. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH ZC100 IN THE TOWN OF LEOMINSTER**

The Rights of Way Manager presented a report about proposals for diverting Footpath ZC100 in Leominster under the Highways Act 1980, Section 119. He advised that a Diversion Order had originally been confirmed in 1996 under the provisions of the Town and Country Planning Act 1990. However the Order could not be certified because the terms of Article 2 of the Order had not been complied with in that the width of the path should be a minimum of 1.5 metres. The diversion was not completed resulting in the legal line of the footpath running through seven gardens and being obstructed by two dwellings.

All of the landowners affected by the diversion had been consulted and no objections to the proposals have been received. As a result of the pre-Order consultation, several comments were received and these were explained by the Rights of Way

Manager. He said that the local Ward Member supported the proposal which would benefit path users because the existing path was obstructed by gardens, it did not alter the point of termination of the paths; and was convenient for the public.

Having considered all the facts in respect of the diversion, 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, as illustrated on drawing number: D370/226-100 attached to the report of the Rights of Way Officer because the proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 in that.**

#### **85. 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.

#### **EXCLUSION OF THE PUBLIC AND PRESS**

**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.**

**RESOLVED: 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**

**These items disclose information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.**

#### **86. APPLICATION FOR THE RENEWAL OF A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Licensing Officer provided the Committee with the details of an application for the renewal of a Hackney Carriage/Private Hire driver's license where the criminal records check results had not yet been received and so the matter had been referred to the Committee. Having considered all the facts put forward by the Licensing Officer and the applicant, the Committee decided that the licence should be renewed and that the matter be reviewed if the records check proved to be unsatisfactory.

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

The Licensing Manager said that at a previous meeting the Committee had decided to refuse an application for a dual Hackney Carriage/Private Hire drivers license because the applicant was not deemed to be a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976. The applicant had reapplied and she had submitted the application to the Committee for consideration. The applicant gave details of the grounds for his application and

explained the circumstances of his previous convictions.

Having considered all the facts put forward by the Licensing Manager and the applicant, the Committee decided that the application should be refused because it was considered that the applicant was still not deemed to be a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

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

The Licensing Officer said that the results of the criminal record search had been received and because it was satisfactory she had renewed the dual Hackney Carriage/Private Hire driver's license.

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

The Licensing Officer provided the Committee with the details of a police caution received by an applicant in 2004 which had led to his application for a Hackney Carriage/Private Hire driver's license being referred to the Committee. The applicant gave a detailed explanation of the circumstances which had given rise to the caution and explained why he felt that his application should be granted.

Having considered all the facts put forward by the Licensing Officer and the applicant, the Committee decided that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he could therefore be granted a drivers licence.

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

The Licensing Officer provided the Committee with the details of an application for the renewal of a Hackney Carriage/Private Hire driver's license where the criminal records check results had not yet been received and so the matter had been referred to the Committee. Having considered all the facts put forward by the Licensing Officer and the applicant, the Committee decided that the licence should be renewed and that the matter be reviewed if the records check proved to be unsatisfactory.

The meeting ended at 4.35 p.m.

**CHAIRMAN**

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**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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