

A G E N D A

Regulatory Committee

Date: **Tuesday, 31st October, 2006**

Time: **2.00 p.m.**

Place: **: The Council Chamber,
Town Hall, 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 H. Bramer, 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 and P.G. Turpin

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PubInfoTownHall	
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To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
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3. DECLARATIONS OF INTEREST	
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| 9. | PROPOSED INCREASE IN HACKNEY CARRIAGE FARES 2006/2007 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 21 - 28 |
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| | To note the procedural arrangements for the meeting. | |
| | 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. | |
| | RECOMMENDATION: 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 | |
| 11. | DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 31 - 34 |
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To consider an application for a driver's licence.

14. **DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976** 43 - 46

To consider an application for a driver's licence.

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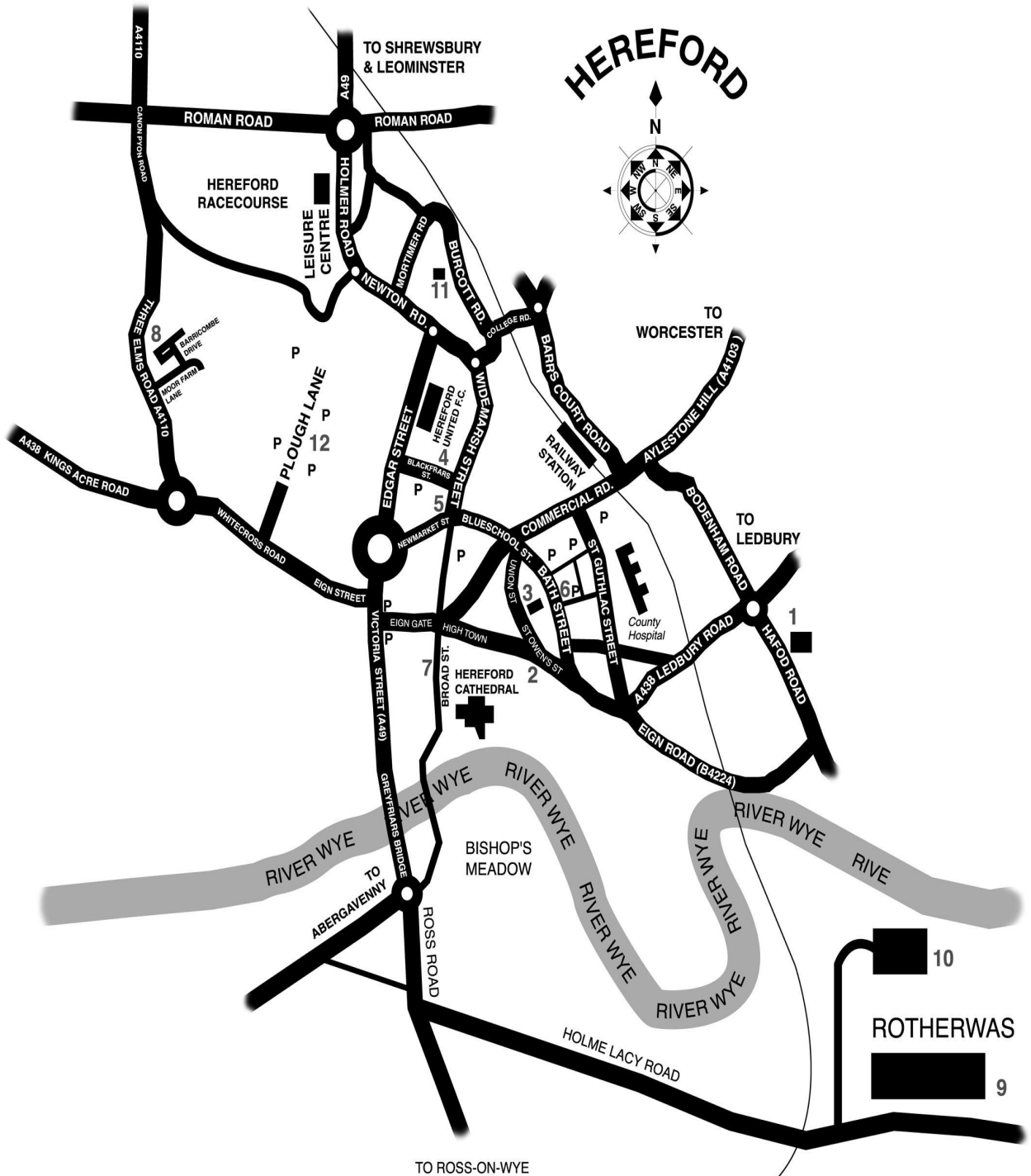
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|---|------------------|----|-------------------------------|
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| 2 | Town Hall | 8 | Trinity House |
| 3 | Shire Hall | 9 | Thorn Office Centre |
| 4 | Education Centre | 10 | Herefordshire Jarvis Services |
| 5 | Garrick House | 11 | Merchant House |
| 6 | Bath Street | 12 | Plough Lane |

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL
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IN CASE OF FIRE
(no matter how small)

1. Sound the Alarm
2. Call the Fire Brigade
3. Fire party - attack the fire with appliances available.

ON HEARING THE ALARM

Leave the building by the nearest exit and proceed to assembly area at:

CAR PARK AT REAR OF BUILDING

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 26th September, 2006 at 2.00 p.m.

Present: Councillor R.I. Matthews (Chairman)
Councillor Brig. P. Jones CBE (Vice Chairman)

Councillors: H. Bramer, Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope MBE, T.W. Hunt, G. Lucas and R. Preece

In attendance: Councillors (none)

31. APOLOGIES FOR ABSENCE

Apologies were received from Councillor PG Turpin.

32. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

33. DECLARATIONS OF INTEREST

There were no declarations of interest made.

34. MINUTES

RESOLVED: That the Minutes of the meeting held on 9th August, 2006 be approved as a correct record and signed by the Chairman, subject to the inclusion of the name of Councillor H Bramer in the list of those present.

35. THE GAMBLING ACT 2005

The Licensing Officer presented a report about the draft licensing statement of principles and the consultation process for the implementation of the Gambling Act 2005. She said that Section 349 of the Act required all licensing authorities to prepare and publish a statement of the principles that they proposed to apply in exercising their functions under the Act during the three-year period to which the policy applied. She advised that the main aims of the Act 2005 were to:

- prevent gambling being a source of crime or disorder;
- ensure that gambling is conducted in a fair and open way; and
- protect children and the vulnerable from being harmed or exploited by gambling.

The Licensing Officer explained the types of licences that would be covered by the Act, the premises that would be involved and the impact of the work on her section. She advised that the implementation date had been postponed until April, 2007 but that there was much preparatory work to be done in the meantime and the Policy needed to be in place by the beginning of January, 2007. She said that a Seminar about the Act had been arranged in October for Members.

RESOLVED:
that the report and draft policy be noted.

36. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH LW10 (PART) IN THE PARISH OF LLANWARNE

A report was presented by the Rights of Way Manager about an application for a Public Path Diversion Order in respect of part of Footpath LW10, Llanwarne, under Section 119 of the Highways Act 1980. He advised that the application had been made to improve land management, regularise common usage and to improve walker's views of the surrounding countryside. He said that the applicant had carried out pre-order consultation and that the proposal had general agreement from the Parish Council. The Ramblers Association and the Open Spaces Society had objected because they felt that the diversion would reduce the openness of the footpath and make it longer. The Rights of Way Manager had concerns that the proposal would increase the maintenance burden on the Council, increase the likelihood of the route being enclosed by a fence and require more maintenance by the landowner which could become neglected. He therefore recommended that the application should be rejected.

Councillor GW Davis, the Local Ward Member, was of the view that the proposal followed a more attractive route for walkers, taking them through a copse and affording some spectacular views. He therefore supported the application.

Having considered all the facts in respect of the diversion, the Committee supported the views of the Local Ward Member and decided that the application should be granted.

RESOLVED:
That a Public Path Diversion Order be made in respect of Footpath LW10 Llanwarne under the provisions of Section 119 of the Highways Act 1980.

37. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH BD8 (PART) IN THE PARISH OF BREDWARDINE

The Rights of Way Manager presented a report about an application for a Public Path Diversion Order to divert part of Footpath BD8, Bredwardine, under Section 119 of the Highways Act 1980. He advised that the application had been made to move the footpath out of a farmyard and away from the house and farm buildings, one of which had been built across it. The applicant felt that this would increase his privacy and user safety, as animals were kept in the farmyard. The proposal had general agreement from the Open Spaces Society, the Ramblers Association, the Byways and Bridleways Trust and the Local Ward Member. The applicant had agreed to pay for advertising and to reimburse the Council's costs incurred in making the Diversion Order. He said that it was felt by the officers that the diversion met the tests set out in Section 119 of the Highways Act in that it benefited the owner of the land crossed by the path and that it was not substantially less convenient to the public.

Having considered all the facts in respect of the diversion, the Committee agreed with the course of action suggested by the Rights of Way manager.

RESOLVED:
That a public path diversion order is made in respect of Footpath BD8 in the parish of Bredwardine under Section 119 of the Highways Act 1980 as illustrated on drawing D236/52-8

38. 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.

39. PUBLIC RIGHTS OF WAY REVIEW OF CHARGES FOR PUBLIC PATH ORDERS

The Rights of Way Manager presented a report about proposed changes to way costs are calculated following the new Public Path Order Policy. He said that prior to the approval of the new Policy, the Council's charges for diverting public rights of way under either the Highways Act 1980 or the Town and Country Planning Act 1990 were a composite of administrative, legal and advertising charges. This could be up to £2,000 depending on the complexity of the application. The administration and legal fees included pre-order consultations with landowners, prescribed organisations, site inspections, posting notices on site, research, negotiations with applicants and preparation of reports, orders and notices. The advertising charges were based on placing the required number of adverts in a local paper and the size of the advert. He said that the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 lifted the ceiling for administrative charges and allowed Local Authorities to charge reasonable costs but that such charges could not exceed the costs actually incurred. The Council was also excluded from charging costs for contested orders and could only charge up to the point where the Order was submitted to the Secretary of State for determination.

He provided the Committee with a proposed schedule of costs which had been prepared in line with the requirements of the new legislation and explained how they had been arrived at. He said that the next stage would be to submit the proposals to the Cabinet Member for Policy and Community Services. The Committee was in agreement with the proposals put forward by the Rights of Way Manager and suggested that the situation should be reviewed after twelve months.

RESOLVED

That the report and schedule of costs be noted and it be recommended to the Cabinet Member for Policy and Community Services that the matter be reviewed after 12 months.

40. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The Committee decided to take into consideration the applicants spent and unspent convictions.

The applicant gave an explanation of his personal circumstances, his previous convictions and explained why he felt that his application should be granted. The applicant's representative gave a detailed explanation of the applicant's character, the circumstances which had given rise to the conviction, the situation regarding the taxi trade and the support for the applicant from the trade and from his previous customers. The Council's Race Equality Development Officer spoke in support of the applicant and the applicant also submitted written references in support of his application.

Having considered all of the facts put forward by the Licensing Officer, the applicant and his representative, the Committee decided that he was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence should not be granted.

41. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The Committee decided to take into consideration the applicant's spent convictions.

The applicant gave an explanation of his personal circumstances, employment and his previous convictions, explaining that all the problems had arisen in his youth and that he was now a responsible family man without any convictions since 1997. He explained why he felt that his application should therefore be granted.

Having considered all of the facts put forward by the Licensing Officer and the explanation of 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 the Licence should be granted.

42. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The Committee decided to take into consideration the applicant's spent conviction.

The applicant's wife gave an explanation of his personal circumstances and employment and the circumstances which had given rise to the conviction. She explained why she felt that the application should be granted and what it would mean

to her family.

Having considered all of the facts put forward by the Licensing Officer and the explanation of the applicant's wife, the Committee decided that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence should be granted.

43. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

In the absence of the applicant, the Committee decided to defer consideration of the application.

44. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The Committee decided to take into consideration the applicant's unspent conviction.

The applicant gave an explanation of his personal circumstances and employment and the circumstances which had given rise to the conviction. He explained why he felt that the application should be granted and provided the Committee with a letter which set out the events leading to the offence being committed.

Having considered all of the facts put forward by the Licensing Officer and the explanation of 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 the Licence should be granted.

45. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

In the absence of the applicant, the Committee decided to defer consideration of the application.

46. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

In the absence of the applicant, the Committee decided to defer consideration of the application.

The meeting ended at 4.30 p.m.

CHAIRMAN

TO CONSIDER ALTERING STANDARD CONDITIONS FOR FAYRE OAKS CARAVAN PARK IN RELATION TO SEPARATION DISTANCES AND THE POLICY DECISION ON CARAVAN SITE LICENCE CONDITIONS ENFORCEMENT

Report By: Head Of Environmental Health And Trading Standards

1. **Wards Affected:**
Credenhill

2. **Purpose**
To consider altering the Standard conditions for Faire Oaks Caravan Park in accordance with S.8 of the Caravan Sites and Control of Development Act 1960 in relation to separation distances and the Council's policy for enforcing the non compliance of the standard licence conditions for Residential Caravan Sites

3. **Legislation**
Caravan Sites and Control of Development Act 1960 provides the Local Authority with powers attach conditions to site licenses.

4. **Powers of the Local authority to attach conditions:** s. 5(1) A site licence issued by a Local Authority in respect of any land may be so issued subject to such conditions as the Authority may think it necessary or desirable to impose on the occupier of the land in the interests of persons dwelling, therefore in caravans, or of any other class of persons, or of the public at large, and in particular, but without prejudice to the generality of the foregoing a site licence may be issued subject to conditions:
 - (a) For restricting the occasions on which caravans are stationed on the land for the purposes of human habitation, or the total number of caravans which are so stationed at anyone time;
 - (b) For controlling (whether by reference to their size, the state of their repair or subject to the provisions of subsection (2) of this section, any other feature) the types of caravans which are stationed on the land;
 - (c) For regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise regulating, the placing or erection on the land, at any time when caravans are so stationed, or structures and vehicles of any description whatsoever and of tents;
 - (d) For securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;

Further information on the subject of this report is available from Suzanne Laughland, Principal Trading Standards Officer on (01432) 261675

- (e) For securing that, at all times when caravans are stationed on the land, proper measures are taken for preventing and detecting the outbreak of fire and adequate means of fighting fire are provided and maintained;
- (f) For securing that adequate sanitary facilities, such as other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, at all times when caravans are stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.
- (2) No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction.
- (3) A site licence issued in respect of any land shall, unless it is issued subject to a condition restricting to three or less the total number of caravans which may be stationed on the land at anyone time, contain an express condition that, at all times when caravans are stationed on the land for the purposes of human habitation, a copy of the licence as for the time being in force shall be displayed on the land in some conspicuous place.
- (3A) The Local Authority shall consult the fire authority as to the extent to which any model standards relating to fire precautions which have been specified under subsection (6) of this section are appropriate to the land.
- (3B) If
 - (a) no such standards have been specified; or
 - (b) any standard that has been specified appears to the fire authority to be inappropriate to the land.

The local authority shall consult the fire authority as to what conditions relating to fire precautions ought to be attached to the site licence instead.

- (6) The minister may from time to time specify for the purposes of this section model standards with respect to the layout of, and the provision of facilities, services and equipment for, caravan sites or particular types of caravan site; and in deciding what (if any) conditions to attach to a site licence, a local authority shall have regard to any standard so specified.
 - (7) In this section 'fire precautions' means precautions to be taken for any of the purposes specified in paragraph (e) of subsection (1) of this section for which conditions may be imposed by virtue of that subsection.
5. **Powers of the Local authority to alter conditions:** s.8 the conditions attached to a site licence may be altered at any time (whether by Variation or cancellation of existing conditions, or by the addition of any condition, or combination of any such Method) by the local authority, but before exercising their powers the local authority shall afford the holder of the licence an opportunity of making representations.
6. The licence holder may appeal the decision to the magistrates court within 28 days of receiving the written notification of the decision.

7. Background

On Tuesday 18th February 2003 the Council Regulatory Committee approved new Caravan site Standard Licence Conditions for the County that replaced the outgoing Borough Council licence conditions.

8. On Thursday 17th July 2003 the Council Regulatory Committee approved that: -
- (a) the licensees of caravan sites be advised that they have 3 years to comply with the Council's licensing conditions in relation to;
 - mobile homes impinging into the 6 metre space,
 - combustible sheds,
 - enclosed porches.
 - (b) any new/replacement caravans/sheds contravening the licence conditions will be investigated and that if the present non conformances are not rectified the licensee leaves the business at risk to any claims from persons who sustain damaged or a loss if the site has a fire outbreak as a consequence of the non conformances to the standard conditions.
9. Since then the Environmental Health and Trading Standards Licensing Unit have carried out routine visits to all residential sites within Herefordshire to determine the compliance of the new Standard Conditions.
10. In respect of Fayre Oaks Caravan Park, Kings Acre Road, Hereford there are still a few units where there remains breaches of the conditions. The main points of concern are: -
- a) The distances between the mobile homes were inside the 6 metres rule relating to conditions. 2.1 of the Permanent Residential Mobile Home Site Licence conditions. (Appendix 1)
 - b) Mobile homes had enclosed porches contrary to condition 2.2 of the Permanent Residential Mobile Home Site Licence conditions. (Appendix 1)
 - c) Sheds erected in close proximity to the mobile homes are not of a non-combustible construction contrary to 2.6 of the Permanent Residential Mobile Home Site Licence conditions. (Appendix 1)

11. Issues

The conditions attached to any licence are the responsibility of the site licence holder to enforce. An occupier of any unit on that site commits no offence by failing to comply with the council conditions. In some cases residents are refusing to comply with the conditions of the licence and this is resulting in the need for site owners either having to apply for a variation of the site licence conditions or to instigate civil proceedings against the unit owners.

12. To prevent the spread of fire the license conditions require:
- A 6 metre distance rule (or 5 metres as in one of the old licence conditions) between the mobile homes,
 - To have non combustible sheds and
 - Open porches (prevent storage of flammable materials).

11. Mobile homes on the site are replaced from time to time when their state of repair has deteriorated to an extent that it is not economical to repair.
12. To require the licence holder to remove all the combustible sheds, extensions and porches would be upsetting to residents.

13. **Fire Authority Comments**

Fayre Oaks Caravan Site, Kings Acre, Hereford

165 Eastern Avenue – Any fire involving any part of this unit may quickly involve the whole unit including the extension. The presence of fire retardant insulation will have little impact on this. Given that the distance between this unit and next door is reduced to approximately 3 metres it is very likely that radiant heat from such a fire would spread to the unit next door. This risk could be reduced considerably by the replacement of the wooden fence separating the two properties with a solid wall built of fire-resisting materials to a minimum height of 2 metres. The provision of smoke alarms would give early warning and should be encouraged (or ideally be a condition of licence).

84 Western Avenue - Any fire involving any part of this unit may quickly involve the whole unit including the extension. Given that the distance between this unit and next door is reduced to approximately 4 metres it is possible that radiant heat from such a fire would spread to the unit next door. This risk could be reduced considerably by separating the two properties with a solid wall built of fire-resisting materials to a minimum height of 2 metres. (Appendix 2)

14. **Site owners Comments**

The site owner has made comments in respect of the application. In conclusion they request that the committee extend the exemption to the condition, for a further period of two years to allow them to resolve the issues.

15. **Options**

(a) To advise the licensee that no enforcement action will be take on the present Non-compliances in relation to;

- The mobile homes impinging into the 6 metre space,
- The combustible sheds,
- The enclosed porches.

and to allow a further period of time to allow the site owners to conform with the conditions

(b) To refuse to extend the period thereby authorising authority officers to take action against the site licence holder.

(c) To require the site owner to erect a Temporary fire wall in accordance with fire officer's recommendations. The wall to remain there until such time specified by the Committee when the standard conditions are required to be complied with (e.g. 2 years or the lifetime of the units).

(d) To come to some other conclusions.

**APPLICATION FOR VARIATION OF CARAVAN SITE
LICENCE FOR 'FAYRE OAKS, CARAVAN PARK,
KINGS ACRE ROAD, HEREFORD. HR 4 0SU' -
CARAVAN SITES AND CONTROL OF DEVELOPMENT
ACT 1950**

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

Three Elms

1. Purpose

To consider an application for a variation against the standard licensing condition relating to the requirement to provide an immediately accessible telephone under the Caravan site licence issued to Fayre Oaks caravan Park, Kings Acre Road, Hereford. HR4 0SU.

Background Information

2. Under Section 5(1) of the Caravan sites and Control of development Act 1960 Act the local authority has the power to issue caravan site licences with conditions the authority thinks necessary or desirable in the interests of the persons dwelling thereon in caravans or of any other class of person or of the public at large but with out prejudice to the generality of the forgoing, a site licence subject to conditions:-

- a) for restricting the occasions on which caravans are stationed on the land for the purpose of human habitation, or the total number of caravans which are so stationed at any one time.
- b) For controlling (whether by reference to their size, the state of the state of their repair or, subject to the provisions of subsection (2) of this section any other feature) the types of caravan which are stationed on the land;
- c) For regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise stationed, of structures and vehicles of any description whatsoever and of tents;
- d) For securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;
- e) For securing that adequate sanitary facilities, and other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, all times when caravans are stationed on the land in caravans and that, at all times when caravans stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.

Section 5(2) No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction.

3. In October 2003 the Regulatory reviewed and agreed the current standard caravan site licence conditions.

Variation Licence Application

4. The variation application requests that this condition 5.11 be removed from the current licence.

Current Licence

5. Condition 5.11 of the conditions states:
An immediately accessible telephone should be available on site for calling the emergency services. A notice by the telephone should include the address of the site.

Summary of Representations

6. The Fire Authority have been consulted and have made the following comment: -
'Given the relative speed of likely fire development in these properties, a telephone on-site will have little benefit in terms of life-saving from fire. An early call may be of more value in the event of medical emergency. The judgement of the local authority in removing this requirement could also consider the frequency of use of such telephones in the past and , given the now ubiquitous use of mobile phones, whether such use would be of value in the future.'
7. A letter has been received from a resident on the site who has objected to the removal of the emergency phone. (A copy of this can be found within the background papers – Appendix 3).

Options: -

8. It is for the committee to decide :-
 - a) to grant the variation
 - b) to grant the variation with conditions they think fit
 - c) to reject the variation application
 - d) to come to some other conclusion.

Background Papers

Appendix 1 Application to vary.

Appendix 2 Fire Officers Comments

Appendix 3 Copy of letter of objection – together with typed transcript

Appendix 4 Cottage park licence and Standard licence Conditions.

APPLICATION FOR VARIATION OF CARAVAN SITE LICENCE FOR 'SALTMARSH CASTLE CARAVAN PARK STOURPORT ROAD, BROMYARD HR7 4PN' - CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1950

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

Bromyard

Purpose

1. To consider an application for a variation against the standard licensing condition relating to changing fire fighting provisions within the standard licence conditions for Saltmarsh Castle Caravan Park Stourport Road, Bromyard HR7 4PN'.

Background Information

2. Under Section 5(1) of the Caravan Sites and Control of Development Act 1960 Act the local authority has the power to issue caravan site licences with conditions the authority thinks necessary or desirable in the interests of the persons dwelling thereon in caravans or of any other class of person or of the public at large but with out prejudice to the generality of the forgoing, a site licence subject to conditions:-
 - a) For restricting the occasions on which caravans are stationed on the land for the purpose of human habitation, or the total number of caravans, which are so, stationed at any one time.
 - b) For controlling (whether by reference to their size, the state of the state of their repair or, subject to the provisions of subsection (2) of this section any other feature) the types of caravan which are stationed on the land;
 - c) For regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise stationed, of structures and vehicles of any description whatsoever and of tents;
 - d) For securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;
 - e) For securing that adequate sanitary facilities, and other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, all times when caravans are stationed on the land in caravans and that, at all times when caravans stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.

Section 5(2) No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction.

3. In October 2003 the Regulatory reviewed and agreed the current standard caravan site licence conditions.
4. All sites have been visited by Environmental Health for compliance with the conditions

Variation Licence Application

5. As a result Mr Weekers submitted an application to vary the conditions of the licence by removing conditions 5.2 and 5.4 and replace them with a single condition to allow 1KG powder extinguisher only to be provided at each fire point and a further condition stating that a suitable and sufficient fire risk assessment shall be recorded and maintained for the whole sites.

Current Licence

6. Condition 5.2 of the conditions states:
Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres from the nozzle, such water standpipes should be situated at each fire point. There should also be a reel that complies with British standard 5306 Part 1, with a hose not less than 30 metres long, having a means of connecting to water standpipe (preferably a screw head connection) with a water supply of sufficient pressure and terminating a small hand control nozzle. Hoses should be housed in a box painted red and marked "HOSE REEL" .
7. Condition 5.4
Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point should be provided with wither water extinguishers (2x9 litre) or a water tank of at least 500 litres incapacity with a hinged cover, 2 buckets and 1 hand pump or bucket pump.
8. Kevin Bray an Environmental Health Officer has visited the site and wrote to the site owners Mr Weekers on 6 June 2005 advising them of non compliances with the standard conditions this included provisions for the fire safety equipment, letter attached.

Summary of Representation

9. The Fire Authority have been consulted and have the following comment: -
'We would agree that it is acceptable to replace hose-reels or water extinguishers with an equivalent extinguishing media. If 6kg dry powder extinguishers are used then we would recommend two extinguishers. They need to be housed in such a way that they are accessible but not subject to

corrosion. A fire risk assessment for the site, with a record of the significant findings, will be a requirement of the Regulatory (Fire Safety) Reform order 2005 which comes into force on 01 October 2006. Extinguishing media, centrally located at fire-points, are unlikely to provide any protection against death or injury against fire within any single unit. The provision of suitable automatic fire detection, fire blankets and/or suitable extinguishers within living units would be a more effective control measure.

10. **Options: -**

It is for the committee to decide :-

- a) to grant the variation
- b) to grant the variation with conditions they think fit
- c) to reject the variation application
- d) to come to some other conclusion.

Background Papers

Appendix 1 Application to vary.

Appendix 2 Letter dated 6 June 2005 to Mr Weekers the site owner.

Appendix 3 Representation from Fire service.

Appendix 4 Saltmarshe Caravan Park Licence and Standard Licence Conditions.

APPLICATION FOR VARIATION OF CARAVAN SITE LICENCE FOR 'COTTAGE PARK CARAVAN PARK LEDBURY ROAD, ROSS – ON - WYE HR9 7BD' - CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1950

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

Ross-on-Wye

1. Purpose

To consider an application for a variation against the standard licensing condition relating to open porches and separation space, to allow a caravan on plot 23 at Cottage Park, Ledbury Road, Ross-on-Wye to have a closed porch and to reduce the permitted separation space from 6 metres to 5.65 metres .

Background Information

2. Under Section 5(1) of the Caravan sites and Control of development Act 1960 Act the local authority has the power to issue caravan site licences with conditions the authority thinks necessary or desirable in the interests of the persons dwelling thereon in caravans or of any other class of person or of the public at large but with out prejudice to the generality of the forgoing, a site licence subject to conditions:-
- a) for restricting the occasions on which caravans are stationed on the land for the purpose of human habitation, or the total number of caravans which are so stationed at any one time.
 - b) For controlling (whether by reference to their size, the state of the state of their repair or, subject to the provisions of subsection (2) of this section any other feature) the types of caravan which are stationed on the land;
 - c) For regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise stationed, of structures and vehicles of any description whatsoever and of tents;
 - d) For securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;
 - e) For securing that adequate sanitary facilities, and other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, all times when caravans are stationed on the land in caravans and that, at all times when caravans stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.

Section 5(2) No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction.

3. In October 2003 the Regulatory reviewed and agreed the current standard caravan site licence conditions.
4. All sites have been visited by Environmental Health for compliance with the conditions

Variation Licence Application

5. The variation application is applying to allow an enclosed porch to remain at Plot 23 Cottage Park, Ledbury Road, Ross On Wye and for the separation space between the two units to remain at 5.65 metres.

Current Licence

6. Condition 2.1 of the conditions states:
Subject to the following variations, every caravan should be not less than 6 metres from any other caravan, which are preoccupied separately and not less than 2 metres from a road. The point of measurement for porches, an awning etc is the exterior cladding of the caravan.
7. Condition 2.2 of the conditions states:
Porches may protrude 1 metre into the 6 metres and should be of the open type.
8. Victoria Woodland Environmental Health Officer has visited the site and wrote to the site owners Mr and Mrs Smith on 24 March 2005 advising them that the porch on caravan no 23 has to be of an open type in accordance with the standard conditions. This letter resulted in Mr and Mrs Smith applying for the variation to the standard conditions.
9. On 14th September 2006 Fred Spriggs Licensing Officer attended the location where is the presence of Mr & Mrs Smith he measured the separation distance between the two units which was 5.65 metres and the separation space between the porch and the adjoining caravan was 4.75 metres.

Summary of Representations

10. The Fire Authority have been consulted and have made the following comment: -
'There is no absolute answer to this - as always it is a matter of increase or decrease in likelihood of risk. I believe that the general condition of 6m distance and open porches only being allowed to encroach on this distance is reasonable. A distance of 4.75m between a closed porch and the next caravan would present more risk of potential fire-spread by radiant heat and should therefore be avoided if practicable.'

11. Environmental Health have been consulted and providing further conditions listed in the report are added to the licence they have no objection to the variation in this case. The report is attached in the background papers.
12. The next door neighbour at 24 Cottage Park has been consulted and has made comment in respect of the application. A copy is shown within the background papers.

Options: -

13. It is for the committee to decide :-
 - a) to grant the variation
 - b) to grant the variation with conditions they think fit
 - c) to reject the variation application
 - d) to come to some other conclusion.

Background Papers

- Appendix 1 Application to vary.
- Appendix 2 Letter dated 24 March 2005 to Mr & Mrs Smith from Victoria Woodland.
- Appendix 3 Letter dated 23rd March 2006 to Mr & Mrs Smith from Victoria Woodland
- Appendix 4 Representation from Environmental Health.
- Appendix 5 Fire Officers Comments
- Appendix 6 Cottage park licence and Standard licence Conditions.
- Appendix 7 Photograph of porch and distance between units.
- Appendix 8 Letter to Licensing Authority from Mrs Haile, 24 Cottage Park.

TO CONSIDER THE ADOPTION OF INCREASE IN HACKNEY CARRIAGE FARES 2006/2007 THE TOWN POLICE CLAUSES ACT 1847 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

REPORT BY: Head of Environmental Health and Trading Standards

Wards Affected

County-wide

Purpose

1. To consider the proposed annual price review for Hackney Carriage Fares in Herefordshire.

Legislation

2. The Local Government (Miscellaneous Provisions) Act 1976 allows the local authority to fix the rates/fares within the Authority as well for time as distance and all other charges in connection with the fare of a vehicle or with the arrangements for the hire of a vehicle, means of a table of fares.
3. If objections are made or if objections are not withdrawn the Local Authority shall set a further date not later than two months after the date specified for the increase in fares to take affect.

Background

4. The current taxi fares were reviewed and increased in October 2005 (appendix 1).
5. Proposals for an increase in charges for taxi fares were first published in the Hereford Times on 28th September 2006 there were two weeks of consultation ending on 19th October 2006. These fares are normally reviewed annually. The proposals were based on consideration of the annual inflation indices and submissions from the Herefordshire Hackney Carriage and Private Hire Association.
6. It is proposed the fare increase should take affect from 6 November 2006.

Considerations

7. The proposed table of fares is shown in Appendix 2 and existing fares in Appendix 1.
8. The period over which the price indices are measured is July 2005 to July 2006. The changes are as follows
 - The RPIX 2005 increase from August 2005 is 3.2% (excluding mortgages).

Further information on the subject of this report is available from
Suzanne Laughland Licensing Manager 01432361675.

- Increase in fuel prices
9. As shown in the proposed table of charges (Appendix 2) changes have been made to the ongoing travelling distances but not to the starting fare.
 10. The proposed fare increase is generally in line with overall inflation as measured by the RPI in order to keep taxis “affordable” and hence the changes will support the Herefordshire Plan ambition of an integrated transport system for Herefordshire.
 11. The proposed fares are sufficient to maintain the current standard of Hackney Carriage service in Herefordshire as, having no public feedback to the contrary, is believed to be acceptable.

Risk Management

12. If the fares are not increased this could affect the number of taxis available for the public to use. With increasing costs to the taxi trade and a finite number of customers they will need to make their businesses viable in order to continue providing the service. Therefore if the fees are not set at an appropriate level the Herefordshire ambition to provide an integrated transport system for Herefordshire may not be achieved.
13. There are no nighttime buses and with the constant reduction of the daytime bus service within Herefordshire the only means of transport for some is by taxi. The taxis were not available some people would be unable to travel to the shopping centres within Herefordshire.
14. Likewise if the fares are set too high, the public in particular the low-income households who are unable to afford their own car may be disadvantaged. Therefore the Herefordshire ambition to tackle poverty and isolation may not be achieved.

Consultees

15. With Herefordshire Hackney Carriage and Private Hire Association. The Steering Groups recommendations Appendix 3.
16. All Dual Drivers, Vehicle proprietors and Operators were consulted, the results of the consultation appear at Appendix 4.
17. Members of the General Public were consulted through a public notice placed in the Hereford Times. The closing date for consultation is 19th October 2006.

Options

- To agree in principal to the fare increase, as there were no public objections during the consultation period; delegating the implementation of the fare increase on 6th November 2006 to the Head of Environmental Health and Trading Standards. If any objections had been received the matter would be brought back to the Regulatory Committee.
- To reject the proposed fares and keep them at the present level.
- To set an alternative fare increase.

Documents:

Further information on the subject of this report is available from
Suzanne Laughland Licensing Manager 01432361675.

Appendix 1 Current taxi fares

Appendix 2 Proposed taxi fares

Appendix 3 Proposal from Taxi and Private Hire Steering Group

Appendix 4 Results of consultation received from the Trade

APPENDIX 1

COUNTY OF HEREFORDSHIRE
DISTRICT COUNCIL
HACKNEY CARRIAGE FARES

2005/2006

Tariff One	Inclusive of VAT
For each journey not exceeding 1100 metres	£2.40p
For each subsequent 100 metres or part thereof	£0.10p
Waiting time for each period of 28 seconds or part thereof	£0.10p
Tariff Two	
For hiring's begun between 11.00pm and 8.00am and Public holidays other than Christmas and New Year	150% of Tariff one
Tariff Three	
For hiring's begun between 11.00pm on 24 th December to 8.00am on 27 th December and 11.00pm on 31 st December to 8.00am on 2 nd January	200% of Tariff One

EXTRA CHARGES

For each package other than hand luggage	£0.20p
For each bicycle or perambulator	£0.20p
For each person in excess of two	£0.50p
For cleaning a vehicle where it has been fouled	£50.00p
By passenger.	

Further information on the subject of this report is available from
 Suzanne Laughland Licensing Manager 01432361675.

APPENDIX 2

COUNTY OF HEREFORDSHIRE
DISTRICT COUNCIL
PROPOSED HACKNEY CARRIAGE FARES

2006/2007

Tariff One	Inclusive of VAT
For each journey not exceeding 1025 metres	£2.40p
For each subsequent 95 metres or part thereof	£0.10p
Waiting time for each period of 28 seconds or part thereof	£0.10p
Tariff Two	
For hiring's begun between 11.00pm and 8.00am and Public holidays other than Christmas and New Year	150% of Tariff one
Tariff Three	
For hiring's begun between 11.00pm on 24 th December to 8.00am on 27 th December and 11.00pm on 31 st December to 8.00am on 2 nd January	200% of Tariff One

EXTRA CHARGES

For each package other than hand luggage	£0.20p
For each bicycle or perambulator	£0.20p
For each person in excess of two	£0.50p
For cleaning a vehicle where it has been fouled	£50.00p
By passenger.	

Further information on the subject of this report is available from
 Suzanne Laughland Licensing Manager 01432361675.

APPENDIX 3**Proposal received from the Taxi and Private Hire Steering Group**

There are a number of factors to consider. The Retail Price Index is around 3%. Recent fuel increases have put a litre of diesel over the pound mark for the first time. Effectively we have seen a 10% rise on a litre of fuel during the past year. It should also be noted that 12% of all taxi income is spent on fuel costs. With the 10% rise in fuel costs, this has effectively put a 1.2% inflationary rise on total expenditure. That figure together with the retail price index would put us near the 4% mark. Below is an example of a sliding scale for the tariff increase.

2005/2006 Existing Fare**2006/2007 Proposed Fare**

Metres	By 100	Existing Fare		Metres	By 95	Existing Fare
1100		£2.40		1025		£2.40
1200		£2.50		1120		£2.50
1300		£2.60		1215		£2.60
1400		£2.70		1310		£2.70
1500		£2.80		1405		£2.80
1600		£2.90		1500		£2.90
1700		£3.00		1595		£3.00
1800		£3.10		1690		£3.10
1900		£3.20		1785		£3.20
2000		£3.30		1880		£3.30
2100		£3.40		1975		£3.40
2200		£3.50		2070		£3.50
2300		£3.60		2165		£3.60
2400		£3.70		2260		£3.70
2500		£3.80		2355		£3.80
2600		£3.90		2450		£3.90
2700		£4.00		2545		£4.00
2800		£4.10		2640		£4.10
2900		£4.20		2735		£4.20
3000		£4.30		2830		£4.30
3100		£4.40		2925		£4.40
3200		£4.50		3020		£4.50
3300		£4.60		3115		£4.60
3400		£4.0		3210		£4.70
				3303		£4.80
				3400		£4.90

Initially the starting distance is decreased from 1100 metres to 1025 metres to keep the start up rate at £2.40 and have also reduced the amount of metres for each corresponding ten pence from 100 metres to 95 metres in order the get the sliding scale so that at the end of the table it reflects the true percentage rise.

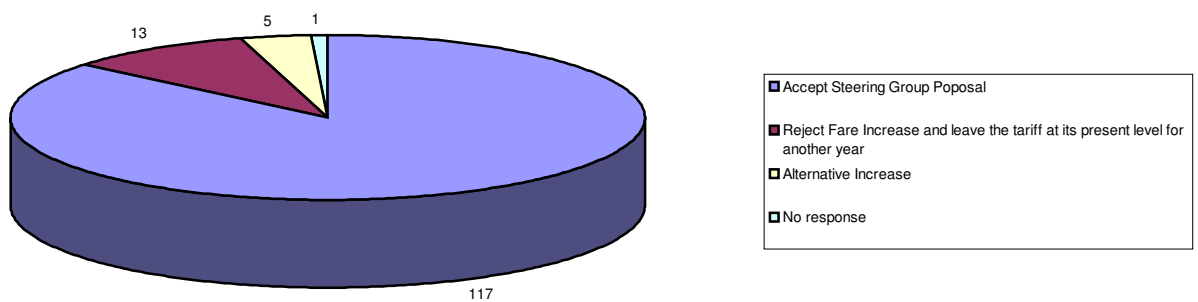
APPENDIX 4

Further information on the subject of this report is available from
Suzanne Laughland Licensing Manager 01432361675.

Results of Consultation with the Trade.

Accept Steering Group Proposal	117
Reject Fare Increase and leave the tariff at its present level for another year	13
Alternative Increase	5
No response	1

Fare Increases 2006



Further information on the subject of this report is available from
Suzanne Laughland Licensing Manager 01432361675.

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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