

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 3rd July, 2007 at 2.00 p.m.**

Present: Councillor P Jones CBE (Chairman)
Councillor JW Hope MBE (Vice Chairman)

Councillors: CM Bartrum, DJ Benjamin, ME Cooper, SPA Daniels,
JHR Goodwin, R Mills, A Seldon, RH Smith and DC Taylor

In attendance: Councillors J Stone

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor PGH Cutter.

10. NAMED SUBSTITUTES (IF ANY)

Councillor R Smith was appointed named substitute for Councillor PGH Cutter.

11. DECLARATIONS OF INTEREST

There were no declarations made at the meeting

12. MINUTES

RESOLVED: That the Minutes of the meeting held on 13th June, 2007 be approved as a correct record and signed by the Chairman

13. ALCOHOL CONSUMPTION IN PUBLIC PLACES - DESIGNATION OF PUBLIC PLACES IN HEREFORD

RESOLVED: That consideration of the report be deferred until the next meeting on 31st July, 2007 to enable input from the Local Ward Member.

14. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER BRIDLEPATH MR22 IN THE PARISH OF MARDEN

The Rights of Way Manager presented a report about an application by the Council for a Public Path Diversion Order to divert part of Bridleway MR22, Marden, under Section 119 of the Highways Act 1980. He advised that the application had been made to move the bridleway from a waterlogged area and thereby make it more convenient for users and reduce the Councils maintenance costs. The, local parish council and Ward Member were agreeable to the proposal although there were objections from the British Horse Society and the Open Spaces Society. He explained about the construction and advertising costs that would arise from the work being undertaken and the Diversion Order being made. He was also of the opinion that the application fulfilled the criteria set out within the legislation

The Committee noted the objections that had been received but felt that the proposed diversion would benefit users and the Council, and agreed with the course of action suggested by the Rights of Way Manager that the Diversion Order should

be made.

RESOLVED:

that a Public Path Diversion Order be made under Section 119 of the Highways Act 1980 in respect of Bridleway MR22 (part) Marden, as illustrated on drawing D376/261-22.

15. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH (KB48) (PART) IN THE PARISH OF KIMBOLTON

The Rights of Way Manager presented a report and explained the circumstances surrounding errors which had arisen during the making of a Public Path Diversion Order for part of Footpath KB48, Kimbolton, under Section 119 of the Highways Act 1980. This had resulted in the need to make a new Order divert the route in accordance with the original proposals. The Local Member and the parish council had been consulted and were agreeable to the proposals. The applicant had previously paid for the diversion order, confirmation and associated adverts. The proposed diversion met the specified criteria as set out in section 119 of the Highways Act 1980.

The Committee agreed with the course of action suggested by the Rights of Way Manager that the Diversion Order should be made.

RESOLVED:

that a Public Path Diversion Order be made under Section 119 of the Highways Act 1980 in respect of footpath KB48 as illustrated on drawing number: D381/205-48 at the Council's expense.

16. AMENDMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, AND OPERATOR CONDITION REGARDING:- SMOKE FREE ENGLAND LEGISLATION. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847

The Committee was advised that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847, local authorities had powers to impose reasonable conditions for the regulation of hackney carriages and private hire vehicles, drivers and operators. With effect from 1st July 2007, regulations made under the Health Act 2006 were in place to control smoking in public enclosed places. The regulations included hackney carriages, private hire vehicles, and taxi and private hire offices with or without public access. Operators, drivers and passengers must not smoke in the vehicles and premises at any time and the regulations prescribe how signage must be displayed to advise about the new restrictions.

RESOLVED:

that in compliance with the Regulations made under the Health Act 2006, Hackney carriage/private hire vehicle licence condition 8.2 be amended to the effect that one or more notices shall be prominently displayed within the vehicle, in a conspicuous location, indicating "NO SMOKING". "No-smoking symbol" means a symbol which consists solely of a graphic representation of a single burning cigarette enclosed in a red circle of at least 70 millimetres in diameter with a red bar across it.

17. 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 item of business on the grounds that it involves 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.

18. ISSUE REGARDING A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Manager referred to agenda item No. 10 and provided the Committee with the circumstances which had given rise to the need for the holder of a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to him receiving a conviction and the reasons why he felt that he should be allowed to continue to hold the licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee was satisfied that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he should be permitted to continue to hold the dual driver's licence.

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

The Licensing Manager referred to agenda item No. 11 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence to be referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to him receiving a conviction and the reasons why he felt that he should be granted the licence.

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

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

The Licensing Manager referred to agenda item No. 12 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence to be referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to him receiving a conviction and the reasons why he felt that he should be granted the licence.

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

21. SUSPENSION OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Manager referred to agenda item No. 13 and provided the Committee with the circumstances which had given rise to the suspension of a dual Hackney Carriage/Private Hire driver's licence. The applicant provided the Committee with details of the circumstances which had given rise to him receiving a conviction and the reasons why he felt that he should be allowed to continue to hold the licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee required more information before reaching its decision and deferred the matter until its next meeting.

The meeting ended at 4.34 p.m.

CHAIRMAN