

# A G E N D A

## Regulatory Committee

Date: **Tuesday, 3rd July, 2007**

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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 P Jones CBE (Chairman)  
Councillor JW Hope MBE (Vice-Chairman)

Councillors CM Bartrum, DJ Benjamin, ME Cooper, PGH Cutter, SPA Daniels,  
JHR Goodwin, R Mills, A Seldon and DC Taylor

	Pages
<p>1. <b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p>2. <b>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>3. <b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>4. <b>MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 13th June, 2007.</p>	1 - 2
<p>5. <b>ALCOHOL CONSUMPTION IN PUBLIC PLACES - DESIGNATION OF PUBLIC PLACES IN HEREFORD</b></p> <p>To consider a proposal to designate certain areas of Kington as public places within the meaning contained in the Criminal Justice and Police Act 2001 to restrict anti-social public drinking in those areas.</p> <p><b>Wards Affected:</b> Kington Town</p>	3 - 6
<p>6. <b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER BRIDLEPATH MR22 IN THE PARISH OF MARDEN</b></p> <p>To consider an application under the Highways Act 1980, section 119, to make a Public Path Diversion Order to divert part of bridlepath MR22, Marden</p> <p><b>Ward Affected:</b> Sutton Walls</p>	7 - 8

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| 7.  | <p><b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH (KB48) (PART) IN THE PARISH OF KIMBOLTON</b></p> <p>To consider an application under the Highways Act 1980, section 119, to make a Public Path Diversion Order to divert part of footpath KB48, Kimbolton.</p> <p><b>Ward Affected: Upton</b></p>   | 9 - 10  |
| 8.  | <p><b>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</b></p> <p>To consider implementing a revised licence condition in respect of private hire and hackney carriage vehicle conditions due to the changes in legislation regarding smoking in public places.</p>  | 11 - 12 |
| 9.  | <p><b>PROCEDURAL ARRANGEMENTS</b></p> <p>To note the procedural arrangements for the meeting.</p> <p><b>EXCLUSION OF THE PUBLIC AND PRESS</b></p> <p><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></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> <p><b>These items disclose information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.</b></p> | 13 - 14 |
| 10. | <p><b>ISSUE REGARDING A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b></p> <p>To consider an issue regarding an existing hackney carriage/private hire driver.</p>   | 15 - 18 |
| 11. | <p><b>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 driver's licence.</p>   | 19 - 22 |

<b>12. APPLICATION FOR DUAL (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	23 - 26
To consider an application for a dual hackney carriage/private hire driver's licence.	
<b>13. SUSPENSION OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	27 - 30
To consider the circumstances regarding the suspension of a dual hackney carriage/private hire driver's 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 Wednesday, 13th June, 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, PGH Cutter, SPA Daniels, JHR Goodwin, A Seldon and DC Taylor

**In attendance:** Councillors (none)

**118. CHAIRMAN**

It was noted that Councillor P Jones CBE had been elected Chairman for the ensuing year

**119. VICE-CHAIRMAN**

It was noted that Councillor JW Hope MBE had been appointed Vice-Chairman for the ensuing year

**120. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Mills.

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

There were no substitutions present at the meeting

**122. DECLARATIONS OF INTEREST**

There were no declarations made at the meeting

**123. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 10th April, 2007 be approved as a correct record and signed by the Chairman

**124. 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 item will not be, or is likely not to be, open to the public and press at the time it is 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.

This item discloses information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.

**125. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO REVIEW A SUSPENSION NOTICE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Licensing Officer referred to agenda item No. 8 and provided the Committee with the circumstances which had given rise to a Suspension Notice being served on the holder of a joint hackney carriage/private hire drivers licence. The Committee was informed that the suspension had arisen following a conviction imposed by the Magistrates Court. The Solicitor acting on the driver's behalf had notified the Council that he had lodged an appeal with the Courts about the conviction and that he had asked for the suspension to be reviewed and expressed concerns about his client's human rights and the effect of him not being able to work as a licensed driver.

At the meeting the Officers presented all the details about the conviction and suspension, the appropriate legal aspects of hackney carriage/ private hire licensing and the obligations of the Council in protecting the public. The Committee was also advised that the driver had been licensed since 2000 and had an otherwise unblemished record. The Committee carefully considered those matters brought before them, including the representations by the applicant and his spokesperson. They also took into account the circumstances of the conviction and the fact that the driver had suffered financial hardship since the suspension and that the conviction was subject to appeal. They also noted that there had been no other reports of offending or complaints arising from his work as a taxi driver and that he had not been on bail with any conditions attached. It was also taken into account that he was of previous good character. They weighed these factors against the risks to other taxi drivers and passengers if he was to continue to drive. They noted that he had been sentenced to a 200 hours Community Work Order out of a possible maximum of 240 hours. They also took account of the fact that he stood convicted of the public order offence. The Committee took into account the local knowledge of the increase in ethnic minority population locally, including both taxi drivers and those who rely upon them.

Balancing all these factors, the Committee decided that in the interest of the protection of the public, the suspension should continue until the outcome of the appeal was known, at which time his right to hold a licence as a fit and proper person would once again be reviewed.

The meeting ended at 3.00 p.m.

**CHAIRMAN**

## **ALCOHOL CONSUMPTION IN PUBLIC PLACES - DESIGNATION OF PUBLIC PLACES IN HEREFORD**

**Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

### **Wards Affected**

Kington Town

### **Purpose**

To consider a proposal to designate streets, roads and other areas (listed in Appendix 1) as public places within the meaning contained in the Criminal Justice and Police Act 2001 and thereby restricting anti-social public drinking in those areas.

### **Background**

On 1<sup>st</sup> September 2001 sections 12-16 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001 came into force. This legislation gave powers to local authorities to place restrictions on public drinking within so-called designated places where it is associated with nuisance or annoyance to members of the public, or with disorder.

An Order gives the Police (including Community Support Officers) the power to require a person not to drink alcohol in a designated place where the officer believes that the person is, has or intends to do so, and to surrender any alcohol or alcohol containers in the person's possession. It is an offence to drink alcohol in such places. Failure to comply with an officer's requirements in respect of drinking or surrendering alcohol is an arrestable offence.

The designation of a place under an Order therefore provides potentially effective tools to those wishing to tackle nuisance, annoyance or disorder. However, in designating such places the local authority must be satisfied that the problems are associated with public drinking in those areas. Areas subject to vandalism, littering or noise nuisance, for example, would not be considered appropriate for designation unless the drinking of alcohol there was a contributory factor in the problem. In addition, where other controls are available and more appropriate, designation should not be used as the first resort.

Since September 2001 Herefordshire Council has made 8 Orders designating areas in Hereford City, Whitcross, Copin Rise, the market towns of Ross on Wye, Ledbury, and Bromyard as well as the villages of Madley and Peterchurch. The controls brought in through the Orders have been regarded as effective and successful in combating several facets of anti-social behaviour where alcohol consumption has been involved. This includes loitering (and therefore intimidation of other users), littering, and the use of drinks containers as weapons

The 'sponsors' of recent Orders have ranged from members of the public who overlook particular areas to Parish Councils and the Police. The role of the Police in supporting the designation and more importantly, in the policing of the area cannot be over-stated. To designate a place, advertise its designation, put up signage and then not to police it would not only be a waste of resources but a failure to manage the

expectations of those who are suffering as a result of the consumption of the alcohol. It would also send out the wrong message to the small minority of people who cause the problems. Equally, the Police have a role in confirming that the particular area suffers from the type of problems connected with alcohol consumption. Land owners/occupiers and others also have a role in substantiating the case for designation.

## **The proposed designated public places**

The police have made an approach to this Council in respect of the designation of an area of Kington.

The proposed area is detailed at Appendix I. **[Detailed plans to follow]**

## **The case for designation**

Neither those who have highlighted the problems associated with 'public' drinking, the Police nor Herefordshire Council wishes to bring about a comprehensive ban on drinking in the open air. The concerns expressed relate to the effects of alcohol consumption by a small number of people who directly or indirectly cause problems to the residents neighbouring, or those others wishing to use the areas of land for recreation etc. where no disruptive effects occur.

The Police have confirmed that the proposed area has often been the subject of reports to the police of drink-related anti-social behaviour and nuisance.

Advertisements were placed in the Hereford Times on 10 August 2006 and 28 September 2006 inviting representations regarding this matter. The closing date for representations is 28 days after the date of advertisement. No correspondence has been received objecting to the proposal. Certain land owners/occupiers (inc. Herefordshire Council and Herefordshire Housing), the Police and the relevant Parish Councils have been formerly approached with respect to obtaining their views on the proposals. No written objections have been received.

The proposals accord with initiatives already commenced by the Herefordshire Community Safety Partnership with respect to crime and disorder and in particular tackling alcohol-associated problems.

## **The effects of making an order**

The Police will have the power to require a person not to drink alcohol in a designated place where the officer reasonably believes that the person is, has or intends to do so, and to surrender any alcohol or alcohol containers (other than sealed containers) in the person's possession. It is not an offence to drink alcohol in a designated public place, but failure to comply with an officer's requirements in respect of public drinking or surrender of alcohol, without reasonable excuse, is an arrestable offence.

Unlike the procedure associated with the byelaw, the local authority is not under any obligation to conduct a formal assessment of the nature of any alleged problem(s). However, the local authority has to be satisfied that public nuisance, annoyance or disorder has been associated with public drinking in a proposed area. Where there have been no such problems, a designation order will not be appropriate.

Once in force, an offence exists where a person who is consuming intoxicating liquor in a designated place, continues to do so when told to stop doing so by a Police officer. Such powers have brought about a change in town centres in terms of the previously held perceptions of some that loutish, anti-social behaviour prevailed. A 'tool' was therefore available to control such behaviour and reduce the chances of drinking vessels being used in acts of violence.

### **Financial Implications**

Should the recommendation be agreed then a further advertisement must be placed in the local newspaper giving at least 7 days' notice of the Order coming in to force. There are costs associated with placing notices in newspapers in circulation in the proposed areas and costs associated with the manufacture and erection of signage. Signs erected at the principal entrances to each of the areas of land along with some located within the land should result in between 20 and 30 signs being purchased and erected. Each sign costs approximately £30 to manufacture and erect. The exact number has not yet been determined.

### **Previous Committee Hearing**

This matter was previously before the Committee on 28<sup>th</sup> November 2006 when the matter was deferred until this date to allow further consultation to take place.

After speaking to the previous consultees it became evident that there was no further to be gained by a further period of consultation and that the Committee would have to arrive at a decision based on the facts.

To assist the Committee in the decision making process Councillor Mrs Newman (Police Community Consultative Group), Councillor James (Herefordshire Council) and a local representative of the West Mercia Constabulary have been informed of the meeting and asked to attend. An invitation was also sent to Kington Town Council but no response has been received.

## **RECOMMENDATION**

**THAT The Committee makes an Order designating those areas detailed in Appendix 1 as public places for the purposes of section 13 of the Criminal Justice and Police Act 2001.**

### **BACKGROUND PAPERS**

- Crime and Disorder Act 1998
- Criminal Justice and Police Act 2001
- The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001
- Letters and emails from and to various stakeholders

Appendix I – Details of proposed areas for inclusion in an Order

N.B. Detailed scaled plans will accompany this Appendix.

**Kington:**

Doctors Lane (aka Prospect Road)  
Common Close  
Park View (where it is adjacent to Lady Hawkins School boundary)  
Kington Football Club grounds  
Kington recreation ground  
Park Avenue  
Mill Street  
Crab Tree Road  
Crab Tree Road Car Park  
Marwick Close  
Church Street  
Church Road  
The Square  
Greenfields  
High Street  
Prospect Lane  
Prospect Place  
Furlong Lane  
Bridge Street (to and including the Arrow Bridge)  
Duke Street (to its junction with Love Lane)  
Oxford Lane  
Market Hall Street  
Place de Marines  
Market Hall  
Co-operative Stores' Car Park  
Nisa Stores' Car Park  
Lady Hawkins School Grounds  
The Livestock Market  
The Churchyard of St Mary's Church



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

Report By: Public Rights of Way Manager

### Ward Affected:

Sutton Walls

### Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of bridlepath MR22 in the parish of Marden as illustrated on Drawing Number D376/261-22 (appendix 1).

### Considerations

- 1 An application to divert bridleway MR22 (part) in the parish of Marden was made on 10<sup>th</sup> January 2006, by Herefordshire Council. The reasons for which were that it would improve user convenience and safety and reduce the Council's maintenance costs. For this reason it was felt that the application is in the Public's interest and therefore fast tracked under the current policy.
- 2 The current line of the bridleway travels through an area which is waterlogged for the majority of the year making the route impassable. The costs of bringing the existing route into a usable condition were calculated to be in the region of £4000 plus additional costs associated with ongoing maintenance. The proposed route of the bridleway follows a farm track which runs parallel to the current route of the right of way. The track has a firm surface and is not liable to flooding. The track only provides access to two properties so is very quiet.
- 3 Pre-order consultation has been carried out by the Public Rights of Way department. The proposal has some objections –
  - British Horse Society (BHS) – objects to the diversion of bridleways onto vehicular routes and where it considers that there is a historical value to a route
  - Open Spaces Society (OSS) – objects because they feel that the problem could be remedied by other means.
- 4 The landowner and neighbouring landowners are in agreement with the proposals.
- 5 The Council will bear the costs involved in the making of this order. These costs will be in the region of £600 for advertising. The landowner has agreed not to claim any compensation.
- 6 The local member, Cllr. Guthrie is in agreement with the proposals. Marden Parish Council are also in support of the proposals.

- 7 The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 in that:
- The proposal benefits the owner of the land crossed by the existing path.
  - The proposal does not alter the point of termination of the paths.
  - The proposal is not substantially less convenient to the public.

## **Alternative Options**

Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council. However failure to make the order will require the existing route to be opened up to the public. This would encompass the costs set out in the attached table (appendix 2) and also continuing maintenance costs.

## **Risk Management**

There is a risk that the Order will be opposed, particularly as two organisations have expressed their opposition to the proposals, leading to additional demand on existing staff resources.

## **Consultees**

- Prescribed organisations as per annexe E of Department of the Environment Circular 2/93.
- Local Member – Cllr John Guthrie
- Marden Parish Council.
- Statutory Undertakers

## **Recommendation**

**That a public path diversion order is made under Section 119 of the Highways Act 1980, diverting bridleway MR22 (part) in the parish of Marden as illustrated on Drawing Number D376/261-22 (appendix1).**

## **Appendices**

Appendix 1 Order Plan, drawing number: D376/261-22

Appendix 2 E-mail from BHS dated 12<sup>th</sup> March 2006 and following correspondence

Appendix 3 Letter from OSS dated 26<sup>th</sup> March 2006 and following correspondence

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

Report By: Public Rights of Way Manager

### Ward Affected:

Upton

### Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath (KB48) in the parish of Kimbolton.

### Considerations

- 1 The application was made on 20/7/04, by Total UK. The reason was that a building extension obstructs the footpath.
- 2 An order was made on 1<sup>st</sup> June 2005 to divert the path under the Town and Country Planning Act 1990. Unfortunately the minimum width of the new route was omitted from the schedule due to a clerical error. A representation was received from the Open Spaces Society regarding the omission and requesting a signpost at the roadside. The representation was subsequently temporarily mislaid and the order was confirmed without any reference to the representation. After consultation with the Planning Inspectorate, it appears that the Council acted 'ultra vires' in confirming the order and therefore it is void.
- 3 The Council cannot request the Secretary of State to confirm (again) with modifications as the development is now substantially completed. The only course of action to rectify the mistakes made is to make a new order under the Highways Act 1980 to divert the route as per the original proposals.
- 4 The local member and the parish Council have been consulted and they agree to the proposals. The applicant has already paid for the original diversion order, confirmation and associated adverts in the paper in good faith.
- 11 The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 in that: The proposal benefits the owner of the land crossed by the existing path.
  - The proposal does not alter the point of termination of the paths.
  - The proposal is not substantially less convenient to the public.

### Alternative Options

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Further information on the subject of this report is available from Rob Hemblade Public Rights of Way Manager on (01432) 261981

Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could decide not to make this order on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council. However, this could be considered unreasonable under the circumstances and would result in a footpath, which is obstructed by the extension.

### **Risk Management**

There is a risk that the Order will be opposed, leading to additional demand on existing staff resources.

### **Recommendation**

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D381/205-48 at the Council's expense.

### **Appendices**

Appendix 1 - Order Plan, drawing number: D381/205-48

Appendix 2 - Original order, plan and confirmation

Appendix 3 - Letter of representation from Open Spaces Society

**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**

**REPORT BY: Head of Environmental Health and Trading Standards**

**Purpose**

1. To consider implementing a revised licence condition due to the changes in legislation regarding smoking in public places for :-
  - Private hire and hackney carriage vehicle conditions

**Legal Background – revised conditions**

2. Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 s 47 (Private Hire Vehicle) s 51 (Private Hire Drivers) s 55 (1) (Operators), Town Police Clauses Act 1847 s 42 (Hackney Carriage) s 46 (Hackney Carriage Drivers), local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.
3. Any person aggrieved by any conditions, which have been imposed, has a right of appeal to the Magistrates Court.

**Legal Background – No Smoking Regulations.**

4. With effect from the 1st July 2007, regulations made under the Health Act 2006 are in place to control smoking in public enclosed places. These Regulations will include all licensed vehicles including hackney carriages, private hire vehicles, taxi and private hire offices with or without public access.
5. Drivers or passengers may not smoke in the vehicle at any time. The Regulations prescribe how signage must be displayed on the vehicle-advising passengers of the new restrictions.
6. The regulation for signage is as follows:-

No-smoking signs in vehicles

**3.** —(1) Any person with management responsibilities for a smoke-free vehicle shall be under a duty corresponding to that in section 6(1) of the Act to ensure that at least one no-smoking sign is displayed in a prominent position in each compartment of his vehicle.

(2) In paragraph (1)—

"compartment" includes each part of a vehicle which—

- (a) is constructed or adapted to accommodate persons; and
- (b) is, or may from time to time be, wholly or partly covered by a roof;

"no-smoking sign" means a sign which displays the no-smoking symbol; and  
"roof" includes any fixed or moveable structure or device which is capable of covering all or part of a compartment, including any canvas, fabric or other covering, but where a vehicle is engaged in conveying persons, it does not include any fixed or moveable structure or device which is completely stowed away so that it does not cover all or any part of a compartment.

7. To comply with the regulations our standard conditions will need to be amended to include information regarding the type and size of the signs
8. Existing vehicle licence condition - 8.2 One or more notices shall be displayed within the vehicle, in a conspicuous location, indicating "NO SMOKING". Such notice(s) must be clearly visible to passengers and the lettering must be white on a red background. Alternatively the international "NO SMOKING" symbolic sign may be used.

#### **Options for the Committee members to consider.**

- a) 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. (this option complies with the new regulation).
- b) Signs to be exhibited in the vehicle - one in each compartment of the vehicle, front and back for saloons and for larger vehicles the front, middle and back. At least one sign must be visible from the outside and be clearly visible by any passenger you are transporting. "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. (this option requests more signage than is required by the signage regulation)

#### **Background**

9. The licence conditions were last reviewed in April 2007. We were unable to include the new provisions for signage, as they had not been announced at that time.
10. The dual driver conditions already contains a condition which does not allow smoking in the vehicle at any time.

#### **Options for "No signs"**

It is for the Regulatory Committee to decide:-

- To amend condition 8.2 to option a)
- To amend condition 8.2 to option b)
- Or reach some other decision.

**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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