

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 10th April, 2007 at 2.00 p.m.**

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

Councillors: Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope MBE
and G. Lucas

106. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Bramer, R Preece and PG Turpin.

107. NAMED SUBSTITUTES (IF ANY)

There were no substitutions present at the meeting

108. DECLARATIONS OF INTEREST

There were no declarations made at the meeting

109. MINUTES

RESOLVED: That the Minutes of the meeting held on 20th March, 2007 be approved as a correct record and signed by the Chairman

110. HIGHWAYS ACT 1980, SECTION 119. AMENDMENTS TO PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH FD4 (PART) IN THE PARISH OF FORD

The Rights of Way Manager presented a report about an application for a Public Path Diversion Order to divert part of Footpath FD4, Ford, under Section 119 of the Highways Act 1980. He advised that the application had been made to move the footpath for the construction of a bowling centre at Grove Golf Centre. He said that it was a further realignment of a diversion which had previously been agreed by the Committee in November 2004 to move the footpath around the golf club house and to increase the safety of walkers by taking them from the golf fairway the driving range. The, local parish council and Ward Member were agreeable to the proposal although the statutory undertakers, Ramblers Association and Open Spaces Society had not yet been consulted because there were only minor changes involved. The applicant had agreed to pay for advertising and to reimburse the Council's costs incurred in making the Diversion Order. The Rights of Way Manager was of the opinion that the application fulfilled the criteria set out within the legislation

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 FD4 (part) Ford, as illustrated on drawing D165/148-4(ii).

111. REVIEW OF LICENSING FEES

A report was presented by the Licensing Officer about suggested revised fees for the licensing functions dealt with by the Licensing Section of the Environmental Health and Trading Standards Department. He said that the fees had not been increased since March 2005 and he provided the Committee with details of the type of licences that were issued and indicated whether the Council had power to set its own fees or whether the fees had been set by statute. He said that in the cases that the Council could set its own the fees, the legislation required that it charged a reasonable price to cover the cost of administration but did not make a profit.

The Committee considered the proposals put forward by the Licensing Officer and agreed the revised fees set out in the report, subject to the licence fee for Scrap Metal dealers being set at £100 for 2007/08.

RESOLVED

that the proposed licensing fees, as set out in Appendices 1 and 2 of the report of the Head of Environmental Health and Trading Standards be adopted, subject to the licence fee for Scrap Metal dealers being set at £100 instead of £80.

112. APPLICATION FOR AN AMUSEMENT WITH PRIZES MACHINES PERMIT FOR OVER TWO MACHINES - SECTION 34 THE GAMING ACT 1968

The Licensing Officer presented a report about an application for an Amusements With Prizes permit for three gaming machines at the Grandstand, Grandstand Road, Hereford. He said that the matter was initially heard by the Regulatory Committee on 30th January, 2007 and was adjourned for a site visit because the Committee had expressed some concerns about the location of the machines and the way in which they would be supervised to ensure that the requirements of the Gambling Act 2005 were met. The Chairman and Councillor DJ Fleet had subsequently inspected the premises and the Committee was satisfied that the application fulfilled all the requirements.

RESOLVED:

that an application be granted for three Amusement with Prizes machines under Section 34 of the Gaming Act 1968 at The Grandstand, Grandstand Road, Hereford.

113. APPLICATION FOR AN AMUSEMENT WITH PRIZES MACHINES PERMIT FOR OVER TWO MACHINES - SECTION 34 THE GAMING ACT 1968

The Licensing Officer presented a report about an application for an Amusements With Prizes Permit for four gaming machines at the Mail Rooms, Gloucester Road, Ross-on-Wye. He said that a he had held a site visit of the premises on 23rd April with Councillor's Matthews, Jones and Lucas.

Ms Frayne, the Solicitor acting on behalf of the applicants explained why the application had been made and the safeguards which had been put in place to

ensure that young or vulnerable people could not gain access to the machines. She answered a number of questions by the Committee about the location of the machines on the premises, the training given to staff and the way in which the machines would be supervised. Having considered all the aspects of the application, the Committee was satisfied that it should be granted.

RESOLVED:

that an application be granted for four Amusement with Prizes machines under Section 34 of the Gaming Act 1968 at the Mail Rooms, Gloucester Road, Ross-on-Wye.

114. ARRANGEMENTS FOR DEALING WITH LICENSING APPLICATIONS

A report was presented by the Licensing Officer about the arrangements that needed to be put in place for the Regulatory Sub-Committee to determine applications for the period between the elections on 3rd May and Annual Council on 25th May. He pointed out that the Licensing Act 2003 required the Regulatory Sub-Committee to hear any application that could not be agreed within twenty working days after the 28-day consultation period had closed. The Act did not provide the Authority with any variation to these time limits, even during periods where elections were taking place and the Committees needed to be appointed. The Committee agreed with the proposals put forward by the Licensing Officer for the interim arrangements.

RESOLVED

that it be recommended to Council that the current Regulatory Committee members that are re-elected be made available to hear Regulatory Sub-Committee hearings during the period between 3rd May, 2007 and Annual Council on 25 May when committee members are appointed.

115. 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.

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

The Licensing Officer referred to agenda item No. 11 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 decided 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.

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

The Licensing Officer referred to agenda item No. 12 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 decided 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.

The meeting ended at 2.55 p.m.

CHAIRMAN