

# A G E N D A

## Regulatory Committee

Date: **Tuesday, 10th April, 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 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, R. Preece and P.G. Turpin

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
4. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 20th March, 2007.	1 - 6
5. <b>HIGHWAYS ACT 1980, SECTION 119. AMENDMENTS TO PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH FD4 (PART) IN THE PARISH OF FORD</b> To re - consider an application under the Highways act 1980, section 119, to make a public path diversion order to divert part of footpath FD4 in the parish of Ford.  Wards Affected	7 - 8
6. <b>REVIEW OF LICENSING FEES</b> To consider the attached review.	9 - 16
7. <b>APPLICATION FOR AN AMUSEMENT WITH PRIZES MACHINES PERMIT FOR OVER TWO MACHINES - SECTION 34 THE GAMING ACT 1968</b> To consider an application for an Amusements with prizes permit for three gaming machines at the Grandstand, Grandstand Road, Hereford HR4 9NH. The application was deferred at a previous meeting for a site inspection.  Wards Affected: Three Elms	17 - 20

8. **APPLICATION FOR AN AMUSEMENT WITH PRIZES MACHINES PERMIT FOR OVER TWO MACHINES - SECTION 34 THE GAMING ACT 1968** 21 - 24

To consider an application for an Amusements with prizes permit for three gaming machines at the Mail Rooms Ross-on-Wye

**Ward Affected: Ross-on-Wye East**

9. **ARRANGEMENTS FOR DEALING WITH LICENSING APPLICATIONS** 25 - 26

To consider the arrangements for dealing with licensing applications in the period between the elections and appointment of Committees in May 2007.

10. **PROCEDURAL ARRANGEMENTS** 27 - 28

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

11. **APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976** 29 - 32

To consider an application for a dual hackney carriage/private hire driver's licence

12. **APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976** 33 - 36

To consider an application for 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 Tuesday, 20th March, 2007 at 2.00 p.m.**

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

Councillors: H. Bramer, G.W. Davis, D.J. Fleet, J.W. Hope MBE,  
T.W. Hunt, G. Lucas, J.W. Newman and R. Preece

**In attendance:** Councillors P.J. Edwards and R.M. Wilson

**88. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs SPA Daniels and PG Turpin.

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

There were no substitutions present at the meeting

**90. DECLARATIONS OF INTEREST**

Councillor R Preece declared a personal interest in Agenda item 14 – Application for dual hackney carriage & private hire drivers licence – Local Government (Miscellaneous Provisions) Act 1976 and left the meeting for the duration of the item.

**91. MINUTES**

**RESOLVED: That**  
**the Minutes of the meeting held on 30th January, 2007 be approved as a correct record and signed by the Chairman**

**92. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH MM3 (PART) IN THE PARISH OF MUCH MARCLE**

The Rights of Way Manager presented a report about an application for a Public Path Diversion Order to divert part of Footpath MM3, Much Marcle, under Section 119 of the Highways Act 1980. He advised that the application had been made to move the footpath out of the Weston's Cider factory and to make the route safer for users. The proposal had general agreement from the statutory undertakers, local parish council and Ward Member although the Ramblers Association and Open Spaces Society had a number of concerns. They had proposed an alternative route but the Officers considered that applied for to be preferable. The applicant had agreed to pay for advertising and to reimburse the Council's costs incurred in making the Diversion Order and 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 MM3 (part) Much Marcle, as illustrated on drawing D319/277-3(iv).**

**93. CASINO PREMISES LICENCES - SECTION 166, GAMBLING ACT 2005.**

The Licensing Officer presented a report for the Committee to consider whether it wished to resolve not to issue casino premises licences in accordance with Section 166 of the Gambling Act 2005. He said that the Council had previously advised the Department of Culture Media and Sport (DCMS), that it did not wish to be considered as a location for one of the seventeen casinos proposed in England. He advised that although the DCMS had recently announced the location of the seventeen proposed casinos and no further licences could be issued at present, there was a possibility that the number could be increased in the future. He presented the Committee with the options available to it in respect of the matter.

Having considered the matter, the Committee decided that it did not wish to consider any applications for casino premises licenses and noted that the legislation made provision for the matter to be reviewed after three years had elapsed.

**RESOLVED**

**that no casino premises licences be issued in accordance with Section 166 of the Gambling Act 2005 with immediate effect.**

**94. DELEGATION OF LICENSING AUTHORITY FUNCTIONS IN ACCORDANCE WITH SECTION 152 - GAMBLING ACT 2005.**

A report was presented by the Licensing Officer for the Committee to consider whether it wished to delegate its function under Section 152 of the Gambling Act to the Licensing Sub-Committee and in certain circumstances to an officer. He explained that matters relating to this section of the Act and provided the Committee with a table which set out the way in which the functions could be dealt with.

Having considered the options available, the Committee decided to meet the requirements of the Act as suggested by The Licensing Officer

**RESOLVED**

**that the Councils responsibilities under Section 152 of the Gambling Act 2005 be delegated as set out in Appendix 1 of the report of the Head of Environmental Health and Trading Standards.**

**95. STATEMENT OF PRINCIPLES IN RESPECT OF FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS: SCHEDULE 10, PARAGRAPH 7 - GAMBLING ACT 2005.**

The Licensing Officer presented a report for the Committee to consider whether it wished to issue a Statement of Principles in respect of Family Entertainment Centres. He said that Section 247 of The Gambling Act 2005 made provision for Licensing Authorities to grant permits in respect of Family Entertainment Centres for Gaming Machines which fell within Category D (machines which had a maximum stake of 10p or 30p when there is a non-monetary prize and with a maximum prize of £5 cash or £8 non-monetary prize). He advised that applicants would be able to apply for a Family Entertainment Centre Gaming Machine Permit which would authorise a premise for an unlimited number of Category D machines, without the

need for a premises licence. However if the premise held a premises licence, they would be permitted to have any number of Category C and D machines, subject to them comply with any conditions under the act in respect of Category C machines. (Category C Machines were defined as having a maximum stake of 50p and a maximum prize of £25.) The Licensing Officer presented the Committee with a proposed Statement of Principles in respect of Family Entertainment Centres and explained the options that were available to the Council.

Having discussed the alternative proposals put forward by the Licensing Officer, the Committee decided to adopt the Statement of Principles.

#### **RESOLVED**

**that the Statement of Principles set out the report of the Head of Environmental Health and Trading Standards in respect of Family Entertainment Centre Gaming Machine Permits be adopted and issued.**

#### **96. STATEMENT OF PRINCIPLES IN RESPECT OF PRIZE GAMING PERMITS: SCHEDULE 14, PARAGRAPH 8 - GAMBLING ACT 2005.**

A report was presented by the Licensing Officer for the Committee to consider whether it wished to issue a Statement of Principles in respect of Prize Gaming Permits. He advised that the Gambling Act 2005 Section 289 allowed a Licensing Authority to grant permits in respect of Prize Gaming Permits. He explained the main points of the legislation, what it related to, how it could be dealt with locally and the options that were available to the Council. The Committee decided to approve the Statement of Principles

#### **RESOLVED**

**that the Statement of Principles set out in the report of the Head of Environmental Health and Trading Standards in respect of Prize Gaming Permits be adopted and issued.**

#### **97. DELEGATION OF SMALL LOTTERIES REGISTRATION SCHEDULE 11, PART 5 - GAMBLING ACT 2005.**

The Licensing Officer presented a report for the Committee to consider whether it wished to delegate its function under Schedule 11, Part 5, Paragraph 44 of the Gambling Act 2005 in respect of Small Society Lotteries. He explained the main points of the legislation, what it related to, how it could be dealt with and the options that were available to the Council.

Having considered the alternatives, the Committee decided to delegate certain functions to the Officers.

#### **RESOLVED**

**that the functions under Schedule 11, Part 5, Paragraph 44 of the Gambling Act 2005 in respect of Small Society Lotteries be delegated to authorised Licensing Officers unless representations are received, in which case the matter will be referred to the Licensing Sub-Committee for a decision.**

**98. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR CONDITIONS. IMPLEMENTATION OF A TAXI LICENSING POLICY AND PENALTY POINT SCHEME. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847**

The Licensing Officer presented a report about proposed revised licence conditions, a proposed penalty point scheme and a policy for hackney carriage and private hire licences. She said that the last review had taken place in 2004 as part of a rolling programme of licensing and also as requested by the taxi trade. She outlined the consultations that had taken place and said that proposals had been based on operational experience during past years, legislation, Government advice, best practice and the views from the trade. All appropriate licence holders had been consulted along with the local Taxi Association Steering Group. An advert had been placed in the Hereford Times inviting comments and all Members of the Council were consulted. She read out a letter that had been received from the Steering Group requesting that only self-adhesive door signs be permitted instead of the magnetic ones.

Having considered the options available, the Committee decided that the proposals as suggested should be accepted for a trial period.

**RESOLVED**

**that the proposed new hackney carriage, private hire licence conditions penalty point scheme and policy set out in the report of the Head of Environmental Health and Trading Standards be adopted for a trial period of six months with condition 8.1(b) in respect of vehicle door signs being amended to permit self adhesive ones only.**

**99. 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.

**100. VEHICLE CONDITIONS ATTACHED TO A SPECIALIST HACKNEY CARRIAGE VEHICLE (PEDI CAB) TOWN POLICE CLAUSES ACT 1847 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Licensing Officer presented a report about proposed licensing conditions to be attached to a specialist Hackney Carriage Vehicle in respect of two Pedi Cabs which were cycles which did not have an engine and were powered entirely by the rider. She presented standard conditions for licensed vehicles and drivers which had been adapted and added to, to take account of the specialist nature of the vehicles. She said that other Local Authorities which licence this type of vehicle had been consulted and their conditions had been used as a 'bench marking tool' to compose these draft conditions. She advised that consultation had taken place with the police and the Council's highways Environmental Health and Safety departments.

Mr W Vaughan , one of the applicants gave a presentation to the Committee to give details about the pedi cabs, where and how they would be operated and the financial arrangements involved. He answered a number of questions from the Committee.

Having considered the details of the application, the Committee decided that it should be approved together with the proposed conditions, subject to the deletion of condition No. 2 which restricted the route.

**RESOLVED**

that the application for two pedi cabs be approved for a trial period of twelve months and that the proposed conditions for pedi cabs to be licensed as Hackney Carriages set out in the report of the Head of Environmental Health and Trading Standards be adopted.

**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.

**RECOMMENDATION:** 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.

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

The Committee considered the application set out in Agenda Item 14 and at the request of the applicant's Solicitor, agreed to defer consideration to enable the applicant to undertake a further medical examination.

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

The Licensing Officer referred to agenda item No. 15 and 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 applicant provided the Committee with details of the circumstances which had given rise to him receiving a police caution, his character since then and the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence should be granted, subject to him first fulfilling the requirements of the licensing conditions.

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

The Licensing Officer referred to agenda item No. 16 and 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 and unspent convictions. The applicant provided the Committee with details of the circumstances which had given rise to his conviction, his character since then and the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, 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.

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

The Licensing Officer referred to agenda item No. 17 and 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 and unspent convictions. The applicant provided the Committee with details of the circumstances which had given rise to his conviction, his character since then and the reasons why he felt that he should be granted a licence.

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

**105. ADDITIONAL MEETING**  
10th April, 2007

The meeting ended at 4.05 p.m.

**CHAIRMAN**

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

**Report By: Public Rights of Way Manager**

### **Wards Affected:**

Hampton Court

### **Purpose**

The County of Herefordshire District Council (the Council) to consider amendments to the route for an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath FD4 in the parish of Ford.

### **Considerations**

- 1 Mr R Helme, the landowner of Ford Farm, made an application for a public path diversion for footpath FD4 in 1993. This was originally made under section 257 of the Town and Country Planning Act 1990. Because development was substantially completed before an Order could be confirmed, it became necessary to process the application under section 119 of the Highways Act 1980 instead.
- 2 The Regulatory Committee has already considered a report on this application, as processed under the Highways Act 1980 and resolved that a Public Path Diversion Order should be made (see report-Annex A-and minutes of Regulatory Committee meeting on 30<sup>th</sup> November 2004-Annex B.) Instructions were forwarded to the Council's Legal Services department in June 2006 to make and advertise an Order in respect of this application.
- 3 Before Legal Services were able to process these instructions and make an Order, Mr Helme submitted a planning application for construction of a bowling centre adjacent to the Grove Golf Centre (see development plan NC2006/3136/F-Annex C.) When this was forwarded to the Public Rights of Way department in September 2006 for comment, it became apparent that the development would affect the line of the proposed new route of footpath FD4. Chris Ham of Amber Project Management, who drew up the development plans, confirmed this; the new bowling centre is positioned on the line of the proposed diversion. The planning permission that has been granted will also not allow for the footpath to run along a 2-metre corridor between the clubhouse patio and parking area as proposed, because this area is to become marked parking bays.
- 4 The applicant was offered the options of amending either his development plans or the proposed diversion route. He has agreed to amend the proposed diversion route and to meet the additional administrative costs that will be incurred as a result of this. He also agrees to meet the costs of advertising and any works required to bring the proposed new route into being.

- 5 The amendments to the route mean that the footpath would run around the new bowling centre along the path currently used for access to the golf course, then down the centre of one aisle of the car park.
- 6 User groups and statutory undertakers have not been consulted about the changes to the route, as it was felt the changes are relatively minor. This was agreed with the applicant, who is aware that this may increase the risk of objections being made to the Order.
- 7 The local member, Councillor Keith Grumbley, has been consulted and supports the amendments to the proposed route for this diversion. He has liaised with Humber, Stoke Prior & Ford Group Parish Council, who he reports as supporting the proposed changes.
- 8 The amendment to the proposed diversion still 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

The Council could reject the amendments to the application. However, this would result in there being obstructions on both the existing and proposed new routes; the clubhouse is on the existing line of the footpath and the new bowling centre, on the line of the proposed route, is substantially complete. If the Council were to reject these amendments, there would be a need to either re-open the legal line or to propose another alternative route for this diversion.

## Risk Management

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

## Consultees

- Local Member – Councillor Keith Grumbley

## Recommendation

**That amendments are made to the proposed route for the public path diversion order for footpath FD4 under Section 119 of the Highways Act 1980, as illustrated on drawing number: D165/148-4(ii)**

## Appendices

- Order Plan, drawing number: D165/148-4(ii)
- Annex A: Report submitted to Regulatory Committee on 30<sup>th</sup> November 2004
- Annex B: Minutes of Regulatory Committee meeting on 30<sup>th</sup> November 2004
- Annex C: Development Plan for planning application DCNC2006/3136/F



**REVIEW OF LICENSING FEES****Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS****Wards Affected**

1. County wide

**Purpose**

2. To consider implementing revised licence fees for the specified councils licensing functions issued by the Environmental Health and Trading Standards Licensing Section.

**Background**

3. The fees have not been increased since March 2005.
4. The proposed table of fees and the existing fees are shown in appendix 1
5. The table in Appendix 2 lists the type of licences issued by the Environmental Health and Trading Standards Licensing Service and indicated whether the council has power to set their own fees or whether the fees have been set by statute.
6. Where the council has been permitted to set its own the fees the legislation requires the local authority to charge a reasonable price to cover the cost of administering the licences.
7. The fees have been set at a rate intended to cover the cost to the council of issuing the licences and to ensure the council does not make a profit from the fees.

**Options**

8. It is for the Regulatory Committee to decide whether to:
  - a) adopt the licence fees as Council policy
  - b) set its own fees; or
  - c) reach some other conclusion.

**RECOMMENDATION**

**THAT the proposed licensing fees, as set out in Appendices 1 and 2 of this report, be adopted.**



**Appendix 1**

**DIRECT SERVICES SCALE OF FEES AND CHARGES**

**LICENCE FEES 2007/2008**

	2005/2006 £	2007/2008 (+3%) £	
<b>ACCUPUNCTURE*</b>			
Person ( new or 3 year renewal)	90	92.75	Maximum of £257.50 if three or more people apply at the same time.
Premises( new or 3 year renewal)	130	133.90	
Change named staff	0	10.50	
Premise annual fee (not 3 year renewal)		45	
<b>AMUSEMENTS WITH PRIZES</b>			
Maximum prizes under £25	32	X	
Maximum prize £25 and over	250	X	
<b>ANIMAL BOARDING ESTABLISHMENTS*</b>			
Up to 20 animals	90	92.70	Plus vets fees where deemed necessary
21 to 40	136.50	140.58	"
41 to 60	190.00	195.70	"
Over 60	273.00	281.19	"
<b>CAMPSITES</b>			
	0	0	
<b>CARAVANSITES</b>			
	0	0	
<b>DANGEROUS WILD ANIMALS*</b>			
Grant / renewal	90	92.70	Plus Vet Fees
<b>DOG BREEDING ESTABLISHMENT*</b>			
Up to 6 breeding bitches, thereafter £10.00 per bitch	90	92.70	
<b>ELECTROLYSIS *</b>			
Person( new or 3 year renewal)	90	92.75	Maximum of £257.50 if three or more people apply at the same time.
Premises( new or 3 year renewal)	130	133.90	
Change named staff	0	10.50	
Premise annual fee (not 3 year renewal)		45	
<b>GAME DEALERS*</b>			
Grant / renewal	25	25.75	
<b>HOUSE TO HOUSE COLLECTIONS</b>			
	0	0	
<b>LICENSING ACT 2003</b>			
	See Below	See Below	
<b>MASSAGE*</b>			
Premise ( new or 3 year renewal)	130	133.90	
Premise annual fee (not 3 year renewal)		45	
<b>MOTOR SALVAGE DEALERS*</b>			
	75	80	
<b>PET ANIMALS (PET SHOPS) *</b>			
Grant / renewal	90	92.70	
<b>PERFORMING ANIMALS</b>			
	35	36.05	
<b>PLEASURE BOATS*</b>			
			Does not include boat inspection fee
Holding up to 6 Persons	90	92.70	Plus £21 for each additional boat maximum of £227
Holding 7 persons Plus	90	92.70	
Navigator	65	66.95	

<b>RIDING ESTABLISHMENTS*</b>			
Grant / renewal	90	92.70	Plus Vet Fees
			Vets fees,
			No. Horses.      Renewal Fee      New Licence
			1 – 5 horses      £170.62      £238.87
			6 – 10 horses      £221.81      £290.06
			11 – 15 horses      £290.06      £358.31
			16 – 20 horses      £324.18      £392.43
			21 – 25 horses      £358.31      £426.56
<b>SCRAP METAL DEALERS*</b>	New	80	
<b>SEX ESTABLISHMENTS*</b>	1500	1500	Committee decided on a nil policy in 2005
<b>SMALL LOTTERIES</b>			
Registration	35	X	
Renewal	17.50	X	
<b>TATOOING*</b>			
Person ( new or 3 year renewal)	90	92.75	Maximum of £257.50 if three or more people apply at the same time.
Premises ( new or 3 year renewal)	130	133.90	
Change named staff	0	10.50	
Premise annual fee (not 3 year renewal)		45	
<b>ZOO LICENSING*</b>			
Granting of licence	350	360.50	Plus vets fees and Defra fees
Renewal	150	154.50	Plus £50 for each year on the licence
<b>Additional fees for licences marked*</b>			
*Change of business name	0	10.50	
*Transfer	0	34.00	
*Variation	0	New licence fee	Plus £150 if committee hearing required.
*Copy of licence	0	10.50	

<b>TAXI LICENSING</b>		<b>Current fees</b>	<b>£</b>
Hackney Carriage vehicle	New / Renewal/Transfer plate (will require vehicle examination certificate Below)	240.00	210.00
Private Hire vehicle	New / Renewal/Transfer plate (will require vehicle examination certificate Below)	240.00	210.00
Private Hire Operator	1 vehicle	75.00	80.00
	2-5 vehicles	100.00	120.00
	Over 5 vehicles	150.00	180.00
	Plus (Annual Standard CRB cost if applicant has not had one previously)		
Dual driver badge	New (will require a CRB, medical and knowledge test at an additional cost)	85.00	120.00
	3 year renewal (will require a CRB at additional cost)	85.00	85.00
	Annual Self declaration renewal (not new or 3 year renewal)	50.00	45.00
Change of Proprietor of vehicle		60.00	65.00
Change of vehicle on plate	Plus (vehicle examination certificate Below)	60.00	210.00
Application to licence a spare vehicle	Plus (vehicle examination certificate Below)	60.00	210.00
Replacement of driver badge		5.00	10.50
Replacement of vehicle plate		20.00	35.00
CRB			36.00
Knowledge test		10.00	12.00
Vehicle Test Rotherwas		37.00	37.00
Doctors examination	Cost payable by examination		
Doctors paper medical referral			30.00
Application that varies from standard conditions	(Plus New application fee)		150.00



## Appendix 2

<b>Service</b>	<i>(Please provide a description of each service for which fees or charges are made)</i>	Is the fee set or restricted by Statute: Yes/No	If Fee restricted by statute - what is the Maximum Fee
Acupuncture		No	N/A
Animal Boarding		No	N/A
Campsites		N/A	N/A
Caravans		N/A	N/A
Ear Piercing		No	N/A
Electrolysis		No	N/A
Game Dealers		No	N/A
Gaming Machines Prizes under £25		Yes	£ 32.00
Gaming Machines Prizes over £25		Yes	£ 250.00
House to House Collections		N/A	N/A
Motor Salvage		No	N/A
Pet Shops		No	N/A
Riding Establishments		No	N/A
Sex Shops		No	N/A
Small Lotteries- grant		Yes	£ 35.00
Small Lotteries - renew		Yes	£ 17.50
Tattooing		No	N/A
Zoos		No	N/A
Licensing Act 2003		Yes	as specified
Pleasure Boats		No	N/A
Massage		No	N/A
Dangerous Wild Animals		No	N/A

Legislation

Local Government (Miscellaneous Provisions) Act 1982
Animal Boarding Establishments Act 1963
Local Government (Miscellaneous Provisions) Act 1982
Local Government (Miscellaneous Provisions) Act 1982
Game Licences Act 1860
Gaming Act 1968
Gaming Act 1968
Pet Animal Act 1951
Riding Establishments Act 1964
Local Government (Miscellaneous Provisions) Act 1982
Small Lotteries and Amusements Act 1976
Small Lotteries and Amusements Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Licensing Act 2003



## APPLICATION FOR AN AMUSEMENT WITH PRIZES MACHINES PERMIT FOR OVER TWO MACHINES – SECTION 34 THE GAMING ACT 1968

Report By: Head of Environmental Health and Trading Standards

### Wards Affected:

Three Elms

### Purpose

1. To consider an application for an Amusements With Prizes permit for three gaming machines at the Grandstand, Grandstand Road, Hereford HR4 9NH.

### Background Information

2. Responsibility for issuing Section 34 permits to pubs and other alcohol-licensed premises was transferred from the Magistrates Court to licensing authorities in November 2005 as a result of changes made by the Licensing Act 2003. Licensing Authorities will continue to be responsible for authorising gaming machines in pubs under the Gambling Act 2005.
3. The appropriate authority shall not refuse to grant or renew a permit without affording to the applicant or a person acting for him an opportunity of appearing before, and being heard by, the appropriate authority or (where that authority is a local authority) a committee of the local authority.
4. Grounds for refusal to grant or renew permit: -  
The grant of a permit shall be at the discretion of the appropriate authority; but The appropriate authority shall not refuse to renew a permit except
  - i) on the grounds that [while the permit has been in force] they or their authorised representatives have been refused reasonable facilities to inspect the premises.
  - ii) Where the permit is expressed to be granted for the purposes of section 34 (5E) of this Act on the grounds that the condition specified in the Act.

### Statutory Conditions

- a) In the case of premises where admission is restricted to persons aged 18 or over, that no person under 18 is admitted to the premises; and
- b) In the case where admission is not restricted to persons aged 18 or over-
  - i) that any section 34 machine is located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effectively to prevent access otherwise than by means of and entrance design of for the purpose;
  - ii) that only persons aged 18 or over are admitted to an area of the premises in which any such machine is located;

- iii) that access to an area of the premises in which any such machine is located is supervised;
  - iv) that any area of the premises in which any such machine is located is so arranged as to permit all parts of it to be observed; and
  - v) that at the entrance to and inside, any such area there are prominently displayed notices indicating that access to the area is prohibited to persons aged under 18.
5. Guidance has been sought from the Magistrates' Court in respect of the issue of licences for more than 2 machines.
  6. John Stephenson (Area Legal Manager for South Worcestershire) has advised that the Magistrates would consider the following issues: -
    - The size of the premises
    - How the machines are supervised
    - When the premises is a public house - whether the application for machines changes it from being a public house to a gaming establishment
    - The location of the machines – whether they could be stolen
    - Need for additional machines based on the current usage of the existing machines
  7. On 28<sup>th</sup> November 2006 the Regulatory Committee resolved not to allow officers to issue permits for more than 2 machines and that any application for more than 2 machines should be referred to the Regulatory Committee.
  8. Grandfather rights will apply to the number of machines issued on the Section 34 permit. If there are more than two machines the permit holder will have to apply for a gaming machine permit under the Gambling Act 2005 when the outgoing permit expires.
  9. The matter was initially heard by the Regulatory Committee on 28<sup>th</sup> November 2006, and was adjourned for a site visit.
  10. A site visit was subsequently carried out by Councillors Matthews and Fleet, accompanied by the Licensing Officer.
- Permit Application**
11. Green King Brewing & Retail Ltd of Westgate Brewery, Bury St, Edmonds, Suffolk IP33 1QT have applied for an Section 34 Amusements with prizes permit for 3 gaming machines(Appendix 1).
  12. The application has been brought to the Committee for consideration because the applicant has not previously been issued with a permit for 3 gaming machines at this premises; however the premises has previously been issued with a permit for 3 machines.
  13. Appendix 2 provides a GIS map of the area.

**Previous Licence**

14. The premises has previously, under different management, been issued with a permit for three gaming machines on 14 September 2004 by the Clerk to the Licensing Justices issued by the Magistrates Court. Appendix 2

15. **Summary of Representations**

16. The Police were consulted and had no objections to the application.

17. **RECOMMENDATIONS: THAT**

**The committee decides whether:-**

**a) to grant the permit for three machines**

**b) to reject the application providing reasons for the decision**

**d) to come to some other conclusion.**

**Background Papers**

Application form  
GIS map of area.



**APPLICATION FOR AN AMUSEMENT WITH PRIZES  
MACHINE PERMIT FOR OVER TWO MACHINES –  
SECTION 34 THE GAMING ACT 1968****Report By: Head of Environmental Health and Trading Standards****Wards Affected:**

Ross-on-Wye

**Purpose**

1. To consider a new application for an Amusements With Prizes permit for four gaming machines at the Mail Rooms, Gloucester Road, Ross-on-Wye. HR9 5BS.

**Background Information**

2. Responsibility for issuing Section 34 permits to pubs and other alcohol-licensed premises was transferred from the Magistrates Court to licensing authorities in November 2005 as a result of changes made by the Licensing Act 2003. Licensing Authorities will continue to be responsible for authorising gaming machines in pubs under the Gambling Act 2005.
3. The appropriate authority shall not refuse to grant or renew a permit without affording to the applicant or a person acting for him, the opportunity of appearing before, and being heard by, the appropriate authority or (where that authority is a local authority) a committee of the local authority.
4. Grounds for refusal to grant or renew permit.

The grant of a permit shall be at the discretion of the appropriate authority; but The appropriate authority shall not refuse to renew a permit except

- i) on the grounds that [while the permit has been in force] they or their authorised representatives have been refused reasonable facilities to inspect the premises.
- ii) Where the permit is expressed to be granted for the purposes of section 34 (5E) of this Act on the grounds that the condition specified if the Act.

**Statutory Conditions**

- a) In the case of premises where admission is restricted to persons aged 18 or over, that no person under 18 is admitted to the premises; and
- b) In the case where admission is not restricted to persons aged 18 or over-
  - i) that any section 34 machine is located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effectively to prevent access otherwise than by means of and entrance design of for the purpose;
  - ii) that only persons aged 18 or over are admitted to an area of the premises in which any such machine is located;

- iii) that access to an area of the premises in which any such machine is located is supervised;
  - iv) that any area of the premises in which any such machine is located is so arranged as to permit all parts of it to be observed; and
  - v) that at the entrance to and inside, any such area there are prominently displayed notices indicating that access to the area is prohibited to persons aged under 18
5. Guidance has been sought from the Magistrates' Court in respect of the issue of licences for more than 2 machines.
  6. John Stephenson (Area Legal Manager for South Worcestershire) has advised that the Magistrates would consider the following issues: -
    - The size of the premises
    - How the machines are supervised
    - When the premises is a public house - whether the application for machines changes it from being a public house to a gaming establishment
    - The location of the machine – whether they could be stolen
    - Need for additional machine based on the current usage of the existing machines
  7. On 28<sup>th</sup> November 2006 the Regulatory Committee resolved not to allow officers to issue permits for more than 2 machines and that any application for more than 2 machines should be referred to the Regulatory Committee.
  8. Grandfather rights will apply to the number of machines issued on the Section 34 permit. If there are more than two machines the permit holder will have to apply for a gaming machine permit under the Gambling Act 2005 when the outgoing permit expires.

### **Permit Application**

9. J D Wetherspoon PLC, PO Box 616, Watford, WD24 4QU has applied for a Section 34 Amusements With Prizes permit for 4 gaming machines (Appendix 2).
10. The application has been brought to the Committee for consideration because the applicant has not previously been issued with a permit for more than 3 gaming machines at this premises.
11. Appendix 3 provides a map of the GIS map of the area.

### **Current Licence**

12. The premises currently holds a licence for 2 machines only.

### **Summary of Representations**

13. The Police were consulted and they had no objections to the application.

### **Site Visit**

14. A visit to the premises was undertaken on Friday 23<sup>rd</sup> April by Councillor's Matthews, Jones and Lucas, who were accompanied by the Licensing Officer.

### **RECOMMENDATIONS: THAT:**

**The Committee decides whether: -**

- a) to grant the permit for four machines**
- b) to reject the application providing reasons for the decision**
- d) to come to some other conclusion.**

### **Background Papers**

Application form  
GIS map of area.





**LICENSING ACT 2003 SUB COMMITTEE ARRANGEMENTS BETWEEN  
THE ELECTION PERIOD AND THE APPOINTMENT OF NEW  
COMMITTEES****Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING  
STANDARDS****Wards Affected**

1. County wide

**Purpose**

2. To consider the arrangements for Regulatory Sub-Committee hearings during the election period and the appointment of new committees.

**Background**

3. The Licensing Act 2003 requires the Regulatory Sub-Committee to hear any application that cannot be agreed within 20 working days after the 28-day consultation period has closed. The Act does not provide the Authority with any variation to these time limits.

**RECOMMENDATION**

**THAT** the current Regulatory Committee members that are re-elected, be made available to hear Regulatory Sub-Committee hearings during the period between the May 2007 elections and the point when the Annual Council appoints members to committees.



**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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