

A G E N D A

Regulatory Committee

Date: **Wednesday, 13th June, 2007**

Time: **2.00 p.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford.**

Notes: Please note the **time, date** and **venue** of
the meeting.

For any further information please contact:

*Pete Martens, Members' Services, Tel:
01432 260248, Fax: 01432 261809*

e-mail: pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Regulatory Committee

To: Councillor 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. CHAIRMAN</p> <p>To note that Councillor P Jones was elected as Chairman at Annual Council on 25th May, 2007.</p>	
<p>2. VICE-CHAIRMAN</p> <p>To note that Councillor JW Hope was appointed as Vice-Chairman at Annual Council on 25th May, 2007.</p>	
<p>3. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>4. NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
<p>5. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>6. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 10th April, 2007.</p>	1 - 4
<p>7. PROCEDURAL ARRANGEMENTS</p> <p>To note the procedural arrangements for the meeting.</p> <p>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.</p> <p>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</p>	5 - 6

8. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO REVIEW A SUSPENSION NOTICE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 7 - 10

To review a Suspension Notice placed on a hackney carriage/private hire driver.

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

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

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.

Document is Restricted

