

**MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 4 January 2011 at 2.00 pm**

**Present:** Councillor JW Hope MBE (Chairman)  
Councillor PGH Cutter (Vice Chairman)

Councillors: CM Bartrum, JHR Goodwin, RC Hunt, Brig P Jones CBE,  
PJ McCaull, A Seldon and JD Woodward

**98. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted by Councillors SPA Daniels, GA Powell and JD Woodward.

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

There were no named substitutes present at the meeting.

**100. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting

**101. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 7th December, 2010 be approved as a correct record and signed by the Chairman.

**102. SUPERINTENDENT HILL COMMANDER OF HEREFORDSHIRE POLICE**

The Chairman welcomed Superintendent Hill to the meeting. Superintendent Hill said that the police were working closely with the Council's licensing officers to deal with enforcement of the conditions whilst promoting the 'night time economy'. The police were involved in evening patrols with the officers and were developing a higher profile through visiting pubs and clubs on a regular basis. He outlined the proactive and high profile approach employed by the police in the town centres to identify potential trouble makers and deal with them before any problems arose.

**103. HIGHWAYS ACT 1980, SECTION 119, PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH EE6 (PART) IN THE PARISH OF EARDISLEY**

The Parks, Countryside and Leisure Development Manager presented a report about an application for a Diversion Order under the provisions of Section 119 of the Highways Act 1980 in respect of part of footpath EE6 in the parish of Eardisley. The footpath ran through the garden and along the front of the applicant's property and the proposal for a short diversion to overcome this. Informal consultations had been carried out and no objections had been received from consultees. There was an objection from a member of the public but the Parks, Countryside and Leisure Development Manager did not consider that it presented sufficient grounds to prevent a diversion Order being confirmed.

The applicant had carried out all pre-Order consultations and agreed to meet the costs involved. The proposal has been agreed by the various organisations, the parish council and the Local Ward Member. The proposal met the specified criteria as set out in Section 119 of the Highways Act 1980.

The Committee agreed to the proposals put forward by the Parks, Countryside and Leisure Development Manager.

#### **RESOLVED THAT**

**a Public Path Diversion Order be made under Section 119 in respect of part of Footpath EE6 at Eardisley, as illustrated in drawing number D344/126-06.**

#### **104. REVIEW OF THE EXISTING COUNCIL'S LICENSING POLICY AND ITS CUMULATIVE IMPACT POLICY - LICENSING ACT 2003**

A report was presented by the Licensing Officer regarding a review of the Council's licensing policy and its cumulative impact policy. He said that a requirement of the Licensing Act 2003 was that Local Authorities were obliged to review their licensing policies every three years. He said that he had undertaken a comprehensive review of the Licensing Policy, and the Cumulative Impact Policy for the Commercial Road area of Hereford which were introduced in early 2005. He advised that the Policies related to the control of public entertainment, alcohol sales and consumption, and prevention of associated anti-social behaviour in designated areas. Section 4 of the Act 2003 required Local Licensing Authorities to promoting the following licensing objectives:-

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance
- d) the protection of children from harm.

The Licensing Officer provided the Committee with an addendum which expanded upon the section (18) dealing with Failed Test Purchases and the penalties which could be imposed upon those who sold alcohol and tobacco to underage persons. He outlined the consultation process and the responses which had been received.

The Committee considered all the points put forward by the Licensing Officer and felt that there was a need for an executive summary to the documents. It was also felt that more time was needed to give full consideration to the proposals and decided that the matter should be held in abeyance pending a workshop to be arranged about it.

#### **RESOLVED**

**That the matter be held in abeyance pending the arrangement of a workshop to give further consideration to the proposals.**

#### **105. PROCEDURAL ARRANGEMENTS**

The Committee noted the procedural arrangements for the following items to ensure that Officers and applicants received a fair hearing.

**RESOLVED: 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**

**106. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Licensing Officer referred to agenda item No. 10 regarding an application for a dual hackney carriage/private hire licence. The applicant had not disclosed a previous conviction on his application form. The applicant provided the Committee with details of the circumstances which had led to him receiving a police caution and being convicted of an offence on a separate occasion. He felt that sufficient time had elapsed since the conviction with no other problems arising. He said that he was now a responsible family man and would not be involved in any further trouble. Mr Mooney of West Mercia Police provided the Committee with details about the conviction and caution.

Having considered all of the facts put forward by the officers and the applicant, the Committee decided that the applicant was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application for a Hackney Carriage/Private Hire driver's licence should be refused. He was advised that he could make a further application for a licence in twelve months time and that if he did not agree with the findings of the Committee, he was entitled to apply to lodge an appeal with the Magistrates Court.

**RESOLVED:**

**that the application for a dual hackney carriage/private hire drivers licence be refused.**

**107. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - TO DETERMINE AN APPLICATION FOR A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Licensing Officer referred to agenda item No. 11 regarding an application for a dual hackney carriage/private hire licence. The applicant had disclosed his previous convictions on his application form and he provided the Committee with details about the circumstances which had given rise to them. He said that he had been trouble free since 2006 and had moved to Hereford to start a new life and explained why he felt that his licence should be granted.

Having considered all of the facts put forward by the officers and the applicant, the Committee decided that the applicant was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application for a Hackney Carriage/Private Hire driver's licence should be refused. He was advised that he could make a further application for a licence in six months time and that if he did not agree with the findings of the Committee, he was entitled to apply to lodge an appeal with the Magistrates Court. He said that he could provide references and was encouraged to do so if he made a further application.

**RESOLVED:**

**that the application for a dual hackney carriage/private hire drivers licence be refused.**