

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 26 April 2011 at 11.00 am

Present: Councillor JW Hope MBE (Chairman)
Councillor (Vice Chairman)

Councillors: Brig P Jones CBE and JD Woodward

84. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected Chairman for the meeting.

85. APOLOGIES FOR ABSENCE

No apologies for absence were received.

86. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

87. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

88. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH ZC123 (PART) IN THE PARISH OF LEOMINSTER

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 ZC123 in the parish of Leominster. The route of the footpath ran through farm buildings which had been developed into dwellings and the owner had applied to divert it over neighbouring land. The landowners affected were agreeable to the proposals and no objections had been received. The applicant would meet the costs involved for the diversion to be advertised and created. The proposal had been agreed by the various user groups, the parish council and the Local Ward Member and met the criteria 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 of the Highways Act in respect of part of Footpath ZC123, Leominster, as illustrated on drawing number D390/226-123.

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89. HIGHWAYS ACT 1980, SECTION 119, PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH GR26 (PART) IN THE PARISH OF GOODRICH

A report was presented by the Parks, Countryside and Leisure Development Manager about an application for the diversion of part of footpath DO11 in the parish of Dorstone. The route of the footpath ran through the building of Primrose Hill and the owners had applied to divert it over a neighbour's land. The neighbour was agreeable to the proposals and the applicant had agreed to an amended route as a result of suggestions made during the preliminary consultation process. There were no objections to the revised proposals and the applicant had agreed to meet the costs involved. There were no objections from the various user groups, the parish council and the Local Ward Member and the diversion met the criteria which were 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 of the Highways Act in respect of part of Footpath DO11 at Dorstone, as illustrated on drawing number D364/119-11.

90. APPLICATION FOR VARIATION OF A PREMISES LICENCE 'MALTHURST NORTHSIDE SERVICE STATION, HEREFORD ROAD, HOPE UNDER DINMORE HR6 0PJ.' - LICENSING ACT 2003

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. He advised them of the hearing procedures and asked if any party required an extension to the 10 minute time limit for public speaking, no extensions were requested.

The Licensing Assistant presented a report about the application which was for the variation of a premises licence in respect of the 'Malthurst Northside Service Station, Hereford Road, Hope under Dinmore. She outlined the current licence for the sale of alcohol and explained the changes that had been requested to extend the hours for such sales on Mondays to Sundays (00:00 – 24:00) and removal of the restrictions relating to Christmas Day (12:00 – 15:00 and 19:00-22:30) and Good Friday (08:00 – 22:30) The applicants had also asked for the provision of late night refreshment, indoors and outdoors, Mondays to Sundays (2300 – 0500); removal of the embedded restrictions in Annex 2 of the licence – 'Conditions consistent with the operating schedule' and all references to embedded restrictions; and the inclusion in Annex 2 of the conditions in boxes b to e of Section P of the operating schedule

The Sub-Committee heard from Councillor KG Grumbley on behalf of a local resident who had submitted an objection to the application; Winkworth Sherwood Solicitors representing Malthurst Ltd; and Mr J Mooney, representing West Mercia Police.

The Sub-Committee noted all the matters which had been raised at the meeting and took into consideration all the views that had been put forward in support and objection to it. Having carefully considered those matters brought before them, the Sub-Committee was of the opinion that the application should be granted subject to the conditions which were required by the licensing authority, the police and those on which agreement had been reached with the applicants. In arriving at their decision, the Members had full regard to the provisions of the Licensing Act 2003 and the Council's Licensing Policy. The Sub-committee imposed conditions

in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

RESOLVED THAT

an application for a variation to the premises licence in respect of Malthurst Northside Service Station, Hereford road, Hope-under-Dinmore be approved subject to the amended hours and the conditions detailed in the decision notice.

91. TO CONSIDER AN APPLICATION FOR THE GRANT OF A LICENSED PREMISES GAMING MACHINE PERMIT FOR 4 MACHINES, IN RESPECT OF 'THE DUKE'S HEAD, CORN SQUARE, LEOMINSTER

A report was presented by the Administration Support Officer regarding an application for a Licensed Premises Gaming Machine Permit for four machines in respect of 'The Duke's Head', Corn Square, Leominster, HR6 8LR.

Prior to making their decision, the Members heard from Mr R West the Manager and Mr N Connor, legal adviser to JD Weatherspoons PLC. Members had carried out a site inspection of the premises prior to the meeting and had some concerns that two of the machines were obscured from the view of the bar. Mr West had therefore arranged for them to be relocated so that they would be more clearly in view to staff of the premises. A plan showing a revised layout was submitted to the meeting. Mr West also explained about the training of his staff in relation to the Challenge 21 Policy to ensure that under-age persons would not be allowed to use the gaming machines.

Having carefully considered those matters brought before them, the Sub-Committee was satisfied that the applicants had met the requirements of the Gambling Act, 2005; together with the Council's licensing policies and objectives; and that the application could be granted.

RESOLVED THAT

an application for a Licensed Premises Gaming Machine Permit for 4 machines in respect of The Duke's Head Inn, Corn Square, Leominster, HR6 8LR be granted, subject to the machines being situated on locations 1,2,3 and 4 as indicated on the amended plan submitted to the meeting.

92. 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act

93. TO CONSIDER A SUSPENSION NOTICE SERVED ON A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

The Licensing Officer referred to agenda item No. 10 regarding the suspension of a dual hackney carriage/private hire licence following him receiving a police caution arising from a battery offence. The Sub-Committee noted that the licence holder had lodged an appeal with the Magistrates Courts which was due to be heard on 20th May, 2011. The Sub-Committee decided to defer making a decision on the matter until the results of the appeal were known and that in the meantime the licence should remain suspended.

The meeting ended at 1.12 pm

CHAIRMAN