

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 24 January 2012 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: PL Bettington and FM Norman

88. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected Chairman for the meeting.

89. APOLOGIES FOR ABSENCE

No apologies for absence were received.

90. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

91. DECLARATIONS OF INTEREST

There were no declarations of interest made.

92. HIGHWAYS ACT 1980, SECTION 119. FOOTPATH RR2A (PART) PARISH OF ROSS RURAL PUBLIC PATH DIVERSION ORDER 2011

The Parks, Countryside and Leisure Development Manager presented a report about an application under Section 119 of the Highways act 1980 to divert part of Footpath RR2A at Eurogarages Ltd Ross-on-Wye. The route of the footpath was obstructed and the application had been made to realign it. The Parks, Countryside and Leisure Development Manager felt that the proposed route would provide a more sensible line for users; and the Local Ward Member, parish council and consultees were in agreement with it. The applicant had agreed to meet all the costs associated with the diversion. The proposal also met the criteria set out in the legislation and in particular that:

- it benefited the owner of the land;
- it was not substantially less convenient to the public; and
- it would be expedient to proceed with the proposal given the benefits it will provide for public enjoyment of the footpath.

Having considered all aspects of the application, the Sub-Committee concurred with the view of the Parks, Countryside and Leisure Development Manager that the application should be approved

RESOLVED THAT

a Public Path Diversion Order be made under section 119 of the Highways Act 1980 in respect of part of Footpath RR2A, Ross-on-Wye, as illustrated on drawing number D414/328-2A attached to the report of the Parks, Countryside and Leisure Development Manager.

93. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH MR21 (PART) IN THE PARISH OF MARDEN

A report was presented by the Parks, Countryside and Leisure Development Manager about an application under Section 119 of the Highways Act 1980 to divert part of Footpath MR21 at Marden. The landowner had made the application to enable him to bypass an existing building rather than remove it. The Parks, Countryside and Leisure Development Manager said that the proposed route would take the footpath over an existing track. The owner of the track had objected to the application but on balance the Parks, Countryside and Leisure Development Manager was of the view that it should nevertheless be granted because there would be no impact on adjoining fields or crops and it would enable the path to be enjoyed by the public. The proposal had the agreement of the Local Ward Member, the parish Council and consultees. The applicant had agreed to meet the costs associated with the diversion including any compensation costs which may arise from the owner of the track. The proposal also met the criteria set out in the legislation and in particular that:

- it benefited the applicant;
- it was not substantially less convenient to the public; and
- it would be expedient to proceed with the proposal given the benefits it will provide for public enjoyment of the footpath.

Having considered all aspects of the application, the Sub-Committee concurred with the view of the Parks, Countryside and Leisure Development Manager that the application should be approved

RESOLVED THAT

a Public Path Diversion Order be made under section 119 of the Highways Act 1980 in respect of part of Footpath MR21 at Marden, as illustrated on drawing number D325/261-21 attached to the report of the Parks, Countryside and Leisure Development Manager.

94. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH KC16A (PART) IN THE PARISH OF KINGS CAPLE

The Parks, Countryside and Leisure Development Manager presented a report about an application under Section 119 of the Highways act 1980 to divert part of Footpath KC16A at Kings Caple. The landowner had made the application because the present route of the footpath was obstructed by a building. The Parks, Countryside and Leisure Development Manager felt that the proposed route would provide a more sensible line for users and the Local Ward Member, parish council and consultees were in agreement with it. The applicant had agreed to meet the costs associated with the diversion. The proposal also met the criteria set out in the legislation and in particular that:

- it would benefit the owner of the land;
- it was not substantially less convenient to the public; and
- it would be expedient to proceed with the proposal given the benefits it will provide for public enjoyment of the footpath.

Having considered all aspects of the application, the Sub-Committee concurred with the view of the Parks, Countryside and Leisure Development Manager that the application should be approved

RESOLVED THAT

a Public Path Diversion Order be made under section 119 of the Highways Act 1980 in respect of part of Footpath KC16A at Kings Caple, as illustrated on drawing number D412/206-16A attached to the report of the Parks, Countryside and Leisure Development Manager.

95. PROCEDURE FOR A HEARING

The Sub Committee noted the procedure for dealing with appeals about licensing matters which was aimed at giving a fair hearing to applicants and Officers.

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.

96. REVIEW OF THE SUSPENSION OF A DUAL DRIVER HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer referred to Agenda Item No. 10 regarding the suspension of a hackney carriage/private hire driver's licence which it had upheld at its meeting on 15th November, 2011. The matter had been referred to the Taxi & County Transport Badge Officers Panel which in turn had recommended that the licence should be revoked because West Mercia Police had expressed grave concerns about the safety of vulnerable persons who the licence holder would be involved with. The Licensing Officer informed the Sub-committee that despite having sent three letters to the licence holder, they had all been returned as 'gone away'. The Sub-Committee also noted that an agenda had been sent to the known address of the licence holder.

In view of the considerable concerns expressed by the Police and the Officers who dealt with the safeguarding of vulnerable persons, the Sub-Committee decided to accept the recommendation of the Panel that the licence be revoked.

97. REVIEW OF THE SUSPENSION OF A DUAL HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee gave consideration to a recommendation from the Taxi and County Transport Badge Officers Panel that a hackney carriage/private hire driver's licence should be revoked.

The matter had been referred to the Panel because the licence holder wished to appeal about the suspension of his licence. The licence was suspended when the officers were notified by the Police that the licence holder had received a caution for possessing an offensive weapon in a public place. The Council's Licensing conditions required drivers to notify the Licensing Section of any cautions or convictions and the licence holder had failed to do this. The licence holder had threatened a group of youngsters with a baton and the investigating Police Officer had found him to be aggressive and argumentative, and had formed the opinion that he was drunk.

In view of the concerns raised by the Police and the fact that the driver had kept a weapon in his car, the Panel did not feel that he had demonstrated that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976. The Panel therefore decided to recommend to the Sub-Committee that the licence should be revoked. The Sub Committee noted that the licence holder had declined the opportunity to appear before it to present his version of events. The Sub-Committee decided to revoke the licence.