

AGENDA

Regulatory Sub Committee

Date: **Monday 11 June 2012**

Time: **10.00 am**

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:

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If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership Councillor CM Bartrum
 Councillor JW Hope MBE
 Councillor C Nicholls

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

AGENDA

	Pages
<p>1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.</p>	
<p>2. APOLOGIES FOR ABSENCE To receive apologies for absence.</p>	
<p>3. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
<p>4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>5. APPLICATION FOR A PUBLIC PATH DIVERSION ORDER 'FOOTPATH BW1 IN THE PARISH OF BRIDSTOW' To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath BW1 in the parish of Bridstow.</p>	1 - 6
<p>6. PROCEDURE FOR A HEARING To note the procedural arrangements for a hearing.</p>	7 - 8
EXCLUSION OF THE PUBLIC AND PRESS	
<p>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.</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, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	
<p>1 Information relating to any individual.</p>	
<p>2 Information which is likely to reveal the identity of an individual.</p>	
<p>3 Information relating to the financial or business affairs of any particular person</p>	
<p>7. APPLICATION TO LICENCE A VEHICLE OUTSIDE STANDARD CONDITION 11.5 To decide whether to licence a vehicle outside the standards vehicle licence conditions.</p>	9 - 12
<p>Appendix 1 - Application form</p>	13 - 18
<p>Appendix 2 - Suspension letter</p>	19 - 20
<p>Appendix 3 - Insurance document</p>	21 - 22

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.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City 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 Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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

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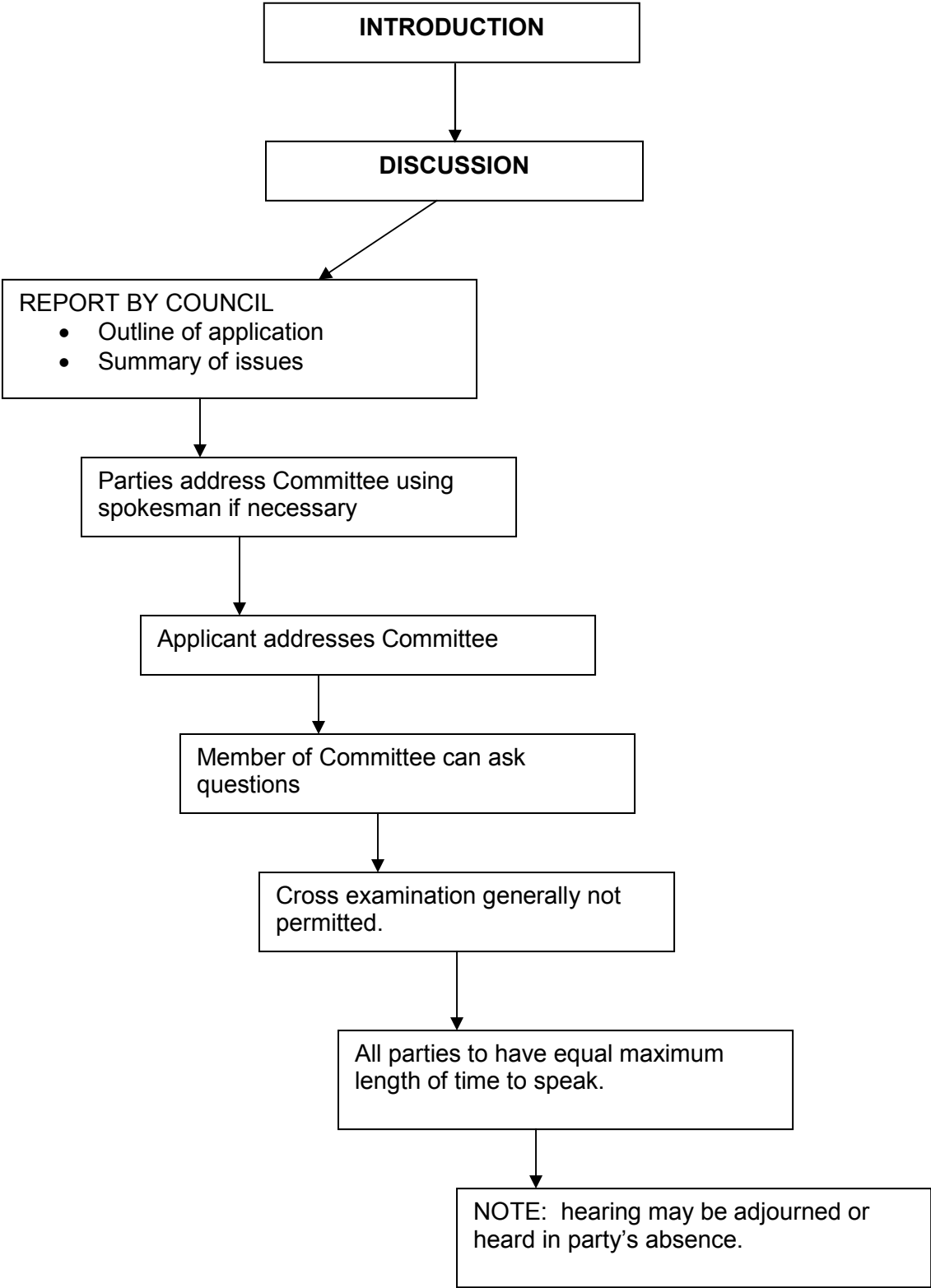
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	11 JUNE 2012
TITLE OF REPORT:	HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH BW1 (PART) IN THE PARISH OF BRIDSTOW
PORTFOLIO AREA:	HIGHWAYS AND TRANSPORTATION

CLASSIFICATION: Open

Wards Affected

Llangarron

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath BW1 in the parish of Bridstow.

Key Decision

This is not a Key Decision.

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D421/57-1

Key Points Summary

- An application was made by the landowners, Mr and Mrs Wagstaff in February 2012
- A pre-order consultation has been carried out by the applicants, to which there were no objections.
- The Local member, Cllr. JA Hyde has no objections

Alternative Options

- 1 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Further information on the subject of this report is available from
Susan White, Assistant Rights of Way Officer on (01432) 842106

Reasons for Recommendations

- 2 The public path order should be made because it is felt that it meets the criteria set out in s 119 of the Highways Act and the Council's Public path order policy and there have been no objections at pre-order consultation stage.

Introduction and Background

- 3 Before an order is made to divert a footpath under the Highways Act, it is necessary to gain a decision from the Regulatory Sub-Committee as they have the delegated authority to make this decision.

Key Considerations

- 4 Mr and Mrs Wagstaff, who are the landowners, made the application on 3 February 2012. The full reasons given for making the application are appended, however, briefly, it is to enable the applicants to fence their garden and driveway away from the footpath.
- 5 The applicant has carried out all pre order consultation. The proposal has general agreement, although the Open Spaces Society representative has suggested that the gate at point D should be removed as it is not needed for stock control purposes. One of the reasons for the proposals, listed by the applicant, is to allow the field to be fenced from the garden in order to enable grazing. This is a justifiable reason for allowing the gate.
- 6 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order.
- 7 The local member, Cllr. JA Hyde has no objections to the proposals
- 8 The proposed diversion meets the specified criteria as set out in Council policy and in section 119 of the Highways Act 1980 in particular 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.

Equalities Implications

- 9 The proposed new route has similar gradients to those found on the existing route. Users must negotiate a pedestrian gate on both the existing and the proposed routes. As such, the proposal is considered to comply with the requirements of the Equality Act 2010.

Community Impact

- 10 Bridstow Parish Council have been consulted regarding the proposals and do not hold any objections.

Financial Implications

- 11 The applicants have agreed to pay for all necessary advertising and administration costs.

Legal Implications

- 12 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so

Risk Management

- 13 If an order is made as proposed, there is a risk that objections may be received and this would require the matter to be referred to the Secretary of State for a decision which could potentially lead to a public inquiry which would impact on staff time and resources. However, a comprehensive pre-order consultation has been carried out by the applicant in order to gauge opinion and no objections were received.

Consultees

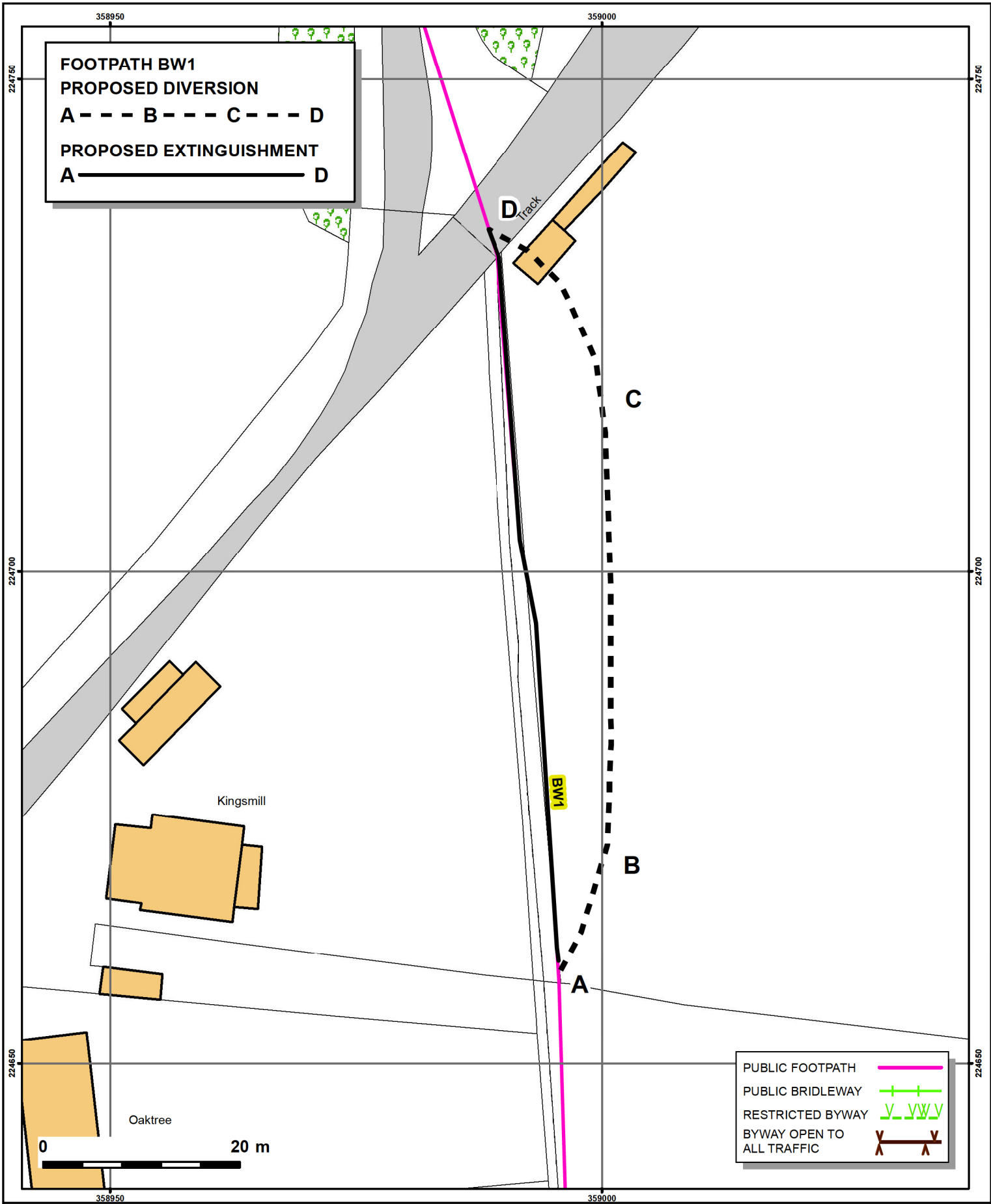
- 14 Prescribed organisations as per Defra Rights Of Way Circular 1/09.
- Local Member – Cllr JA Hyde
 - Bridstow Parish Council.
 - Statutory Undertakers.

Appendices

- 15 Reasons for the diversion, Order Plan, drawing number: D421/57-1 and Order and Schedule.

Background Papers

- None identified.



**HIGHWAYS ACT 1980, SECTION 119
 HEREFORDSHIRE COUNCIL-PUBLIC FOOTPATH BW1(PART)
 PARISH OF BRIDSTOW
 PUBLIC PATH DIVERSION ORDER 2012**



**DWG No.: D421/57-1
 SCALE 1:500@A4**

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REGULATORY SUB-COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Legal Advisor to the Sub-Committee.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Sub-Committee or Licensing Officer or Applicant/Licence Holder.
5. Applicant/Licence Holder (or his/her solicitor) asked if (s)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/Licence Holder (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Legal Adviser to the Committee, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the Applicant/Licence Holder or the officer are needed to furnish additional information, they should all be invited back before the Committee. When the additional information has been furnished, they should all be asked to leave again.
8. The Committee then reach a decision, but in the absence of parties.
9. The Applicant/Licence Holder 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/Licence Holder will be informed of any right of appeal (if the decision is one of refusal/suspension).
10. When the first application or matter is finished, the Applicant/Licence Holder will leave. The next and subsequent applications/matters are dealt with in the same way.

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