

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 16 October 2012 at 10.00 am

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

Councillors: PL Bettington and Brig P Jones CBE

62. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

63. APOLOGIES FOR ABSENCE

No apologies for absence were received.

64. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

65. DECLARATIONS OF INTEREST

There were no declarations of interest made.

66. APPLICATION FOR A PUBLIC PATH DIVERSION ORDER 'FOOTPATH LQ48 IN THE PARISH OF LONGTOWN.'

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 LQ48 in the Parish of Longtown. He felt that the proposed route was acceptable for the public; and advised that the Local Ward Member, parish council and consultees were in agreement with it. It was noted that the Open Spaces Society had initially objected to the application but the objection was withdrawn once the applicant agreed to amend the proposed diversion accordingly.

He further advised that the applicant had agreed to meet costs associated with the diversion and that the proposal also met the criteria set out in the legislation and in particular that:

- The proposal benefitted the owner of the land crossed by the existing path.
- The proposal did alter the point of termination of the path, but only to a point which was equally as convenient.
- The proposal was not substantially less convenient to the public.

Mr Lee, representing the Rambler's Association, advised the Sub-Committee that he was happy with the application subject to any gates on the footpath complying to standards as set out in the Equalities Act.

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 LQ48 in the parish of Longtown.

67. APPLICATION FOR A PUBLIC PATH DIVERSION ORDER 'FOOTPATH LR4 IN THE PARISH OF LEDBURY RURAL.'

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 LR4 in the Parish of Ledbury Rural. He felt that the proposed route was acceptable for the public; and advised that the Local Ward Member, parish council and consultees were in agreement with it. It was noted that Welsh Water had initially objected to the application but the objection was withdrawn once the applicant agreed to amend the application accordingly.

He further advised that the applicant had agreed to meet costs associated with the diversion and that the proposal also met the criteria set out in the legislation and in particular that:

- The proposal benefitted the owner of the land crossed by the existing path.
- The proposal did alter the point of termination of the path, but only to a point which was equally as convenient.
- The proposal was not substantially less convenient to the public.

Mr Lee, representing the Rambler's Association, advised the Sub-Committee that he was happy with the application subject to any gates on the footpath complying to standards as set out in the Equalities Act.

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 LR4 in the parish of Ledbury Rural.

68. APPLICATION FOR A PUBLIC PATH DIVERSION ORDER 'FOOTPATH WA8 IN THE PARISH OF WALFORD.'

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 WA8 in the Parish of Walford. He felt that the proposed route was acceptable for the public; and advised that the Local Ward Member, parish council and consultees were in agreement with it. It was noted that the Open Spaces Society and the Ramblers' Association had initially objected to the application but that both objections were withdrawn once the applicant agreed to amend the proposed diversion accordingly.

He further advised that the applicant had agreed to meet costs associated with the diversion and that the proposal also met the criteria set out in the legislation and in particular that:

- The proposal benefitted the owner of the land crossed by the existing path.

- The proposal did alter the point of termination of the path, but only to a point which was equally as convenient.
- The proposal was not substantially less convenient to the public.

Mr Lee, representing the Rambler's Association, advised the Sub-Committee that he was happy with the application subject to any gates on the footpath complying to standards as set out in the Equalities Act.

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 WA8 in the parish of Walford.

69. APPLICATION TO LICENCE A VEHICLE OUTSIDE OF THE STANDARD VEHICLE LICENCE CONDITIONS

The Licensing Officer presented a report about an application to licence a vehicle outside standard condition 3.1 which stated that 'For a new Private Hire Licence application, the vehicle to be licensed shall not be more than two years old for any type of vehicle'. He advised Members that this condition had been in place since 2002 and that the applicant had been advised of this prior to purchasing the vehicle. He was further advised that he could, if he wished, apply to the Sub-Committee to licence the vehicle outside standard conditions.

In response to a question from the Acting Principal Lawyer, the Licensing Manager confirmed that the condition had been taken from the national model conditions guidance and had been subject to consultation with the trade and government bodies prior to its introduction.

The applicant advised the Committee that the vehicle was an executive vehicle manufactured by Mercedes. He added that the vehicle was 2 years and 9 months old at the time of his application. He gave a background of his employment in the taxi trade and advised that he wished to move into the executive travel field and therefore required a high specification luxury vehicle to enable this. He added that a new vehicle would be too expensive to purchase and requested that his application be granted.

In response to a further question from the Acting Principal Lawyer, the applicant advised that the vehicle he wished to licence had covered 38,000 miles and was purchased for executive use. He added that neighbouring authorities Worcestershire and Gloucestershire permitted vehicles of 4 and 5 year's old to be licensed. He also noted that if he was currently in possession of an older private hire plate the vehicle could be licensed.

In summing up he drew Members attention to the two part vehicle test undertaken by the Council and was of the opinion that this test would identify his vehicle as being suitable and fit for purpose. He added that he could have bought a lower specification new car but that it would not be fit for executive travel.

RESOLVED

That the application for a licence outside of standard condition 3.1 be refused.

70. APPLICATION FOR A NEW PREMISES LICENCE 'THE STEINER ACADEMY, HEREFORD, HR2 8DL.'

The Regulatory Sub Committee was convened in order to determine an application for a new premises licence in respect of The Steiner Academy, Hereford, HR2 8DL'. The application was submitted in accordance with Section 17 of the Licensing Act 2003.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. The following attendees were noted:

- Wendy Cotton (Representing the Applicant)
- Niki Nakamura (Representing the Applicant)
- Bella Brown (Chair of the Much Dewchurch Society & Neighbouring Resident)
- Janet Bright (Neighbouring Resident)

At this stage it was noted that a representation from the Much Dewchurch Society had been omitted from the agenda pack. The meeting was adjourned for 10 minutes to allow the letter to be circulated to all parties present.

The Licensing Officer presented his report and advised the Sub-Committee that the advertisement had been received and was accepted.

Mrs Brown addressed the Sub-Committee regarding her concerns in respect of the application. She was advised that a number of her concerns related to issues outside of the Sub-Committee's remit and was requested to address the four licensing objectives, namely Public Safety, the Prevention of Crime and Disorder, the Protection of Children from Harm and the Prevention of Public Nuisance.

Mrs Brown expressed her concerns relating to noise emanating from the premises with particular reference being made to the impact this could have on the neighbouring church. She also added that in her opinion the school should use Temporary Event Notices for their weekend and evening activities, this would still allow them to hold 12 events per year. She advised the Sub-Committee that she had spoken to the Head of the School who had advised that they would prefer a licence which allowed them the option to hold events on any particular day, and therefore he had submitted a 'blanket' application.

Mrs Bright, a neighbouring resident, also addressed her concerns in respect of the application. She also raised the issue of noise and drew Members' attention to a recent event which had taken place at the school on Saturday 13 October 2012 which had caused significant disturbance to neighbouring residents. As well as the noise issues she also raised concern in respect of light pollution and vehicular movements at the school.

The Licensing Officer asked a number of questions, Mrs Bright advised that the event was indoors but a number of children were in the courtyard; the person who had organised the event apologised to neighbours stating that he could not control the children; she was unsure if the doors and windows were kept closed but didn't believe they were due to noise levels; the noise from the music was coming from inside the premises; and there did not appear to be anybody from the academy onsite monitoring noise levels.

The Committee also heard from Mrs Cotton and Ms Nakamura, representing the Steiner Academy. Mrs Cotton advised that the school had reopened in 2008 after a major refurbishment and that the funding agreement required the school facilities to be shared with the wider community, hence the requirement for a premises licence. She also added

that the Academy wanted flexibility for a range of events and also wanted to work closer with the local community, an example of this was highlighted in the fact that the application had been amended following a discussion with the Parish Council. She voiced her concerns in respect of the event that had recently taken place and caused neighbours some disturbance. In response she advised that she would ensure that a member of the school's staff would be present at all future events. Finally she gave details of the parking arrangements for events which moved the majority of the vehicles to an area further away from the neighbouring dwellings.

Ms Nakamura advised the Sub-Committee that the school were working closely with the 'Arts Alive' project which brought events to smaller rural areas. She confirmed that there were 6 events planned between September 2012 and April 2013.

In response to a question from a Member of the Sub-Committee, Mrs Bright confirmed that she had not contacted the Environmental Health team as there was no out of hours contact number on the website and she felt it would be more appropriate to raise the matter with the Sub-Committee as the meeting was scheduled to take place so soon after the event.

In response to further questions Mrs Cotton advised that she would ensure that newsletters detailing forthcoming events were circulated to local residents; that the windows and doors were kept closed during events; that there was not a terminal hour for the courtyard as it was not supposed to be used during events; and that nobody monitored noise on the site during events at present.

The Sub-Committee retired to make their decision, the Acting Principal Lawyer and the Democratic Services Officer also retired to assist them with procedural matters.

At the conclusion of the meeting the Acting Principal Lawyer read out the Sub-Committee's decision to adjourn the determination of the application pending a set of suitable conditions being drafted by the Council's Licensing Department in consultation with the Environmental Health team. These conditions to be agreed with the applicant and circulated to the neighbouring residents present at the meeting today prior to the next meeting, to be held on Friday 26 October 2012 at 10:00 am.

RESOLVED

THAT the determination of the application for a new premises licence in respect of the Steiner Academy be adjourned until 26 October 2012 pending a set of suitable conditions being agreed with the applicant.

The meeting ended at 12.00 pm

CHAIRMAN