

**MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 29 January 2013 at 2.00 pm**

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

**Councillors:** PL Bettington and C Nicholls

**103. ELECTION OF CHAIRMAN**

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

**104. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

There were no substitutes present at the hearing.

**106. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**107. APPLICATION TO DIVERT FOOTPATH H06 IN THE PARISH OF HOLMER**

The Parks, Countryside and Leisure Development Manager presented a report about an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath H06 in the parish of Holmer. 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 order was being funded through Section 106 Agreement monies from the nearby Crest Housing development.

He further advised the proposal 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 had visited the site with the Parish Council and the Local Ward Member and was happy with the application.

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 H06 in the parish of Holmer.**

### **108. APPLICATION TO DIVERT BRIDLEPATH WV5 IN THE PARISH OF WOLFERLOW**

The Parks, Countryside and Leisure Development Manager presented a report about an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of bridlepath WV5 in the parish of Wolferlow. He felt that the proposed route was acceptable for the public and advised that the Local Ward Member, parish council and consultees were generally in agreement with it although the Open Spaces Society had objected due to the route running in close proximity to unsightly dumped farm detritus. It was noted that the current route was unusable due to the poor condition of the surface and that the costs would be significantly higher to reinstate the existing route.

He further advised that the public rights of way departemtns had agreed to meet costs associated with the diversion as it was considered to be in the public interest. It was also noted 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.

The Sub-Committee requested clarification in respect of the possible removal of the farm detritus. The Parks, Countryside and Leisure Development Manager confirmed that the farmer had agreed to remove the farm detritus and that it was hoped that the objection would be withdrawn.

Mr Lee, representing the Rambler's Association, advised the Sub-Committee that he had no objection to the application.

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 bridlepath WV5 in the parish of Wolferlow.**

### **109. APPLICATION TO DIVERT FOOTPATH HER50 IN HEREFORD**

The Parks, Countryside and Leisure Development Manager presented a report about an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath HER50 in the parish of Hereford. 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.

He further advised that the costs associated with the diversion were being met through Section 106 monies 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 and that it was a pleasant route.

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 HER50 in the parish of Hereford.**

### **110. EXCLUSION OF THE PUBLIC AND PRESS**

**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 involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.**

- 1 Information relating to any individual.**
- 2 Information which is likely to reveal the identity of an individual.**

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

#### **SUMMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION**

Prior to making their decision the Members heard from the Dual Hackney Carriage & Private Hire licence holder. He gave full details of the incident that had led to the suspension of his licence and answered all questions put to him by the Sub-Committee in respect of the matter.

The Sub-Committee noted that the appellant had shown clear remorse for the events which had resulted in the suspension. Members were concerned in respect of the possible vulnerability of the appellant and stated that the decision was intended to provide a reasonable level of protection for him as well as for the paying public.

Finally the Sub-Committee considered that the appellant was a fit and proper person to hold a Dual Hackney Carriage & Private Hire licence.

Therefore having carefully considered those matters brought before them, the Sub-Committee were of the opinion that the appellant's Dual Hackney and Private Hire licence should be reinstated subject to conditions.

The Sub-Committee wished it to be noted that it respected the original decision of the Taxi and County Transport Badge Officer Panel however in light of the additional information presented to the Sub-committee it was minded to find the appellant a fit and proper person.

**RESOLVED**

**THAT the appellant is a fit and proper person and the Dual Hackney Carriage & Private Hire licence should be reinstated immediately subject to the following conditions:**

- 1. The appellant may be employed as a taxi driver between the hours of 7:00 am and 7:00 pm.**
- 2. The appellant to drive solely for his current employer.**
- 3. The decision to be reviewed by the Sub-Committee in 6 months if the Licensing Manager raises any concerns.**
- 4. The Licensing Manager to check progress either directly or via the appellant's current employer throughout the 6 month period.**

The meeting ended at 2.45 pm

**CHAIRMAN**