

# REPORT OF THE REGULATORY COMMITTEE

## Meetings Held on 31st October, 2006; 28th November, 2006; and 30th January, 2007

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**Membership:**

**Councillors:** R.I. Matthews (Chairman), Brig. P. Jones CBE (Vice-Chairman) H Bramer, Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope, T.W. Hunt, G Lucas, R. Preece, P.G. Turpin.

### **HIGHWAYS ACT 1980 SECTION 119 PROPOSED PUBLIC PATH DIVERSION ORDER – FOOTPATH CG3 (PART) IN THE PARISH OF CODDINGTON**

1. The Committee has considered applications for the following Public Path Diversion Orders for which there has been consultation with interested parties, the local parish councils and the local Ward Councillors where appropriate:-
  - (a) Footpath CS10 Castle Frome - approved;
  - (b) Footpath LV 46 Llanveynoe - refused; and
  - (c) Footpath LW4 Llanwarne – deferred for further investigations.

### **PROPOSED INCREASE IN HACKNEY CARRIAGE FARES 2006/2007 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE VEHICLE CONDITIONS ATTACHED TO A SPECIALIST PRIVATE HIRE VEHICLE (FIRE ENGINE) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

2. The Local Government (Miscellaneous Provisions) Act 1976 makes provision for Local Licensing Authorities to set the rates/fares within the County together with distance and all other charges. The fares are reviewed each autumn and following consultation, the Trade has requested increases to fares based on small changes to the tariffs charged for distances travelled, rather than a flat percentage increase in fares across the board. The proposals were published in the Hereford Times on 28th September for a two-week public consultation process and came into effect on 6th November, 2006.

### **ALCOHOL CONSUMPTION IN PUBLIC PLACES - DESIGNATION OF PUBLIC PLACES IN HEREFORD**

3. Local authorities have for some time had the power to bring in byelaws to control the consumption of alcohol in streets, roads and other such places within their areas. These powers were strengthened by the Criminal Justice and Police Act 2001 which made it easier for the Police to arrest those engaged in anti-social drinking in such designated places. The Council and its predecessor Councils brought such byelaws into effect in parts of the City of Hereford, Ross-on-Wye, Ledbury, and Bromyard. The powers within the 2001 Act have brought about a change in town centres in terms of the previously held perceptions of some that loutish, anti-social behaviour prevailed. A 'tool' was therefore available to control such behaviour and reduce the chances of drinking vessels being used in acts of violence. Since 2001 Herefordshire Council has made 3 Orders relating to areas of the City of Hereford as well as the village of Madley. The Committee has decided to extend its control by making an Order to designate the following places for the control of the consumption of alcohol:

Belmont, Hereford; Whitecross, Hereford; Ledbury; Leominster and Ross-on-Wye. Following concerns raised by the Local Ward Member, it was decided to defer the proposals for Kington for further consultations.

#### **THE GAMBLING ACT 2005**

4. A draft Licensing Statement of Principles and the consultation process for the implementation of the Gambling Act 2005 have been considered. Section 349 of the Act requires all licensing authorities to prepare and publish a statement of the principles that they proposed to apply in exercising their functions under the Act during the three-year period to which the policy applies. The main aims of the Act 2005 are to:
  - prevent gambling being a source of crime or disorder;
  - ensure that gambling is conducted in a fair and open way; and
  - protect children and the vulnerable from being harmed or exploited by gambling.
5. The types of licences that will be covered by the Act, the premises involved and the impact of the work on the Licensing Section have been taken into consideration. Although the implementation date has been postponed until April, 2007, there is much preparatory work to be done in the meantime and the Council's Policy needs to be in place beforehand. A Seminar about the Act had been held in October for Members. The Committee has considered the proposals and decided that
  - (i)- Licensing Officers be granted delegated powers to grant licences for up to four gaming machines in alcohol licensed premises;
  - (ii) the current process where two machines are automatically granted by Licensing Officers and any application for more than two machines will be brought before the Regulatory Committee be retained; and
  - (iii) The Gambling Act 2005 Statement of Principles be adopted.
6. The Committee considered its first application for an Amusements With Prizes Permit for more than two machines at its meeting on 30th January, 2007 and decided to defer the matter pending a site inspection of the premises at the Grandstand, Grandstand Road, Hereford.

#### **APPLICATIONS FOR THE VARIATION OF CARAVAN SITE LICENCES**

7. Applications for the variation of caravan site licences have been determined as follows:-
  - (i) variation of the Standard Licensing Condition 5.11 for Fayre Oaks Caravan Park, Kings Acre Road, Hereford to enable the removal of a public telephone from the site - approved
  - (ii) variation of Caravan Site Licensing Conditions so that an enclosed porch be permitted to remain at 23 Cottage Park, Ledbury Road, Ross-on-Wye and that a reduced permitted separation space from 6 metres to 5.65 metres be allowed between 23 and 24 Cottage Park, Ledbury Road, Ross-on-Wye for the life of the unit – approved and

- (iii) application for Saltmarsh Castle Caravan Park, Stourport Road, Bromyard to vary Caravan Site Licensing Conditions by removing conditions 5.2 and 5.4 and replacing them with a single condition to allow two 6kg dry powder extinguishers at each fire point to be housed in such a way that they are accessible but not subject to corrosion - approved.

**APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

8. Seven applications for the renewal or grant of Hackney Carriage/Private Hire drivers licences were referred to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions and medical requirements. The applicants and their representatives gave details of the grounds for their applications and they provided the Committee with the circumstances giving rise to their offences or health situations. Three applications were granted. A suspension in respect of one was lifted pending a court case and one suspension was confirmed pending the outcome of court proceedings. Two applications were refused because the applicants were not considered to be fit and proper persons.
9. Under Section 32 of the Disability Discrimination Act 1995 (DDA) the Secretary of State has the power to make regulations to ensure that it is possible for a disabled person to enter and leave a taxi in safety and comfort whilst remaining in a wheelchair. Herefordshire Council has been identified as a "first phase" Local Authority and the provisions of the DDA 1995 will be introduced between 2010 and 2020. Once this is in force the Council will be unable to grant a licence for a hackney carriage unless it conforms to the taxi accessibility regulations. The Council has previously decided that prior to introduction of the Regulations, all new hackney carriage vehicle licences would only be granted in respect of those that had provision for wheelchair accessibility. A request has recently been received from an existing proprietor to allow three saloon cars with wheelchair friendly swivel front passenger seats to be licensed as Hackney Carriages contrary to condition number 1.1 in the vehicle licence conditions. It was decided that the application should be refused because it did not comply with the Council's licensing conditions and aims at meeting the requirements of the Act through increasing the provision of wheelchair accessible hackney carriages.

**R.I. MATTHEWS  
CHAIRMAN  
REGULATORY COMMITTEE**

**BACKGROUND PAPERS**

- Agenda papers from the meetings of the Regulatory Committee held on 31st October, 2006; 28th November, 2006; and 30th January, 2007.