

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 20th March, 2007 at 2.00 p.m.**

Present: Councillor R.I. Matthews (Chairman)
Councillor Brig. P. Jones CBE (Vice Chairman)

Councillors: H. Bramer, G.W. Davis, D.J. Fleet, J.W. Hope MBE,
T.W. Hunt, G. Lucas, J.W. Newman and R. Preece

In attendance: Councillors P.J. Edwards and R.M. Wilson

88. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs SPA Daniels and PG Turpin.

89. NAMED SUBSTITUTES (IF ANY)

There were no substitutions present at the meeting

90. DECLARATIONS OF INTEREST

Councillor R Preece declared a personal interest in Agenda item 14 – Application for dual hackney carriage & private hire drivers licence – Local Government (Miscellaneous Provisions) Act 1976 and left the meeting for the duration of the item.

91. MINUTES

RESOLVED: That
the Minutes of the meeting held on 30th January, 2007 be approved as a correct record and signed by the Chairman

92. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH MM3 (PART) IN THE PARISH OF MUCH MARCLE

The Rights of Way Manager presented a report about an application for a Public Path Diversion Order to divert part of Footpath MM3, Much Marcle, under Section 119 of the Highways Act 1980. He advised that the application had been made to move the footpath out of the Weston's Cider factory and to make the route safer for users. The proposal had general agreement from the statutory undertakers, local parish council and Ward Member although the Ramblers Association and Open Spaces Society had a number of concerns. They had proposed an alternative route but the Officers considered that applied for to be preferable. The applicant had agreed to pay for advertising and to reimburse the Council's costs incurred in making the Diversion Order and the application fulfilled the criteria set out within the legislation

The Committee agreed with the course of action suggested by the Rights of Way Manager that the Diversion Order should be made.

RESOLVED:

that a Public Path Diversion Order be made under Section 119 of the Highways Act 1980 in respect of footpath MM3 (part) Much Marcle, as illustrated on drawing D319/277-3(iv).

93. CASINO PREMISES LICENCES - SECTION 166, GAMBLING ACT 2005.

The Licensing Officer presented a report for the Committee to consider whether it wished to resolve not to issue casino premises licences in accordance with Section 166 of the Gambling Act 2005. He said that the Council had previously advised the Department of Culture Media and Sport (DCMS), that it did not wish to be considered as a location for one of the seventeen casinos proposed in England. He advised that although the DCMS had recently announced the location of the seventeen proposed casinos and no further licences could be issued at present, there was a possibility that the number could be increased in the future. He presented the Committee with the options available to it in respect of the matter.

Having considered the matter, the Committee decided that it did not wish to consider any applications for casino premises licenses and noted that the legislation made provision for the matter to be reviewed after three years had elapsed.

RESOLVED

that no casino premises licences be issued in accordance with Section 166 of the Gambling Act 2005 with immediate effect.

94. DELEGATION OF LICENSING AUTHORITY FUNCTIONS IN ACCORDANCE WITH SECTION 152 - GAMBLING ACT 2005.

A report was presented by the Licensing Officer for the Committee to consider whether it wished to delegate its function under Section 152 of the Gambling Act to the Licensing Sub-Committee and in certain circumstances to an officer. He explained that matters relating to this section of the Act and provided the Committee with a table which set out the way in which the functions could be dealt with.

Having considered the options available, the Committee decided to meet the requirements of the Act as suggested by The Licensing Officer

RESOLVED

that the Councils responsibilities under Section 152 of the Gambling Act 2005 be delegated as set out in Appendix 1 of the report of the Head of Environmental Health and Trading Standards.

95. STATEMENT OF PRINCIPLES IN RESPECT OF FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS: SCHEDULE 10, PARAGRAPH 7 - GAMBLING ACT 2005.

The Licensing Officer presented a report for the Committee to consider whether it wished to issue a Statement of Principles in respect of Family Entertainment Centres. He said that Section 247 of The Gambling Act 2005 made provision for Licensing Authorities to grant permits in respect of Family Entertainment Centres for Gaming Machines which fell within Category D (machines which had a maximum stake of 10p or 30p when there is a non-monetary prize and with a maximum prize of £5 cash or £8 non-monetary prize). He advised that applicants would be able to apply for a Family Entertainment Centre Gaming Machine Permit which would authorise a premise for an unlimited number of Category D machines, without the

need for a premises licence. However if the premise held a premises licence, they would be permitted to have any number of Category C and D machines, subject to them comply with any conditions under the act in respect of Category C machines. (Category C Machines were defined as having a maximum stake of 50p and a maximum prize of £25.) The Licensing Officer presented the Committee with a proposed Statement of Principles in respect of Family Entertainment Centres and explained the options that were available to the Council.

Having discussed the alternative proposals put forward by the Licensing Officer, the Committee decided to adopt the Statement of Principles.

RESOLVED

that the Statement of Principles set out the report of the Head of Environmental Health and Trading Standards in respect of Family Entertainment Centre Gaming Machine Permits be adopted and issued.

96. STATEMENT OF PRINCIPLES IN RESPECT OF PRIZE GAMING PERMITS: SCHEDULE 14, PARAGRAPH 8 - GAMBLING ACT 2005.

A report was presented by the Licensing Officer for the Committee to consider whether it wished to issue a Statement of Principles in respect of Prize Gaming Permits. He advised that the Gambling Act 2005 Section 289 allowed a Licensing Authority to grant permits in respect of Prize Gaming Permits. He explained the main points of the legislation, what it related to, how it could be dealt with locally and the options that were available to the Council. The Committee decided to approve the Statement of Principles

RESOLVED

that the Statement of Principles set out in the report of the Head of Environmental Health and Trading Standards in respect of Prize Gaming Permits be adopted and issued.

97. DELEGATION OF SMALL LOTTERIES REGISTRATION SCHEDULE 11, PART 5 - GAMBLING ACT 2005.

The Licensing Officer presented a report for the Committee to consider whether it wished to delegate its function under Schedule 11, Part 5, Paragraph 44 of the Gambling Act 2005 in respect of Small Society Lotteries. He explained the main points of the legislation, what it related to, how it could be dealt with and the options that were available to the Council.

Having considered the alternatives, the Committee decided to delegate certain functions to the Officers.

RESOLVED

that the functions under Schedule 11, Part 5, Paragraph 44 of the Gambling Act 2005 in respect of Small Society Lotteries be delegated to authorised Licensing Officers unless representations are received, in which case the matter will be referred to the Licensing Sub-Committee for a decision.

98. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR CONDITIONS. IMPLEMENTATION OF A TAXI LICENSING POLICY AND PENALTY POINT SCHEME. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847

The Licensing Officer presented a report about proposed revised licence conditions, a proposed penalty point scheme and a policy for hackney carriage and private hire licences. She said that the last review had taken place in 2004 as part of a rolling programme of licensing and also as requested by the taxi trade. She outlined the consultations that had taken place and said that proposals had been based on operational experience during past years, legislation, Government advice, best practice and the views from the trade. All appropriate licence holders had been consulted along with the local Taxi Association Steering Group. An advert had been placed in the Hereford Times inviting comments and all Members of the Council were consulted. She read out a letter that had been received from the Steering Group requesting that only self-adhesive door signs be permitted instead of the magnetic ones.

Having considered the options available, the Committee decided that the proposals as suggested should be accepted for a trial period.

RESOLVED

that the proposed new hackney carriage, private hire licence conditions penalty point scheme and policy set out in the report of the Head of Environmental Health and Trading Standards be adopted for a trial period of six months with condition 8.1(b) in respect of vehicle door signs being amended to permit self adhesive ones only.

99. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for hearing appeals to ensure that the laws of natural justice were followed to give a fair hearing for applicants and to the Licensing Officers.

100. VEHICLE CONDITIONS ATTACHED TO A SPECIALIST HACKNEY CARRIAGE VEHICLE (PEDI CAB) TOWN POLICE CLAUSES ACT 1847 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer presented a report about proposed licensing conditions to be attached to a specialist Hackney Carriage Vehicle in respect of two Pedit Cabs which were cycles which did not have an engine and were powered entirely by the rider. She presented standard conditions for licensed vehicles and drivers which had been adapted and added to, to take account of the specialist nature of the vehicles. She said that other Local Authorities which licence this type of vehicle had been consulted and their conditions had been used as a 'bench marking tool' to compose these draft conditions. She advised that consultation had taken place with the police and the Council's highways Environmental Health and Safety departments.

Mr W Vaughan, one of the applicants gave a presentation to the Committee to give details about the pedit cabs, where and how they would be operated and the financial arrangements involved. He answered a number of questions from the Committee.

Having considered the details of the application, the Committee decided that it should be approved together with the proposed conditions, subject to the deletion of condition No. 2 which restricted the route.

RESOLVED

that the application for two pedi cabs be approved for a trial period of twelve months and that the proposed conditions for pedi cabs to be licensed as Hackney Carriages set out in the report of the Head of Environmental Health and Trading Standards be adopted.

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

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.
These items disclose information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.

101. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Committee considered the application set out in Agenda Item 14 and at the request of the applicant's Solicitor, agreed to defer consideration to enable the applicant to undertake a further medical examination.

102. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 15 and provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to him receiving a police caution, his character since then and the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence should be granted, subject to him first fulfilling the requirements of the licensing conditions.

103. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 16 and provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The Committee decided to take into consideration the applicant's spent and unspent convictions. The applicant provided the Committee with details of the circumstances which had given rise to his conviction, his character since then and the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that he was not a fit and proper person under the

meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence should not be granted.

104. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 17 and provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The Committee decided to take into consideration the applicant's spent and unspent convictions. The applicant provided the Committee with details of the circumstances which had given rise to his conviction, his character since then and the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence should be granted.

105. ADDITIONAL MEETING
10th April, 2007

The meeting ended at 4.05 p.m.

CHAIRMAN