

REPORT OF THE REGULATORY COMMITTEE

Meetings Held on 20th March, 2007 and 10th April, 2007

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 – APPLICATIONS FOR PUBLIC PATH DIVERSION ORDERS

1. The Committee has determined 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 MM3 (part) Much Marcle – approved and;
 - (b) Footpath FD4 (part) Ford - approved.

CASINO PREMISES LICENSES – SECTION 166, GAMBLING ACT 2005

2. The Department of Culture Media and Sport (DCMS) has been informed that the Council did not wish to be considered as a location for one of the 17 casinos proposed in England. Although the DCMS had recently announced the location of the casinos and that no further licences could be issued at present, there is a possibility that the number could be increased in the future. Having considered the options available to it, the Committee has decided that it does not wish to consider any applications for casino premises licenses at the present time but that it will review the situation after a three-year period has elapsed.

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

3. The Committee has decided that the Council's responsibilities under Section 152 of the Gambling Act 2005 will be delegated to officers to deal with. These relate to the grant, variation, transfer or review of certain uncontentious licenses which do not need to be referred to the Committee or to the Regulatory Sub-Committee for determination.

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

4. Section 247 of the Gambling Act 2005 makes provision for Licensing Authorities to grant permits in respect of Family Entertainment Centres for Gaming Machines which fall within Category D (machines which have 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). The Committee has adopted a Statement of Principles in respect of Family Entertainment Centres to provide guidance for those wishing to apply for the appropriate permits and gaming machines.

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

5. Section 289 of the Gambling Act 2005 allows a Licensing Authority to grant permits in respect of Prize Gaming Permits in respect of premises or events where prizes up to a certain value, rather than money, can be won. The Committee has approved a Statement of Principles in respect of Prize Gaming Permits to provide comprehensive advice and guidance for those wishing to apply for such permits.

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

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

**APPLICATION FOR AMUSEMENT WITH PRIZES MACHINES PERMITS FOR
MORE THAN TWO MACHINES – SECTION 34 THE GAMING ACT 1968**

7. The Committee has previously decided that applications for more than two gaming machines must be submitted to it so that the siting and numbers of machines involved can be considered in relation to (i) preventing gambling being a source of crime or disorder; (ii) ensuring that gambling is conducted in a fair and open way; and (iii) protecting children and the vulnerable from being harmed or exploited by gambling. The following applications have been determined which fulfil the required criteria:-
 - (a) The Grandstand, Grandstand Road Hereford – 3 machines; and
 - (b) The Mail Rooms, Ross-on-Wye – 4 machines.

**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**

8. A comprehensive review of Council's hackney carriage and private hire licensing conditions has been carried out in consultation with Members, the trade, the Police and interested parties. The review has taken into consideration the representations received, the operational experience gained since the unified licensing arrangements came into effect in 2000, legislation, Government advice, best practice and the views from the trade. The Committee has decided to introduce the revised licensing conditions, penalty point scheme and associated policy for a trial period of six months

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

9. The Committee has approved licence conditions and granted hackney carriage vehicle licences for two pedi cabs for a trial period of twelve months. The pedi cabs are tricycles able to carry a small number of passengers. They do not have an engine and are powered entirely by a rider. They will operate within certain parts of Hereford City and be largely financed by advertising with passengers able to make a

donation if they so wish. The Committee is delighted at the prospect of this innovative and eco-friendly system being operated in Hereford.

REVIEW OF LICENSING FEES

10. The Committee has carried out a comprehensive review of licensing fees for the functions dealt with by the Environmental Health and Trading Standards Department and introduced new fees for the forthcoming year.

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

11. Five 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. Four applications were granted and one was refused because the applicant was not considered to be a fit and proper person.

ARRANGEMENTS FOR DEALING WITH LICENSING APPLICATIONS

12. Arrangements need to be put in place for the Regulatory Sub-Committee to determine applications between the forthcoming elections and the time that the new committees are appointed. The Licensing Act 2003 requires the Regulatory Sub-Committee to hear any application that cannot be agreed within 20 working days after the 28-day consultation period has closed. The Act does not provide the Council with any variation to these time limits. The Committee therefore recommends that its Members who are re-elected on 3rd May, 2007 be authorised to deal with the matter during the interim period.

RECOMMENDED

that the current Regulatory Committee Members who are re-elected, be made available to hear Regulatory Sub-Committee hearings during the period between the May 2007 elections and the point when the Annual Council appoints Members to Committees.

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

BACKGROUND PAPERS

- Agenda papers from the meetings of the Regulatory Committee held on 20th March, 2007; and 10th April, 2007.