

**MINUTES of the meeting of Regulatory Committee held at :
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 31st July, 2007 at 2.00 p.m.**

Present: Councillor P Jones CBE (Chairman)
Councillor JW Hope MBE (Vice Chairman)

Councillors: CM Bartrum, DJ Benjamin, ME Cooper, PGH Cutter,
JHR Goodwin, R Mills, A Seldon and DC Taylor

In attendance: Councillors TM James

26. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs SPA Daniels.

27. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present.

28. DECLARATIONS OF INTEREST

There were no declarations made at the meeting

29. MINUTES

RESOLVED: That the Minutes of the meetings held on 3rd and 11th July, 2007 be approved as a correct record and signed by the Chairman.

30. ALCOHOL CONSUMPTION IN PUBLIC PLACES - DESIGNATION OF PUBLIC PLACES IN HEREFORD

The Environmental Health Manager (Commercial) presented a report about the proposed designation of certain public places in Kington to control anti social drinking. He said that the Committee had previously decided to introduce an Order in a number of locations in the County but had decided to defer a decision about Kington pending further consultation. He provided the Committee with the results of those consultations.

Inspector P Wilson explained the incidents that had been dealt with by the Police in Kington relating to anti-social drinking and that the making of an Order would greatly assist in helping to take preventative measures. This would enable a better use of Police time and resources and help to remove the problem, as had been the case in other locations within the County where such Orders had been introduced. He said that the Police would have the power to require a person not to drink alcohol in a designated place and to surrender any alcohol. In answer to a question from Councillor J Goodwin he advised that was not an offence to drink alcohol in a designated public place, but failure to comply with an officer's requirements in respect of public drinking or surrender of alcohol, without reasonable excuse, was an arrestable offence.

The Committee discussed the proposals for Kington and Councillor James the Local

Ward Member said that there was considerable opposition from local organisations and the public. It was felt there that there was not a problem of anti-social drinking in public places in Kington and that an Order would have an adverse affect on community and social events. The local football club was particularly concerned about the Order extending to their ground and had felt that it would be inappropriate given that the ground was an enclosed and secure area. He was also concerned that signage in support the Order could give tourists the wrong impression of the Town and also have an adverse visual impact upon it. the Environmental Health Manager (Commercial) said that such concerns had been addressed in other towns where care had been taken about the location and number of signs.

The Committee discussed the proposals and considered the representations that had been made. On balance it was felt that approval should be given because of the prevention of anti social drinking and associated behaviour but that the matter should be reviewed after 12 months

RESOLVED

- THAT**
- (i) an Order be made designating those areas detailed in Appendix 1 of the report of the Head of Environmental Health and Trading Standards in Kington as public places for the purposes of section 13 of the Criminal Justice and Police Act 2001; and**
 - (ii) the matter be reviewed after 12 months from the date of the Order being made.**

31. HIGHWAYS ACT 1980 SECTION 119 PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH LH19 (PART) IN THE PARISH OF LITTLE HEREFORD

The Rights of Way Manager presented a report about an application by the Council for a Public Path Diversion Order to divert part of Footpath LH19, Little Hereford, under Section 119 of the Highways Act 1980. He advised that the Council's Public Rights of Way department had made the application because a footbridge crossing had become unsafe due to riverbank erosion. The diversion would avoid the need to replace the bridge and costly maintenance work; was felt to be in the public interest; and the landowner had given consent to the proposal. He advised that no objections had been received and that the Byways and Bridleways Trust was in support of the diversion. The Ramblers' Association had expressed concern about the possibility of future erosion but arrangements would be made for the new path to have sufficient width to cater for this. He also advised that the Local Ward Member was in favour of the proposal.

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 part of Footpath LH19, Little Hereford as illustrated on drawing number: D363/236-19(i)

32. HIGHWAYS ACT 1980 SECTION 119 PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CD9 (PART) IN THE PARISH OF CRADLEY

The Rights of Way Manager said that negotiations were continuing in respect of the proposed diversion and asked for consideration of the application to be deferred for the time being.

RESOLVED: that consideration of the report be deferred until negotiations had been concluded to the satisfaction of the Rights of Way Manager.

33. 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.

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are considered.

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 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.

34. TO CONSIDER AN APPEAL AGAINST A DECISION OF THE STREET TRADING PANEL

The Trading Standards Manager referred to agenda item No. 9 and provided the Committee with details about an appeal that had been received from a licensed street trader following a decision by the Street Trading Panel refusing permission for him to sell certain products. He outlined the remit of the Panel under the provisions of the Local Government (Miscellaneous Provisions) Act 1982, relating to street trading. He advised that the Panel met approximately every six weeks and was comprised of representatives from Trading Standards, Environmental Health, Highways and Transportation, Licensing, Economic Development, Markets and Fairs, and Legal Services. The Hereford City Manager also attended in an ex-officio capacity. A policy was in place for the administration and enforcement of street trading which was a non-profit making service within Herefordshire and applications to the Panel were considered on their individual merits, taking into account a variety of factors including:

- existing trader/product supply in the vicinity
- precedents already set by the Panel; and
- suitability of proposed stall/unit/product range

He said that the application had been refused by the Panel due to there already being sufficient outlets of the products in the locality and also that the use of a proposed vending machine was not considered to be appropriate in High Town. The Panel had already refused permission previously for another street trader to sell the product range in question.

The appellant provided the Committee with details of the circumstances which had given rise to the application, described the products he wished to sell and said that he did not feel that there would be any trading disadvantages caused to other traders in doing so.

Having given detailed consideration to all of the facts put forward by the Trading Standards Manager and the applicant, the Committee decided that the appeal should be upheld and that the applicant be granted a consent to sell the products he had requested. The Committee also requested that the Trading Standards Manager provide them with a briefing about Street Trading in general at a future meeting.

35. ISSUE REGARDING AN EXISTING HACKNEY CARRIAGE/PRIVATE HIRE DRIVER.

The Licensing Officer referred to agenda item No. 10 and provided the Committee with the circumstances which had given rise to the suspension of a dual Hackney Carriage/Private Hire driver's licence. The applicant provided the Committee with details of the circumstances which had given rise to him receiving a conviction and the reasons why he felt that he should be allowed to continue to hold the licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the suspension should remain in force but that it could be reviewed either at the first scheduled meeting after the conviction became spent, or the first scheduled meeting after the applicant had obtained information from the Criminal Records Bureau which would satisfy the Committee.

36. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE.

The Committee decided to defer consideration of the application set out in Agenda item No 11 in view of the fact that the applicant was not present at the meeting.

37. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE.

The Licensing Officer referred to agenda item No. 12 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence to be referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to him receiving a conviction and the reasons why he felt that he should be granted the licence.

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

38. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE.

The Licensing Officer referred to agenda item No. 13 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence to be referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to him receiving a conviction and the reasons why he felt that he should be

granted the licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he should not be granted a dual driver's licence.

The meeting ended at 4.30 p.m.

CHAIRMAN

