

REPORT OF THE REGULATORY COMMITTEE

Meetings Held on 31st July, 2007; 28th August and 23rd October, 2007

Membership:

Councillors: P. Jones CBE (Chairman), J.W. Hope MBE (Vice-Chairman) C.M. Bartrum, D.J Benjamin, M.E. Cooper, P.G.H. Cutter, Mrs. S.P.A. Daniels, J.H.R. Goodwin, R. Mills, A. Seldon, D.C. Taylor.

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

1. The Criminal Justice and Police Act 2001 makes it easier for the Police to arrest those engaged in anti-social drinking in places which have been designated by Local Authorities. The powers offered by the Act have proved to be particularly effective in Town Centres and the Council has designated areas in Hereford City and the market towns, as well as the village of Madley. After a lengthy consultation period, the Committee has also recently decided to designate the central area of Kington for such purposes.

HIGHWAYS ACT 1980 SECTION 119 – APPLICATIONS FOR PUBLIC PATH DIVERSION ORDERS

2. 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 LH19 (part) Little Hereford – approved and;
 - (b) Footpath CD9 (part) Cradley - approved.

APPLICATION FOR AN AMUSEMENT WITH PRIZES MACHINES PERMIT FOR OVER TWO MACHINES – SECTION 34 THE GAMING ACT 1968

3. The Committee has a policy 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. A permit for four machines has been granted in respect of The Litten Tree, Commercial Road, Hereford.

APPEAL IN RESPECT OF A DECISION BY THE STREET TRADING PANEL

4. The Council's Street Trading Panel is 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 has been set in place for the administration and enforcement of street trading which was a non-profit making service within Herefordshire and applications to the Panel are 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

5. An application from a vendor in High Town Hereford to sell certain products 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 there. The Panel had already refused permission previously for another street trader to sell the product range in question. The applicant submitted an appeal to the Committee about the decision. 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.
5. 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.

INCREASE IN HACKNEY CARRIAGE FARES 2007/2008 - THE TOWN POLICE CLAUSES ACT 1847 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

6. The Committee has considered proposals to increase the hackney carriage fares for Herefordshire as part of its annual review. The proposals have been published in the local press with a two-week period of consultation with a view to implementing the new scale of charges on 5th November, 2007. The proposals are based on consideration of the annual inflation indices and submissions from the Herefordshire Hackney Carriage and Private Hire Association.

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

7. Seven applications for the reinstatement, renewal or grant of Hackney Carriage/Private Hire driver's 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. The applications were dealt with as follows:
 - (a) one licence licence was reinstated because the Committee was satisfied that evidence had been given that the applicant is a fit and proper person to be licensed;
 - (b) two applications were refused because the applicants were not considered to be fit and proper persons to be granted licences;
 - (c) three applications were granted because the Committee was satisfied that evidence had been given that the applicants are fit and proper persons to be licensed; and
 - (d) it was decided that the suspension of one licence should continue because the Committee was not satisfied that evidence had been given that the applicant is a fit and proper person to be licensed.

**P. JONES CBE
CHAIRMAN
REGULATORY COMMITTEE**