

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 29th January, 2008 at 2.00 p.m.**

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

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

In attendance: Councillors

80. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors CM Bartrum, ME Cooper and Mrs SPA Daniels

81. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

82. DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

83. MINUTES

RESOLVED: That the Minutes of the meeting held on 18 December, 2007 be approved as a correct record and signed by the Chairman

84. REVIEW OF THE LICENSING POLICY AND CUMULATIVE IMPACT POLICY FOR COMMERCIAL ROAD AREA OF HEREFORD CITY - LICENSING ACT 2003 AND GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

The Licensing Manager said that a requirement of the Licensing Act 2003 was that Local Authorities were obliged to review their Licensing Policies every three years. She said that she had undertaken a comprehensive review of the Licensing Policy, and the Cumulative Impact Policy for the Commercial Road area of Hereford which were introduced in early 2005. She advised that the Policies related to the control of public entertainment, alcohol sales and consumption, and prevention of associated anti-social behaviour in designated areas. Section 4 of the Act 2003 required Local Licensing Authorities to promoting the following licensing objectives:-

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance
- d) the protection of children from harm.

The Licensing Manager said that extensive consultation has been carried out with the police, relevant bodies and interested parties and she provided the Committee with details of the responses which had been received. The Police and appropriate organisations were of the view that the cumulative impact Policy for the Commercial Road area of Hereford had proved to be a great success and that it should continue to be in place. It was aimed at regulating the effect that all the licensed and public entertainment premises have on crime and disorder in a concentrated area. It provided a way of controlling the cumulative effect that a number of licensed premises had on one area, rather than dealing with premises on an individual basis in isolation from each other. The Licensing Manager advised that the Council was part of the Herefordshire Joint Tasking Group, which involved departments of the Council and other partner agencies who worked with the police to reduce crime and disorder in the County. She suggested that the Council should continue with this role.

The Committee considered all the points put forward by the Licensing Manager and agreed with the proposals. Councillor PGH Cutter asked about a cumulative impact policy for the central area of Ross-on-Wye. The Licensing Manager said that she would take up the matter with the Police in the first instance then refer it to the Herefordshire Joint Tasking Group. It was also agreed that the Licensing Manager provide the Committee with further details about how the policies were being applied and how effective they were, at a forthcoming meeting.

RESOLVED

That it be recommended to Council that the licensing policy and special policy for the Commercial Road area of Hereford as set out in Appendix A in the report of the Head of Environmental Health and Trading Standards, be adopted in respect of the period 2008 – 2011 and that it will also include provision for the Herefordshire Joint Tasking Group on licensing.

85. SETTING OF FEES IN RESPECT OF TEMPORARY USE NOTICES IN ACCORDANCE WITH REGULATION 7 – THE GAMBLING ACT 2005 (TEMPORARY USE NOTICES) REGULATIONS 2007

The Committee has considered a report about fees to be charged for Temporary Use Notices (TUNS) under Part 9 of the Gambling Act 2005. Section 212 of the Act has provision for the Local Licensing Authorities set its own fees subject to them not exceeding the maximum set by the Government at £500. At its meeting on 25th May 2007 Council delegated this function to the Regulatory Committee to deal with. The regulations about TUNS came into force on 1 December 2007 and a TUN may only be granted to a person or company holding an operating licence for gambling which has been granted by the Gambling Commission. The Notices allow the use of premises for gambling, where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. The same premises cannot be subject to a TUN for more than 21 days in any 12 month period, but may have more than one TUN in that period provided the 21 days is not exceeded. The Committee has decided to set the fee at £500 initially, on the understanding that it will be reviewed in twelve months time when data will be available enable a review of the costs and fees. This is in line with the approach being used by other Local Licensing Authorities.

86. 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.

87. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE MATTERS REGARDING A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Manager referred to agenda item No. 8 and provided the Committee with the circumstances which had given rise to the need for an incident regarding the holder of a dual Hackney Carriage/Private Hire driver to be licence to be referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to him being investigated by the Police and the Licensing Manager gave her views on the matter.

Having considered all of the facts put forward by the Licensing Manager 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 permitted to continue as a licensed driver but that the matter would be reviewed if the Police decided to charge him for an offence.

88. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE MATTERS REGARDING A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Manager referred to agenda item No. 9 and provided the Committee with the circumstances which had given rise to the need for an incident regarding the holder of a dual Hackney Carriage/Private Hire driver to be licence to be referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to him being investigated by the Police and the Licensing Manager gave her views on the matter.

Having considered all of the facts put forward by the Licensing Manager 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 permitted to continue as a licensed driver but that the matter would be reviewed if the Police decided to charge him for an offence.

89. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Manager referred to agenda item No. 10 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 being 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 allowed to become a licence holder.

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 licence.

90. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Manager referred to agenda item No. 11 and provided the Committee with the circumstances which had given rise to the need for an application for the renewal of 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 his licence should be renewed.

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 his licence should be renewed.

The meeting ended at 3.55 p.m.

CHAIRMAN