

REPORT OF THE REGULATORY COMMITTEE

Meeting Held on 29th July and 14th October, 2003

Membership:

Councillors: R.I. Matthews (Chairman), Brig. P. Jones CBE (Vice-Chairman) Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope, T.W. Hunt, G. Lucas, J.W. Newman, R. Preece, D.C. Taylor, P.G. Turpin.

THE LICENSING ACT 2003

1. A draft licensing policy has been prepared in respect of the transfer of liquor and other such licensing from the Magistrates Court to the Council with effect from 1 April 2004. The views of the Partner Authorities (Hereford & Worcester Combined Fire Authority and West Mercia Constabulary) have been received and further discussions will be held with the two authorities about the procedural arrangements. The next stage will be for the views of interested parties to be sought. A series of training events have been arranged for the Committee and Officers to take place early in 2004.

OCCASIONAL PUBLIC ENTERTAINMENTS LICENCE – APPLICATION TO EXTEND THE OPENING HOURS BEYOND THOSE WITHIN COUNCIL POLICY - HEREFORDSHIRE YOUNG FARMERS' CHAIRMAN'S BALL ON FRIDAY 6TH SEPTEMBER 2003 - MARQUEE AT GILLOW FARM, HAREWOOD END, HEREFORD - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

2. The Committee heard an appeal from the Hereford Young Farmers' Association for an Occasional Public Entertainment Licence with a finishing time later than that of 0100 hours which is set out in the Council's Licensing Policies. The application was for their Chairman's Ball on 6 September 2003 between 9.00pm and 2.00am at Gillow Farm, Harewood End, Hereford
3. The applicant was given the opportunity to present his case, as were officers of the Environmental Health and Trading Standards Department and the West Mercia Constabulary. The views of the Fire Authority were considered together with the fact that the finishing time of not later than 0100 hours is in place to protect the local community and individuals from disturbance by night-time events that will be held within the County. The Committee was also mindful of the implications of the Crime and Disorder Act 1998.
4. Having considered all the facts in relation to the application the Committee was mindful of the Council's policies but took the view that the applicant had given satisfactory evidence to suggest that the event would be well supervised in a responsible manner. Similar events had been held in previous years and there had been no complaints from the public, West Mercia Constabulary or from the Head of Environmental Health and Trading Standards. It was therefore decided that the application should be granted.

ANNUAL PUBLIC ENTERTAINMENTS LICENCE – APPLICATION TO EXTEND THE OPENING HOURS BEYOND THOSE WITHIN COUNCIL POLICY - KING CHARLES II, 13 BROAD STREET, ROSS ON WYE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

5. The Committee considered an application for an Annual Public Entertainments Licence requesting a finishing time of later than that which is set out in the Council's licensing policies. The application had been deferred at the meeting held on 29 July to enable the views of local residents to be obtained on the application, which is for the hours of opening to be increased to 1am on Thursdays, Fridays and Saturdays and 12.30 am on Sundays. Local residents have been written to and an advert placed in the local press. Noise monitoring has been undertaken by the Environment Health Officer and although there are no problems within the premises, she has concerns about the possible noise nuisance which could arise from clients leaving the premises if the hours of opening are increased as requested.
6. The applicants were given the opportunity to present their case and they provided the Committee with details of the work that has been carried out to minimize any noise nuisance. Comments were also considered from the West Mercia Constabulary and the Hereford and Worcester Combined Fire Authority. The Committee was also mindful of the implications of the Crime and Disorder Act 1998 and the fact that the finishing time set out in the Council's policies were in place to protect the local community and individuals from disturbance by night time events within the County.
7. Whilst acknowledging that the premises were very well run and that the applicants had gone to great lengths to ensure that noise and nuisance was minimized, the Committee decided that the applicants had no control over their clientele once they had left the premises. The Committee was concerned that possible disturbance could be caused for local residents in the early hours of the weekend and, therefore decided to refuse the application.

REVISED POLICY FOR VARIATIONS OF PUBLIC ENTERTAINMENT LICENCES

8. The Environmental Health and Trading Standards Department has been receiving an increase in the number of applications for the variation of Public Entertainments Licences in advance of the new regime for dealing with liquor and related licences which comes into force on 1 April 2003. The applications are for extensions to the licensing hours beyond those set out in the Council's policies and the fee of £120 is not sufficient to cover advertising in the local press. The Committee decided that applicants should therefore be required to pay for an advert in the local press when applying for a variation of a Public Entertainments Licence.

REPORT ON MOTOR SALVAGE OPERATORS - THE VEHICLE (CRIMES) ACT 2001 & THE MOTOR SALVAGE OPERATORS REGULATIONS 2002

9. The Council has new registration responsibilities under the provisions of the Vehicle (Crimes) Act 2001 and the Motor Salvage Operators Regulations 2002, to make provision for the registration of motor salvage operators. These have implications for the Council in relation to resources and enforcement and the Committee agreed that the following should be put in place:
 - (a) a registration fee of £70;
 - (b) that there shall be no charge for inspection or making copies of the public register;
 - (c) the fee for making a certified copy of the register be £15; and

(d) the above fees shall be subject to periodic revision at the same time as all other fees.

The Committee recommends to Council that the Constitution (Delegated Powers of the Director of Environment) be amended by adding:-

“The Director of the Environment and officers authored by him no lower than the position of Trading Standards Manager to act on behalf of the Council in relation to its functions and responsibilities for registering motor salvage operators including being the person appointed by the Council to hear oral representations, concerning the proposed refusal, refusal to renew or cancellation of a registration.”

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

BACKGROUND PAPERS

- Agenda papers from the meetings of the Regulatory Committee held on 29th July and 14th October, 2003.