

**MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 1 February 2011 at 2.00 pm**

**Present:** Councillor JW Hope MBE (Chairman)  
Councillor PGH Cutter (Vice Chairman)

Councillors: CM Bartrum, SPA Daniels, JHR Goodwin, RC Hunt, PJ McCaull and A Seldon

**112. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted by Councillors PGH Cutter, Brigadier P Jones and GA Powell.

**113. NAMED SUBSTITUTES (IF ANY)**

There were no named substitutes present at the meeting.

**114. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting

**115. MINUTES**

**RESOLVED:** That the Minutes of the meetings held on 4th and 11th January, 2011 be approved as a correct record and signed by the Chairman.

**116. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH DO11 (PART) IN THE PARISH OF DORSTONE**

The Parks, Countryside and Leisure Development Manager presented a report about an application for a Diversion Order under the provisions of Section 119 of the Highways Act 1980 in respect of part of footpath DO11 in the parish of Dorstone. The route of the footpath ran through the building of Primrose Hill and the owners had applied to divert it over a neighbour's land. The neighbour was agreeable to the proposals and the applicant had altered the route following comments received to preliminary consultations. There were no objections to the revised proposals and the applicant had agreed to meet the costs involved. The proposal has been agreed by the various user groups, the parish council and the Local Ward Member and met the criteria which were set out in Section 119 of the Highways Act 1980.

The Committee agreed to the proposals put forward by the Parks, Countryside and Leisure Development Manager.

**RESOLVED THAT**

**a Public Path Diversion Order be made under Section 119 of the Highways Act in respect of part of Footpath DO11 at Dorstone, as illustrated on drawing number D364/119-11.**

**117. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH WA55B (PART) IN THE PARISH OF WALFORD**

A report was presented by the Parks, Countryside and Leisure Development Manager about an application for a Diversion Order under the provisions of Section 119 of the Highways Act 1980 in respect of part of footpath WA55B in the parish of Walford. The route of the footpath was obstructed by a garage and ran through the garden of the applicant's property. He had applied to divert it around the boundary of the property. The adjoining landowners were agreeable to the proposals and no objections had been raised by the various user groups, the parish council or the Local Ward Member. The applicant had agreed to meet the costs involved and the proposals fulfilled the criteria which were set out in Section 119 of the Highways Act 1980.

The Committee agreed to the proposals put forward by the Parks, Countryside and Leisure Development Manager.

**RESOLVED THAT**

**a Public Path Diversion Order be made under Section 119 of the Highways Act in respect of part of Footpath WA55B at Walford, as illustrated on drawing number D388/395B.**

**118. REVIEW OF THE LICENSING POLICY AND CUMULATIVE IMPACT POLICY - LICENSING ACT 2003**

A report was presented by the Licensing Officer regarding a review of the Council's licensing policy and its cumulative impact policy. The Committee had given preliminary consideration to the two policies at its meeting on 4th January 2011 and had decided that a Member Workshop should be held to go into the proposals in more detail. The Committee had also asked for the consultation period to be extended until 20th January to allow town and parish councils more time to respond. This had been undertaken and the amendments proposed at the workshop which had been held on 18th January were set out at Appendix C to the report.

The Committee considered the revised proposals. Councillor J Seldon felt that it would be useful if information could be provided about individual premises and it was agreed that paragraph 24.4 of the policy should be altered to reflect this, within the parameters of the Freedom of Information and Data Protection Acts which govern what information could be disclosed. Councillor Seldon also asked if information about the premises could be included on the Council's website. The Regulatory services Manager said that he could put 'signposts' on the website which would enable those wishing to find information about individual premises to contact the licensing section direct. The Committee was in favour of the Licensing Policy and the cumulative Impact Policy being adopted. It was noted however that a further review might be necessary during forthcoming months due to pending changes to the legislation regarding licensed premises.

**RESOLVED THAT:**

**(a) Paragraph 24.4 - Requests for Information be amended to read:**

**The Licensing Authority will provide information contained within Part A of the Premises Licence, whenever reasonably requested to do so. However it is under no duty to reveal any such details as would be excluded in a response to a request made under the Freedom of Information Act;**

**(b) it be recommended to Council that Licensing Policy and the Cumulative Impact Policy, Licensing Act 2003, be adopted, subject to any such review as may be subsequently required.**

**119. CHANGES TO THE CONSTITUTION FOR REGULATORY COMMITTEE**

The Committee Manager presented a report about the Changes that had been made to the Constitution regarding the Regulatory Committee and suggesting the delegation of certain functions to the Regulatory Sub-Committee. At its meeting on 19th November, 2010 Council had approved changes to the Constitution which were due to take effect from 1st February, subject to consultation first being undertaken with key stakeholders. This had involved the Committee and officers from the legal team together with those concerned with safeguarding, licensing and footpath diversions. Another part of the process was the creation officer review panel to deal with certain taxi licensing matters.

Applications for taxi driver licences and school contract driver were subject to different legislation. The officer panel would help the Council to fulfil its safeguarding responsibilities by introducing consistency in between the two service areas regarding the granting of driver licences. It was also proposed that the Regulatory Sub-Committee, in addition to its existing duties, would hear appeals arising from the refusal of taxi driver applications and panel recommendations for the revocation of existing licences. There was also the matter of those footpath/bridleway diversion matters which fell within the remit of the Regulatory Committee. There was a possibility that the straightforward ones without major issues to be resolved should be dealt with by the Officers. Those with major issues could be submitted to the Sub-Committee for consideration. The Parks, Countryside and Leisure Development Manager said that before that happened, there was a need for the Committee to be provided with further information about the different categories of diversions at a future meeting so that it could further consider the issues involved.

The Committee noted the changes which had been made to the Constitution and agreed with the proposals for the Sub-Committee to deal with certain licensing and footpath diversion matters. It was felt that it would give greater flexibility by removing the need for the Committee to deal with relatively routine matters and free it up for the more strategic matters, policy issues and the performance of the departments involved with regulatory matters. The Regulatory services Manager outlined the work of the different departments who were involved in those matters, and the area of reporting he envisaged submitting to the Committee.

**RESOLVED THAT:**

- (a) the changes to the Constitution regarding the Regulatory Committee be noted; and**
- (b) the responsibility for hearing appeals, revocation of licences and applications for those footpath diversions which fall within the remit**

of the Regulatory Committee, be delegated to the Regulatory Sub-Committee.

**120. PROCEDURAL ARRANGEMENTS**

The Committee noted the procedural arrangements for the meeting.

**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 involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act**

**121. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - TO DETERMINE A MATTER ABOUT THE HOLDER OF A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Regulatory Services Manager referred to agenda item No. 11 regarding the holder of a dual hackney carriage/private hire licence who had been temporarily disqualified from driving by the Magistrates Court following a speeding offence. The matter had been considered by the Committee at its meeting on 7th December when it had been decided that it should be held in abeyance until the suspension ended. This had recently taken place and the licence holder provided the Committee with his reinstated licence. The Committee decided that his hackney carriage/private hire licence could be reinstated but warned him about his future conduct. The Chairman commended him for his honesty in notifying the licensing section about his driving ban.

**RESOLVED:**

**That the licence holder remains a fit and proper person and that he can continue to hold a dual driver's licence.**

The meeting ended at 2.45 pm

**CHAIRMAN**