

## **REPORT OF THE REGULATORY COMMITTEE**

### **Meetings Held on 30th November and 14th December, 2004**

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#### **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. The preparations for the transfer of liquor and other licences from the Magistrates' Court to the Council are continuing. The licensing policies have been approved by the Committee following consultation with the police, fire authority, licensing trade and other interested parties. The proposals had been presented at Local Area Forums, to Town and Parish Councils, to the holders of public entertainment licences and also been advertised through press releases and news items on local radio. The new arrangements will come in to force on 7th February 2005 although guidance is still awaited from the Government on a number of aspects including licensing conditions and fees. There is therefore likely to be a transitional period during which the Magistrates' Court will continue to deal with some of the licensing arrangements. A Cumulative Impact Policy has also been approved in respect of the Commercial Road area of Hereford where there are a number of licensed premises concentrated in one area. This has been developed in conjunction with the police to address the potential impact on crime and disorder or public nuisance on the town centre.

#### **ALCOHOL CONSUMPTION IN PUBLIC PLACES DESIGNATION OF PUBLIC PLACES IN HEREFORD**

2. Proposals have been formulated with the police to designate certain areas of Hereford City as public places within the meaning of the Criminal Justice and Police Act 2001 to restrict anti social public drinking therein. There are greater powers available to the Council and the Police (including Community Support Officers) under the provisions of the Act compared to the current bylaws. The Act provides more flexibility and greater powers to deal with offences more swiftly. It has been decided to make an Order to designate a number of streets in the central area of Hereford as public places for the purposes of section 13 of the Criminal Justice and Police Act 2001, and request the Police (directly and through the Community Safety Partnership) to treat applications for liquor licences in designated areas sympathetically and in keeping with the aim of facilitating a vibrant and attractive city centre.

#### **HIGHWAYS ACT 1980, SECTION 119. PUBLIC PATH DIVERSION ORDERS**

3. The following applications have been granted for public path diversion orders to be made under Section 119 of the Highways Act 1980;

Footpath FD4 (part) in the parish of Ford

Footpaths VO33 (part) and VO34 (part) in the parish of Vowchurch

Footpath RC10 (part) in the parish of Richards Castle

Footpath CU23 (part) in the parish of Cusop

**RIDING ESTABLISHMENTS LICENCE CONDITIONS - IMPLEMENTATION OF THE REVISED LICENCE CONDITIONS FOR RIDING ESTABLISHMENTS, RIDING ESTABLISHMENTS ACT 1964**

4. Revised licence conditions have been approved for riding establishments. The licence conditions incorporate guidelines issued by the Royal College of Veterinary Surgeons and the British Veterinary Association, the previous conditions and the best practice of other local authorities. All the riding establishments licence holders in the County have been consulted and some minor amendments made to the conditions as a result. An advert has also been placed in the Hereford Times inviting people to comment on the proposed conditions.

**DETERMINATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

5. Three applications for the renewal of Hackney Carriage/Private Hire drivers licences were referred to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions. The applicants and their representatives gave details of the grounds for their applications for the renewal of their licences and provided the Committee with the circumstances under which they had previously held them. Having considered all the facts put forward by the Licensing Manager, the applicants and their representatives, the Committee decided that the Licensing Manager should be authorised to grant two of the applications because they considered the applicants to be deemed fit and proper persons under the meaning of the Local Government (Miscellaneous Provisions) Act 1976. In the case of the third applicant it was decided that the licences should remain suspended until 1st April, 2005.

**PUBLIC ENTERTAINMENT LICENSING - VARIATION OF CLOSING HOURS OF CHRISTMAS EVE 2004 TO BE EXTENDED TO CHRISTMAS MORNING 2004 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.**

6. The Committee has considered proposals to extend the opening hours for Christmas 2004 from midnight on Christmas Eve to 1:00 a.m. on Christmas morning. The Police and the Fire Brigade have raised no objections having encountered few problems with a 1:00 a.m. finishing time during Christmas 2003. The Police are of the view that a 1:00 a.m. finishing time on Christmas morning for some of the nightclubs would enable a steady dispersal of those attending and help to avoid potential public order problems. In view of there being no objections from the Police, authority was given to the Head of Environmental Health and Trading Standards to permit premises to remain open for the purpose of Public Entertainments Licensing up to 1:00 a.m. on 25th December, 2004.
7. Time Nightclub applied to vary the opening hours of its Public Entertainments Licence to 2.00 a.m. on Christmas Morning 2004. Consideration was given to the Council's policies for licensing which are in place to protect the local community and individuals from disturbance arising from events involving music, singing and dancing. The Fire Authority and the Police had no objection to the application. The finishing time of 2.00 a.m. had been applied for by the proprietors for commercial reasons to enable the differential to be maintained between the nightclub and the finishing time of pubs, which had been increased to 11.45 p.m. on Christmas Eve. The later finishing time also enabled a more gradual dispersal of customers during the evening. Although there were concerns from some Members about the potential noise nuisance to local residents from those leaving the club late at night, the request was granted.

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR  
CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
LICENCE ACT 1976**

8. The conditions for hackney carriage and private hire licences have been reviewed. as part of a rolling programme of licensing and also as requested by the taxi trade, The new licence conditions are a combination of the previous conditions, experience gained since 1998, the best practice of other licensing authorities and recommendations from the trade. All appropriate licence holders have been consulted along with the local Taxi Association Steering Group. An advert was placed in the Hereford Times inviting comments and all Members of the Council were consulted. As a result new licence conditions have been agreed in respect of:
- private hire vehicle operators;
  - dual drivers (private hire and hackney carriage); and
  - private hire and hackney carriage vehicles

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

**BACKGROUND PAPERS**

- Agenda papers from the meetings of the Regulatory Committee held on 30th November and 14th December 2004.