

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Town Hall, St Owen St, Hereford on
Tuesday, 15th February, 2005 at 10.00 a.m.**

Present: Councillor R.I. Matthews (Chairman)
Councillor Brig. P. Jones CBE (Vice Chairman)

Councillors: Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope,
T.W. Hunt, J.W. Newman, R. Preece, D.C. Taylor and P.G. Turpin

In attendance: Councillors (none)

34. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor G Lucas.

35. NAMED SUBSTITUTES (IF ANY)

There were no substitutions made.

36. DECLARATIONS OF INTEREST

There were no declarations of interest made

37. MINUTES

RESOLVED: That the Minutes of the meeting held on 14 December 2004 be approved as a correct record and signed by the Chairman

38. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements to hear licence applications.

**39. APPLICATION FOR PUBLIC ENTERTAINMENTS LICENCE - RADNOR AND
WEST HEREFORDSHIRE HUNT BALL - LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982**

Consideration was given to a report in respect of an application from Radnor and West Herefordshire Hunt for an Occasional Public Entertainment Licence with a finishing time of later than 0100 hours, which was set out in the Council's policies. The Principle Trading Standards Officer provided the Committee with details of the Council's policies for granting Public Entertainment Licences and said that the finishing time of not later than 0100 hours was in place to protect the local community and individuals from disturbance by events involving music, singing and dancing. She also advised that the Committee would need to have regard to the implications of any decisions it made which would relate to the provision of the Crime and Disorder Act 1998. She added that the Fire Authority and the Police had no objections to the application and that the Area Environmental Health Manager had also raised none, subject to certain conditions being imposed on the licence if the application was approved.

Mrs Gardner presented the application by Radnor and West Herefordshire Hunt for a

finishing time of 2:00 am in respect of the Hunt Ball to be held on Saturday 19th February, 2005 in a Marquee at The Old Cinema Shobdon. She said that the event had been held at various venues within the County during previous years and that no problems had been encountered. She explained the steps that would be put in place to minimise noise and disturbance and outlined the arrangements for car parking and security, and the likely number of those who would be attending.

At the conclusion of the application Mrs Gardner and the Officers withdrew from the meeting whilst consideration was given to the application. Having considered all the facts in relation to the application, the Committee whilst mindful of the Council's policies took the view that Mrs Gardner had given satisfactory evidence to suggest that the event would be well supervised in a responsible manner. The Committee decided that the extension of hours should be granted, but only because of the exceptional circumstances involved. There were some concerns about the short timescale involved to determine the application but noted that there had not been a Committee meeting scheduled since the last meeting on 14th December and that at that time the application was still going through the consultation process. The applicant and the Officers were then invited back to the meeting and were informed of the decision.

RESOLVED: That an Occasional Public Entertainment Licence be granted to Radnor and West Herefordshire Hunt in respect of their Hunt Ball on Saturday 19th February, 2005 between 7.30 pm and 3.00am at The Old Cinema Shobdon subject to:
the applicant fulfilling all conditions imposed by the Police, Fire Authority and the Head of Environmental Health and Trading Standards; and the applicant first agreeing final details of the event with the Head of Environmental Health and Trading Standards, satisfying his requirements regarding car parking, stewarding, minimisation of noise nuisance and providing him with a responsible contact person for the event;

40. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CS5 IN THE PARISH OF CASTLE FROME

A report was presented by the Public Rights of Way Manager in respect of an application under Section 119 of the Highways Act 1980 to make a Public Path Diversion Order to divert footpath CS5 in the parish of Castle Frome. He advised that proposed diversion met the criteria set out in Section 119 in that:

- the proposal benefits the owner of the land crossed by the existing path; and
- the proposal does not alter the point of termination of the paths.

A report was presented by the Public Rights of Way Manager in respect of an application under Section 119 of the Highways Act 1980 to make a Public Path Diversion Order to divert footpath CS5 in the parish of Castle Frome. He advised that proposed diversion met the criteria set out in Section 119 in that:

- the proposal benefits the owner of the land crossed by the existing path; and
- the proposal does not alter the point of termination of the paths.

The application had been made to take the path away from the pond and buildings currently causing obstructions to the path and the Public Rights of Way Manager

explained that the proposed route was acceptable following consultations that had been undertaken with interested parties, the local parish council and the local Ward Councillor.

RESOLVED: That a Public Path Diversion Order is made under Section 119 of the Highways Act 1980 in respect of Footpath CS5, as illustrated on drawing number: D268/79-5(iii).

41. THE LICENSING ACT 2003

The Licensing Manager presented a report suggesting formal adoption of the Herefordshire Council's Licensing Policy and Cumulative Impact Policy agreed by the Committee on the 14 December 2005 to enable the Regulatory Committee and the Regulatory Sub Committee to carry out its functions under the Licensing Act 2003. She said that Section 5 of the Licensing Act 2003 required the Council to determine its policy with respect to the exercise of its licensing functions every three years and to publish a statement of that policy. She advised that 7th February, 2005 was the first appointed date when local authorities could start to receive applications for licences under the Licensing Act 2003. She also advised that following approval of the Herefordshire Councils Licensing Policy and Cumulative Impact Policy on 14th December 2004, the policies had been published on the Council's website in January 2005. Having asked questions about the new licensing arrangements, the Committee agreed with the proposals put forward by the Licensing Manager.

RESOLVED That the Herefordshire Council's Regulatory Committee in taking on the role as the Licensing Committee as prescribed under the Licensing Act 2003, formally adopt the Licensing Policy and Cumulative Impact Policy and to exercise its functions in accordance with those said policies.

EXCLUSION OF THE PUBLIC AND PRESS

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, as indicated below.

42. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Manager presented a report about an application for a dual hackney carriage and private hire driver's license. She explained issues relating to the requirement to disclose any criminal convictions and police cautions. The applicant was given the opportunity to address the Committee in respect of his application.

Having considered all the facts put forward by the Licensing Manager and the applicant, the Committee decided that the application should be refused because of unspent convictions but that it could be reviewed in February 2006.

