

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Town Hall, Hereford on Tuesday,
12th April, 2005 at 2.00 p.m.**

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

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

In attendance: Councillor Mrs. M.D. Lloyd-Hayes

58. APOLOGIES FOR ABSENCE

Apologies were received from Councillor D.J. Fleet.

59. NAMED SUBSTITUTES (IF ANY)

Councillor P.A. Andrews substituted for Councillor D.J. Fleet.

60. DECLARATIONS OF INTEREST

There were no declarations of interest made.

61. MINUTES

RESOLVED: That the Minutes of the meeting held on 15th March, 2005 be approved as a correct record and signed by the Chairman.

62. 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.

63. REPORT TO CONSIDER HEREFORDSHIRE COUNCIL'S POLICY ON SEX ESTABLISHMENTS

A report was presented by the Licensing Manager to seek the views of the Committee on the Council's current policy on Sex Establishments in Herefordshire. She advised that no licensed premises were permitted within the County at present, but there had been an indication by a trader who wished to open one. She explained to the Committee that shops were only required to have a sex establishment licence if their business consisted of a "significant degree" of the sale, exchange, lending, displaying or demonstrating sex articles or other articles intended for use in connection with or for stimulating or encouraging sexual activity. At present no shops in Herefordshire fell into this category.

The Chairman invited Councillor Mrs. M.D. Lloyd-Hayes to address the Committee. She felt that the Council were correct in issuing a nil policy in December, 2001 and felt that it would be detrimental to the County to consider changing the policy. She

also advised Members that she had received a number of objections from Herefordshire residents.

In order to clarify which establishments required a sex establishment licence the Principal Lawyer drew Members' attention to Article 4 from Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

The Committee discussed the matter and took into consideration the impact that allowing a sex shop in Herefordshire could have on the character and amenity of the County. They also felt that there were other means available, with particular reference made to the Internet, for people who wished to purchase sex articles. On balance, the Committee felt that the current policy regarding sex establishments in Herefordshire should remain.

RESOLVED: That nil is an appropriate number of sex establishments in the County of Herefordshire District Council.

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is 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

This item discloses information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.

64. APPLICATION FOR DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (Pages 1 - 2)

The Licensing Manager presented a report about an application for a renewal of 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 renewed.

The meeting ended at 2.50 p.m.

CHAIRMAN