

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 23 January 2008 at 10.00 a.m.

Present: Councillor JW Hope MBE (Chairman)

Councillors: CM Bartrum and JHR Goodwin

61. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

62. APOLOGIES FOR ABSENCE

No apologies for absence were received.

63. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

64. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Officer	Item	Interest
Mr P Crilly (Principal Lawyer)	Agenda Item 5 Application for a new premises licence at 'Thai Gallery, 48 & 49 Broad Street, Hereford, HR4 9AR.'	The Officer declared a prejudicial interest and left the meeting for the duration of the debate.

65. APPLICATION FOR A NEW PREMISES LICENCE AT 'THAI GALLERY, 48 & 49 BROAD STREET, HEREFORD, HR4 9AR.' (Pages 1 - 4)

The Sub-Committee was required to hear and determine an opposed application for a new premises licence for the Thai Gallery. The Chairman introduced the Sub-Committee and Officers and confirmed that all Members had received the background papers. He then asked any interested parties attending the hearing to make themselves known. Mr Marzocchi, the applicant, advised the Chairman of his wish to address the Sub-Committee in support of the application. The Chairman asked the parties present if they required an extension to the 10 minute allocated time allowed for public speaking. They felt that 10 minutes would be acceptable and no requests for an extension to the time limit were made.

The Licensing Officer presented his report to the Sub-Committee and requested a point of clarification in respect of the application. He asked the applicant to confirm that the notice on the premise had been displayed for the statutory time required

under section 18.1 of the Licensing Act. The applicant produced a dated photograph taken on the 5 December 2007. The notice could be seen clearly on the photograph and therefore the sub-committee proceeded with the determination of the application.

The Environmental Health Officer confirmed that the applicant had now agreed to all of her recommended conditions and had agreed to amend the hours of licensable activity accordingly.

The applicant confirmed that the music would not be amplified and would be of Thai origin. He confirmed that he would not be wishing to serve food late into the evening and had therefore not requested late night refreshment as part of the application.

The Regulatory Sub-Committee withdrew from the meeting to make their decision. They requested that the Legal Advisor and Democratic Services Officer accompany them to offer legal and procedural advice.

RESOLVED:

That the application for a variation to the premise licence in respect of The Thai Gallery, Broad Street, Hereford, HR4 9AR, be granted subject to the conditions outlined in the attached decision notice.

66. APPLICATION FOR A NEW PREMISES LICENCE AT 'THE WHITE SWAN, EARDISLAND, LEOMINSTER, HR6 9BD.' (Pages 5 - 6)

The Sub-Committee was required to hear and determine an opposed application for a new premises licence for the White Swan. The Chairman introduced the Sub-Committee and Officers and confirmed that all Members had received the background papers. He then asked any interested parties attending the hearing to make themselves known. Admiral Taverns, the applicants, and Mr Wareham, a local resident, advised the Chairman of their wish to address the Sub-Committee in support of the application. The Chairman asked the parties present if they required an extension to the 10 minute allocated time allowed for public speaking. They felt that 10 minutes would be acceptable and no requests for an extension to the time limit were made.

The Licensing Officer presented his report to the Sub-Committee and requested a point of clarification in respect of the application. He asked the applicant to confirm that the notice on the premise had been displayed correctly in accordance with section 18.1 of the Licensing Act. The applicants addressed that matter and the Sub-Committee was happy to proceed with the determination of the application.

The Environmental Health Officer confirmed that the applicant had reduced their operational hours but that they had not agreed to all of the recommended conditions.

In accordance with the Licensing Act 2003 Regulations for Hearings, the applicants addressed the Regulatory Sub-Committee in support of their application. They advised the Sub-Committee that the previous tenant had been declared bankrupt and therefore the premises required a new premises licence. The Sub-Committee were advised that the increase in operational hours was minimal and the addition of films and indoor sporting events would not have an adverse affect on the

neighbouring residents. In response to points made by the Environmental Health Officer, the applicant said that he felt that the conditions suggested were duplicated or covered under different legislation.

The Regulatory Sub-Committee withdrew from the meeting to make their decision. They requested that the Legal Advisor and Democratic Services Officer accompany them to offer legal and procedural advice.

RESOLVED:

That the application for a new premise licence in respect of The White Swan, Eardisland, Leomister, HR6 9BD, be granted subject to the conditions outlined in the attached decision notice.

67. APPLICATION FOR A NEW PREMISES LICENCE AT 'THE RED LION, HIGH STREET, PEMBRIDGE, HR6 9DS.' (Pages 7 - 10)

The Sub-Committee was required to hear and determine an opposed application for a variation to the premises licence for the Red Lion. The Chairman introduced the Sub-Committee and Officers and confirmed that all Members had received the background papers. He then asked any interested parties attending the hearing to make themselves known. Mrs Pontifex-Price, the applicant, advised the Chairman of his wish to address the Sub-Committee in support of the application. The Chairman asked the parties present if they required an extension to the 10 minute allocated time allowed for public speaking. They felt that 10 minutes would be acceptable and no requests for an extension to the time limit were made.

The Licensing Officer presented his report to the Sub-Committee and confirmed that the issues for clarification had now been resolved.

The Environmental Health Officer confirmed that the applicant had now agreed to all of her recommended conditions and had agreed to amend the hours of licensable activity accordingly.

The applicant spoke in support of her applications and confirmed that she was happy to accept the conditions requested by the environmental health officer. She confirmed that there had been no incidents of crime and disorder at the premises and asked the sub-committee to grant the variation.

The Regulatory Sub-Committee withdrew from the meeting to make their decision. They requested that the Legal Advisor and Democratic Services Officer accompany them to offer legal and procedural advice.

RESOLVED:

That the application for a variation to the premise licence in respect of The Red Lion, High Street, Pembridge, HR6 9DS, be granted subject to the conditions outlined in the attached decision notice.



HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	Thai Gallery
APPLICANT'S NAME	Mr Mazzocchi
APPLICATION TYPE	New Premises Licence
PANEL MEMBERS	Councillor JH Hope MBE (Chairman) Councillor CM Bartrum Councillor JHR Goodwin
DATE OF MEETING	Wednesday 23rd January, 2008

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision, the Members heard from Mr Mazzocchi, the applicant, together with Miss Woodland, the Environmental Health Officer.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted subject** to the conditions below. In reaching their decision, the Members had full regard to the representations (including supporting information) presented by all parties, the guidance issued to local authorities under Section 182 of the Licensing Act 2003, the Herefordshire Council Licensing Policy and the provisions of the Licensing Act 2003. The Members imposed conditions in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

HOURS OF LICENSABLE ACTIVITY

	Supply of Alcohol	Recorded Music	Open to the public
Monday	1200 - 2330	1200 - 2330	1200 - 0000
Tuesday	1200 - 2330	1200 - 2330	1200 - 0000
Wednesday	1200 - 2330	1200 - 2330	1200 - 0000
Thursday	1200 - 2330	1200 - 2330	1200 - 0000
Friday	1200 - 2330	1200 - 2330	1200 - 0000
Saturday	1200 - 2330	1200 - 2330	1200 - 0000
Sunday	1200 - 2300	1200 - 2300	1200 - 0000

HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

CONDITIONS

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

- The mandatory conditions of The Licensing Act 2003.
- All conditions offered by the applicant under section P of the application form.

PUBLIC SAFETY

- The internal and external arrangements of the premises (including the layout, fittings, installations and other items in connection with public areas) hereby licensed shall remain as detailed in the plans submitted to and approved by the Licensing Authority.
- A suitable and sufficient risk assessment for all licensed areas, shall be recorded and maintained. Adequate systems shall be in place to ensure that actions (and precautions) identified in the risk assessment shall be effectively implemented.
- The premises shall be adequately ventilated whilst open to the general public.
- No open bottles or containers shall be removed from the premises.
- Adequate systems shall be in place to control numbers of persons entering the premises to prevent overcrowding and alleviate crowd control problems.
- All parts of the premises shall be provided with adequate illumination whilst the premises are being used for any licensable activities. All routes of escape and all parts of the premises to which the public have access shall be provided with adequate and assured lighting from two independent supplies and systems.
- A current inspection certificate shall be held for all electrical installations in accordance with BS 7671 and BS 5266-1.
- All portable electrical equipment, such as amplifiers, shall be powered through a suitable earth sensitive leakage system (Residual Current Device).

PREVENTION OF PUBLIC NUISANCE

- Music entertainment provided on the premises shall be maintained at background levels only and shall not be audible beyond the boundary of the premises.
- The use of the premises shall be restricted to that of a restaurant and pre-booked function/events.

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**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

- The licensee shall ensure that any lighting provided on, or illumination effects emitted from, the premises does not cause interference with the use of any neighbouring properties.

PROTECTION OF CHILDREN FROM HARM

- Staff should ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol.
- No person under the age of 18 years old shall be allowed to serve alcohol within the premises without the written permission of the Council.



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REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

PREMISES	The White Swan, Eardisland
APPLICANT'S NAME	Admiral Taverns
APPLICATION TYPE	New Premises Licence
PANEL MEMBERS	Councillor JH Hope MBE (Chairman) Councillor CM Bartrum Councillor JHR Goodwin
DATE OF MEETING	Wednesday 23rd January, 2008

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision, the Members heard from Admiral Taverns, the applicants, together with Miss Woodland, the Environmental Health Officer and Mr Wareham, representing the local residents who had made representations in respect of the application.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted subject** to the conditions below. In reaching their decision, the Members had full regard to the representations (including supporting information) presented by all parties, the guidance issued to local authorities under Section 182 of the Licensing Act 2003, the Herefordshire Council Licensing Policy and the provisions of the Licensing Act 2003. The Members imposed conditions in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

HOURS OF LICENSABLE ACTIVITY

	Supply of Alcohol	Live/Recorded Music & Films	Indoor Sporting Events, Dance	Late night refreshment	Open to the public
Monday	1000 - 2300	1000 - 2300	1000 - 2300	2300 - 2400	1000 - 2330
Tuesday	1000 - 2300	1000 - 2300	1000 - 2300	2300 - 2400	1000 - 2330
Wednesday	1000 - 2300	1000 - 2300	1000 - 2300	2300 - 2400	1000 - 2330
Thursday	1000 - 2300	1000 - 2300	1000 - 2300	2300 - 2400	1000 - 2330
Friday	1000 - 0000	1000 - 0000	1000 - 0000	2300 - 2400	1000 - 0030
Saturday	1000 - 0000	1000 - 0000	1000 - 0000	2300 - 2400	1000 - 0030
Sunday	1000 - 2300	1000 - 2300	1000 - 2300		1000 - 2330

HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

CONDITIONS

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

- The mandatory conditions of The Licensing Act 2003.
- All conditions offered by the applicant under section P of the application form.

PUBLIC SAFETY

- The approved arrangements, including the electrical installations and mechanical equipment shall be maintained in good condition and full working order.
- A suitable and sufficient risk assessment shall be undertaken and maintained for the provision and use of the licensed premises for all the activities hereby licensed. The actions and control measures identified in your risk assessment shall be effectively implemented.
- All parts of the premises shall be provided with adequate illumination whilst the premises are being used for any licensable activities. All routes of escape and all parts of the premises to which the public have access shall be provided with adequate and assured lighting from two independent supplies and systems.

PROTECTION OF CHILDREN FROM HARM

- No Films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.

NON STANDARD HOURS

All licensable activities permitted from the end of permitted hours on 31st December to the start of permitted hours on 1st January.



HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

PREMISES	Red Lion
APPLICANT'S NAME	Mr and Mrs Pontifex-Price
APPLICATION TYPE	Variation
PANEL MEMBERS	Councillor JH Hope MBE (Chairman) Councillor CM Bartrum Councillor JHR Goodwin
DATE OF MEETING	Wednesday 23rd January, 2008

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision, the Members heard from Mrs Pontifex-Price, the applicant, together with Miss Woodland, the Environmental Health Officer.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted subject** to the conditions below. In reaching their decision, the Members had full regard to the representations (including supporting information) presented by all parties, the guidance issued to local authorities under Section 182 of the Licensing Act 2003, the Herefordshire Council Licensing Policy and the provisions of the Licensing Act 2003. The Members imposed conditions in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

HOURS OF LICENSABLE ACTIVITY

	Supply of Alcohol	Live Music*, Music with DJ	Recorded Music	Late night refreshment	Open to the public
Monday	1000 - 2300	1000 - 2230	1000 - 2300		1000 - 2330
Tuesday	1000 - 2300	1000 - 2230	1000 - 2300		1000 - 2330
Wednesday	1000 - 2300	1000 - 2230	1000 - 2300		1000 - 2330
Thursday	1000 - 2300	1000 - 2230	1000 - 2300		1000 - 2330
Friday	1000 - 0000	1000 - 2300	1000 - 0000	2300 - 0000	1000 - 0030
Saturday	1000 - 0000	1000 - 2300	1000 - 0000	2300 - 0000	1000 - 0030
Sunday	1000 - 2300	1000 - 2230	1000 - 2300		1000 - 2330

*Permitted every 6 weeks, see conditions for further details

HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

CONDITIONS

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

- The mandatory conditions of The Licensing Act 2003.
- All conditions offered by the applicant under section P of the application form.

PUBLIC SAFETY

- The approved arrangements, including the electrical installations and mechanical equipment shall be maintained in good condition and full working order.
- A suitable and sufficient risk assessment shall be undertaken and maintained for the provision and use of the licensed premises for all the activities hereby licensed. The actions and control measures identified in your risk assessment shall be effectively implemented.
- All portable electrical equipment, such as amplifiers, shall be powered through a suitable earth sensitive leakage system (Residual Current Device).
- All parts of the premises shall be provided with adequate illumination whilst the premises are being used for any licensable activities. All routes of escape and all parts of the premises to which the public have access shall be provided with adequate and assured lighting from two independent supplies and systems.
- No open containers shall be removed from the premises.

PROTECTION OF CHILDREN FROM HARM

- All staff should be aware of proof of age regulations and Proof of Age Cards and/or Citizen Cards should be displayed on the premises.
- Associated notices indicating restrictions on access by children shall be conspicuously displayed throughout the premises.
- Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products.

ADDITIONAL CONDITIONS

- The licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance.

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(THE LICENSING ACT 2003)**

- Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- No music shall be played outside the premises at any time.
- A designated person shall be made responsible for assessing the local area from time to time for noise breakout from the premises during performances, to prevent nuisance to neighbours.
- All external windows and doors shall be kept closed except for access when music entertainment or amplified sound is provided on the premises.
- Live music may be permitted on Saturdays provided that there is a minimum 6 week period between performances.

NON STANDARD HOURS

	Supply of Alcohol	Live/Recorded Music	Late night refreshment	Open to the public
Christmas Eve	1000 - 0100	1000 - 0100	2300 - 0100	1000 - 0130
New Years Eve	1000 - 0200	1000 - 0200	2300 - 0200	1000 - 0230

