

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Town Hall, St Owen's Street, Hereford. on Wednesday, 3 September 2008 at 10.00 a.m.

Present: Councillor P Jones CBE (Chairman)
Councillors: SPA Daniels and JW Hope MBE

21. ELECTION OF CHAIRMAN

Councillor P Jones CBE was elected as Chairman for the Regulatory Sub-Committee hearing.

22. APOLOGIES FOR ABSENCE

No apologies for absence were received.

23. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

24. DECLARATIONS OF INTEREST

There were no declarations of interest made.

25. APPLICATION FOR A VARIATION TO THE PREMISES LICENCE AT 'BELMONT LODGE GOLF COURSE, RUCKHALL LANE, BELMONT, HEREFORD.' (Pages 1 - 2)

The Regulatory Sub-Committee was convened in order to determine an application for a variation to a premise licence in respect of Belmont Lodge Golf Course and Marquee. The application was submitted in accordance with Section 51 of the Licensing Act 2003.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. The following attendees were noted:

- Mr Smith (Applicant)
- Mr Moriekvski (An interested party objecting to the application)
- Ms Eyles (An interested party objecting to the application)
- Mrs Wegg-Prosser (An interested party objecting to the application)

The Chairman advised all parties of the hearing procedures and asked if any person required an extension to the time allocated for making representations. None of the attendees felt that an increase to the 10 minute time allocated for making representations would be required.

The Acting Regulatory Services Manager introduced the report and advised members that the application was for a variation to the existing licence. He added that the applicant had not requested that any conditions be removed but noted that one condition on the licence stated that there was no music permitted in the

marquee after 2006. the applicant confirmed that it would be his intention to remove this condition.

Members discussed the planning history of the marquee and the bund and felt that they would need further information before proceeding with the determination of the application. The Chairman therefore adjourned the meeting for 10 minutes to allow the MW to obtain the relevant information from the Central Team Leader. The meeting was adjourned at 10.20 am.

The meeting reconvened at 10.30 and the Acting Regulatory Services Manager advised Members of the three planning applications which had been approved on the site between 2005 and 2007.

The Environmental Health Officer advised Members that she had been involved with the application site since 2005 and had worked closely with the previous manager in an attempt to set up a number of reasonable control measures. She added that the Earth Bund had been added in 2006 and that Mr Smith also used Straw Bales to reduce disturbances to neighbouring residents. She noted that there had been no complaints received by the Environmental Health Department between 2006 and August 2008. In summing up she felt that the current licensable hours for the marquee were acceptable but that any extension to these hours should be refused in order to protect local residents from any possible disturbance.

In response to the points raised by the Environmental Health Officer, Mrs Moriekvski advised Members that due to the lack of an out of hours phone service in the Environmental Health Department she had addressed all recent complaints to Belmont Lodge directly.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mrs Moriekvski, an interested party objecting to the application, addressed the sub-committee. She noted that the applicant had requested the use of the marquee for a longer period of time than had been permitted by the Planning Department and would therefore be in breach of his planning permission. She also had serious concerns regarding the extension of hours in respect of the marquee as noise emanated from the premises and caused a disturbance to the local residents. She had further concerns regarding the noise limiters that had been installed by the applicant and felt that they had either not been set up correctly or were not working properly.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Ms Eyles, another interested party objecting to the application, addressed the sub-committee. She noted the concerns of the Parish Council and advised them that as Clerk to the Parish Council she received a number of complaints from local residents regarding noise issues at Belmont Lodge.

Mrs Wegg-Prosser, the final local resident who had registered to speak in respect of the application concurred with the comments raised by the previous speakers and felt that the application should be rejected.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Smith, the applicant, addressed the sub-committee in respect of his application. He advised Members that he was happy to amend the hours of operation in respect of Sundays

and requested that the Sunday hours remain as currently permitted. He noted that the Environmental Health Officer had confirmed that no complaints had been received in respect of noise on the premises between 2006 and 2008. He added that the months from April to October were important to the business and that a number of weddings and functions would utilise the marquee between these months. He confirmed that the marquee was required as the inside areas of the premises were not suitable for weddings and functions. He advised Members of the steps that had been taken to reduce the risk of noise emanating from the marquee and added that he intended to purchase a sound proofing screen within the next year. In summing up he felt that other venues had noise issues and noted that he could hear noise from events held at the Stirling Lines camp in Credenhill.

Mrs Moriekvski noted that the Credenhill camp was 6 miles away from Belmont Lodge whereas her home was only ½ a mile away from the applicant's premises. She felt that the applicant should therefore sympathise with her concerns.

In response to a question from the Environmental Health Officer, the applicant confirmed that live music took place in the marquee until midnight. She advised the applicant that his current licence required live music to cease in the marquee at 6.30 pm and that he had therefore been operating in breach of his licence.

The Sub-Committee retired to make their decision and requested that the Senior Litigator and the Democratic Services Officer retire with them to offer legal and procedural advice.

The Senior Litigator read out the following decision:

The Regulatory Sub-Committee having carefully considered the issues brought before it have decided as follows:

- 1) *It agrees to allow the application for variation of the premises licence in part.*
- 2) *It accepts the applicant's proposal that the application with regard to Sundays is withdrawn.*
- 3) *There will be no change in licensing hours between Monday and Thursday inclusive.*
- 4) *Licensing hours for Friday and Saturday will be extended to 0100 hours for indoor functions only.*
- 5) *The Sub-Committee notes existing licensing conditions and expects the Council's Environmental Health department to monitor and enforce conditions as necessary. The existing licensing conditions must stand unless and until an application to vary the same is made and granted.*

RESOLVED

That the application for a variation to the premises licence in respect of Belmont Lodge Golf Course and Marquee be approved in part subject to the conditions detailed in the attached decision notice.

The meeting ended at 11.40 a.m.

CHAIRMAN



HEREFORDSHIRE COUNCIL
REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

PREMISES	Belmont Lodge Golf Course & Marquee
APPLICANT'S NAME	Mr Christopher Smith
APPLICATION TYPE	Variation
PANEL MEMBERS	Councillor Brig. P Jones CBE (Chairman) Councillor JW Hope MBE Councillor SPA Daniels
DATE OF MEETING	Wednesday 3 September 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 Smith, the applicant, and Miss Woodland, the Environmental Health Officer, together with a number of 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 (INDOORS ONLY)

	Supply of Alcohol	Live Music, Dance (or similar)	Recorded Music	Prov. Of facilities for making music, dancing, or similar	Late night refreshment	Open to the public
Mon	1000 - 0000	1200 - 0000	0700 - 0000	1200 - 0000	2300 - 0000	0700 - 0000
Tues	1000 - 0000	1200 - 0000	0700 - 0000	1200 - 0000	2300 - 0000	0700 - 0000
Wed	1000 - 0000	1200 - 0000	0700 - 0000	1200 - 0000	2300 - 0000	0700 - 0000
Thurs	1000 - 0000	1200 - 0000	0700 - 0000	1200 - 0000	2300 - 0000	0700 - 0000
Fri	1000 - 0100	1200 - 0100	0700 - 0100	1200 - 0100	2300 - 0100	0700 - 0100
Sat	1000 - 0100	1200 - 0100	0700 - 0100	1200 - 0100	2300 - 0100	0700 - 0100
Sun	1000 - 0000	1200 - 0000	0700 - 0000	1200 - 0000	2300 - 0000	0700 - 0000

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

HOURS OF LICENSABLE ACTIVITY - MARQUEE (APRIL - OCTOBER)

	Supply of Alcohol	Live Music, Dance (or similar)	Recorded Music	Prov. Of facilities for making music, dancing, or similar	Late night refreshment	Open to the public
Mon	1000 - 0000	1200 - 0000	0700 - 0000	1200 - 0000	2300 - 0000	0700 - 0000
Tues	1000 - 0000	1200 - 0000	0700 - 0000	1200 - 0000	2300 - 0000	0700 - 0000
Wed	1000 - 0000	1200 - 0000	0700 - 0000	1200 - 0000	2300 - 0000	0700 - 0000
Thurs	1000 - 0000	1200 - 0000	0700 - 0000	1200 - 0000	2300 - 0000	0700 - 0000
Fri	1000 - 0000	1200 - 0000	0700 - 0000	1200 - 0000	2300 - 0000	0700 - 0000
Sat	1000 - 0000	1200 - 0000	0700 - 0000	1200 - 0000	2300 - 0000	0700 - 0000
Sun	1000 - 0000	1200 - 0000	0700 - 0000	1200 - 0000	2300 - 0000	0700 - 0000

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.

REMOVAL OF CONDITION

- The condition stating 'it is our intention not to allow live music in our marquee from 2006 onwards, as an added measure we will not be permitting any form of music/performance/dance etc beyond midnight' to be removed from the licence as requested.

INFORMATIVE NOTE

- The applicant is reminded of the existing condition on the licence which states that amplified live music shall not be provided in the marquee or outside areas after 18:30 hours Monday to Saturday and at no time on a Sunday.