

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 20 March 2009 at 2.00 pm

Present: Councillor Brig P Jones CBE (Chairman)

Councillors: JHR Goodwin and JW Hope MBE

57. ELECTION OF CHAIRMAN

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

58. APOLOGIES FOR ABSENCE

No apologies for absence were received.

59. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

60. DECLARATIONS OF INTEREST

There were no declarations of interest made.

61. APPLICATION FOR A NEW PREMISES LICENCE 'THE ROYAL OAK HOTEL, SOUTH STREET, LEOMINSTER, HR6 8JA.' (Pages 1 - 4)

The Regulatory Sub-Committee was convened in order to determine an application for a new licence in respect of 48 St Owen's Street, Hereford. 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 Stevens (Applicant)
- Mr Backhouse (Applicant's Legal Advisor)
- Mrs Falcini (An interested party objecting to the application)
- Mrs Mercer (An interested party objecting to the application)
- Mrs Cornell (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 was required.

The Acting Regulatory Services Manager introduced the report and advised members that the application was for a new licence.

The Environmental Protection Manager advised Members that conditions had been agreed with the applicant. In response to a question he confirmed that the conditions did not require the applicant to keep all doors and windows closed but required them to monitor noise and take appropriate action if noise was emanating from the premises.

The Acting Regulatory Services Manager confirmed that the applicant had agreed to the conditions proposed by West Mercia Police.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mrs Falcini, Mrs Mercer, and Mrs Cornell, interested parties who had objected to the application, addressed the sub-committee. They raised a number of points, including:

- Noise was a concern especially as local residents had young families
- Noise from music played at the premises could clearly be heard inside some of the neighbouring dwellings.
- Concerns were raised in respect of antisocial behaviour at the premises.
- Some residents had been verbally abused by previous managers at the premises.
- The times proposed for live music were not appropriate for a public house situated in a residential area.
- Cars had been damaged by patrons leaving the premises.
- Concerns relating to litter and broken glass were also raised.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Backhouse addressed the sub-committee in support of the application. He raised a number of points, including:

- Mr Stevens would be the new DPS of the premises, he was also the DPS for Brockington Hall.
- The premises would be operated as a hotel and function venue, not a town centre public house.
- The applicant was happy to agree to all of the proposed conditions.
- The applicant would also be a member of the Leominster Pub Watch scheme.
- There had been problems at the premises in the past.

In response to questions raised by the local residents, the applicant confirmed that:

- He had purchased a noise meter to measure noise emanating from the premises and this would be measured on all sides of the premises.
- The main business of the hotel would be organized functions.
- 2 of the bedrooms were not in use due to concerns raised by the fire officer, this resulted in 21 rooms being available to guests at the hotel.
- SIA registered door staff would be utilised on a risk assessment basis. If all function rooms were used the maximum number of door staff required would be 8.

The applicant added that he was keen to build a successful business at the Royal Oak and that he understood the importance of working closely with neighbouring residents. He noted the concerns raised and admitted that there had been problems at the premises in the past due to the behaviour and conduct of some previous managers. He added that this would no longer be an issue as he would personally be managing the business.

The Sub-Committee retired to make their decision. The Legal practice Manager and the Democratic Services Officer also retired to assist them with procedural matters.

RESOLVED

That the application for a new premises licence in respect of the Royal Oak Hotel be approved subject to the conditions detailed in the attached decision notice.

The meeting ended at 3.20 pm

CHAIRMAN



HEREFORDSHIRE COUNCIL

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

PREMISES	The Royal Oak Hotel
APPLICANT'S NAME	Venture Resource Ltd.
APPLICATION TYPE	New Premises Licence
PANEL MEMBERS	Councillor P Jones CBE (Chairman) Councillor JW Hope MBE Councillor JHR Goodwin
DATE OF MEETING	20 March 2009

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 the Environmental Health Officer together with the applicant and his legal advisor and the interested parties who had raised objections 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 appearing below. In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy. 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

	Live / Recorded Music, Performance of Dance	Prov. of Facilities for Making Music, Dancing or Similar	Late Night Refreshment	Sale of Alcohol	Open to the public
Monday	0900 - 2330	0900 - 2330	2300 - 2330	0900 - 2330	0900 - 2400
Tuesday	0900 - 2330	0900 - 2330	2300 - 2330	0900 - 2330	0900 - 2400
Wednesday	0900 - 2330	0900 - 2330	2300 - 2330	0900 - 2330	0900 - 2400
Thursday	0900 - 2330	0900 - 2330	2300 - 2330	0900 - 2330	0900 - 2400
Friday	0900 - 0100	0900 - 0100	2300 - 0100	0900 - 0100	0900 - 0130
Saturday	0900 - 0100	0900 - 0100	2300 - 0100	0900 - 0100	0900 - 0130
Sunday	0900 - 2400	0900 - 2400	2300 - 2400	0900 - 2400	0900 - 0030

HEREFORDSHIRE COUNCIL

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

NON STANDARD HOURS

	Live / Recorded Music, Performance of Dance	Prov. of Facilities for Making Music, Dancing or Similar	Late Night Refreshment	Sale of Alcohol	Open to the public
Sundays before B/H Monday	0900 - 0100	0900 - 0100	2300 - 0100	0900 - 0100	0900 - 0130

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 suggested by the applicant under section P of the application form.

GENERAL

- That a CCTV system is installed which meets the requirements of the Police and the Licensing Authority. To be installed by 1 May 2009.
- An accident book is kept on the premises
- There be sufficient door supervisors at the premises as are appropriate on a risk assessed basis.
- That the designated premises supervisor joins the Leominster Pub Watch scheme.
- That no drinks in open containers are to be taken outside beyond the patio area.
- That the capacity for the function rooms is to be limited according to the fire risk assessment
- A responsible person shall be available on the premises at all times that they are open to the public. This person shall comply with all reasonable requests made by a duly authorised officer of the Licensing Authority or the West Mercia Constabulary if it is considered that one or more of the four licensing objectives are being compromised.

HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

PUBLIC SAFETY

- Adequate systems shall be in place to control numbers of persons entering the premises to prevent overcrowding and alleviate crowd control problems.
- A suitable and sufficient risk assessment for all licensable activities provided on the premises shall be recorded and maintained. Adequate systems shall be in place to ensure the actions (and precautions) identified in the risk assessment are effectively implemented.

PREVENTION OF PUBLIC NUISANCE

- Noise or vibration shall not emanate from the premises so as to interfere with the use or enjoyment of any neighbouring premises.
- Staff shall check to ensure that noise emanating from the premises does not cause public nuisance at least on an hourly basis whilst recorded or amplified live music is being played other than background music. If the noise is observed to be at an unacceptable level immediate action must be taken to address the problem. A written log showing the time, the person making the check, observations made and any actions taken shall be kept on the premises and made available at the request of the Licensing Authority.
- A suitable and sufficient policy shall be implemented to ensure that rowdy or unsociable behaviour from patrons on the outdoor area is effectively controlled.
- Suitable and sufficient means of ventilation shall be provided to all parts of the premises to which the public have access, particularly when regulated entertainment is provided on the premises and doors are to be kept shut.
- A suitable and sufficient dispersal policy shall be implemented to deal with any rowdy or unsociable behaviour from patrons leaving the premises.
- Doors to the lobbies and exits shall not be propped open.

PROTECTION OF CHILDREN FROM HARM

- Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which are illegal to sell to children.

