

MINUTES of the meeting of Regulatory Sub Committee held at Meeting Room 18a, Brockington, 35 Hafod Road, Hereford on Friday 26 October 2012 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: PL Bettington and Brig P Jones CBE

71. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for this Regulatory Sub-Committee meeting.

72. APOLOGIES FOR ABSENCE

No apologies for absence were received.

73. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

74. DECLARATIONS OF INTEREST

There were no declarations of interest made.

75. APPLICATION FOR A NEW PREMISES LICENCE 'THE STEINER ACADEMY, HEREFORD, HR2 8DL' (Pages 3 - 4)

The Regulatory Sub-Committee had been reconvened from 16th October 2012 [minute 9 of 2012/13 refers] in order to consider further an application for a new premises licence in respect of the Steiner Academy, Hereford, HR2 8DL.

The Chairman introduced the Members and Officers. There were no interested parties present.

The Chairman then read out the following statement:

1. *This meeting is to further consider an application - which was previously deferred - for the grant of a premises licence in respect of the Steiner Academy, Much Dewchurch, Hereford.*
2. *Since this Committee last sat on 16th October, Officers of the Council's Licensing Team have put together a package of licence conditions which have been accepted by the Applicant Academy subject to any amendments required by the Members of this Committee today.*
3. *This Committee is willing to hear comments from the Applicant or objectors [had they been present] relating to the wording of these conditions but I wish to be very clear that my colleagues and I have already heard representations from both sides and do not wish to re-open the hearing to re-consider the essential issues of this matter.*
4. *I now turn to the subject of the letters forming part of the report to the last meeting which were extensively redacted. There has been publicity over this and concerns*

raised. The Committee and the Council have listened to these concerns and changes will be made. I wish to be clear that full copies of these letters were made available to everyone no less than 30 minutes before the last meeting as is standard procedure. I must also make it plain that the reason for these extensive redactions was to avoid objectors straying away from the 4 licensing objectives in their representations with the corresponding risk of the Committee's Members making any decision for inappropriate reasons.

5. *The changes I referred to are that in future those parts of any letters attached as a representation which will be considered will be underlined while those which will not will not be marked in anyway. This will permit the whole document to be read although it will not be considered by the Committee Members. I must emphasis however that personal information in line with the Data Protection Act may be redacted if requested. Such relevant legislation as shall be in force will be followed.*
6. *I do hope that the above makes our position plain and acceptable to all. My Committee simply seeks to give all parties who appear before us a fair hearing in accordance with legislation and the rules of natural justice.*

The Team Manager (Licensing) reported that the proposed conditions had been agreed by the applicant and were presented for consideration by the Sub-Committee. Furthermore, in response to concerns expressed by an objector since the last meeting, the applicant had agreed to remove Bank Holiday Mondays from the application.

A Committee Member noted that, at the previous meeting, an objector had raised a concern about noise emanating from the courtyard/garden during an event at the premises. The Team Manager (Licensing) confirmed that proposed condition PN6 could be modified to ensure that 'Any courtyard/garden shall not be used in connection with licensable activities'.

The Sub-Committee concluded that, with the removal of Bank Holiday Mondays from the application and subject to conditions [including the modified condition PN6], the application for a new premises licence was acceptable.

RESOLVED

THAT the new premises licence in respect of the Steiner Academy, Hereford, HR2 8DL be accepted subject to the conditions as set out in the attached decision notice.

The meeting ended at 10.14 am

CHAIRMAN

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

PREMISES	The Steiner Academy Hereford
APPLICANT'S NAME	The Steiner Academy Hereford
APPLICATION TYPE	New Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor PL Bettington Councillor Brig. P Jones CBE
DATE OF MEETING	16 October 2012 (adjourned to 26 October 2012)

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 Bella Brown, representing the Much Dewchurch Society, and Janet Bright, a neighbouring resident, as well as Wendy Cotton and Niki Nakamura, representing the Steiner Academy.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted with immediate effect 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 (INDOORS ONLY)

	Plays, Films,	Live Music, Recorded Music, Performances of Dance (or anything similar)	Open to the Public
Monday	1600 - 2230	1600 - 2230	1600 - 2230
Tuesday	1600 - 2230	1600 - 2230	1600 - 2230
Wednesday	1600 - 2230	1600 - 2230	1600 - 2230
Thursday	1600 - 2230	1600 - 2230	1600 - 2230
Friday	1600 - 2230	1600 - 2230	1600 - 2230
Saturday	0800 - 2230	0800 - 2230	0800 - 2230
Sunday	-	-	-

NON STANDARD TIMINGS

	Plays, Films,	Live Music, Recorded Music, Performances of Dance (or anything similar)	Open to the Public
School Holidays	0800 - 2230	0800 - 2230	0800 - 2230

**HEREFORDSHIRE COUNCIL
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CONDITIONS

- PN1 The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
- PN2 All doors and windows at the premises shall be kept closed after 2100 hours except during immediate access and egress.
- PN3 Noise from the premises must not be audible or discernible within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. In this condition; 'Noise' is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. 'Audible or discernible' is defined as noise which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed premises.
- PN4 Where regulated entertainment is provided, the premises licence holder or a responsible person nominated by them in writing, will monitor noise emanating from the premises at least once an hour to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time. Such record shall be made available on demand of an authorised person (as defined by Section 13 of the Licensing Act 2003) or police.
- PN5 Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- PN6 Any courtyard/garden shall not be used in the connection with licensable activities.
- PN7 Outside lighting, including flashing lights shall not cause a nuisance to nearby properties, unless written consent has been obtained from the police to the effect that such lighting is necessary to promote the crime prevention objective.
- PN8 A notice in at least Ariel 48 bold font shall be displayed at the entrance to the Academy stating 'In the event of any problems associated with events at these premises please telephone 01234 56789'. The premises licence holder shall ensure that this number is monitored at all times whilst the premises are being used for licensable activities.

NOTES

Whilst an application was made for facilities for music and dancing or anything similar this is no longer licensable under the Licensing Act following the introduction of the Live Music Act 2012.

The applicants removed Bank Holiday Mondays from their application.

APPEAL INFORMATION

Under Schedule 5 Section 2, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.