

MINUTES of the meeting of Regulatory Committee held at Grand Jury Room, Shirehall, St Peter's Square, Hereford, HR1 2HX on Friday 12 September 2014 at 2.00 pm

Present: Councillor A Seldon (Chairman)
Councillor PJ Edwards (Vice Chairman)

Councillors: JM Bartlett, CM Bartrum, JW Hope MBE and SM Michael

9. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PL Bettington, Brig P Jones CBE, and GA Vaughan-Powell.

10. NAMED SUBSTITUTES

There were no substitute members present at the meeting.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. MINUTES

The Head of Environmental Health and Development Management gave a verbal update regarding a number of areas that the Committee had identified in the previous meeting.

RESOLVED: That the Minutes of the meeting held on 5 June 2014 be approved as a correct record and signed by the Chairman.

13. REVIEW OF THE IMPLEMENTATION OF THE LICENSING POLICY AND CUMULATIVE IMPACT POLICY - LICENSING ACT 2003

The Committee was asked to consider the adoption of the Licensing Policy to be used by Herefordshire Council in respect of carrying out its functions under the Licensing Act 2003 and to consider the adoption of a special licensing policy for the cumulative impact of premises in the vicinity of Hereford City

The Chairman raised the subject of defining the presence and location of the designated premises supervisor of a premises during licensable hours. The Licensing Officer advised that this area is covered within the guidance which states that a person can be a designated premises supervisor at any number of premises so long as the licensing objectives are not compromised.

A Member queried what the term 'significant' meant with regards to a designated premises supervisor spending significant time away from a premises.

The Committee asked the legal adviser to do some research on the role of the designated premises supervisor including what is meant by the term 'significant' with regards to time away from premises. The question specifically asked of the legal adviser was "Is it possible

for the Draft Policy to be amended to the effect that a designated premises supervisor should either be on or close to the licensed premises throughout the hours of licensable activity?”

The Committee questioned whether licensing legislation or planning legislation was paramount. The Licensing Officer advised that neither was paramount as they are both separate pieces of legislation.

It was requested that hyperlinks in the draft policy were tested prior to consultation to ensure that they worked.

A Member identified that the Hereford Journal was no longer in publication and as such asked that reference to it be removed from the document. It was proposed that the term ‘or in local press publications’ was used instead.

The Committee discussed the steps that may be needed to ensure that litter relating to the premises is dealt with by the premises licence holder. The Licensing Officer advised the Committee that a recent application within the Cumulative Impact Zone which came before the Sub-Committee had a condition attached to it requiring the premises licence holder to do litter checks of the external area every 30 minutes.

The Committee agreed that in paragraph 22.19 where it currently stated ‘the steps that they could take’, ‘could’ be replaced with ‘should’.

The Committee discussed the Cumulative Impact Zone and the changes that West Mercia Police had recommended. The Committee agreed with the proposed amended zone.

The Committee expressed their appreciation for the work which was undertaken by the licensing Department.

RESOLVED: That Council be recommended that the draft policies appended to the report be approved for consultation subject to:

- (a) the hyperlinks within the document being tested prior to consultation by the licensing department;**
- (b) the words ‘Hereford Journal’ at paragraph 7.4 being replaced with ‘or in other local press publications’;**
- (c) the word ‘could’ at paragraph 22.19 being replaced with the word ‘should’; and**
- (d) the legal advisor researching the role of the designated premises supervisor as set out at paragraph 8.10 of the draft licensing policy and Council being informed of the findings and asked to determine whether any amendment should be made.**

14. A REVISED 'STATEMENT OF PRINCIPLES' (POLICY) UNDER THE GAMBLING ACT 2005

The Committee was asked to consider approving the draft Gambling Act policy statement of principles for recommendation to Council.

The Licensing Officer outlined the report and explained that the policy had been updated to reflect changes in legislation.

He advised that in the past five years there had only been approximately three applications for a gambling premises.

The Committee discussed the decline of gambling premises in line with the more frequent use of online gaming.

RESOLVED: That the draft Gambling Act Policy Statement of Principles be approved for recommendation to Council.

15. TO CONSIDER ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009 - REGULATIONS AFFECTING SEX ESTABLISHMENTS AND APPROVE SEX ESTABLISHMENT POLICY

The Committee was asked to recommend to Council the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009, and the draft sex establishment Licensing Policy.

The Committee questioned whether the setting of a nil policy would leave the council open to judicial review. The Licensing Officer informed the Committee that Hereford Council had not had an application for a sex establishment since the policy came into force.

The Committee asked the Legal Advisor to research whether any other local authorities had been subject to judicial review regarding the setting of a nil policy as reflected in paragraph 6.2 of the policy and its executive summary

RESOLVED: to recommend to Council that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 be adopted and the draft sex establishment licensing policy be approved for consultation, subject to Council being informed whether the legal advisor wished to propose that any amendments should be made to paragraph 6.2 of the policy and its executive summary.

The meeting ended at 2.59 pm

CHAIRMAN