

**Minutes of the meeting of Licensing sub-committee held at
Committee Room 1, The Shire Hall, St Peter's Square, Hereford,
HR1 2HX on Monday 25 September 2017 at 10.00 am**

Present: Councillors DW Greenow (Chairman); CR Butler and FM Norman

In attendance: Councillors JM Bartlett

Officers: Kate Coughtrie and Fred Spriggs

67. APOLOGIES FOR ABSENCE

No apologies for absence were received.

68. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

69. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**70. REVIEW OF A PREMISES LICENCE IN RESPECT OF: THE HORSE & JOCKEY, 9-10
NEW STREET, ROSS ON WYE, HR9 7DA' MADE BY HEREFORDSHIRE COUNCIL:
ENVIRONMENTAL HEALTH - LICENSING ACT 2003**

Members of the licensing sub committee of the council's planning and 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 Fred Spriggs, licensing officer, Elizabeth Laughland, principal environmental health officer and Sergeant Duncan Reynolds, West Mercia Police. Members also heard from the premises licence holder's solicitor, the area manager for the premises licence holder and the designated premises supervisor.

BACKGROUND

The committee heard from Fred Spriggs that an application for a review of the premises licence had been received from Herefordshire Council: environmental health due to noise nuisance complaints. West Mercia Police had made a representation stating that in their opinion that the premises licence holder had failed to promote the prevention of crime and disorder and the prevention of public nuisance licensing objectives. Representations had also been received from trading standards and members of the public.

This application had been before the committee of 11 September 2017 and had been adjourned at the request of the premises licence holder.

The committee heard from Elizabeth Laughland, principal environmental health officer, Herefordshire Council that the environmental protection team had received 9 complaints

from 3 separate households and 9 referrals from the police since March 2016. The complaints concerned reports of noisy events. The premises had been previously advised to ensure that the volume was kept to a reasonable level and music with a dominant bass sound should be avoided. During the summer of 2016 they had made visits on 11 separate occasions on a Friday and Saturday night and while noise had been audible out of the confines of the premises on two occasions it was not considered they had been sufficient to constitute a statutory nuisance at that time. However from April 2017 they had received further complaints and concerns about a drum and bass event scheduled for 7 April 2017. Following discussion with Mr Hudson the event had been cancelled and he had agreed to prepare and submit a noise management plan and that no events should be forthcoming until that plan was agreed and was in place. However, a party occurred at the premises on 16 June that had included heavy base and Mr Hudson had been reminded of the need to put in place a noise management plan as the previous version had been inadequate.. Notwithstanding this engagement on 7 and 8 July 2017, further events were held which breached conditions of their licence in connection with noise and vibration. On 7 July, environmental health officers witnessed the music to be causing a statutory noise nuisance from a neighbouring authority and on 11 July Mr Hudson (designated premises supervisor [DPS]) and the premises licence holder were served with notice abatement notices.

The committee heard from Sergeant Duncan Reynolds, West Mercia Police that there had been numerous opportunities for the premises licence holder to address the issues which had been raised with both environmental health and the police. There were now agreed conditions between the police, trading standards and environmental health which were positive step to address the concerns raised. However, the police were still concerned about the appropriateness of Mr Hudson as the DPS, and were requesting his removal as the DPS. Mr Hudson had only been the DPS for a few months, however, it was known that he had held the lease to the property for the period that covered the issues which had caused the review to be launched. The police were of the opinion that Mr Hudson has failed to manage the premises effectively and that when issues raised by members of the public, his actions were not what would be required to manage a well run licensed premises. Mr Hudson had also been present at joint meetings and was fully aware of the problems which he had not addressed.

The committee then heard from the premises licence holder's solicitor, Mr David Crank, DWF LLP who stated that this was a slow burn review in connection with noise nuisance complaints. Mr Crank outlined the location of the premises and that it had been in operation as a pub for 200 years. The premises were also an asset of community value and that the premises were seen by members of the public as important to the community. Since July 2017 there had been mediation meetings and revised conditions agreed with the police, environmental health and trading standards. The only issue which remained outstanding was Mr Hudson remaining as the DPS. The premises licence holder was supportive of Mr Hudson remaining as the DPS and that he had now gained his level 2 BIIAB qualification and had also undertaken the SIA qualification as well. The premises had been operating to the new conditions for the last few weeks and there had been no complaints. Mr Crank requested that the committee give Mr Hudson the opportunity to remain as the DPS and to operate to the new conditions and drew attention to the positive testimonials which had been received in support of Mr Hudson.

The committee also heard from Johnathan Seaton-Reid, area manager and Mr Hudson. The premises licence holder requested the opportunity to work with Mr Hudson under the new conditions. Mr Hudson acknowledged that his actions had been inappropriate and that he was willing to show that he could operate to the new conditions.

DECISION

This is the decision of the licensing sub-committee in respect of an application to review the licence of The Horse & Jockey, 9-10 New Street, Ross On Wye, HR9 7DA.

It is the committee's decision that the licence should be amended as previously agreed with the police, trading standards and environmental health as detailed below and that Mr Hudson should continue as the designated premises supervisor.

Conditions agreed between the Police, EHO, Trading Standards in respect of the Horse & Jockey, Ross on Wye

Licensable Activities

Live Music (Unamplified) Indoors Only
Sale of alcohol

Hours for Licensable Activities

Sale of alcohol

Monday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 23:30
Sunday	12:00 to 22:30

Live Music

Monday to Saturday	11:00 to 23:00
Sunday	12:00 to 23:00

Non Standard Timings

Sale of Alcohol

New Year's Eve	11:00 to 00:30.
Boxing Day	11.00 to 00.00.
Sunday preceding a Bank Holiday	12:00 to 23:30.

Live Music

New Year's Eve	11:00 to 00:15
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The opening hours of the premises

Monday to Thursday	11:00 to 23:30.
Friday and Saturday	11:00 to 00:00
Sunday	12:00 to 23:00.

Non Standard Timings

New Year's Eve	11:00 to 01:00.
Boxing Day	11.00 to 00.30.
Sundays preceding a Bank Holiday	12:00 to 00:00

Licensing Conditions:

Prevention of Crime

1. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:

(a) all crimes (relevant to the licensing objectives) reported to the venue

- (b) all ejections of patrons
 - (c) any complaints (relevant to the licensing objectives) received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment (if fitted)
 - (h) any visit by a relevant authority or emergency service
2. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA door staff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
 3. 'No open containers or vessels of alcohol shall be removed from the premises'.
 4. All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of being employed at the premises. All staff shall be re-trained twelve monthly thereafter. The training shall included:
Selling to under age person
Selling to drunks

Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person trained and shall be signed by the trainer and trainee. This shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

Prevention of Public Nuisance

(Section 177A does not apply to conditions 5 to 14)

5. Any device capable of transmitting amplified sound [in this context amplified means any increase in the volume of the sound] (other than if required for an emergency) shall be turned to silent after 23:00 hours (on New Year's Eve after 00:15 hours) until the premises are closed to the public.
6. Any performance of live unamplified music shall not be performed by more than 2 entertainers.
7. All external doors (except if being used for immediate access and egress) and all windows to the premises shall be kept closed after 22:30 hours
8. The outside area shall not be used for the consumption of alcohol after 22:30 hours.
9. There shall be no use of televisions or any amplified sound system [in this context amplified means any increase in the volume of the sound] in any external area of the premises.
10. The person in charge of the premises at the time, shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance.
11. The Premises Licence Holder or DPS or the person in charge of the premises at the time, 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.

12. 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.
13. A notice shall be displayed reading 'No smoking shall be permitted outside the front of these premises. Any person fail to observe this condition will be refused further service at the bar upon re-entry'. This notice, measuring not less than A4 size shall be prominently displayed on both the entrance door to the premises and also on the ground floor windows readable from both inside and outside the premises. The person in charge of the premises at the time, shall ensure that no person is served who breaches this condition.
14. The Premises Licence Holder or DPS or the person in charge of the premises at the time 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.

Protection of Children from Harm

15. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
16. No person under the age of 18 years shall be permitted to be on the premises after 2100hours other than a member of staff employed at the premises or a child of the premises licence holder or DPS
17. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.
18. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

REASONS

The committee in coming to its decision carefully considered all the representations both written and oral that it had heard, the statutory guidance, the Council's statement of licensing policy and the provisions of Act. They were satisfied that the position negotiated between the premises licence holder and responsible authorities specified would be an appropriate and proportionate response that would address the issues before the committee particularly promote the prevention of public nuisance licensing

objectives. In particular the new controls on amplified live and recorded music were welcomed as an appropriate response. They had also carefully considered the representations of the police with regard the removal of Mr Hudson as DPS. The committee felt on balance this was not a proportionate response at this time having considered the commitment of the premises licence holder to work with the DPS to ensure compliance with the revised conditions, the acknowledgement of Mr Hudson that he had fallen short of the standard required and that he needed to improve. Further that he had actively demonstrated this commitment through the undertaking of additional training and that the premises had operated on the revised conditions before committee for some 3 to 4 weeks without incident.

71. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF: THE DUCKING STOOL, 11 SOUTH STREET, LEOMINSTER, HR6 8JA - LICENSING ACT 2003

Members of the licensing sub committee of the council's planning and 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 Fred Spriggs, licensing officer, together with the residents of Leominster and and the ward member, Councillor J Bartlett. All had made relevant representations. Members also heard from the agent for the premises licence holder.

BACKGROUND

The committee heard from Fred Spriggs that an application had been received for a variation of the current premises licence conditions as set out in the papers before them. There had been other representations made in connection with the application.

The committee heard from Mr J Jackson who was the chairman of the South Street Residents Association (SSRA) which represented 18 residents and included 11 vulnerable people residing in the SHYPP foyer accommodation. The residents' association, premises licence holder and the premises licence holder's agent had met on 20 September 2017 and had agreed the first five conditions set out in the supplement pack which had been published on Friday 22 September 2017. Mr Jackson had then agreed to consult with those residents who had not been able to attend the meeting and they had subsequently requested consideration being given to conditions 6 to 9 in supplement pack. These additional comments had not been agreed with the premises licence holder's agent and Mr Jackson requested that the committee disregarded those conditions and only considered points 1 to 5. The SSRA were looking forward to welcoming the premises licence holder to their future meetings.

The committee then heard from Sally Payen who indicated that while she wished the business to be a success it should not lead to a reduction in the standard of living of the residents, many of whom were vulnerable. She noted that this was a conservation area and some of the buildings were listed particularly those that backed onto the yard of the premises (some 7 in total). The construction of the buildings was not good for sound attenuation and she noted that her own timber frame building meant that any noise emanating from the outside area of the premises could be heard directly inside her home. She had lived there for 13 years and did not want to faced with disrupted weekends again when she would go back to work on a Monday exhausted. The noise from the premises needed to be kept to a minimum.

The committee also heard from Mr J Gittings representing the Talbot Hotel who again indicated that their concern was for the residents occupying the hotel and any noise which may emanant from the premises. This was further evidenced in the committee papers.

Members heard from Cllr J Bartlett, ward member for Leominster East who represented local residents and who indicated that there had been historical concerns about late night noise. Cllr Bartlett had known the premises licence holder for a number of years, her good record at a previous premises and that she was both aware and mindful of the history of these premises and the residents' concerns. She was pleased that SSRA, SHYPP and the premises licence holder's agent had met and that a set of conditions had been agreed. She reiterated the request to disregard conditions 6 to 9 and consider only conditions 1 to 5.

Members held from the premises licence holder's agent, Mr Nick Semper who welcomed the SSRA submission and the striking of the additional 6-9 conditions that had been suggested following the meeting on the 20 September. He congratulated Cllr Bartlett and SSRA for working with the premises licence holder to agree a set of conditions. Mr Semper stated that the premises licence holder had been born in Leominster and lived the above premises.

The council's legal advisor with the permission of the chair sought clarification of the hours agreed between the parties. The latest terminal hour being 0100am for the sale of alcohol on Friday and Saturdays.

There was discussion surrounding the agreed position in relation to the conditioning of the external area and it was confirmed that drinks could not be consumed in that area after 1130pm but that smoking would still be permitted until closing time.

It was drawn to the committee's attention that the advertisement describing the application had omitted the non-standard timings. The rest of the notice had been correctly and duly displayed.

DECISION

This is the decision of the licensing sub-committee in respect of an application to vary a premises licence in respect of The Ducking Stool, 11 South Street, Leominster, HR6 8JA.

It is the committee's decision that the application to vary the licence be granted to vary the licence in accordance with the conditions offered within the proposed operating schedule, those conditions agreed with trading standards and those agreed with SSRA on 22 September 2017 which included the reduced hours and the amendment to Section d (Prevention of public nuisance) of the proposed operating schedule. For clarity the conditions and agreed hours are shown below. However, as the non-standard timings had not been advertised in line with statutory requirements of the Licensing Act 2003 and the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, the committee declined to grant these additional hours. The committee were impressed with how the community had worked together to reach an agreed set of conditions.

Conditions and Hours in respect of the – The Ducking Stool, Leominster

Licensable Activities

Live Music (Indoors)

Sunday to Thursday	20:00 – 23:00
Friday & Saturday	20:00 – 00:00

Recorded Music (Indoors)

Sunday to Thursday	19:00 – 23:00
Friday & Saturday	19:00 – 00:00
Late Night Refreshment (Indoors)	
Friday & Saturday	23:00 – 00:00
Sale of alcohol (On & Off premises)	
Sunday to Thursday	11:00 – 00:00
Friday & Saturday	11:00 – 01:00

Licensing Conditions:

Prevention of Crime

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number **101** immediately

2. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:
 - (a) all crimes (relevant to the licensing objectives) reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints (relevant to the licensing objectives) received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment (if fitted)
 - (h) any visit by a relevant authority or emergency service

3. All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within one month of the date that this condition appears on this licence. All existing staff shall be trained within 1 month of the date that this condition first appears on the licence. All new staff shall be trained within one month of taking up employment. All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

4. The Premises Licence Holder or DPS or a person nominated by them in writing will employ a minimum of one SIA doorstaff from 23:00 hours until the end of licensable activities on any day when regulated entertainment is taking place at the premises.
5. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA doorstaff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police
6. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.
7. The premises shall be an active member of any locally operating Pub Watch Scheme (e.g.HAND) while such a scheme or similar exists.
8. The DPS and all other staff shall ensure that no open vessels are taken off the premises by customers.

Public Safety

9. All staff shall wear clothing which identifies them as members of staff of the premises
10. First aid
A First Aid Kit capable of treating for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:
 - 1 x Guidance Leaflet
 - 60 x Washproof Plasters
 - 6 x Eye Pads with Bandage
 - 8 x Triangular Bandages
 - 12 x Safety Pins
 - 16 x Assorted Sterile Dressings
 - 20 Moist Wipes
 - 3 Pairs Disposable Gloves
11. Electrical & Gas Installations
All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.
12. Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

13. Hypnotism
The Licensed premises shall not be used for any exhibition, demonstration or performance of hypnotism unless the hypnotist has been licensed by the relevant Local Authority in England or Wales. Any performance must comply in accordance with any conditions attached to that licence.
14. Maintenance, Repair and Cleanliness
All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.
15. Special Effects
The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without prior notification to the Licensing Authority. Notification, together with a detailed description of the method of use, shall be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.
16. Strobe lights shall be operated on a fixed rate of not more than four flashes per second. Where more than one strobe light is used, the flashes shall be synchronised. In any case, such lights shall not be installed without notify the Licensing Authority in writing.
17. Disabled people
When disabled people are present, arrangements must exist to enable their safe evacuation in the event of an emergency. Details of the arrangements shall be recorded in writing and shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.
18. Disabled people on the premises must be made aware of the evacuation procedure.
19. Lighting
In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be sufficient (107 lux or more) to enable people to move about safely.
20. Capacity limits
The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

Prevention of Public Nuisance

21. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
22. 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.
23. All doors and windows at the premises shall be kept closed after 2300 except during immediate access and egress.
24. Live or Recorded music shall be restricted to the area marked on the premises plan

25. Any speaker within the premises shall be directed away from any residential property
26. 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.
27. Noxious smells
No noxious smell emanating from the premises shall cause a nuisance to nearby properties.
28. Light Pollution
Lighting outside premises 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
29. The Premises Licence Holder or DPS or the person in charge of the premises at the time, shall ensure that no alcohol is consumed in any external area of the licensed premises after 23:30 and that the doors to and from that area are kept closed except for immediate ingress and egress after this time.
30. No regulated entertainment shall be provided outside of the premises at any time.
31. The rear garden shall not be used by customers prior to 9am on any day.
32. There shall be no new entry or re-entry to the premises after 23:30 hours on any day except in an emergency in which case this will be logged. The log shall show the time of the incident, the emergency service attending and the type of incident. The log shall be made immediately available to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police on demand.

Protection of children from harm

33. No person under the age of 18 years shall be permitted to be on the premises after 2200 hours other than a member of staff employed at the premises or a child of the premises licence holder or DPS and then only when supervised by a person of 18.
34. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.
35. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

REASONS

The committee in coming to its decision carefully considered all the representations both written and oral that it had heard, the statutory guidance, the Council's statement of licensing policy and the provisions of Act.

The committee were impressed with the level of community engagement that had occurred between the applicant and her agent, the South Street Residents Association, the Local Councillor and other residents in bringing forward a revised proposal that had regard to the need to promote the licensing objectives and addressed the concerns of local residents. Members were satisfied that in relation to the standard timings requested the agreed reduced terminal hours and additional conditions would be reasonable and proportionate and promote the licensing objectives particularly the prevention of public nuisance objective.

In regard to the non-standard timings the members felt it would be inappropriate to grant the additional non-standard hours because while they acknowledged that many residents had engaged with the application and were no doubt aware of its full contents there was concern that some individuals may have missed out of the opportunity to make representations in relation to these limited but nevertheless additional hours.

It was essential that opportunity should be given to make representations on the non-standard timings and any representations considered before any decision is made upon them both in the interests of procedural fairness and given that the agreed position with the residents that had engaged had been very finely balanced and brokered especially having regard to the sensitive locality and number of vulnerable residents.

The meeting ended at 12.27 pm

Chairman