

**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 12 March 2018 at 2.00 pm**

Present: Councillor DW Greenow (Chairman)
Councillors: CR Butler and PJ Edwards

Officers: Emma Howell

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'THE FUNCTION ROOM, LEOMINSTER SPORTS & SOCIAL CLUB, SOUTH STREET, LEOMINSTER. HR6 8JQ' - LICENSING ACT 2003. TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'THE FUNCTION ROOM, LEOMINSTER SPORTS & SOCIAL CLUB, SOUTH STREET, LEOMINSTER. HR6 8JQ' - 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 Ms Emma Howell, Licensing Technical Officer. Members also heard Mr Heath Thomas of Harrison Clark Rickerbys, the solicitor representing the applicant.

Mr Heath spoke at length about the application and highlighted the following:

- That he believed that the licensing authority's representation was not a valid representation as it did not state which how it related to the licensing objectives
- The committee should only be looking at the premises licence application and not the club premises licence.
- The club is run as a members' club and the applicant wished to offer the function room to non-members for events such as wakes. The club had been using temporary event notices (TENS) to accommodate requests for events but due to the nature of TENS, they occasionally had to refuse requests.
- All the benefits derived from the hiring out the function room would go for the benefit of the members.

- The club was not run for commercial gain
- The police should be the main source of the representations in connection with the crime and disorder objective and they had not objected to the application.
- There were numerous examples of premises having both a premises licence and a club premises licence.
- The function room will be the only room on the premises that will have an overlap for a premises licence and club premises licence.
- The function room and members area could be functionally separated, they both had their own access. There was door from the members' area to the function room that could be be locked. It was good management to have the two areas separate.
- The last noise nuisance complaint had been received in 2016 and the club had done extensive work to mitigate any noise emanating from the premises. There had been no noise complaints in 2017.
- No evidence had been provided as to why there should be a limit of one event per month.

The committee carefully considered all the representations made, the statutory framework as well as having regard to the statutory guidance and Herefordshire council's licensing policy.

Prior to the decision being announced the solicitor to the committee responded to the applicant's solicitor on the point raised in relation to the relevant representation. That having reviewed the relevant representation from the Local Authority it was their view that while it was not as "express" as it may be it was not manifestly unreasonable for the licensing authority to have treated it as a relevant representation given it was clear that the concern was that operating the premises licence could lead to breach of conditions on other licence. This would be a criminal offence and offend the prevention of crime and disorder objective. However, the decision had already been made previously by the licensing authority and an application for judicial review would have been the appropriate remedy if they had considered that decision capable of challenge.

DECISION

This is the decision of the licensing sub-committee in respect of a new premises licence concerning The Function Room, Leominster Sports & Social Club, and South Street, Leominster, HR6 8JQ.

It is the committee's decision that the application should be granted in the terms sought subject to any mandatory conditions required by the Act, such conditions as are consistent with the operating schedule and subject to the additional conditions set out below:

"During the use of function room under the terms of this licence no access shall be afforded to the remainder of the Leominster Sports and Social Club premises (not included in this licence) except for club staff, members of the club and their guests."

REASONS

Having carefully considered the representations, the report and background papers members were satisfied that the application should be granted as the measures proposed on the operating schedule were sufficient to promote the licensing objectives subject to the addition of one extra condition detailed above. This condition was considered to be appropriate and proportionate to address members' concerns about the

public being able to freely access the remainder of the Leominster Sports and Social Club which may be in operation concurrently with the function room. They were cognisant of the potential that if such access was granted to the public it could cause a breach of the Club Premises Certificate with the potential to undermine the prevention of crime and disorder objective. In considering whether to impose the condition members had regard to the representations on behalf of the applicant that there was a doorway that could act as a physical barrier between the function room and the remainder of the club and could be monitored or locked as appropriate.