

## **Minutes of the meeting of the Licensing Sub-Committee held in Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Thursday 19 September 2024 at 10.00 am**

**Committee members present in person and voting:**      **Councillors: Polly Andrews (Chairperson), Dave Davies and Peter Hamblin**

Others in attendance:

E Bowell	Licensing technical officer
Ben Davies	Senior Lawyer - Civil Litigation
J Preece	Democratic Services Officer
F Spriggs	Principal licensing officer
J Higgins	Democratic Services Assistant

### **14. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

### **15. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the meeting.

### **16. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **17. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF ROSS CONSERVATIVE FUNCTION ROOM, HILLSBOROUGH HOUSE, THE AVENUE, ROSS-ON-WYE, HR9 5AW - LICENSING ACT 2003**

Members of the licensing Sub-Committee from the Council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda, published on 11 September 2024.

Prior to making its decision the Council's Licensing Officer presented the report which outlined the options available to the Sub-Committee. Three representations were received from the Responsible Authorities: West Mercia Police, Trading Standards and Environmental Protection. The conditions proposed by all Responsible Authorities have been agreed with the Applicant. Two relevant public representations had been received. The Licensing Officer summarised the application and provided an overview of the representations received.

The Sub-Committee heard from the public representative, Mr Barry Williams that:

- They lived directly adjacent to the premises and had concerns that guests would socialise externally and create a noise nuisance for himself and other residents.

- He was not opposed to live music or people having fun, but it was felt that extending the hours was an unnecessary burden on the residents and that the current gap between 3pm – 6pm was necessary for him and other residents to enjoy respite.

The Council's Licensing Officer explained that under the Live Music Act of 2012, a licence was not required for live or recorded music for less than 500 people and would only come into force at 11:00 PM at night which also applied to enforceable noise conditions.

The Sub-Committee then heard from the applicant's representatives; Ms Dawn Williams, Ms Laura Dobbs and Ms Adrian Jones that:

- The club were not making changes to their opening hours and that they were merely applying for the club to become more inclusive by opening their function room up for public use.
- The club had submitted an FOI which revealed only one noise complaint had ever been received and this was due to an extractor fan, the issue was resolved promptly. This was in 2011.
- It was explained that there were numerous car parking spaces for the public and their members to park in a nearby offices car park.
- The club had always had a licence (Club Premises Certificate) until 12:30am but this was very rarely utilised and explained that normally on a Friday they would be closed by 11pm after skittles.

The Council's Licensing Officer confirmed the following conditions had been agreed:

1. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
2. All doors and windows at the premises shall be kept closed after 2300 hours, except for immediate access and egress.
3. Any speaker within the premises shall be directed away from any residential property.
4. Prominent clear and legible signage no less than 32 front bold shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and leave the premises quietly.

Following questioning by the Sub-Committee it was confirmed that:

- A member of staff would always be on the premises.
- That a new website had been introduced and social media would be used to advertise any events, but events would normally be private functions only.

The Sub-Committee carefully considered all the representations, reports and evidence before them. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's Statement of Licensing Policy 2020 - 2025.

## **DECISION**

The Sub-Committee's decision is to approve the application as applied for with the agreed conditions of the responsible authorities (West Mercia Police, Trading Standards and Environmental Protection).

## **REASONS**

The Sub-Committee has taken into account the detailed representations and information presented at the hearing by Senior Licensing Officer Emma Bowell, Local Resident Mr Barry Williams and representatives of the Applicant, Ms Dawn Williams, Ms Laura Dobbs and Adrian Jones. The Sub-Committee fully recognised the concerns raised by Mr Williams and the reasons why the representations were made. The Sub-Committee can only consider those representations that relate to one or more of the licensing objectives.

The Sub-Committee noted that there were representations made by the Trading Standards Department, Environmental Protection and West Mercia Police seeking additional conditions on the licence which were accepted by the Applicant. No further representations were received from the Responsible Authorities.

The Sub-Committee noted that concerns have been raised Mr Williams who resides immediately adjacent to the premises in relation to noise emanating from the venue causing disturbance to local residents, potential for patrons of the premises causing disruption within the community and the impact on the local area generally.

The Sub-Committee noted that only 1 complaint has been identified by the applicant and this dated back to 2011.No other formal complaints have been noted.

The Sub-Committee noted the submissions made by the Applicant in support of the premises licence application and also noted the conditions on the Licence and the measures that are being taken to mitigate any potential impact on the local area.

The Sub-Committee considered that the application made is comprehensive and will promote the licensing objectives.

The Sub-Committee strongly advised that should the premises licence conditions not be complied with, that the residents inform the Management of the premises in the first instance and if concerns continue, to inform Herefordshire Council Environmental Health and Licensing Department as well as the other appropriate Responsible Authorities so that concerns are properly documented as soon as practicable.

**18. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF FLAMES, 59A COMMERCIAL ROAD, HEREFORD, HR1 2BP - LICENSING ACT 2003**

Members of the licensing Sub-Committee from the Council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda, and the supplementary information published on 17 and 19 September 2024.

Prior to making its decision the Council's Licensing Officer presented the report which outlined the options available to the Sub-Committee. One representation was received from the Responsible Authorities: West Mercia Police. The Licensing Officer summarised the application and provided an overview of the representations received.

The Sub-Committee heard from the representative of West Mercia Police, PC Kirsty Norris that:

- The objection was raised due to the premises attracting considerable disorder during the night-time economy setting due to its late-night opening hours.
- The premise formally known as Munchies had its licence revoked following a review brought by West Mercia Police and a decision made by the Licencing Sub-Committee in February 2024 on the grounds of crime disorder.
- The disorder connected to this review occurred on the 15 and 29 December 2023.

- Since revocation of the late-night licence, the Police submitted there had been a significant drop in disorder connected with the premises and its surrounding area. However, a further two incidents had been reported from the premises in March and July 2024.
- Whilst the poor running of the premises previously can be partially blamed for some of the disorder, it was highlighted that the type of premises itself was not changing and was thought to attract the same clientele who cause the same issues regardless of who is running the premises. This was an application for a premises not for the applicant.
- The new licence states the inclusion of SIA door staff, but it was noted that there were SIA staff previously which did not prevent the disorder.
- It was highlighted that nowhere in the new licence application had the applicant stated what measures would be put in place to ensure further incidents did not occur, if staff had been changed, management or how they intended on dealing with any future issue of disorder should they reoccur.
- It was felt that these premises are unable to control the level of disorder associated with it and granting a late-night licence would prove detrimental for the night-time economy.
- All conditions that were previously applied did not work and therefore, the only reasonable conclusion was that the licence must not be granted.
- If the committee felt minded to grant the Licence a list of conditions was provided by the Police and attached as a supplement to the agenda pack.

Following questioning by the Sub-Committee it was confirmed that:

- An explanation of the computer systems "Innkeeper" as used by the Police was provided and confirmation was given that the logs provided in the agenda pack referred to incidents at the premises to be known as "Flames".
- It was explained that the two incidents that took place in March and July 2024 were categorised as "positive crime and disorder" which meant the premises had called the Police for support.

The Sub-Committee then heard from the Applicant's representative that:

- This is a new Applicant not connected with the previous history of the premises.
- This application is a mirror application with regards to the operating schedule which was applied and operated previously without issue between May 2013 in December 2023
- A freedom of information request had been submitted but not yet answered by the Police with regards to the crime and disorder rates since the premises licence revocation of "Munchies" in February 2024.
- It was highlighted that other "very large, licenced premises" located nearby had also been closed during this time period and could equally have contributed to statistics.
- Conditions put forward by PC Norris with regards to the training and record keeping of SIA door staff were welcomed and commended. However, the number of SIA door staff required was felt to be disproportionate and not financially viable for the business. Mr Semper quoted an hourly rate of £20 for each member of Door Staff.
- In relation to the two incidents as recorded in March and July 2024, it was submitted by Mr Semper that one occurred during a time the applicant was not involved in the premises and the other the incident was reported by the applicant himself requesting assistance from the police for a member of the public kicking his window. The applicant showed responsibility in calling the police and requesting assistance. It was noted that both these incidents occurred during the early evening.

- Attention was drawn to other surrounding businesses with late night licences operating with only 2 SIA door staff and in some circumstances none in attendance.

Following questioning by the Sub-Committee it was confirmed that:

- The applicant wanted to remain open until 03:30am.
- Two SIA door staff was appropriate and to further exceed that would be a considerable cost to the business and evidenced as required.
- Recruitment was currently being undertaken for new staff, with the Golden Galleon providing two SIA Door Staff. No staff that were used from the previous establishment known as Munchies would be used.
- There was no evidence that 2 SIA door staff as previously allocated was not effective as the SIA door staff that worked for the premise previously were found to have been neglectful in their duty of keeping the public safe from harm and would have been subject to disciplinary corrective action under the SIA.
- The Licensing Officer informed the committee that there had been problems prior to December 2023 which included:
  - One person found to be working at the premises was in the UK illegally. The licence was up for review and was suspended for one month in July 2017.
  - July 2017, December 2017 and September 2019, the Licencing Authority wrote to the then Premise Licence Holder regarding a breach of conditions over door staff.
  - September 2022, the Licencing Authority wrote to then, Premise Licence Holder regarding the premise being open while suspended and gave advice on the SIA door staff condition.
- The Licensing Officer informed the committee that the nearby premises "Marmaris" has a licence until 01:30am with two SIA door staff on Friday and Saturday nights from 11:00 PM and when employed externally they are to wear hi-vis vests.
- PC Norris confirmed the incidents that led to the previous revocation of the licence occurred on a Thursday evening into a Friday morning.

The Sub-Committee carefully considered all the representations, reports and evidence before them. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's Statement of Licensing Policy 2020 - 2025.

## **DECISION**

The Sub-Committee's decision in respect of the application for a premises licence is as follows:

The premises licence shall be granted with the following conditions placed on the premises licence which are based on the representations made by the police and the evidence presented to the Sub-Committee:

1. All staff employed at the premises (whether paid or voluntary) are to be trained in conflict resolution within 1 (one) month of commencing employment at the premises. All trained staff will be retrained every six (6) months. Training records shall be kept at the premises and produced to the police or any 'authorised person' as defined by S13 of the Licensing Act 2003 on demand.
2. The premises licence holder will ensure that a minimum of 2 (two) SIA registered door supervisors will be employed at the premises on Thursday's, Fridays, Saturdays,

and the Sundays before a Bank Holiday Monday, on Christmas Eve and New Year's Eve and on the evenings preceding all other Bank Holiday's from 23:00 until the end of licensable activities 03:30am.

3. When employed externally door staff shall wear Hi-Viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.

4. At all other times, the Premises Licence Holder 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 the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

5. 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.

## **REASONS**

The Sub-Committee has taken into account the detailed written representations and information presented to the hearing by Senior Licensing Officer Emma Bowell, PC Norris, Mr Semper on behalf of the applicant Flames and from Mr Mohammed Gabaj. The committee has fully considered all the relevant paperwork including policy and guidance.

The Sub-Committee fully recognises the concerns raised by West Mercia Police and the reasons why the representations were made and the concerns relating to the history of crime and disorder associated with this premises, the employment of suitable door staff and the recent revocation of the Premises Licence in February 2024.

The Sub-Committee has carefully considered the evidence presented by the Police during the hearing, including the supplemental documentation and proposed conditions.

The Sub-Committee has listened carefully to the representations and information supplied by Mr Semper and Mr Gabaj. In particular, the committee notes the history and explanation of the incidents provided by Mr Semper, the information he has provided regarding the crime and disorder associated with the premises and the area in which the premises is situated more generally. However, it is noted that this is a new applicant with no history of operating at this premises.

The Sub-Committee have had to weigh up the evidence very carefully and balance the history of the premises and the fact this is a new applicant not connected with the past operation of the business.

The Committee considered whether the number of SIA door staff proposed in the application, being 2, is sufficient to promote the licensing objectives or whether the number of SIA door staff needs to be increased to 3 or 4. The Committee consider, based on the evidence presented to them and the strengthened conditions to the licence, that 2 SIA registered door staff on the days and at the times outlined above will promote the licensing objectives and will be proportionate.

The Committee has taken all the facts into consideration, particularly the serious nature of the incidents that have occurred, the recent revocation and the operation of the previous licence conditions.

The Committee have also paid serious consideration to the fact this is a new applicant not connected with the previous history of the premises.

The Committee considers that the additional conditions outlined above, strengthen the promotion the licensing objectives and are proportionate.

The Committee notes that should there be further incidents of crime and disorder at this premises, this licence can be reviewed.

**19. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF  
HEREFORD PREMIER INN, HOLMER ROAD, HOLMER, HEREFORD, HR4 9RS -  
LICENSING ACT 2003**

This item was withdrawn following an agreement between the applicant and responsible authorities.

The meeting ended at 12:55

**Chairperson**