

A G E N D A

Regulatory Sub Committee

Date: **Friday, 16th June, 2006**

Time: **2.00 p.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of
the meeting.

For any further information please contact:

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Tel: 01432 261885 Fax: 01432 260286*

email: rclarke@herefordshire.gov.uk

AGENDA

for the Meeting of the Regulatory Sub Committee

To: Councillors Mrs. S.P.A. Daniels, R.I. Matthews and R. Preece

	Pages
1. ELECTION OF CHAIRMAN	
To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY)	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
5. APPLICATION FOR VARIATION OF PREMISES LICENCE ' THE LOUNGE, 48-50 ST. OWEN STREET, HEREFORD, HR1 2PU'	7 - 10
To consider an application for variation of the premises licence in respect of The Lounge, 48-50 St. Owen Street, Hereford, HR1 2PU	

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

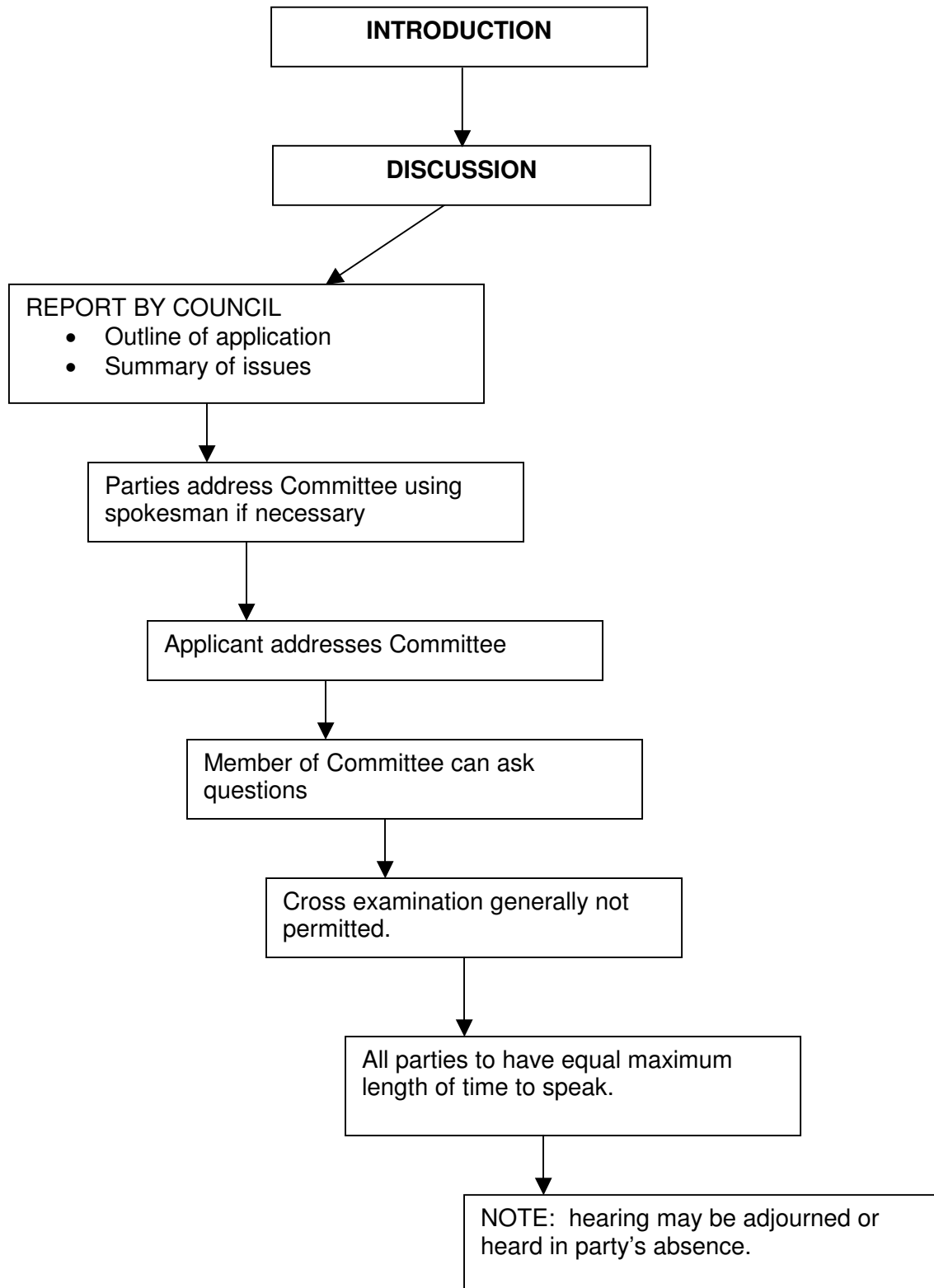
You should vacate the building in an orderly manner through the nearest available fire exit.

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Please do not allow any items of clothing, etc. to obstruct any of the exits.

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LICENCING HEARING FLOW CHART



APPLICATION TO VARY THE PREMISES LICENCE FOR 'THE LOUNGE, 48-50 ST OWENS STREET, HEREFORD, HR2 0AA' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

Wards Affected

Central

Purpose

- To consider an application for a variation to the premises licence in respect of 'The Lounge, 48-50 St Owens Street, Hereford, HR2 0AA'.

Background Information

2.	Applicant	Dalespire Ltd	
	Solicitor	N/A	
	Type of application: Variation	Date received: 25/04/06	28 Days consultation: 22/05/06

The advertisement for the premises has not been seen at the time of print.

New Licence Application

- The application for a variation to the premises licence has received representations from interested parties. It therefore is now brought before committee to determine the application.

Summary of Application

- The proposed variation is for a reduction in the age of membership to allow people 18 years old or over to join as a member of the club.

Current Licence

- The premise currently has a premise licence. The details of which are summarised below: -

Licensable activities	Hours
Sale by retail of alcohol	Monday – Thursday: 1200 –2300 Friday – Saturday: 11.00 – 00.00 Sunday: 11.00 – 23.00 Saturday & Sunday before Bank Holiday and Christmas Eve 11.00 - 00.00 New Years Eve 11.00 – 00.30 30 Minutes drinking up time

	Membership is open to people 23 years old and above.
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Summary of Representations

6. **West Mercia Police**
West Mercia Police have made no representation in respect of the application.
7. **Environmental Health**
Environmental Health Officers have made no representation in respect of this application.
8. **Fire Authority**
The Fire Authority has made comments in respect of:
 - The requirement to have a suitable and sufficient fire risk assessment.
 - Advised to have a Risk assessment to demonstrate public safety.
 - Maximum permitted number of persons permitted on the premises should be 250 with 3 stewards.
9. **Interested Parties**
The Local Authority has received 38 written representations. The concerns relate to:
 - Prevention of Crime & Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm

Copies of any representation can be found within the background papers.

Issues for Clarification

10. The Authority has requested clarification on particular points from the parties shown:-

Applicant – Dalespire Ltd

The applicant has been requested to provide clarification in respect of matters relating to the application as follows: -

Please provide copies of the amended membership rules for the club, the membership application form, and the code of conduct.

Please provide a copy of the advertisement.

Other matters for consideration

11. The application states that on Christmas Eve and New Years Eve a 2 hour period is applied for in addition to the normal hours. The notice at the premises stated that this period was for 1 hour only not 2.

Herefordshire Council Licensing Policy

12. In making its decision the committee will be obliged to have regard to its own policy, the DCMS guidance and have regard to all documents submitted in respect of the application.

Options

13. It is for the committee to take such steps below as it considers necessary for the promotion of the licensing objectives:
- Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003.
 - Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it necessary for the promotion of the licensing objectives and add mandatory condition set out in the Licensing Act 2003.
 - To exclude from the scope of the licence any of the licensable activities to which the application relates.
 - To refuse to specify a person in the licence as the premise supervisor
 - To reject the application.

BACKGROUND PAPERS

- Public Representation Forms
- Application Form
- Location Plan

Background papers are available for inspection in the Council Chamber, Brockington, Hafod Road, Hereford, 30 minutes before the start of the hearing.

NOTES

Guidance issued under section 182 of the Licensing Act 2003, Section S18(7)

Relevant, vexatious and frivolous representations

- 5.73 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives....
- 5.75 It is for the licensing authority to determine on its merits whether any representation by an interested party is frivolous or vexatious....

The licensing authority must determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness....