

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 1st August, 2006 at 2.00 p.m.

Present: Councillor R.I. Matthews (Chairman)

Councillors: T.W. Hunt and Brig. P. Jones CBE

In attendance: Councillors H. Bramer, G. Lucas and J.P. Thomas

22. ELECTION OF CHAIRMAN

Councillor R.I. Matthews was elected as Chairman for the Regulatory Sub-Committee hearing.

23. APOLOGIES FOR ABSENCE

No apologies for absence were received.

24. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

25. DECLARATIONS OF INTEREST

There were no declarations of interest made.

26. APPLICATION FOR A NEW PREMISES LICENCE 'HOMME HOUSE, MUCH MARCLE, LEDBURY, HR8 2NJ.' (Pages 1 - 4)

Please see the attached decision notice for details regarding the determination of the application.

27. APPLICATION FOR A NEW PREMISES LICENCE 'WATERSIDE PARK, ROPE PARK, ROSS-ON-WYE, HR9 7BD.' (Pages 5 - 8)

Please see the attached decision notice for details regarding the determination of the application.

28. APPLICATION FOR VARIATION OF PREMISES LICENCE 'THE DUCKING STOOL, 11 SOUTH STREET, LEOMINSTER, HR6 8AJ.' (Pages 9 - 12)

Please see the attached decision notice for details regarding the determination of the application.

The meeting ended at 5.05 p.m.

CHAIRMAN



HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	Homme House
APPLICANT'S NAME	Mrs. J. Finnigan
APPLICATION TYPE	New Premises Licence
PANEL MEMBERS	Councillor R.I. Matthews (Chairman) Councillor Brig. P. Jones Councillor T.W. Hunt
DATE OF MEETING	2nd August, 2006

Members of the Licensing Panel of the Council's 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 Mrs. Finnigan, the Applicant, Miss Woodland, the Environmental Health Officer, P.C. Thomas, representing West Mercia Constabulary as well as Mr. Watters, representing Mr. Kyrle-Pope, Mr and Mrs. James, Ms. Woods and Mr. and Mrs. Baker together with Mr. Ward, and Mr. Buttery, who had made representations regarding the application.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted subject** to the conditions appearing below. In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy. The Members imposed conditions in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

HOURS OF LICENSABLE ACTIVITY (PREMISES & MARQUEE)

	Live / Recorded Music	Prov. of Facilities For Dancing	Supply of Alcohol	Open to the public
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday	1800 - 0000	1800 - 0000	1700 - 0000	0800 - 0030
Sunday				

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REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

CONDITIONS

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

- The mandatory conditions of The Licensing Act 2003.

CRIME & DISORDER

- That the primary use of the premise remains that of a family home and that the licensable activities only take place at pre-booked weddings and similar functions.

PUBLIC SAFETY

- The Licensee shall take all reasonable precautions to ensure the safety of the public, the performers and employees on the premises.
- A risk assessment for all licensed outdoor areas shall be recorded and maintained. Adequate systems shall be in place to ensure the actions (and precautions) identified in the risk assessment are effectively implemented.
- Adequate systems shall be in place to control persons entering the premises and its grounds to prevent any compromise to the safety of the public, performers or employees whilst on or in the immediate vicinity of the premises.
- Any marquee provided on the premises shall be erected by a competent person.
- Access routes to the premises and nearby residential dwelling shall not be obstructed at any times. A minimum distance of 3.7 metres shall exist along the main access route to allow access by emergency vehicles.
- All parts of the premises shall be provided with adequate illumination during the whole time the premises are being used for any licensable activities. All routes of escape and all parts of the premises to which the public have access shall be provided with adequate and assured lighting from independent supplies and systems.
- A current inspection certificate shall be held for all electrical installations in accordance with BS7671 and BS5266-1.
- The licensee shall ensure that a fire risk assessment is carried out for the whole premises. He/she shall also ensure that all fire risks are minimised in accordance with current industry good practice.

PREVENTION OF PUBLIC NUISANCE

- No noise or vibration shall emanate from the premises so as to cause a nuisance. This shall include noise or vibration from any vehicles, machinery or equipment used in association with licensable activities held at the premises.
- All east facing doors and windows shall be kept closed after 2200 hours except for access and egress.

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**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

- No fireworks shall be ignited between the hours of 2230 and 0800 except on 5th November and New Years Eve each year when fireworks may be provided until midnight and 0100 respectively. This is to minimise disturbance to neighbours.
- No more than 12 firework displays may be provided at the premises in any calendar year. Each display shall last no longer than 20 minutes.
- No noxious smells shall be emitted from the premises at any time so as to cause nuisance.
- The foul water drainage provided to the premises shall be maintained in a good state of repair and shall be sufficient to prevent any surcharge or leakage of sewage that could give rise to nuisance.
- No accumulations of litter on or in the vicinity of the premises shall be permitted. All refuse shall be stored in suitable receptacles and a regular contracted collection of refuse provided.

PROTECTION OF CHILDREN FROM HARM

- Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which are illegal to sell to children.

OTHER CONDITIONS

- The premises shall not be open to the public after 0030.
- Alcohol shall not be supplied after 0000 to allow sufficient drinking-up time.



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**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	Waterside Park
APPLICANT'S NAME	Stage Electrics Partnership Ltd.
APPLICATION TYPE	New Occasional Premises Licence
PANEL MEMBERS	Councillor R.I. Matthews (Chairman) Councillor Brig. P. Jones Councillor T.W. Hunt
DATE OF MEETING	2nd August, 2006

Members of the Licensing Panel of the Council's 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 Mr. Cleary, the Applicant, Miss Woodland, the Environmental Health Officer and P.C. Thomas, representing West Mercia Constabulary.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted subject** to the conditions appearing below. In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy. The Members imposed conditions in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

HOURS OF LICENSABLE ACTIVITY

	Live / Recorded Music, Dance	Prov. of Facilities For Dancing	Supply of Alcohol	Open to the public
Saturday 26th August, 2006	1900 - 2300	1900 - 2300	1800 - 2230	1700 – 2330
Sunday 27th August, 2006	1900 - 2300	1900 - 2300	1800 - 2230	1700 – 2330
Monday 28th August, 2006	1900 - 2300	1900 - 2300	1800 - 2230	1700 – 2330

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REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

CONDITIONS

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

- The mandatory conditions of The Licensing Act 2003.

PUBLIC SAFETY

- A suitable and sufficient Event Safety Management Plan shall be provided to the satisfaction of Environmental Health at least 7 days prior to the start of the event. The Plan should be a working document providing details of how the event is to be conducted and safety issues addressed and should include the Health and Safety Policy and risk assessments.
- The maximum number of persons on the event site shall not exceed 4000. The Licensee shall be aware of the number of persons on the site at any one time. This information shall be provided to any authorised officer immediately on request.
- A satisfactory electrical safety inspection certificate shall be provided for all temporary electrical installations on site before the event commences.
- A risk assessment shall be carried out for the storage and use of fireworks to be used during the course of the event.
- A sufficient number of stewards shall be provided throughout the duration of the event to the satisfaction of Environmental Health.
- All stewards shall be fit to carry out their allocated duties, aged 18 years or over and shall not consume or be under the influence of alcohol or other drugs.
- All stewards are to be readily identifiable by the wearing of distinctive tabards (or similar), clearly and indelibly marked with the words “**STEWARD**”.
- The licensee shall comply with any request made by an officer of the Council to remove or cordon off a hazard or an area that in the opinion of the officer is likely to compromise the safety of any person on the site.

PREVENTION OF PUBLIC NUISANCE

- No noise or vibration shall be emitted from the premises to as to cause a public nuisance.
- The Music Noise level (L_{Aeq}), when measured at 1 metre from the façade of any noise sensitive premises, should not exceed 65 dB(A) over a 15 minute period
- The Licensee(s) shall take all reasonable steps to ensure that any residents who may be affected by noise emanating from the event or disturbed by vehicles entering and/or leaving the event, are given sufficient information regarding the event and such information shall be to the satisfaction of Environmental Health.
- The telephone number of a licensee or some other nominated person who has control of the event shall be given to Environmental Health before the event

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REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

commences and that person(s) shall be contactable during the course of the event.

- The Licensee should make appropriate arrangements for the assessment of noise for the duration of the event, which should be documented. A copy of all noise assessment data should be made available to an authorised officer upon request.
- The licensee shall immediately comply with any request to reduce or adjust noise levels/frequency spectra made by an authorised officer during the event.
- No accumulation of rubbish or other combustible material shall be permitted on the site other than in designated receptacles.

PROTECTION OF CHILDREN FROM HARM

- Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which is illegal to sell to children.

OTHER CONDITIONS

- Stage Electrics will ensure that the fencing will be moved 2-3m back from the pathway/roadway. Stewards will ensure that this area is free from parked vehicles.
- Stage Electrics will ensure that sound checks and line checks of the PA system will only take place at times which will minimise disruption to the Ross Rowing Club Regatta. Stage Electrics' Site Manager and Sound Engineer to liaise with Ross Rowing Club in order to agree timings for sound checks.



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**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	The Ducking Stool
APPLICANT'S NAME	Lorna Kendall
APPLICATION TYPE	Variation
PANEL MEMBERS	Councillor R.I. Matthews (Chairman) Councillor Brig. P. Jones Councillor T.W. Hunt
DATE OF MEETING	2nd August, 2006

Members of the Licensing Panel of the Council's 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 Mr. Wilding, the Applicant's partner, Miss Woodland, the Environmental Health Officer, P.C. Thomas, representing West Mercia Constabulary as well as Mr. Creswell, Mrs. Davies, and Mrs. Scott-Mayfield, who had raised objections to the application.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted subject** to the conditions appearing below. In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy. The Members imposed conditions in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

HOURS OF LICENSABLE ACTIVITY (INSIDE ONLY)

	Live Music	Recorded Music	Supply of Alcohol	Open to the public
Monday		1100 - 2330	1100 - 2330	1100 - 0000
Tuesday		1100 - 2330	1100 - 2330	1100 - 0000
Wednesday	2000 - 2300	1100 - 2330	1100 - 2330	1100 - 0000
Thursday		1100 - 2330	1100 - 2330	1100 - 0000
Friday	2000 - 2330	1100 - 2330	1100 - 0000	1100 - 0030
Saturday	2000 - 2330	1100 - 2330	1100 - 0000	1100 - 0030
Sunday	2000 - 2300	1100 - 2330	1100 - 2330	1100 - 0000

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REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

CONDITIONS

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

- The mandatory conditions of The Licensing Act 2003.

CRIME & DISORDER

- The provision of a capacity limit.
- The provision of registered door staff on any night when the licensable activity of live music takes place. Door staff to be in place 1 hour before the start of the live music.
- A time limit when the beer garden area can be used for licensable activities and the consumption of alcohol (*2300 as recommended by Environmental Health*)
- The provision of a condition preventing open containers being removed from the premise, except to the beer garden area.
- The provision of CCTV which meets the requirements and expectations of the licensing authority and police.
- The active participation in the Leominster **HAND** scheme.
- The provision of an incident book.
- The inclusion of a condition on irresponsible drinks promotions, such as compliance with the BBPA guidelines.

PREVENTION OF PUBLIC NUISANCE

- A terminal hour for opening and all licensable activities unless otherwise stated of 00:00 Sunday to Thursday; and 00:30 hours Friday and Saturday.
- No recorded music, other than low level background music, shall be provided after 23:30 hours on any day.
- A terminal hour for live music of 23:00 hours Sunday to Thursday; and 23:30 hours Friday and Saturday.
- Alcohol shall not be supplied during the last 30 minutes of opening to allow a wind-down period.
- No noise or vibration shall emanate from the premises so as to materially affect the use or enjoyment of neighbouring properties.
- 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.
- All external doors and window shall be kept closed except for access when amplified music entertainment is provided at the premises and after 23:00 hours in any day.

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- No music entertainment shall be provided outside the premises at any time.
- The beer garden shall not be used for the consumption of alcohol after 23.00 hours on any day.

PUBLIC SAFETY

- The Licensee shall take all reasonable precautions to ensure the safety of the public, the performers and employees on the premises.
- All windows and doors shall be maintained in a good state of repair.
- The premises shall be adequately ventilated whilst open to the general public. All ventilation equipment shall be maintained in good working order.
- No open containers shall be removed from the premises.
- Adequate systems shall be in place to control persons entering and leaving the premises to prevent overcrowding and effectively deal with any altercations or antisocial behaviour of patrons both on and in the vicinity of the premises.
- A current electrical safety inspection certificate shall be held for all electrical installations in accordance with BS 7671 and BS5266-1.
- All portable electrical equipment in the entertainment areas shall be powered through a suitable and sufficient sensitive earth leakage protection system (residual current device).
- The Licensee shall ensure that a fire risk assessment is carried out for the whole premises. He/she shall also ensure that all fire risks are minimised in accordance with current industry good practice.
 - a) The fire risk assessment shall cover the following areas;
 - a. Means of escape
 - b. Exit routes and exit notices
 - c. Exit doors
 - d. Disabled access and escape
 - e. Reporting of Fires
 - f. Fire Procedure
 - g. Fire Logbook
 - h. Access for Fire Appliances
 - i. Fire Fighting Equipment
 - j. Fire Resistant Furniture and Fittings
 - k. Smoking
 - l. Explosive and Flammable Substances
- All parts of the premises shall be provided with adequate illumination whilst the premises are being used for any licensable activities. All routes of escape and all parts of the premises to which the public have access shall be provided with adequate and assured lighting from two independent supplies and systems.

