

A G E N D A

Regulatory Sub Committee

Date: **Tuesday, 1st August, 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:

*Ricky Clarke, Members' Services,
Tel: 01432 261885 Fax: 01432 260286*

email: rclarke@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Regulatory Sub Committee

To: Councillors T.W. Hunt, Brig. P. Jones CBE and R.I. Matthews

	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 A NEW PREMISES LICENCE 'HOMME HOUSE, MUCH MARCLE, LEDBURY, HR8 2NJ.' To consider an application for a new premises licence in respect Homme House, Much Marcle, Ledbury, HR8 2NJ.	1 - 4
6. APPLICATION FOR A NEW PREMISES LICENCE 'WATERSIDE PARK, ROPE PARK, ROSS-ON-WYE, HR9 7BD.' To consider an application for a new time limited premises licence in respect of the Waterside Park, Rope Walk, Ross on Wye, HR9 7BD.	5 - 8
7. APPLICATION FOR VARIATION OF PREMISES LICENCE 'THE DUCKING STOOL, 11 SOUTH STREET, LEOMINSTER, HR6 8AJ.' To consider an application for a variation of premises licence in respect of The Ducking Stool, 11 South Street, Leominster. HR6 8AJ.	9 - 12

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- 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.

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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.

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- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

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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.

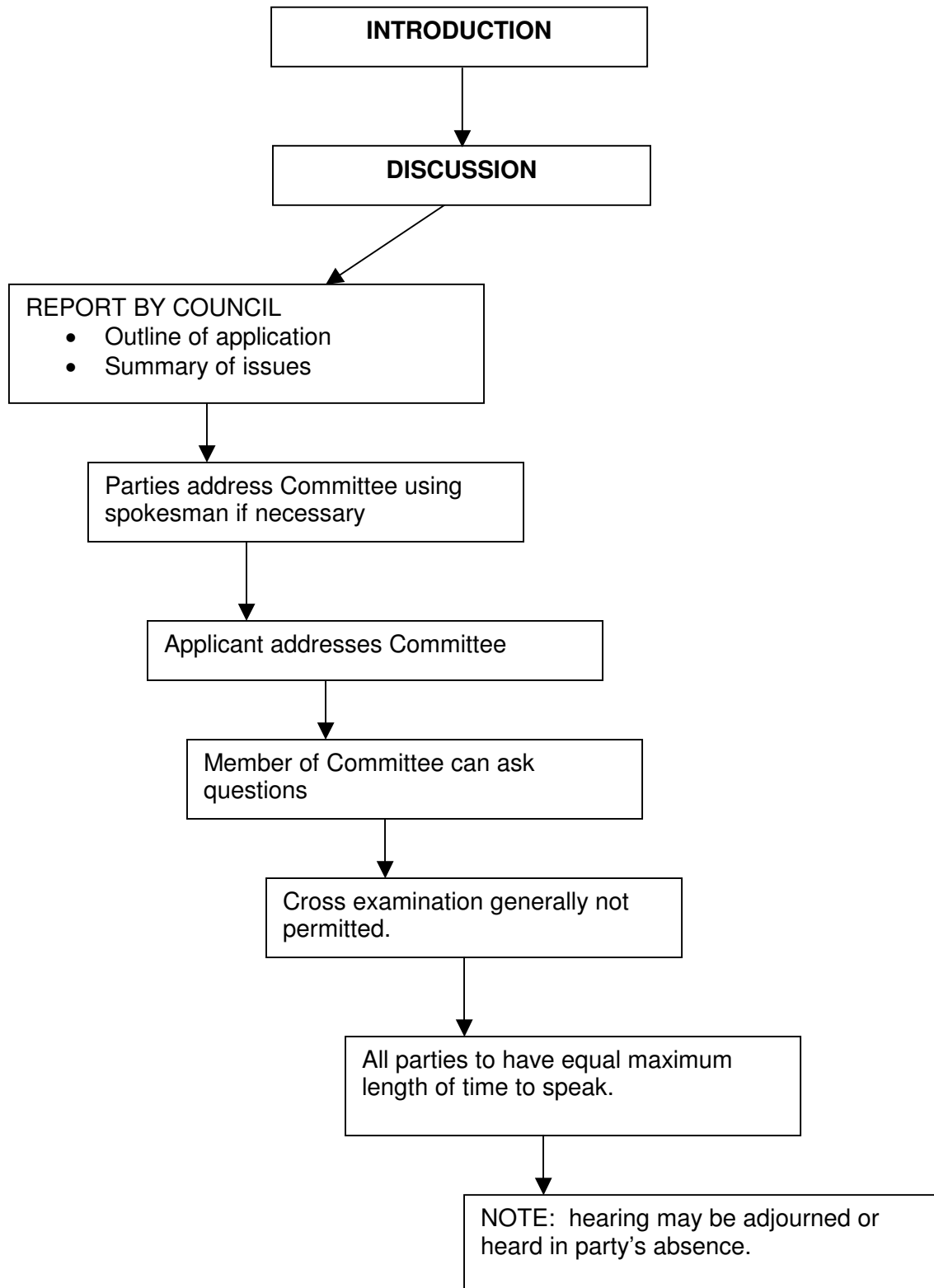
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LICENCING HEARING FLOW CHART



**APPLICATION FOR NEW PREMISES LICENCE
‘HOMME HOUSE, MUCH MARCLE, LEDBURY, HR8
2NJ.’ - LICENSING ACT 2003**

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Old Gore

Purpose

1. To consider an application for a new premises licence in respect Homme House, Much Marcle, Ledbury, HR8 2NJ.

Background Information

Applicant	Jocelyn FINNIGAN	
Solicitor	N/A	
Type of application:	Date received:	28 Days consultation
New	12/06/06	10/07/06

2. The advertisement for the premises has been seen. However it does not state that a marquee may be provided on site.

New Licence Application

3. The application for a new licence has received representations from interested parties and responsible authorities. It is therefore now brought before committee to determine the application.
4. The application was initial received on 8th May, 2006 and was accepted. However, it was subsequently found that the notice displayed at the premises did not conform to the regulations and the applicant decided to re-start the 28 day period to ensure compliance with the regulations.

Summary of Application

5. The licensable activities applied for are: -
Live Music
Recorded Music
Provision of facilities for dancing
Supply of Alcohol
All of these will be indoors.
6. The following hours have been applied for in respect Live Music, Recorded Music and Provision of facilities for Dancing: -
Monday to Sunday 1800 - 0000
7. The following hours have been applied for in respect of the Supply of Alcohol on premises only: -
Monday to Sunday 1200 – 0000

8. The premises are to be open to the public: -
Monday 0800 – Sunday 0800 – 0100

Non Standard hours

9. There is no application for ‘**non-standard**’ hours in respect of Live and recorded music and performance of dance.
10. The application states: -
Start varies depending on timing/length of the wedding breakfast, but usually between 1900 and 2000.

Summary of Representations

11. Copies of the representations and suggested conditions can be found within the background papers.

West Mercia Police

12. Have made representation and request one condition to promote the licensing objective of the prevention of crime and disorder.

Environmental Health

13. The Environmental Health Officer has made representations in relation to the application. This representation recommends a curtailing of hours in respect of the hours open to the public and the supply of alcohol. It is also requested that conditions be attached to address the licensing objectives of Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

In respect of Public Safety they request a number of general conditions as well as conditions in respect of Access, Lighting, Electrical Installations, and Fire Safety.

In respect of Public Nuisance they request conditions concerning Noise and Vibration, Fireworks and Accumulations/Odours.

They request a further one conditions in respect of the protection of children.

Fire Authority.

14. The fire authority has made representation in respect of the application. They request three (3) conditions relating to the fire alarm system, escape routes and emergency lighting with the proviso that these items are addressed by 1 October 2006.

Interested Parties.

15. The Local Authority received twelve (12) letters of representation in respect of the application. These representations address the four licensing objectives. but this was received outside the 28-day consultation period and therefore was rejected.

A further representation was received during the first consultation period. This person was not notified of the re-start of the application therefore the representation should stand.

Issues for Clarification

This Authority has requested clarification on following points: -

16. Non Standard Timings The applicant has been requested to provide the earliest start time in respect of the licensable activities of recorded music, live music and provision of facilities for dancing.
17. Licensable Activities The application within the further details states 'Normally Saturdays but could be other days'. The applicant has been asked to state why the other days cannot be dealt with by way of temporary event notice.

Herefordshire Council Licensing Policy

18. 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 specified within the DCMS Guidance.

Options

19. 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

- Police Comments
- Environmental Health & Trading Standards Comments
- Fire Authority Comments
- Application Form
- Public Representations

Background papers are available for inspection in the Council Chamber, Brockington, 35 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....

Licensing Authorities power to exercise substantive discretionary powers.**The British Beer and Pub Association (2) The Association of Licensed Multiple Retailers (3) The British Institute of Inn keeping V Canterbury City Council.**

Contesting the validity of the Licensing policy that asks for certain requirements before the application has been submitted. In the summing up the Judge states; The scheme of the legislation is to leave it to applicants to determine what to include in their applications, subject to the requirements of Section 17 and the Regulations as to the prescribed form and the inclusion of a statement of specified matters in the operating schedule. An applicant who makes the right judgement, so that the application gives rise to no relevant representations, is entitled to the grant of a licence without the imposition of conditions. The licensing authority has no power at all to lay down the contents of an application and has no power to assess an application, or exercise substantive discretionary powers in relation to it, unless there are relevant representations and the decision – making function under section 18 (3) is engaged.

APPLICATION FOR NEW PREMISES LICENCE 'WATERSIDE PARK, ROPE WALK, ROSS ON WYE, HR9 7BD.' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Ross on Wye West

Purpose

- To consider an application for a new time limited premises licence in respect of the Waterside Park, Rope Walk, Ross on Wye, HR9 7BD.

Background Information

Applicant	Stage Electrics Partnership Ltd	
Solicitor	N/A	
Type of application:	Date received:	28 Days consultation
New	15/06/06	13/07/06

- The advertisement for the premises has not been seen at this time. Notices were displayed on site, which conformed to the Regulations.

New Licence Application

- The application for a new licence has received representations from responsible authorities and interested parties. It is therefore now brought before committee to determine the application.

Summary of Application

- The licensable activities applied for are: -
Live Music
Recorded Music
Performance of dance
Anything of a similar nature to Live/Recorded Music or Performance of Dance.
Provision of facilities for dancing
Supply of Alcohol
All of these will be outdoors.
- It is requested that the site be licensed between Tuesday 22nd and Thursday 31st August 2006 (inclusive).
- The licence will authorise the site for less than 5,000 people.
- The following hours have been applied for in respect of all of the licensable activities except the supply of alcohol: -
Saturday to Monday 1900 -2300

8. The following hours have been applied for in respect of the Supply of Alcohol both on and off premises: -
Saturday to Monday 1800 - 2230
9. The premises are to be open to the public: -
Saturday to Monday 1700 - 2330

Non Standard hours

10. There is no application for '**non-standard**' hours.

Summary of Representations

11. Copies of the representations can be found within the background papers.

12. **West Mercia Police**

Have made a representation but have been unable to suggest conditions as only a draft 'Event Management Control Document' was submitted with the application. Their concerns relate to the roles and responsibilities of stewards and security employed, as well as the traffic plan for the event.

13. **Environmental Health**

The Environmental Health Officer has made representations in relation to the application. The representation addresses the licensing objectives of Public Safety, Public Nuisance and the Protection of Children from Harm.

In respect of Public Safety they request an 'Event Safety Management Plan', together with conditions in respect of the number of persons on premises, electrical safety and the storage of fireworks. They request further conditions in relation to the stewards.

In respect of Public Nuisance they request conditions concerning Noise and Rubbish.

They request one further two conditions in respect of the protection of children.

14. **Fire Authority.**

The fire authority has objected to the application, as the information supplied is insufficient to comment further.

15. **Interested Parties.**

The Local Authority received one (1) letter of representation in respect of the application from a local resident and one (1) from a local club.

Issues for Clarification

16. This Authority has requested clarification in respect of the following point from the applicant: -

It is noted that the event is going to take place between Saturday 26th August, 2006 and Monday 28th August, 2006. The application applies for the period from Tuesday 22nd August, 2006 to Thursday 31st August 2006 (inclusive). The applicant has been asked to state why the premises should be licensed for 4 days before and 3 days after the event.

Herefordshire Council Licensing Policy

17. 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 specified within the DCMS Guidance.

Options: -

18. 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

- Police Comments
- Environmental Health & Trading Standards Comments
- Application Form

Background papers are available for inspection in the Council Chamber, Brockington, 35 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....

Licensing Authorities power to exercise substantive discretionary powers.**The British Beer and Pub Association (2) The Association of Licensed Multiple Retailers (3) The British Institute of Inn keeping V Canterbury City Council.**

Contesting the validity of the Licensing policy that asks for certain requirements before the application has been submitted. In the summing up the Judge states; The scheme of the legislation is to leave it to applicants to determine what to include in their applications, subject to the requirements of Section 17 and the Regulations as to the prescribed form and the inclusion of a statement of specified matters in the operating schedule. An applicant who makes the right judgement, so that the application gives rise to no relevant representations, is entitled to the grant of a licence without the imposition of conditions. The licensing authority has no power at all to lay down the contents of an application and has no power to assess an application, or exercise substantive discretionary powers in relation to it, unless there are relevant representations and the decision – making function under section 18 (3) is engaged.

APPLICATION FOR VARIATION OF PREMISES LICENCE ‘THE DUCKING SCHOOL, 11 SOUTH STREET, LEOMINSTER, HR6 8AJ.’ - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Leominster North/South

Purpose

- To consider an application for a variation of premises licence in respect of The Ducking Stool, 11 South Street, Leominster. HR6 8AJ.

Background Information

Applicant	Lorna KENDALL	
Solicitor	N/A	
Type of application: New	Date received: 8/06/06	28 Days consultation 6/07/06

- The advertisement for the premises has been seen although all activities applied for do not appear within the advertisement.

Variation Licence Application

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

Current Licence

- The current licence permits the sale of alcohol both on and off the premises: -
On weekdays, other than Christmas Day, Good Friday or New Years Eve, 10 a.m. to 11 p.m.
On Sundays, other than Christmas Day or New Years Eve, 12 noon to 10.30 p.m.
On Good Friday, 12 noon to 10.30 p.m.
On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Summary of Application

- The licensable activities applied for are: -
 Live Music
 Recorded Music
 Supply of Alcohol [Previously Licensed]
- The following hours have been applied for in respect Live Music (Indoors): -
 Wednesday 2000 – 0000

Further information on the subject of this report is available from Suzanne Laughland, Licensing Manager on (01432) 261675

Friday to Sunday 2000 – 0000

7. The following hours have been applied for in respect of Recorded Music (Not stated whether indoors or outdoors or both) and the Supply of Alcohol on premises: -

Monday to Saturday 1100 – 0100
Sunday 1100 – 0030

8. The premises are to be open to the public: -

Monday to Saturday 1100 – 0120
Sunday 1100 – 0030

Non Standard hours

9. There is an application for 'non-standard' hours. The application states 'Would like extended hours till 02:00 New Years Eve' in respect of Live Music and Hours open to the public.

Seasonal Variations

10. In respect of recorded music the application states 'Would like alternative days in Summer Months'.

Adult Entertainment

11. The application requests adult entertainment and states 'Ladies nights, Men's Entertainment Nights'.

Summary of Representations

12. Copies of the representations and suggested conditions can be found within the background papers.

13. **West Mercia Police**

Have made representation and request eight conditions to prevent crime and disorder.

14. **Environmental Health**

The Environmental Health Officer has made representations in relation to the application. This representation addresses the licensing objectives of Public Safety and Public Nuisance.

In relation to public nuisance they request a terminal hour for: -

- all the licensable activities of 00:30 on Friday & Saturday and 00:00 on other days.
- recorded music of 2330 on all days
- live music of 2330 on Friday & Saturday and 2300 on other days
- Alcohol not to be served in the last 30 minutes of opening

They also request conditions in relation to noise,

In respect of Public Safety they seek some general conditions, conditions in relation to number of persons on premises, electrical installation, fire safety and lighting.

15. **Fire Authority.**

The fire authority has no representation to make.

16. **Interested Parties.**

The Local Authority received eleven (11) letters of representation in respect of the application. These comprised of three (4) from local businesses, two (2) people who are local residents and have local businesses and (5) from local residents.

Issues for Clarification

17. This Authority has requested clarification on particular points from the applicant: - Live Music The application gives no details of the type of live music to be provided. Further details have been requested.
18. Live Music Within the seasonal variations under Live Music on the application form, the applicant has stated 'Would like alternative days in summer months'. Clarification has been sought from the applicant in respect of this.
19. Recorded Music It is noted that the application fails to state whether this activity will take place indoors or outdoors. Clarification has therefore been sought.
20. Recorded Music Further details of the recorded music have been requested from the applicant.
21. Hours premises open to the public The application states that the premises will close at 00:30 hours on a Sunday. It is noted that the licensable activities of supply of alcohol and recorded music will also terminate at this time. The applicant has been asked to inform the Committee how they intend to manage the closer of the premises when the times coincide.
22. Adult Entertainment Full details of the proposed Adult Entertainment to be provided on the premises has been requested from the applicant.

Herefordshire Council Licensing Policy

23. 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 specified within the DCMS Guidance.

Options

24. It is for the committee to take such steps below as it considers necessary for the promotion of the licensing objectives:
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