

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 16th May, 2007 at 2.00 p.m.

Present: Councillor RI Matthews (Chairman)

Councillors: P Jones CBE and G Lucas

70. ELECTION OF CHAIRMAN

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

71. APOLOGIES FOR ABSENCE

No apologies for absence were received.

72. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

73. DECLARATIONS OF INTEREST

There were no declarations of interest made.

74. APPLICATION FOR VARIATION OF PREMISES LICENCE 'GRAFTON MARKET (RE-RACK), GRAFTON HOUSE, BURGESS STREET, LEOMINSTER, HR6 8DE'

The Sub-Committee were required to hear and determine an opposed application for variation of a premises licence for Grafton Market (Re-Rack), Grafton House, Burgess Street, Leominster, HR6 8DE. The Chairman introduced the Sub Committee and Officers and confirmed that all members of the sub-committee had seen and read the background papers. He then requested that any persons making representations make themselves known. The following representatives were noted:

- Mr. and Mrs. Bedford (Applicants)
- Mr. and Mrs. Walker (Objectors)

The Chairman asked all representatives if they required an extension to the 10 minute allocated time allowed for public speaking. All interested parties felt that 10 minutes would be acceptable and no requests for an extension to the time limit were made.

The Licensing Officer presented her report to the Sub-Committee. She confirmed that the applicant had withdrawn all outside areas from the application. She also advised members that there was an error in relation to the opening hours under section 7 of her report. She confirmed that the actual hours the premises would be open to the public were to be:

- Monday to Thursday and Sunday 1000 – 0000

- Friday and Saturday 1000 – 0130

In accordance with the Licensing Act 2003 regulations for hearings, Mrs. Walker, a local resident, addressed the Regulatory Sub-Committee. She noted that the music was still audible from her premises and felt that the Noise Limiter was either ineffective or had not been set up correctly. She also felt aggrieved that the noise limiter had not been installed within the time limit set out by the regulatory sub-committee at its last hearing. She also expressed her concerns regarding the external windows to the premises. She felt that the previous condition requiring these windows to be kept closed had not been adhered to and that windows were regularly left open. Finally she felt that the upstairs area of the premises had already been used for licensable activity even though it was not licensed. She requested that the upstairs area be removed from the application in order to prevent further noise disturbance.

In response to a question from the Chairman, Mrs. Walker confirmed that she had tried to contact the Environmental Health Department but had been disappointed by the lack of an out of hours service. The Chairman felt that this was not acceptable and agreed to discuss the matter further with the Director for the Environment.

The Licensing Officer confirmed that Mr. and Mrs. Walker had been offered the use of a noise-monitoring device by the Environmental Health Department but had, at present, refused the offer. She also confirmed that the Environmental Protection Manager had attended the site with noise recording equipment.

In accordance with the Licensing Act 2003 regulations for hearings, Mr. Bedford, the applicant, addressed the Regulatory Sub-Committee. He confirmed that the noise limiter had not been installed in the required time period but felt that this was as a result of the Council not recommending any approved Sound Limiting Devices. He confirmed that at the previous meeting he was requested to liaise with the Environmental Health Officer in respect of suitable equipment but that no such equipment had been suggested. As time progressed he felt that it was only appropriate to address the matter and source a sound limiting device himself and submitted the specification to be approved by the Environmental Health Officer. This had resulted in a further delay. He confirmed that the device was now in place and in full working order. He noted that none of the other local residents, some living closer to the property than Mr. and Mrs. Walker, had objected to the application and that he had sought legal advice as he felt that the complaints were vexatious. Finally he confirmed that a number of works had already been undertaken to reduce noise emitting from the premises, he confirmed that windows had been boarded up and speakers had been moved and redirected in an attempt to improve the situation.

The Regulatory Sub-Committee withdrew from the meeting to make their decision. They requested that the Legal Advisor and Democratic Services Officer accompany them to offer procedural advice.

RESOLVED:

That the application for a variation to the premise licence in respect of Grafton Market (Re-Rack), Grafton House, Burgess Street, Leominster, HR6 8DE, be granted subject to the conditions outlined in the attached decision notice.

The meeting ended at 3.06 p.m.

CHAIRMAN