

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 5 September 2007 at 10.00 am

Present: Councillor SPA Daniels (Chairman)

Councillors: PGH Cutter and RI Mills

19. ELECTION OF CHAIRMAN

Councillor S.P.A. Daniels was elected as Chairman for the Regulatory Sub-Committee hearing.

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J.W. Hope and J.H.R. Goodwin.

21. NAMED SUBSTITUTES (IF ANY)

Councillors R.I. Mills and S.P.A. Daniels were noted as substitute members.

22. DECLARATIONS OF INTEREST

There were no declarations of interest made.

23. APPLICATION FOR A NEW PREMISES LICENCE 'THE OXFORD ARMS HOTEL, DUKE STREET, KINGTON, HR5 3DR. (Pages 1 - 4)

The Sub-Committee were required to hear and determine an opposed application for a new premises licence for the Oxford Arms Hotel. The Chairman introduced the Sub-Committee and Officers and confirmed that all Members had received the background papers. He then asked any interested parties attending the hearing to make themselves known. Mr Mense, the applicants' legal advisor, and Mr. Tipping, Ms. Rolls, and Mrs Jones, three of the local residents who had objected to the application advised the Chairman of their intention to speak. The Chairman asked the applicants if they required an extension to the 10 minute allocated time allowed for public speaking. They 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.

The Environmental Health Officer advised Members of the agreed conditions which helped to address the concerns of the local residents.

In accordance with the Licensing Act 2003 Regulations for Hearings, Mr Mense, the applicants' legal advisor, spoke in support of his application.

In accordance with the Licensing Act 2003 Regulations for Hearings, Mr. Tipping, Ms. Rolls, and Mrs Jones, three of the local residents who had raised concerns in respect of the application, spoke in objection.

Members discussed the application thoroughly and felt that it may be beneficial to attach additional conditions to the license in order to cover the concerns of the local residents.

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 new premises licence in respect of the Oxford Arms Hotel, Duke Street, Kington, HR5 3DR, be granted subject to the conditions outlined in the attached decision notice.

24. APPLICATION FOR VARIATION OF PREMISES LICENCE 'SOUTH STREET STORES, LEOMINSTER, HEREFORD, HR6 8JF.' (Pages 5 - 6)

The Sub-Committee were required to hear and determine an opposed application for a variation to a premises licence for South Street Stores. The Chairman introduced the Sub-Committee and Officers and confirmed that all Members had received the background papers. He then asked any interested parties attending the hearing to make themselves known. Mr Bradbury, the applicant, and Mrs. Davies and Mrs Thwaites, two of the local residents who had objected to the application advised the Chairman of their intention to speak. The Chairman asked the applicants if they required an extension to the 10 minute allocated time allowed for public speaking. They 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 and confirmed that the applicant had agreed to amend the hours of sale of alcohol to 0900 – 2100, as well as agreeing to all of the conditions recommended by the Environmental Health Officer. She reported the receipt of a petition from the local residents which contained 59 signatures.

The Environmental Health Officer advised Members of the agreed conditions which helped to address the concerns of the local residents.

In accordance with the Licensing Act 2003 Regulations for Hearings, Mr Bradbury, the applicant, spoke in support of his application.

In accordance with the Licensing Act 2003 Regulations for Hearings, Mrs. Davies and Mrs Thwaites, two of the local residents who had raised concerns in respect of the application, spoke in objection.

Members discussed the application thoroughly and felt that it may be beneficial to include a condition to ensure that adequate litterbins were provided outside the premises.

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 South Street Stores, Leominster, Hereford, HR6 8JF, be granted subject to the conditions outlined in the attached decision notice.

The meeting ended at 12.30 pm

CHAIRMAN



HEREFORDSHIRE COUNCIL

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

PREMISES	The Oxford Arms
APPLICANT'S NAME	Mr. G. Hogarth
APPLICATION TYPE	Premises Licence
PANEL MEMBERS	Councillor S.P.A. Daniels (Chairman) Councillor P.G.H. Cutter Councillor R.I. Mills
DATE OF MEETING	September 5th, 2007

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. Mense, the applicant's legal advisor together with PC Thomas, representing West Mercia Police Authority and Mr. Tipping, Ms. Rolls, and Mrs Jones, the interested parties who raised objection in respect of 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

	Supply of Alcohol	Live / Recorded Music, Dancing, or anything similar	Films	Open to the public
Monday	1100 – 2300	1100 – 2300	1100 – 2300	1100 – 2330
Tuesday	1100 – 2300	1100 – 2300	1100 – 2300	1100 – 2330
Wednesday	1100 – 2300	1100 – 2300	1100 – 2300	1100 – 2330
Thursday	1100 – 2300	1100 – 2300	1100 – 2300	1100 – 2330
Friday	1100 – 0100	1100 – 0100	1100 – 2300	1100 – 0130
Saturday	1100 – 0100	1100 – 0100	1100 – 2300	1100 – 0130
Sunday	1200 – 2300	1200 – 2300	1200 – 2300	1200 – 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.

PREVENTION OF PUBLIC NUISANCE

- Live music and karaoke shall not be provided after 23.00 hours on any day.
- Amplified or unamplified live music shall not be provided on more than two occasions in any seven day period.
- The recorded music provided to the smoking area shall not be audible beyond the boundary of the premises and shall cease at 23.00 hours. No other music entertainment shall be provided outdoors.
- Recorded music shall be reduced to background levels after 23.00 on Friday and Saturday nights.
- Noise and vibration shall not emanate from the premises so as to cause a public nuisance.
- Prominent and clear notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
- Consumption of alcohol shall not be permitted in the outside area after 23.30 hours.
- All external windows and doors shall be closed when amplified music entertainment is provided on the premises and after 23.00 hours on any day.
- A suitable noise limiting device shall be installed in accordance with environmental health guidance.

PUBLIC SAFETY

- A suitable and sufficient risk assessment shall be undertaken and recorded for the provision of all licensable activities on the premises. The actions and control measures identified in the risk assessments shall be effectively implemented. The risk assessment shall be reviewed at least annually.

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

- A current electrical safety inspection certificate shall be held for all electrical installations and equipment.
- Suitable Residual Current Devices shall be fitted to sockets where portable music/entertainment equipment is to be plugged in.

PROTECTION OF CHILDREN FROM HARM

- No children shall be permitted on the premises after 21.00 hours.
- Proven methods shall be employed for the prevention of unlawful supply or use of alcohol, drugs or other similar substances on the premises.

ADDITIONAL CONDITIONS

- The provision of a condition on irresponsible drinks promotions such as compliance with the BBPA guidelines.
- The applicant shall be responsible for marshalling people leaving the premises and banning those who persistently leave in a noisy and boisterous manner.



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

PREMISES	South Street Stores
APPLICANT'S NAME	Mr. C. Bradbury
APPLICATION TYPE	Premises Licence
PANEL MEMBERS	Councillor S.P.A. Daniels (Chairman) Councillor P.G. Cutter Councillor R.I. Mills
DATE OF MEETING	September 5th, 2007

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. Bradbury, the applicant together with Miss Woodland, the Environmental Health Officer and Mrs. Davies, and Mrs Thwaites, the interested parties who raised objection in respect of 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

	Supply of Alcohol	Open to the public
Monday	0900 – 2100	0600 – 2100
Tuesday	0900 – 2100	0600 – 2100
Wednesday	0900 – 2100	0600 – 2100
Thursday	0900 – 2100	0600 – 2100
Friday	0900 – 2100	0600 – 2100
Saturday	0900 – 2100	0600 – 2100
Sunday	0900 – 2100	0600 – 2100

HEREFORDSHIRE COUNCIL

**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.

PREVENTION OF PUBLIC NUISANCE

- The supply of alcohol shall only be supplied between 09.00 hours and 21.00 hours.

PROTECTION OF CHILDREN FROM HARM

- The display of alcohol for sale shall be restricted to behind the counter area only.
- Proven methods shall be employed for the prevention of unlawful supply of alcohol to children.

ADDITIONAL CONDITIONS

- The applicant to provide ample litter bins outside the premises.