

# A G E N D A

## Regulatory Sub Committee

Date: **Tuesday, 25th September, 2007**

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Time: **3.00 p.m.**

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

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

*For any further information please contact:*

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261885 Fax: 01432 260286*

**email: [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk)**

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**County of Herefordshire  
District Council**



HEREFORDSHIRE  
COUNCIL



# AGENDA

## for the Meeting of the Regulatory Sub Committee

To: Councillors ME Cooper, SPA Daniels and P Jones CBE

	Pages
<b>1. ELECTION OF CHAIRMAN</b> To elect a Chairman for the hearing.	
<b>2. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>3. NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>4. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>5. APPLICATION FOR A NEW PREMISES LICENCE 'VOWCHURCH AND TURNASTONE MEMORIAL HALL, VOWCHURCH, HR2 0RB.'</b> To consider an application for a new premises licence in respect of Vowchurch & Turnastone Memorial Hall, Vowchurch, HR2 0RB.	1 - 4
<b>6. APPLICATION FOR VARIATION OF PREMISES LICENCE 'SEVEN STARS, 11 THE HOMEND, LEDBURY, HR8 1BN.'</b> To consider an application for variation of the premises licence in respect of Seven Stars, 11 The Homend, Ledbury, HR8 1BN.	5 - 8



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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.
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A public telephone is available in the reception area.

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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.**

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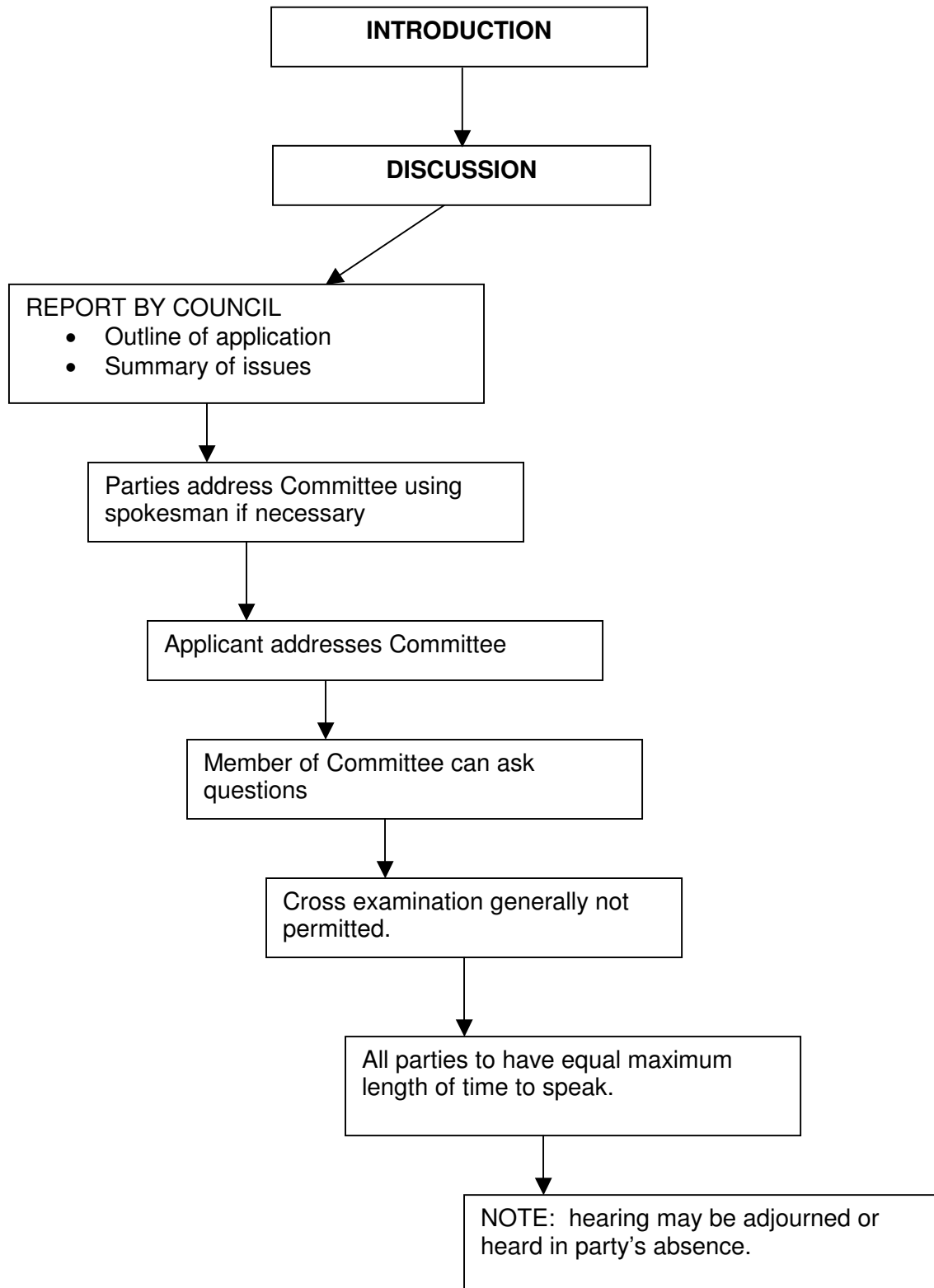
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## LICENCING HEARING FLOW CHART





## APPLICATION FOR GRANT OF A PREMISES LICENCE FOR 'VOWCHURCH & TURNASTONE MEMORIAL HALL, VOWCHURCH, HR2 0RB' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

### Wards Affected:

Golden Valley South

#### 1. Purpose

To consider an application for a premises licence in respect of 'Vowchurch & Turnastone Memorial Hall, Vowchurch, HR2 0RB.'

#### 2. Background Information

Applicant	Dr Elspeth PARKER & Mrs Alison LLOYD	
Solicitor	N/A	
Type of application: <b>New</b>	Date received: <b>08/08/07</b>	28 Days consultation <b>04/09/07</b>

The original advertisement for the premises has not been seen at this time.

#### 3. Licence Application

The application for a premises licence has received representations from two responsible authorities as well as six letters from interested parties. It is therefore now brought before committee to determine the application.

#### 4. Summary of Application

The licensable activities applied for are: -  
Plays, Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of dance, Provision of facilities for dancing and sale of alcohol.

5. The following hours have been applied for in respect of the above (Indoors only) -  
All days of the week            09:00 – 00:00

6. The hours the premise to be open to the public are: -  
All days of the week    07:00 – 01:00

#### 10. Non Standard hours

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

#### 11. Summary of Representations

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

**West Mercia Police**

Have made representation and request 3 conditions to promote the licensing objective of the prevention of crime and disorder.

**Environmental Health**

Have made representation in relation to public safety, prevention of public nuisance and the protection of children from harm.

They request 12 conditions to address public safety, 5 conditions in respect of public nuisance and 3 in respect of the protection of children from harm.

These conditions have been agreed by the applicant.

**Fire Authority.**

Have no representation to make.

**Interested Parties**

Six letters of representation have been received from local residents, which address all four licensing objectives.

**12. Issues for Clarification**

This Authority has requested clarification on the following points: -

A local resident has been advised that the supply of alcohol will only occur occasionally on a Sunday and for a limited period. If this is the case then the applicant has been asked to explain to the Committee why they have applied for all days of the week from 9am to Midnight.

The application makes reference to off road parking. The applicant has been asked to supply a scale map showing the location of the off road parking and the parking capacity for each location.

**13. Herefordshire Council Licensing Policy**

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

**14. Options: -**

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.

**15. Background Papers**

- Application Form
- Copies of representation from responsible authorities
- Copies of representation from interested party
- Location plan

**Background papers were 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 A PREMISES LICENCE FOR 'SEVEN STARS, 11 THE HOMEND, LEDBURY, HR8 1BN' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

### Wards Affected:

Ledbury

#### 1. Purpose

To consider an application for a variation of a premises licence in respect of 'Seven Stars, 11 The Homend, Ledbury, HR8 1BN.'

#### 2. Background Information

Applicant	<b>Punch Taverns PLC</b>	
Solicitor	<b>TLT Solicitors</b>	
Type of application: <b>New</b>	Date received: <b>02/08/07</b>	28 Days consultation <b>30/08/07</b>

The original advertisement for the premises has not been seen at this time.

#### 3. Variation Licence Application

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

#### 4. Current Licence

The current licence authorises the following: -

	<b>Live Music</b>	<b>Recorded Music &amp; Supply of Alcohol</b>	<b>Late Night Refreshment</b>	<b>Hours Open to the Public</b>
Monday	1000 - 2300	1000 - 01200	2300 - 0100	1000 -0130
Tuesday	1000 - 2300	1000 - 0100	2300 - 0100	1000 -0130
Wednesday	1000 - 2300	1000 - 0100	2300 - 0100	1000 -0130
Thursday	1000 - 2300	1000 - 0100	2300 - 0100	1000 -0130
Friday	1000 - 0100	1000 - 0100	2300 - 0100	1000 -0130
Saturday	1000 - 0100	1000 - 0100	2300 - 0100	1000 -0130
Sunday	1200 - 2230	1200 - 0000	2300 - 0000	1200 -0030

**5. Summary of Application**

The application applies to vary the hours in respect of the sale of alcohol, as shown below: -

Friday & Saturday                      10:00 – 02:00

5. As a consequence the hours the premise are to be open to the public, on these days will be: -

10:00 – 02:30

**10. Non Standard hours**

There is an application for 'non-standard' hours as follows: -

A further additional hour on Christmas Eve and Boxing Day if falling on a Friday or a Saturday.

**11. Summary of Representations**

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

**West Mercia Police**

Have made representation and object to the grant of the variation.

**Environmental Health**

Have made representation in relation to public nuisance and request 2 conditions in respect of closure of windows and a dispersal policy.

**Fire Authority.**

Have no representation to make.

**12. Issues for Clarification**

This Authority has not requested clarification on any points at this time.

**13. Herefordshire Council Licensing Policy**

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

**14. Options: -**

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.
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