

**MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Thursday 10 April 2008 at 9.30 am**

**Present:** Councillor Brig P Jones CBE (Chairman)  
Councillors: JW Hope MBE and A Seldon

**In attendance:** Councillors MAF Hubbard

**78. ELECTION OF CHAIRMAN**

Councillor P Jones CBE was elected as Chairman for the Regulatory Sub-Committee hearing.

**79. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**80. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the hearing.

**81. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**82. APPLICATION FOR A NEW PREMISES LICENCE '48 ST OWEN'S STREET, HEREFORD, HR1 2PU' (Pages 1 - 2)**

The Regulatory Sub-Committee was convened in order to determine an application for a new licence in respect of 48 St Owen's Street, Hereford. The application was submitted in accordance with Section 51 of the Licensing Act 2003.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. The following attendees were noted:

- Mr Pearton and Mr Shaw (Applicants)
- Mr Hamad (An interested party supporting the application)
- Mr Kennedy (An interested party objecting to the application)
- Mr Branczik (An interested party objecting to the application)
- Mrs Wyllie (An interested party objecting to the application)
- Mr Rawlinson (An interested party objecting to the application)

The Chairman advised all parties of the hearing procedures and asked if any person required an extension to the time allocated for making representations. None of the attendees felt that an increase to the 10 minute time allocated for making representations was required.

The Licensing Manager introduced the report and advised members that the application was for a new licence. She noted that the advert for the application had not been seen by the Licensing Department. Mr Shaw confirmed that the advertisement had been delivered to the Licensing Department by hand.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Kennedy, Mr Branczik, Mr Wyllie, and Mr Rawlinson, interested parties who had objected to the application, addressed the sub-committee. They raised a number of points, including:

- The application faced onto a number of houses on Cantilupe Street
- The premises had previously been operated as the Pegasus Club and more recently the Liquid Lounge.
- There had been concerns in respect of noise when the Liquid Lounge was open.
- Happy to support a well run restaurant but had concerns in respect of noise from music at the premises.
- Happy with the plans proposed by the applicant but there could be concerns if the premise was sold at a later date.
- Smoking ban had caused more noise concerns to the neighbouring residents due to the increased usage of outside areas.
- The local Cathedral School held after school activities up until 10pm, concerns were raised regarding antisocial behavior from patrons of the establishment.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Hamad, Mr Shaw, and Mr Pearton, addressed the sub-committee in support of the application. They raised a number of points, including:

- The applicants had previously been professional caterers for a number of five-star restaurants.
- Wish to open a family friendly restaurant offering excellent quality to the people of Hereford.
- Happy to amend the licensing hours in respect of the supply of alcohol to a terminal hour of 23:30.
- Happy to remove amplified music from the application.
- Off licence sales would allow patrons to purchase a bottle of wine to take home if they enjoyed a particular brand.
- Employing 30 staff throughout the two restaurants managed by Miro.
- Upstairs areas had been carpeted and lined to reduce noise issues.

In response to questions raised by the local residents, the applicants confirmed that:

- There would be no seating in the smoking areas and that the outside areas would not be used for any other purpose than a smoking area.
- The hours of operation could be reduced to alleviate any concerns by the local residents.

- They were happy to withdraw all of the non-standard hours applied for in the application.

**RESOLVED**

**That the application for a new premises licence in respect of 48 St Owen's Street be approved subject to the conditions detailed in the attached decision notice.**

The meeting ended at 11.05 am

**CHAIRMAN**





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

<b>PREMISES</b>	48 St Owen's Street
<b>APPLICANT'S NAME</b>	Miro Catering Ltd
<b>APPLICATION TYPE</b>	New Premise Licence
<b>PANEL MEMBERS</b>	Councillor Brig P Jones CBE (Chairman) Councillor JW Hope Councillor A Seldon
<b>DATE OF MEETING</b>	Thursday 10th April, 2008

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 Kennedy, Mr Branzcick, Mrs Wyllie and Mr Rawlinson, four of the local residents who had made representations in respect of the application, as well as Mr Hammed, Mr Shaw and Mr Pearton supporting 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 below. In reaching their decision, the Members had full regard to the representations (including supporting information) presented by all parties, the guidance issued to local authorities under Section 182 of the Licensing Act 2003, the Herefordshire Council Licensing Policy and the provisions of the Licensing Act 2003. 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**

	<b>Plays and Films</b>	<b>Live music</b>	<b>Late night refreshment</b>	<b>Supply of alcohol</b>	<b>Open to the public</b>
Monday	1000 - 2300	1000 - 2230	2300 - 2330	1000 - 2330	1000 - 2400
Tuesday	1000 - 2300	1000 - 2230	2300 - 2330	1000 - 2330	1000 - 2400
Wednesday	1000 - 2300	1000 - 2230	2300 - 2330	1000 - 2330	1000 - 2400
Thursday	1000 - 2300	1000 - 2230	2300 - 2330	1000 - 2330	1000 - 2400
Friday	1000 - 2300	1000 - 2230	2300 - 2330	1000 - 2330	1000 - 2400
Saturday	1000 - 2300	1000 - 2230	2300 - 2330	1000 - 2330	1000 - 2400
Sunday	1000 - 2230	1000 - 2230		1000 - 2200	1000 - 2230

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**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.
- Any conditions offered by the applicant under section P of the application form.
- No opened containers of alcohol to be allowed to be taken off the premises at any time.
- Live musical performances to be limited to a maximum of three performers playing at any one time. There to be no form of amplification at any time.

**NOTES**

- The applications for performance of dance, provision of facilities for dancing, and provision of facilities for making music were REFUSED by the sub-committee.