

**MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Thursday, 11 December 2008 at 2.00 p.m.**

**Present:** Councillor P Jones CBE (Chairman)

Councillors: JW Hope MBE and A Seldon

**In attendance:** Councillor PJ McCaull

**35. ELECTION OF CHAIRMAN**

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

**36. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

There were no substitutes present at the hearing.

**38. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**39. APPLICATION FOR A NEW PREMISES LICENCE '37 COMMERCIAL ROAD, HEREFORD, HR1 2BS.'** (Pages 1 - 2)

The Regulatory Sub-Committee was convened in order to determine an application for a new premises licence in respect of 37 Commercial Road. 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:

- PC Steve Thomas (West Mercia Constabulary)
- Cynthia Spaul (Hereford City Partnership)

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 would be required.

The Acting Regulatory Services Manager introduced the report and advised members that the application was for a new premises licence which fell within the Council's designated cumulative impact area.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, PC Thomas, representing West Mercia Constabulary, addressed the sub-committee. He

advised the committee that in his representation he had asked for the application to be rejected as it fell within a cumulative impact area. He added that the Commercial Road area was a hotspot for anti social behaviour and confirmed this with police statistics relating to crime figures in the area.

In response to a question from Councillor A Seldon, PC Thomas confirmed that the applicant had not given any reasons as to why his application would be exempt from the special policy regarding cumulative impact areas.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mrs Spaul, representing the Hereford City Partnership, addressed the sub-committee.

In response to a question from the Senior Litigator, the Democratic Services Officer confirmed that a copy of the agenda had been sent to the applicant's home address, he added that a copy of the agenda had also been sent to the applicant's legal advisor.

The Acting Regulatory Services Manager confirmed that there had been no written dialogue between the applicant and the Licensing department. He also confirmed that the applicant had been advised in writing of the time, date, and venue for the hearing.

The Sub-Committee retired to make their decision and requested that the Senior Litigator and the Democratic Services Officer retire with them to offer legal and procedural advice.

**RESOLVED**

**That the application for a new premises licence in respect of the 37 Commercial Road be rejected due to the reasons detailed in the attached decision notice.**

The meeting ended at 2.25 p.m.

**CHAIRMAN**



## HEREFORDSHIRE COUNCIL

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

<b>PREMISES</b>	37 Commercial Street
<b>APPLICANT'S NAME</b>	Mr Erkan Varli
<b>APPLICATION TYPE</b>	New Premises Licence
<b>PANEL MEMBERS</b>	Councillor Brig. P Jones CBE (Chairman) Councillor JW Hope Councillor A Seldon
<b>DATE OF MEETING</b>	11 December 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 PC Steve Thomas, representing West Mercia Constabulary, and Cynthia Spaul, representing the Hereford City Partnership.

Having heard the representations and considered all of those matters brought before them, the Panel decided to **REJECT** the said application on the basis that the application was not consistent with promoting the licensing objectives within the meaning the Licensing Act 2003 in that the application, if allowed, would:

- (a) clearly be contrary to the contents of the special policy put in place by the Licensing Authority, and reviewed in 2007. The Sub-Committee also considered the weight of the representations made by West Mercia Constabulary, the Councils' Environmental Health Officer, and the Hereford City Partnership.

The Members further considered that if they had granted the application, there would be no suitable conditions which could be imposed in order to adequately address the said licensing objectives.

