

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday, 22 December 2008 at 10.00 a.m.

Present: Councillor P Jones CBE (Chairman)

Councillors: JW Hope MBE and A Seldon

40. ELECTION OF CHAIRMAN

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

41. APOLOGIES FOR ABSENCE

No apologies for absence were received.

42. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

43. DECLARATIONS OF INTEREST

There were no declarations of interest made.

44. APPLICATION FOR A REVIEW OF PREMISES LICENCE 'KING CHARLES II, 13 BROAD STREET, ROSS-ON-WYE, HR9 7EA' (Pages 1 - 2)

The Regulatory Sub-Committee was convened in order to determine an application for a review of a premise licence in accordance with Section 51 of the Licensing Act 2003. The Review was in respect of the Horse and Jockey, New Street, Ross-on-Wye and had been applied for by Mrs Rowena Clark, an interested party living in the vicinity of the premises. The review related to the following licensing objectives:

1. The prevention of public nuisance

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

- Rowena Clark (Applicant)
- Michael Rudd (Representing Claire Jones, in support of the review)
- Maria Oates (Licensee)
- Andrew Gooding (Licensee)
- Joanna Cochran (Licensee's Legal Advisor)

The Chairman advised all of the interested parties of the hearing procedures and asked if any person required an extension to the 10 minutes allocated for public speaking, no extensions to the time limit were requested. He then asked the Licensing Officer to present his report. The Licensing Officer advised Members that the applicant had confirmed in writing that the thumping noise referred to in her

application was caused by loud music inside the premises and not the air conditioning units.

The Environmental Health Officer advised the Sub-Committee that she was aware of noise issues with regard to the King Charles II. She added that the Environmental Health Department considered applying for a review previously but matters had improved for a period of time. She felt that noise issues had recently become worse for the neighbouring residents and therefore requested that the following 2 conditions be added to the premises licence:

- The use of the rear external area in its entirety shall be prohibited between 23:30 hours and 10:00 hours the following day.
- A Dispersal Policy shall be written and maintained to the satisfaction of the Environmental Health Department.

She added that the premises did not operate as a normal public house and was being operated as a nightclub. Finally she added that moving the smoking area to the front of the premises could be beneficial as patrons could be observed by SIA registered door staff and CCTV.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Ms Cochran, representing the Premise Licence Holder, addressed the Sub-Committee. She presented Members with a brief background of the management structure and operational procedures of the premises. She advised the Sub-Committee that Mr Gooding wanted to work with the neighbouring residents in order to address the issues raised. She added that he had previously taken a number of actions to address the concerns such as reducing the volume of the music, removing the noisy cellar cooling systems, fitting air conditioning to stop windows being opened, and removing the patio heaters. She added that as well as these actions he had also taking a number of measures to reduce noise in the garden, she confirmed that a member of staff was now in the beer garden from 11.30pm to 1.30am and that they had stopped people congregating in the passageway which entered the garden. She advised the Sub-Committee that her client was happy to accept the dispersal policy as a condition but that in her opinion a no consumption condition could be problematic.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Ms Oates, one of the Premise Licence Holders, addressed the Sub-Committee. She advised the Sub-Committee that she was the member of staff responsible for supervising the garden area in the evening. She confirmed that she used a radio to remain in contact with other stewards and that noisy patrons were warned once before being asked to go back inside and that bottles were now not emptied into the outside bins at night. She felt that the premises had a good clientele and that she knew the majority of them personally. She added that these measures had only been put in place recently and hoped that the situation would now improve.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mrs Clark, the applicant for the review, addressed the sub-committee. She advised Members of her reasons for applying for the review and gave details of a number of incidents of public nuisance and disorder relating to the premises.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Rudd, representing a local resident, addressed the Sub-Committee. He advised Members that his daughter, who he was representing, lived opposite the front of the premises and that she had noticed more noise since the smoking area had been moved to the front of the building. He welcomed the dispersal policy and hoped that it would have a positive impact on residential amenity.

Prior to the Sub-Committee retiring to make their decision all parties present were given the opportunity to make a brief closing statement in order to sum up their comments.

The Sub-Committee retired to make their decision, the Legal Practice Manager and the Democratic Services Officer also retired to assist them with procedural matters.

RESOLVED

THAT the following conditions be attached to the premises licence.

- **A dispersal policy of customers from the premises shall be put in place, details and commencement date of the policy to be agreed with the Council's Environmental Health Department.**
- **No open containers shall be taken to, or consumed in, the external passageway or garden after midnight.**
- **All staff employed on the premises as stewards shall be SIA registered (including stewards operating in the garden area).**

Please see the attached decision notice for further details.

45. APPLICATION FOR A NEW PREMISES LICENCE UNDER THE GAMBLING ACT 2005 'CORAL, BROAD STREET, HEREFORD'

The Licensing Officer advised Members that the application had been deferred.

The meeting ended at 11.15 a.m.

CHAIRMAN



HEREFORDSHIRE COUNCIL

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

PREMISES	King Charles II
LICENCE HOLDER	Andrew Gooding and Maria Oates
APPLICANT'S NAME	Rowena Clark
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor Brig. P Jones CBE (Chairman) Councillor A Seldon Councillor JW Hope
DATE OF MEETING	22 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:

- Victoria Woodland (Environmental Health Officer)
- Maria Oates (Premise Licence Holder)
- Joanna Cochran (Legal Advisor)
- Rowena Clark (Applicant for the review)
- Michael Rudd (Representing Claire Jones, in support of the review)

Having carefully considered those matters put before them, the Members of the Committee considered that in order to promote the Licensing Objectives that the application should be, and was determined as follows:-

That the following additional conditions be imposed forthwith* upon the licence:-

- A dispersal policy of customers from the premises shall be put in place, details and commencement date of the policy to be agreed with the Council's Environmental Health Department.
- No open containers shall be taken to, or consumed in, the external passageway or garden after midnight.

** Subject to Section 52(11) which states that a determination under this section does not have effect:*

- (a) until the end of the period given for appealing against the decision, or
(b) if the decision is appealed against, until the appeal is disposed of.*

HEREFORDSHIRE COUNCIL

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

That the following additional condition be imposed upon the licence from 1 March 2009:-

- All staff employed on the premises as stewards shall be SIA registered (including stewards operating in the garden area).

REASONS

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 Guidance issued pursuant to Section 182 of the Act, together with the matters raised both orally and in the documents presented to the meeting. The Committee were cognisant of the fact that the Licence amounted to 'property' within the meaning of Article 1 to the First Protocol of the European Convention on Human Rights and considered that their decision was proportionate, having regard to all the matters put before them. The Members made their decision 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.