

**MINUTES of the meeting of Regulatory Sub Committee held at
The Council Chamber, Brockington, 35 Hafod Road, Hereford on
Friday 8 May 2009 at 10.00 am**

Present: Councillor Brig P Jones CBE (Chairman)
Councillor (Vice Chairman)

Councillors: JW Hope MBE and PJ McCaull

In attendance: Councillors RI Matthews

62. ELECTION OF CHAIRMAN

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

63. APOLOGIES FOR ABSENCE

No apologies for absence were received.

64. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

65. DECLARATIONS OF INTEREST

There were no declarations of interest made.

66. APPLICATION FOR A PREMISES LICENCE 'BIG CHILL, EASTNOR CASTLE DEER PARK, EASTNOR, LEDBURY, HR8 1RD.'

The application was adjourned for further discussions between the applicant and the licensing department.

67. APPLICATION FOR A VARIATION OF A PREMISES LICENCE 'BELMONT LODGE GOLF COURSE AND MARQUEE, RUCKHALL LANE, BELMONT, HEREFORD.' (Pages 1 - 2)

The Regulatory Sub-Committee was convened in order to determine an application for a variation to a premise licence in respect of Belmont Lodge Golf Course and Marquee. 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 Smith (Applicant)
- Mr Waring (Applicant's Acoustic Engineer)
- Councillor RI Matthews (Local Ward Member)
- Mr Roberts (Environmental Health Officer)
- Mr and Mrs Wegg-Prosser (Local residents)
- Mrs Morawiecki (Local resident)

- Mrs Eyles (Local resident)

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 Licensing Officer introduced the report.

The Democratic Services Officer requested clarification in respect of the hours requested for recorded music. It was noted that the corresponding page from the application had been omitted from the background papers, copies of page 8 of the application form were distributed to all attendees at the meeting.

The Licensing Officer advised Members that an acoustic report had been submitted by the applicant. The document was circulated to all parties. The Chairman adjourned the meeting for 5 minutes to allow sufficient time for all parties to read the report.

Councillor RM Matthews addressed the Sub-Committee as the local ward member. He outlined the concerns raised by the local residents and felt that the application should be rejected.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Roberts, the Environmental Health Officer, addressed the Sub-Committee. He advised Members that there had been a number of complaints from local residents in respect of the premises. He had concerns with the acoustic report submitted by the applicant as the readings had been taken at midday and not at a similar time to the proposed extension of licensing hours. He added that the Environmental Health Team had recorded the ambient sound to be between 50-55 db during that day and 30 db at night. In response to a question from the applicant, Mr Roberts confirmed that the night readings had been taken outside Wareham House on Friday 20 March 2009.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Wegg-Prosser, one of the interested parties who had made a representation in respect of the application addressed the Sub-Committee. He explained the location and background of the site and reiterated his concerns in respect of the application. He noted that the application had been varied in September 2008 and felt that the current hours and conditions should be adhered to. Mr Wegg-Prosser also addressed the acoustic report submitted by the applicant. He felt that the information was misleading as the decibel readings were taken at midday and not at midnight when the noise would cause more of a disturbance.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mrs Morawiecki, another interested party who had made a representation in respect of the application addressed the Sub-Committee. She concurred with the concerns expressed by Mr Wegg-Prosser and felt that the variation to the application should be rejected.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mrs Eyles, the Parish Clerk, who had made a representation as a local resident and also represented the views of members of the parish, addressed the Sub-Committee. She felt that all music should be contained within the building and not the marquee and requested that the variation be rejected.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Smith, the applicant, addressed the Sub-Committee in support of his application. Following the representations from the local residents he agreed to amend the application to a terminal hour for all licensable activities of midnight. He advised the Sub-Committee that he had

not received any letters from the Environmental Health team during his 2 year tenure at Belmont Lodge. He went on to add that Belmont Lodge could not survive and thrive from golf bookings and relied on functions, with 11% of turnover generated from functions in the marquee.

Mr Smith advised the Sub-Committee that he would be buying a sound limiter for the marquee in an attempt to address the concerns raised by the local residents. He also advised the Sub-Committee that he had received two letters of support from local residents. The Chairman noted that these had not been received during the consultation period and therefore could not be accepted by the committee.

Mr Waring, the applicant's sound consultant, addressed the Sub-Committee in respect of the sound report that had been submitted to Members and all attendees at the meeting. He advised Members as to how a sound limiter would work on the premises. He advised that the noise limiter could be bypassed if the DJ did not use the correct plug and that the noise level would be set by the environmental health team.

In response to a question raised by Mr Wegg-Prosser, Mr Smith advised the Sub-Committee that there were sound panels in place to reduce sound outbreak from the marquee. He added that other measures could be investigated should the sound panels not prove suitable. In response to a follow up question Mr Smith added that the sound limiter would only be purchased if a suitable level of sound breakout could not be achieved through other methods.

Following guidance from the Special Projects Lawyer, the Chairman advised all parties that Councillor Matthews' statement would be discounted and would not be taken into consideration when members made their decision in respect of the application. The Chairman added that this was a procedural matter which would be addressed.

The Sub-Committee retired to make their decision. The Special Projects Lawyer and the Democratic Services Officer also retired to assist them with procedural matters.

The Sub-Committee decided the following, which was read out by the Special Projects Lawyer:

'The Committee is particularly conscious that the present licence has only been in place since late September 2008. The Committee feel that the operation of this licence and any potential objections have not yet had the opportunity to be tested, bearing in mind that we are here in early May and it is the summer that the use of the marquee in particular is at its most popular. The Committee are particularly keen that the testing of this licence takes place before any variation is considered, bearing in mind the objections received about noise nuisance.

The Committee is however that the licence be 'tidied up' and modernised, and therefore the relevant conditions shall be removed.

The Committee heard the details of the noise reports and are concerned that any future reports should be undertaken at night time when the period of contention is at its height.'

RESOLVED

That the application for a variation of a premises licence in respect of Belmont Lodge Golf Course and Marquee, Ruckhall Lane, Belmont, Hereford be rejected due to the reasons detailed in the attached decision notice.



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

PREMISES	Belmont Lodge Golf Course & Marquee
APPLICANT'S NAME	Mr Christopher Smith
APPLICATION TYPE	Variation
PANEL MEMBERS	Councillor Brig. P Jones CBE (Chairman) Councillor JW Hope MBE Councillor PJ McCaull
DATE OF MEETING	8 May 2009

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 Smith, the applicant, and Mr Roberts, the Environmental Health Officer, together with a number of local residents who had made representations in respect of the application.

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 of the Licensing Act 2003.

Members noted that a variation of the premises licence had been granted in September 2008 and were of the opinion that this variation had not been implemented for a sufficient period of time in order for the licensing authority to assess the impact on local residents in respect of public nuisance.

The Sub-Committee noted that there was also a request for the removal of conditions submitted as part of the application. Members were in agreement that there were a number of duplicated and irrelevant conditions and requested that the Licensing Officer be permitted to remove these from the licence.

