

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday 20 July 2009 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)

Councillors: JHR Goodwin and A Seldon

8. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

9. APOLOGIES FOR ABSENCE

No apologies for absence were received.

10. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

11. DECLARATIONS OF INTEREST

There were no declarations of interest made.

12. APPLICATION FOR A REVIEW OF A PREMISES LICENCE 'THE RETREAT, 7 HIGH STREET, LEDBURY, HR8 1DS.'

The Regulatory Sub-Committee was convened in order to determine an application for a review of a premises licence in accordance with Section 51 of the Licensing Act 2003. The Review had been applied for by Mr Alan Cowan, a person living in the vicinity of the premises. The review related to the licensing objective of the prevention of public nuisance.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. He advised them of the hearing procedures and asked if any party required an extension to the 10 minute time limit for public speaking, Mr Grimsey requested an additional 5 minutes, the Chairman extended the public speaking time to 15 minutes for all parties.

The Licensing Officer presented the report and advised the sub-committee that a number of representations had been discounted as they came from people outside of the vicinity or were received outside of the consultation period.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Cowan, the local resident who had requested the review, addressed the sub-committee. He explained the reasons behind requesting the review, namely the increase in noise emanating from the premises over the previous 5 years. He felt that this increase in noise was a result of a number of factors including alterations to the building, changes to the licensing act, the introduction of the smoking ban and the change in the management of the premises. He produced two documents for the committee, one showing the location of the public house in relation to the neighbouring dwellings and one highlighting a diary detailing noise concerns over a period from 15 June 2009 to 8 July 2009. Mr Cowan explained that there were three

types of noise that concerned him, there was noise caused by large groups in the garden, there was noise caused by smaller groups in the garden and there was noise caused by live music in the public house. He produced three videos to highlight the three types of noise. Finally Mr Cowan stated that he was not against live music in the public house and found the current arrangement of live music twice a week acceptable, he was however concerned that the licence permitted live music 7 days a week.

In response to a question from Councillor A Seldon, Mr Cowan confirmed that he had not contacted the police authority or the Council's environmental health department in respect of noise concerns.

In response to a question from Mr Grimsey, Mr Cowan confirmed that the video recording equipment had not been calibrated and was taken with on a camera with a video function.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mrs Force and Mr Grimsey, the premises licence holder and her legal advisor, addressed the sub-committee. Mrs Force presented a series of photographs to the sub-committee, these photographs had been submitted prior to the hearing and had also been emailed to the applicant. The photographs showed patrons frequenting the public house during one of the music nights. She went on to advise members that she offered live music on two nights a week, acoustic music on a Tuesday and amplified on a Thursday. She went on to add that most of the music was folk based and was certainly not rock music. She advised the sub-committee that although she was licensed for live music until 11.30pm she tended to ask performers to stop at 11pm in order to alleviate the disturbance to the local residents. She added that other measures were put in place on an event by event basis, for example she would close the beer garden if a band was quite loud.

Mr Grimsey advised the Sub-Committee that his client would be happy to propose 4 conditions which could be added to the licence, he felt that these conditions would address the concerns of the local residents. The following conditions were proposed:

- Regular noise patrol to be undertaken by a dedicated member of staff.
- Rear garden to close at 2300
- Rear door of premises to be fitted with an automatic door closure mechanism by 30 July 2009.
- Licence Holder to carry out a noise risk assessment on the premises.

Mr Grimsey added that a noise log had been included in the papers. He added that there was a certain level of noise to be associated with a busy public house but he felt that the noise was being kept to an acceptable level.

Mrs Force went on to add that smoking at the front of the premises instead of the beer garden would not be a suitable proposal, she felt that a number of people on the streets of Ledbury would result in an increase in crime and disorder as well as public nuisance. She felt that it was easier to control patrons in the beer garden. She added that she noted that light issues had been mentioned in the application form, she confirmed that the angle of the lights had been changed and Mrs Cowan had confirmed that this issue had been improved. She also added that she had been subject to a number of calls from Mr Cowan during which he had become rude resulting in her terminating the phone call.

In response to a question from Mr Cowan, Mrs Force confirmed that she had visited the premises several times before she became the premises licence holder.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mrs Clive, a local resident who had supported the review, addressed the sub-committee. She advised the sub-committee that the beer garden used to be a private garden and was not

accessible by patrons of the public house. She felt that the noise generated by patrons was evasive and felt that restrictions needed to be put in place to limit the usage of the garden. In response to an earlier point made by the premises licence holder she added that a number of items had been thrown into her garden from the beer garden.

In response to the comments made by Mrs Clive, the Licensing Officer advised the Sub-Committee that smoking and consumption of alcohol in the garden were not licensable activities. He also added that issues regarding planning would have to be submitted to the relevant department and could not be dealt with under the licensing act.

In response to a question raised by Mr Cowan, the Licensing Officer confirmed that premises were required to submit plans highlighting areas designated for licensable activity. As the consumption of alcohol was not a licensable activity the beer garden would not have to be highlighted on the plan.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mrs Hughes, a local resident who had supported the premises licence holder, addressed the sub-committee. She advised the sub-committee that she had lived in the town of Ledbury for 25 years and felt that living in a town centre could be difficult on occasions. She felt that it was important for people to accept that there were bound to be more issues with noise in a town centre location.

The Chairman invited all of the parties present to sum up their comments in a brief closing statement. The Sub-Committee then retired to make their decision, the Legal Practice Manager and the Democratic Services Officer also retired to assist them with procedural matters.

The Sub-Committee felt that the licensing objective of the prevention of public nuisance could be promoted through the introduction of two further conditions. The following conditions were attached to the licence. The attached decision notice was read out by the Chairman and hard copies circulated to all parties present.

RESOLVED

That the premise licence in respect of The Retreat, 7 High Street, Ledbury, be amended as detailed in the attached decision notice.

13. APPLICATION FOR A VARIATION TO A PREMISES LICENCE 'SAINSBURY'S, BROAD STREET, ROSS ON WYE, HR9 7YB.'

The Regulatory Sub-Committee was convened in order to determine an application for a variation to the premises licence in respect of Sainsbury's, Ross-on-Wye. 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. He advised them of the hearing procedures and asked if any party required an extension to the 10 minute time limit for public speaking, no extensions were requested.

The Licensing Officer presented the report and advised Members that a copy of the applicant's advertisement had not been seen. The applicant's legal advisor produced the original copy of the advertisement which was viewed and accepted by the Sub-Committee.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Sabrina Cader, the applicant's legal advisor, addressed the sub-committee. She noted that no objections had been received from the Council's Environmental Health team or the Police and

therefore urged the Sub-Committee to approve the application. She advised the Sub-Committee that the store opening hours were not due to change and that the extended hours would just give the store the ability to open for longer hours over busy times such as Christmas. In response to a question she advised that around 1 third of Sainsbury's stores held licences for longer hours than their opening hours. In response to an additional question the applicant's legal advisor confirmed that the late night refreshment application would not presently be used but could cover a vending machine in the future.

In response to a question the Licensing Officer confirmed that Sainsbury's had not failed any test purchase operations at their store in Hereford.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Denver Martin, the store manager, addressed the sub-committee. He advised members in respect of the operational details in respect of the application.

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 application for a variation to the premises licence in respect of Sainsbury's Ross-on-Wye be approved subject to the conditions detailed in the attached decision notice.

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

The Licensing Officer introduced the report and advised Members that all conditions had been agreed with the applicant.

That the application for a new premises licence in respect of The Big Chill be approved subject to the conditions detailed in the attached decision notice.

The meeting ended at 4.32 pm

CHAIRMAN