

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 18 August 2009 at 10.00 am

Present: Councillor Brig P Jones CBE (Chairman)

Councillors: JW Hope MBE and RC Hunt

In attendance: Councillors RJ Phillips

27. ELECTION OF CHAIRMAN

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

28. APOLOGIES FOR ABSENCE

No apologies for absence were received.

29. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

30. DECLARATIONS OF INTEREST

There were no declarations of interest made.

31. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE 'THE HOP POLE, 9 THE SQUARE, BROMYARD, HR7 4BP.' (Pages 1 - 2)

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 West Mercia Police after complaints had been received from local residents.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. He advised them of the hearing procedures and then asked the Licensing Officer to present his report.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, PC John Meek, representing West Mercia Police who had applied for the review, addressed the sub-committee. He made a number of points, including:

- The review had been requested following public complaints in respect of the premises.
- Mr Alan William Jones had been designated as DPS in March 2009.
- Premises had moved from a food based establishment to an entertainment based public house, attracting a younger cliental.
- Since March 2009 there had been a number of complaints received.
- A disco ceasing at 1:00 am had been the subject of complaints from local residents.
- Concerns had been raised in respect of a lack of ventilation and a lack of security staff at the premises.

- Mr Alan William Jones had now been removed as the Designated Premises Supervisor for the public house.
- Between April and June 2009 12 calls had been made to the police in respect of the premises, the calls had been made between 12:30 and 1:45 am.

In response to questions raised by the Sub-Committee, PC Meek made the following points:

- There had been no discos held at the premises since the new DPS had been in place.
- There was an alcohol ban outside the front of the premises.
- There were a number of public houses in the vicinity.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mrs Silver addressed the sub-committee in support of the request for a review. She made a number of points, including:

- She was the DPS of the nearby Falcon Hotel.
- Sound carried from the Hop Pole and caused a nuisance to residents of the Falcon Hotel.
- All music should cease at midnight.
- The situation had improved recently as the premises were closing at 11:00 pm at the latest.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Phipps, the premise licence holder's Legal advisor, addressed the sub-committee. He raised a number of points, including:

- The previous position of the public house was regrettable and was not in dispute.
- The previous DPS had repositioned the public house to appeal to a younger clientele.
- There had been issues of noise disturbance caused by discos.
- The DPS had been removed at the request of the police with a new DPS appointed.
- The new DPS was keen to change the approach of the public house back to a food led establishment with some entertainment.
- If a decision was made to reduce the licensing hours to 11:00 pm and to remove entertainment from the licence the premises would have to close.
- The problem areas of the premises had been addressed.

All parties were given the opportunity to sum up before the Sub-Committee retired to make their decision, the Council's Legal Advisor and the Democratic Services Officer also retired to assist them with legal and procedural matters.

RESOLVED

That the premise licence in respect of The Hope Pole, 9 The Square, Bromyard, HR7 4BP, be amended as detailed in the attached decision notice.

32. APPLICATION FOR A PREMISES LICENCE 'ROCK ON THE PLOCK 2009, PITFIELD FARM, PEMBRIDGE, LEOMINSTER, HR6 9HY.' (Pages 3 - 6)

The Sub-Committee were required to hear and determine an opposed application for a new premises licence for Rock on the Plock 2009. The Chairman introduced the sub-committee and Officers and confirmed that all members had received the Agenda and the background papers. He then asked any interested parties attending the hearing to

make themselves known. All of the interested parties were asked if they required an extension to the 10 minute time limit allocated for public speaking, no extensions to the time were requested.

The Licensing Officer presented her report to the sub-committee and confirmed that the applicant had agreed to all of the conditions recommended by West Mercia Police Authority and the Environmental Health Officer.

The Environmental Health Officer and the Police representative advised members of the agreed conditions which helped to address the concerns raised by the local residents who had made representations in respect of the application.

Mr Whitfield, one of the local residents who had made a representation in respect of the application advised the committee that he had not had sufficient time to seek legal representation and therefore he requested that the hearing be adjourned.

The Legal Practice Manager advised the sub-committee that the statutory notice had been served on all parties and that the application was therefore acceptable.

Councillor RJ Phillips, the local ward member speaking on behalf of the applicant, noted that all relevant timescales had been followed and that adjourning the application would be detrimental.

The sub-committee retired in order to make their decision in respect of the adjournment. On their return the Chairman noted that the correct procedure had been followed and therefore the Sub-Committee were happy to hear the application.

In accordance with the Licensing Act 2003 Regulations for Hearings, Mr Whitfield, one of the local residents who had made a representation in respect of the application, addressed the sub-committee and raised a number of points, including:

- Concerns were raised in respect of possible crime and disorder as a result of the event.
- Concerns were also raised in respect of the access onto the site off the A44.

Councillor RJ Phillips, the local ward member, addressed the sub-committee on behalf of the applicants. He noted that:

- The application had been submitted properly with all procedures and timescales followed.
- The applicants were cooperating with local Community Support Officers.
- There would be professional stewards monitoring the site.
- That the event was a family event to raise money for the local primary school.
- The event was being organised by the school governors and was not for financial gain.

The Sub-Committee retired to make their decision. The Special Projects Lawyer and the Democratic Services Officer retired with them to offer legal and procedural advice.

RESOLVED:

That the application for a new premise licence in respect of Rock on the Plock 2009 be granted subject to the conditions outlined in the attached decision notice.



HEREFORDSHIRE COUNCIL

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

PREMISES	The Hop Pole
LICENCE HOLDER	Scottish & Newcastle Pub Enterprises
APPLICANT'S NAME	West Mercia Police
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor P Jones CBE (Chairman) Councillor JW Hope Councillor RC Hunt
DATE OF MEETING	18 August 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 a representative of West Mercia Police, together with Mr Phipps, the Premises Licence Holders' Legal Advisor. They also heard from Mrs Silver who had made a representation 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 door supervisor shall be employed on the premises, with the authority of the licensee exclusively or mainly to decide upon the suitability of customers to be allowed on the premises and/or to maintain order on the premises when there is regulated entertainment taking place.
- The Licensee shall have regard to the effects of sound levels from any amplified sound systems used in connection with an event(s) and shall take all reasonable steps to minimise the chances of complaints arising.
- The Licensee must take such steps as are reasonably necessary to avoid causing a nuisance to residents in the neighbourhood of the premises.

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

That the hours of licensable activity be amended as follows:

	Live Music (e)	Recorded Music (f)	Sale of Alcohol (M)	Open to the public (O)
Friday	1100 - 0000	1100 - 0000	1100 - 0000	1100 - 0015
Saturday	1100 - 0000	1100 - 0000	1100 - 0000	1100 - 0015

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.

** 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)**

PREMISES	Rock on the Plock
APPLICANT'S NAME	Mr C and Mrs J Thomas
APPLICATION TYPE	New (Limited Time) Premises Licence
PANEL MEMBERS	Councillor P Jones CBE (Chairman) Councillor JW Hope MBE Councillor RC Hunt
DATE OF MEETING	18 August 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 Councillor RJ Phillips, representing the applicants, together with the interested parties who had made representations in respect of 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 appearing below. 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 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

	Live Music (e)	Recorded Music (f)	Sale of Alcohol (M)	Open to the public (O)
Saturday 5 th September 2009	1200 - 0000	1200 - 0000	1200 - 2300	1200 – 0100*

* 6th September 2009

HEREFORDSHIRE COUNCIL**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)****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.
- All conditions proposed by the applicant under section p of the application form.

GENERAL

- A responsible person shall be available on the premises at all times that they are open to the public. This person shall comply with all reasonable requests made by a duly authorised officer of the licensing authority or the West Mercia Police if it is considered by this officer that one or more of the four licensing objectives are being compromised.

PREVENTION OF CRIME AND DISORDER

- The provision of SIA registered door supervisors on a risk assessed basis by the licence holder.

PREVENTION OF PUBLIC NUISANCE

- Noise or vibration shall not emanate from the premises so as to interfere with the use or enjoyment of any neighbouring premises.
- Staff shall check to ensure that noise emanating from the premises does not cause public nuisance at least on an hourly basis whilst recorded or amplified live music is being played other than background music. If the noise is observed to be at an unacceptable level immediate action must be taken to address the problem. A written log showing the time, the person making the check, observations made and any actions taken must be kept on the premises during the event and retained for at least a calendar month after the event and must be available at the request of the Licensing Authority.

PUBLIC SAFETY

- All electrical installations and equipment are to be provided in accordance with the advice and guidance outlined in the Event Safety Guide [ISBN 0 7178 2453 6].
- On completion of electrical installations on the site, and prior to commencement of the event, a competent person must sign-off all electrical installations as safe. A current inspection certificate shall be held for all electrical installations in accordance with BS 7671 and BS 5266-1.

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

- A satisfactory completion certificate must be provided by a competent person for all temporary demountable structures in the entertainment area prior to the start of the event.
- The site is restricted to a maximum of 2000 people permitted on site.
- The licensee must nominate a person to manage each tented area whilst open to the public and that person shall, on request of an authorised officer, demonstrate the means of regulating numbers.
- A sufficient number of marshals/security staff shall be provided in all entertainment areas to the satisfaction of Environmental Health.
- All marshals/security staff must be fit to carry out their allocated duties, aged 18 years or over and must not consume or be under the influence of alcohol or other drugs.
- All marshals/security staff must be trained, briefed and equipped (including appropriate PPE) to a standard that reflects their responsibilities.
- All marshals/security staff must to be readily identifiable by the wearing of distinctive tabards (or similar).
- Free and unrestricted access to drinking water shall be provided at all times and without charge.
- Maximum 5mph signs to be displayed at the vehicular entrance(s) to the site and at suitable intervals along vehicle routes throughout the site.
- No glass allowed on site, as described in the risk assessment.

PROTECTION OF CHILDREN FROM HARM

- Proven methods must be employed by the prevention of unlawful supply, consumption and use of alcohol, drugs and other products which is illegal to sell to children, eg. 'Challenge 25'.
- Provision of nappy changing facilities with suitable containers for soiled waste.

APPEAL INFORMATION

Under Schedule 5 Section 2, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.

