

**MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 15 September 2009 at 10.00 am**

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

**Councillors:** A Seldon and JD Woodward

**33. ELECTION OF CHAIRMAN**

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

**34. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

There were no substitutes present at the hearing.

**36. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**37. APPLICATION FOR A PREMISES LICENCE ' ARTE, 48-50 ST OWENS STREET, HEREFORD, HR1 2PU.' (Pages 1 - 2)**

The Regulatory Sub-Committee was convened in order to determine an application for a new premises licence in respect of Arte, Hereford. 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 advised members that the applicant had requested an amendment to the hours for licensable activity as set out below:

Monday – Thursday	All regulated entertainment	1100 – 2300
	Supply of Alcohol	1100 – 0000
Friday - Saturday	All regulated entertainment	1100 – 0000
	Supply of Alcohol	1100 – 0100
Sunday	All regulated entertainment	1200 – 2300
	Supply of Alcohol	1200 – 2300

He added that the applicant had not included the request for non-standard hours in the advertisement and these could therefore not be considered by the sub-committee.

Councillor JD Woodward noted that the applicant had not included any 'drinking up time' in the application. The Licensing Officer confirmed that opening times were not a licensable activity but added that members may wish to consider adding 30 minutes to the hours of opening for the sake of clarity.

In response to a question from Mr Branczik, the Licensing Officer confirmed that the requested hours covered the entire premises.

Mr Branczik read out a letter from Mr Williams who was not present at the meeting. The letter praised the current management regime but raised concerns in respect of issues that could arise if the premise was sold.

In response to a question from Councillor A Seldon, the Senior Litigator confirmed that the application had to be determined on its merits and that any future concerns could be addressed through the review process. The Licensing Officer added that it was imperative that members consider the evidence available at present and not any possible future concerns.

Mr Branczik, one of the local residents who had made a valid representation in respect of the application, addressed the sub-committee. He noted that there had been a vast improvement in the management of the premises since the current regime took charge. He noted that the application was primarily submitted to combine the two existing licenses on the premise. He voiced his concerns in respect of noise emanating from the upper areas of the premise if it was to be used for live or recorded music. He noted the comments from the Environmental Protection Manager and requested that members follow his recommendation.

Mr Higton, Chair of the Local Resident's Association, confirmed that the majority of local residents canvassed in respect of the application were in support. He felt that limiting licensable activities to the St Owens Street side of the upper area would be beneficial to local residents.

Ms Cottinger also addressed the sub-committee. She had concerns in respect of future issues on the site if it was sold. She also felt that the music should be restricted to the St Owens Street side of the building.

Mr Shaw, the applicant, addressed the sub-committee in support of his application. He noted that there had only been 3 objections to this application which was considerably less than when the previous premise application came before the committee. He advised members that Arte was one of the top restaurants in Hereford as rated on Tripadvisor.com. He confirmed that work had been undertaken on the site in order to address the concerns of the local residents, these included double glazing, and new doors. Mr Shaw advised members that the application was a result of a wish to combine the existing two premises licence as well as a desire to offer wedding parties and other evening functions.

Mr Thompson, a member of staff for Arte who resided at the premises addressed the sub-committee to confirm that he supported the application. He felt that the improved soundproofing and double glazing had reduced any possible noise disturbances from the premises.

Mr Shaw, the applicant, confirmed that he had stated at a public meeting that the music in the upstairs area would only take place in the St Owen's Street side of the building. He said he still intended to do this for functions with less than 100 people attending, if there was to be more than 100 guests then this would not be possible.

In response to a question from Mr Branczik, Mr Shaw confirmed that the carpet would remain in the upstairs area.

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

**RESOLVED**

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

The meeting ended at 11.15 am

**CHAIRMAN**





## HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE  
(THE LICENSING ACT 2003)

<b>PREMISES</b>	Arte
<b>APPLICANT'S NAME</b>	Miro Catering Ltd
<b>APPLICATION TYPE</b>	New Premises Licence
<b>PANEL MEMBERS</b>	Councillor P Jones CBE (Chairman) Councillor A Seldon Councillor JD Woodward
<b>DATE OF MEETING</b>	15 September 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 Branczik, Mr Higton, and Ms Cottringer, as well as a written representation from Mr Williams. They also heard from Mr Shaw, the applicant and Mr Thompson, both in support 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**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>Plays, Films</b>	1100 - 2300	1100 - 2300	1100 - 2300	1100 - 2300	1100 - 0000	1100 - 0000	1200 - 2300
<b>Live/Recorded Music</b>	1100 - 2300	1100 - 2300	1100 - 2300	1100 - 2300	1100 - 0000	1100 - 0000	1200 - 2300
<b>Perf. Of Dance</b>	1100 - 2300	1100 - 2300	1100 - 2300	1100 - 2300	1100 - 0000	1100 - 0000	1200 - 2300
<b>Prov. of Facilities for Making Music</b>	1100 - 2300	1100 - 2300	1100 - 2300	1100 - 2300	1100 - 0000	1100 - 0000	1200 - 2300
<b>Prov. of Facilities for Dancing</b>	1100 - 2300	1100 - 2300	1100 - 2300	1100 - 2300	1100 - 0000	1100 - 0000	1200 - 2300
<b>Late Night Refreshment</b>	2300 - 0000	2300 - 0000	2300 - 0000	2300 - 0000	2300 - 0000	2300 - 0000	
<b>Supply of Alcohol</b>	1100 - 0000	1100 - 0000	1100 - 0000	1100 - 0000	1100 - 0100	1100 - 0100	1200 - 2300
<b>Open to the Public</b>	1000 - 0030	1000 - 0030	1000 - 0030	1000 - 0030	1000 - 0130	1000 - 0130	1200 - 2330

## 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.

#### PREVENTION OF PUBLIC NUISANCE

- Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The licensee shall ensure as far as reasonably practicable that patrons leave the premises and the immediate vicinity in an orderly and sociable manner.
- A suitable and sufficient dispersal policy shall be implemented to deal with any rowdy or unsociable behaviour from patrons leaving the premises.
- All external windows and doors shall be kept closed, except for access, when amplified sound or music is provided on the premises. All windows and doors to the premises shall be maintained in a good state of repair.
- A sound limiting/cut out device must be installed, maintained in full working order and be used each time entertainment is provided in the entertainment area. The level at which the device operated must be agreed with the Council's Environmental Health Officer.
- Prior to its use for licensable activities, the public club area shown on the first floor plan submitted with the application shall be further sound proofed in a suitable manner to be agreed between the applicant and the appropriate Environmental Health Department.

#### PROTECTION OF CHILDREN FROM HARM

- Challenge 25 should be employed.

#### 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.