

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 27 November 2009 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)

Councillors: RC Hunt and JD Woodward

43. ELECTION OF CHAIRMAN

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

44. APOLOGIES FOR ABSENCE

Apologies for absence were received by Councillor P Jones CBE.

45. NAMED SUBSTITUTES (IF ANY)

Councillor JW Hope MBE attended the meeting as a substitute member for Councillor P Jones CBE.

46. DECLARATIONS OF INTEREST

There were no declarations of interest made.

47. APPLICATION FOR A VARIATION OF THE PREMISES LICENCE 'DUSK, 100 COMMERCIAL ROAD, HEREFORD, HR1 2BJ.' (Pages 1 - 2)

The Regulatory Sub-Committee was convened in order to determine an application for a variation to a premises licence in respect of Dusk, 100 Commercial Road, 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 to the time limit were required.

The Licensing Officer introduced the report and advised Members that the advertisement had been seen and was accepted. He advised Members that the premises fell within a cumulative impact area as designated in the council's special policy.

Mr Firth, a local resident who had made a representation in respect of the application, addressed the sub-committee. He addressed a number of issues, including:

- The Commercial Road area was intolerable over the weekend.
- Hours for licensing should be reduced rather than increased.
- If the extension to licensing hours was granted people would not disperse from the area until 4:00 – 4:30 am.

Mr Wilkinson addressed the sub-committee in support of his application. He addressed a number of issues, including:

- There had been no complaints received when the premises had opened until 4 am by virtue of a Temporary Even Notice.
- People had dispersed from the premises throughout the night with no more than 80 people remaining at the premises at 4:00 am.
- Public Houses were now opening later, resulting in less trade for nightclubs.
- No other objections had been received from neighbouring residents.

In response to a question from the Licensing Officer, the applicant advised that patrons leaving the premises would be supervised by door staff with 3 SIA registered staff positioned on the street outside of the nightclub.

In response to a question from the Special Projects Lawyer, the applicant confirmed that he would be happy to reduce the hours in respect of sale of alcohol to allow for 'drinking up time'. He added that he would not wish to reduce the hours in respect of late night refreshment.

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

RESOLVED

That the application for a variation to a premises licence in respect of Dusk, 100 Commercial Road, Hereford, be rejected for the following reasons.

- **Herefordshire Council has a Special Policy in force covering the area in which the applicant's premises is located.**
- **The Special Policy creates a rebuttable presumption that applications for material variations of licensable activity will add to the cumulative impact in the area.**
- **The applicant has not presented sufficient evidence or proposals, in the reasonable opinion of the sub-committee, to rebut this presumption therefore in accordance with paragraph 5 of the Special Policy this application is rejected.**

The meeting ended at 3.08 pm

CHAIRMAN



HEREFORDSHIRE COUNCIL

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

PREMISES	Dusk
APPLICANT'S NAME	Helena Leisure 28 Ltd
APPLICATION TYPE	Variation
PANEL MEMBERS	Councillor JW Hope (Chairman) Councillor RC Hunt Councillor JD Woodward
DATE OF MEETING	27 November 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 Firth, a local resident and business owner who had made a representation in respect of the application, and Mr Wilkinson, the applicant.

Having heard the representations and considered all of those matters brought before them, the Panel decided to **REJECT** the said application on the following basis:-

- Herefordshire Council has a Special Policy in force covering the area in which the applicant's premises is located.
- The Special Policy creates a rebuttable presumption that applications for material variations of licensable activity will add to the cumulative impact in the area.
- The applicant has not presented sufficient evidence or proposals, in the reasonable opinion of the sub-committee, to rebut this presumption therefore in accordance with paragraph 5 of the Special Policy this application is rejected.

