

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 22 January 2010 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: SPA Daniels and A Seldon

53. ELECTION OF CHAIRMAN

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

54. APOLOGIES FOR ABSENCE

No apologies for absence were received.

55. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

56. DECLARATIONS OF INTEREST

There were no declarations of interest made.

57. APPLICATION FOR A NEW PREMISES LICENCE 'ZANE RESTAURANT, 9-13 ST. OWEN STREET, HEREFORD, HR1 2JB.' (Pages 1 - 4)

The Regulatory Sub-Committee was convened in order to determine an application for a new premises licence in respect of Zane Restaurant, 9-13 St. Owen's Street, 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 presented the report and advised Members that a copy of the applicant's advertisement had been seen.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, PC Jim Mooney, representing West Mercia Police, addressed the sub-committee. He advised Members that the police authority had requested a number of conditions in order to address concerns both inside and within the exterior licensed areas of the premises.

In response to a question regarding non standard timings, Andrew Chadd, the applicant, confirmed that the non standard timings for New Years Eve had been removed from the application.

Dr Carol Caldwell, a neighbouring resident who had made a representation in respect of the application, addressed the sub-committee. She expressed her concerns in respect of possible noise disturbances from the premises if a terminal hour of 0200 was permitted. She

also felt that live music until 2230 was unacceptable within a conservation area. She advised Members that she was pleased that the premise was reopening as a restaurant.

In response to the points made by the local resident, the applicant advised that he was happy to amend the application to a terminal hour of midnight from Sunday to Thursday. He also advised that he was happy to remove live and recorded music from the application as the only music required for the premises would be background music.

The Licensing Officer expressed concerns that the premises had been operating without a licence as no Temporary Event Notices had been granted since the Christmas period.

The applicant confirmed that he was happy to liaise with local residents if there were any concerns arising from the management of the premises.

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 variation to the premises licence in respect of Zane's 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)**

PREMISES	Zane
APPLICANT'S NAME	Fleat Ltd trading as Zane Restaurant
APPLICATION TYPE	New Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor SPA Daniels Councillor A Seldon
DATE OF MEETING	22 January 2010

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 PC Mooney, representing West Mercia Police as well as Mr Chadd, the applicant, and Dr Caldwell, one of the interested parties who had made a representation 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

	Late Night Refreshment	Supply of Alcohol	Open to the Public
Monday	2300 - 2330	1100 - 2330	1100 - 2400
Tuesday	2300 - 2330	1100 - 2330	1100 - 2400
Wednesday	2300 - 2330	1100 - 2330	1100 - 2400
Thursday	2300 - 2330	1100 - 2330	1100 - 2400
Friday	2300 - 2330	1100 - 0130	1100 - 0200
Saturday	2300 - 2330	1100 - 0130	1100 - 0200
Sunday	N/A	1100 - 2300	1100 - 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 CRIME AND DISORDER

- The provision of CCTV which meets the requirements and expectations of the Licensing Authority and Police. CCTV must be in operation at all times the premises are used for licensable activities.
- That a capacity limit is set in accordance with the fire risk assessment.
- The provision of an incident book.
- The prevention of open containers being removed from the premises, except to the outside licensed area.
- The provision of registered door staff on a risk assessed basis by the premise licence holder.
- That the licensed areas be clearly defined by substantial structures, such as trellis fences. (Rear and front outside areas of premises)
- That the licensed areas be covered by the CCTV system. (Rear and front outside areas of premises)
- That the supply of alcohol is predominantly ancillary to the service of a substantial table meal. (Rear and front outside areas of premises)
- That the supply of alcohol and the service of food are by the waitress service only. (Front outside area of premises)
- That a terminal hour of 1800 is imposed for the use of this area for the supply and consumption of alcohol. (Front outside area of premises)
- That a terminal hour of 2200 is imposed for the use of this area for the supply and consumption of alcohol. (Rear outside area of premises)
- That no new patrons be permitted to enter the premises after 2330.

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

