

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 23 April 2010 at 2.00 pm

Present: Councillor Brig P Jones CBE (Chairman)

Councillors: PGH Cutter and JW Hope MBE

In attendance: Councillor A Seldon

68. ELECTION OF CHAIRMAN

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

69. APOLOGIES FOR ABSENCE

No apologies for absence were received.

70. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

71. DECLARATIONS OF INTEREST

There were no declarations of interest made.

72. APPLICATION FOR A VARIATION TO A PREMISES LICENCE 'MCCOLL'S, HATTON PARK, BROMYARD.' (Pages 1 - 2)

The Regulatory Sub-Committee was convened in order to determine an application for a variation to the premises licence in respect of McColl's, Hatton Park, Bromyard. 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. The Licensing Officer drew Members' attention to a stated case in respect of the Hope and Glory Public House Ltd V City of Westminster Magistrates' Court. The applicant's legal advisor was given time to view the case.

Councillor A Seldon, the Local Ward Member, addressed the Sub-Committee on behalf of a member of the public who had made a representation in respect of the application. He noted the objections that had been raised and drew Members' attention to the letter contained within the background papers.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Martin Stafford, the applicant's legal advisor, addressed the sub-committee. He advised the Sub-Committee that

the application should be approved in accordance with paragraphs 10.21, 2.38 and 2.39 of the guidance issued under section 182 of the Licensing Act 2003.

In response to a question Kevin Moodie, the Area Manager for McColl's, confirmed that the premises benefitted from CCTV covering both inside and outside areas.

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 McColl's be approved subject to the conditions detailed in the attached decision notice.

The meeting ended at 2.45 pm

CHAIRMAN



HEREFORDSHIRE COUNCIL

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

PREMISES	McColl's (Bromyard)
APPLICANT'S NAME	Martin McColl Ltd
APPLICATION TYPE	Variation
PANEL MEMBERS	Councillor P Jones CBE (Chairman) Councillor PGH Cutter Councillor JW Hope MBE
DATE OF MEETING	23 April 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 Councillor A Seldon, representing one of the local residents who had submitted a representation in respect of the application together with Mr Stafford, on behalf of the applicants.

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, the Guidance issued under section 182 of the Licensing act 2003 and the Council's Licensing Policy. They also considered the relevant case law as set out in *The Queen on the application of Hope And Glory Public House Ltd V City of Westminster Magistrates' Court* [2009] EWHC 1996 (Admin). The Members imposed conditions in order to promote the relevant licensing objective, namely the prevention of public nuisance.

HOURS OF LICENSABLE ACTIVITY

	Supply of Alcohol	Open to the Public
Monday	0600 - 2300	0600 - 2300
Tuesday	0600 - 2300	0600 - 2300
Wednesday	0600 - 2300	0600 - 2300
Thursday	0600 - 2300	0600 - 2300
Friday	0600 - 2300	0600 - 2300
Saturday	0600 - 2300	0600 - 2300
Sunday	0600 - 2300	0600 - 2300

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

The Sub-Committee noted that paragraph 10.21 of the Guidance issued under Section 182 of the Licensing Act 2003 stated that;

Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

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.

PREVENTION OF PUBLIC NUISANCE

- Prominent, clear and legible notices must be displayed at all exits which must read 'Please leave the premises and area quietly. Respect the needs of local residents'.

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.