

MINUTES of the meeting of Regulatory Sub Committee held at Committee Room 1, Shirehall, St. Peter's Square, Hereford on Monday 21 June 2010 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)

Councillors: SPA Daniels and A Seldon

1. ELECTION OF CHAIRMAN

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

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made.

5. NOTIFICATION OF TEMPORARY EVENT NOTICE 'MR CHIPS, 17 COMMERCIAL ROAD, HEREFORD, HR1 2BB.' (Pages 1 - 2)

The Sub-Committee were required to hear and determine an application for a temporary event notice which had been subject to a police objection notice. The Chairman introduced the Sub-Committee and Officers and confirmed that all Members had received the background papers. He then asked any interested parties attending the hearing to make themselves known. The Committee noted the presence of Mr Ricketts and Mr Roberts, the applicant and his business partner, together with PC Mooney and Sergeant Evans, representing West Mercia Police.

The Licensing Officer presented his report to the Sub-Committee.

In accordance with the Licensing Act 2003 Regulations for Hearings, PC Mooney, representing West Mercia Police, addressed the sub-committee and outlined the reasons why the police had issued a counter notice to the temporary event notice. He advised members that the application site fell within the cumulative impact zone as outlined in Herefordshire Council's licensing policy and that a total of 128 incidents had taken place in the area in 2010, these incidents related to 35 incidents of assault; 46 public order offences; and 47 anti social behaviour offences.

Mr Ricketts, one of the applicants, noted that out of the 128 incidents only 4 had taken place in the direct vicinity of his premises and that the premises had actually been closed when some of the incidents had taken place. The applicant stated that he was unaware of any incidents taken place within his premises.

The applicant and his business partner addressed the sub-committee and advised members that they had been granted a temporary event notices at the premises before and the omission of this on the application form was an error. They noted that 128 incidents had taken place on Commercial Road but only 1 of these was alleged to have taken place in their premises. They added that they had CCTV in the takeaway and one of the applicants was also SIA registered.

In response to a question from the Senior Litigator PC Mooney confirmed that 2 takeaways opened past 1.30 am on Commercial Road as they offered cold food only which was not regulated under the Licensing Act.

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

RESOLVED:

That the Committee Issue a 'counter notice' in respect of the Temporary Event Notice for Mr Chips, 17 Commercial Road, Hereford.

The meeting ended at 3.00 pm

CHAIRMAN



HEREFORDSHIRE COUNCIL

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

PREMISES	Mr Chips
APPLICANT'S NAME	Mr Ricketts
APPLICATION TYPE	Temporary Event Notice
EVENT DATES	27 June 2010
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor SPA Daniels Councillor A Seldon
DATE OF MEETING	21 June 2010

Herefordshire Council as Licensing Authority of Mr Chips, Commercial Road, Hereford, issue this counter notice due to the reasons stated below:

- The Committee heard and accepted the objections to the notice from the West Mercia Police and considered that the counter notice should be issued to further the licensing objective relating to the prevention of crime and disorder.

The effect of which is to disapply the temporary event notice listed above, which is attached to this notice as appendix 1.

You are therefore restricted to the hours and activities as stated on your licence.

No right of appeal against this notice exists under section 181 and Schedule 5 of the Licensing Act 2003

