

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 29 September 2010 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)
Councillors: GA Powell and A Seldon

16. ELECTION OF CHAIRMAN

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

17. APOLOGIES FOR ABSENCE

No apologies for absence were received.

18. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

19. DECLARATIONS OF INTEREST

There were no declarations of interest made.

20. APPLICATION FOR A VARIATION TO A PREMISES LICENCE '2 MEADOW CLOSE, WITHINGTON, HEREFORDSHIRE, HR1 3RR.' (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 Withington Village Stores, 2 Meadow Close, Withington, HR1 3RR. 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. Mr Bradbury, the Owner of Withington Village Stores, and Mrs Watkins, the store manager were both present to make representations in respect of the application. The Chairman 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 one representation had been received from a local resident who was not able to attend the meeting.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Bradbury, the applicant, spoke in support of his application. He advised Members that the store did not currently make a profit and the extension of the opening hours would enable the store to break even or operate at a profit. The applicant advised Members that Withington Village Stores was one of 8 stores within his portfolio and that each of the stores tried to work closely with local residents to address any areas of concern. He also advised Members in respect of staff training, the store layout, and the way under age sales would be prevented.

The Licensing Officer confirmed that the police had not received any complaints regarding antisocial behaviour at the store.

The Senior Litigator noted the conditions that had been suggested by the applicant in his operating schedule and felt that the following condition should be removed as it would be difficult to enforce.

- No Child must be allowed near the alcohol.

He also felt that the condition regarding public safety should be redrafted to read:

- Any person who appears to be under the influence of alcohol who enters the premises will be banned from them forthwith.

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 Withington Village Stores be approved subject to the conditions detailed in the attached decision notice.

21. APPLICATION FOR A NEW PREMISES LICENCE 'JAMSTAND 2010, CAROLINE SYMONDS GARDENS, ROSS ON WYE.'

The Licensing Officer advised members that an advertisement had not been placed in a local newspaper as required under the Licensing Act 2003. Therefore under section 18 the sub-committee had no powers to determine the application.

The Licensing Officer advised members that the Licensing Authority had worked closely with the applicants but unfortunately the relevant guidance and advice had not been followed.

The meeting ended at 10.33 am

CHAIRMAN



HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

PREMISES	Withington Village Stores
APPLICANT'S NAME	Craig Justin Bradbury
APPLICATION TYPE	Variation
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor A Seldon Councillor GA Powell
DATE OF MEETING	29 September 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 Mr Bradbury, the applicant. Members also considered a written representation from Mrs Howard, a neighbouring resident, who could not be present at the meeting.

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. They also considered the relevant case law as set out in Thwaites PLC v Wirral Borough Magistrates Court and R(Bristol Council) v Bristol Magistrates Court. 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

	Sale of Alcohol	Open to the Public
Monday	0600 - 2200	0600 - 2200
Tuesday	0600 - 2200	0600 - 2200
Wednesday	0600 - 2200	0600 - 2200
Thursday	0600 - 2200	0600 - 2200
Friday	0600 - 2200	0600 - 2200
Saturday	0600 - 2200	0600 - 2200
Sunday	0600 - 2200	0600 - 2200

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 staff must have undertaken and successfully passed the company's licensing examination within a 12 month period.

PREVENTION OF PUBLIC NUISANCE

- Liaison must take place with the police and the local community on a regular basis.

PROTECTION OF CHILDREN FROM HARM

- The premises will operate a 'Challenge 25' policy.

PREVENTION OF CRIME AND DISORDER

- At all times that the premises are open for the sale of alcohol, CCTV must be in operation. The CCTV system must meet the expectations of the Licensing Authority and the Police.

PUBLIC SAFETY

- Any person who appears to be under the influence of alcohol who enters the premises will be banned from them forthwith.

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.