

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 27 October 2010 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: SPA Daniels and Brig P Jones CBE

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. VARIATION TO PREMISES LICENCE 'BREWERY INN, BYE STREET, LEDBURY, HR8 2AG.' (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 The Brewery Inn, Bye Street, Ledbury, HR8 2AG. 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 the report had been amended in order to include the removal of existing conditions covered by other legislation. He also confirmed that the newspaper advertisement for the variation had been seen and was accepted.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mrs Styles, an interested party who had made a representation in respect of the application, addressed the sub-committee. She advised the sub-committee that she lived in close proximity to the premise and was concerned that the variation could cause noise disturbance to herself and to the other neighbouring residents.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Cochrane, the applicants' legal advisor, addressed the sub-committee. He advised that current conditions on the licence restricted any noise escaping from the premise. He also noted that Public

Nuisance could not be constituted by one objection from a local resident and also advised Members that objections needed to be evidence based in accordance with the stated case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court.

The Licensing Officer advised Members of the conditions that were currently on the licence which addressed any issues of noise emanating from the premise.

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 The Brewery Inn be approved subject to the amended hours and conditions detailed in the attached decision notice.

6. FULL REVIEW HEARING FOLLOWING INTERIM STEPS 'CROWN & SCEPTRE INN, MARKET PLACE, ROSS-ON-WYE, HR9 5NX.' (Pages 3 - 4)

The Regulatory Sub-Committee was convened in order to determine an application for an review of a premises licence for the Crown & Sceptre, Ross on Wye. The Review had been applied for by Superintendent Charles Hill, representing West Mercia Police. The review related to the licensing objective of the prevention of crime and disorder. The review followed an expedited review on 6 October and a meeting to determine interim steps on 18 October.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. The following interested parties were noted:

- James Mooney (Representing the Applicant for the Review)
- Corrine Watkins (Bar Manager for the Crown & Sceptre)
- Ben Nelsey (Representing Enterprise Inns)

The Chairman advised all parties of the hearing procedures and asked if they required an extension to the 10 minute time limit for public speaking, no extensions to the time limit were requested.

The Licensing Officer presented his report. He advised Members that the Designated Premises Supervisor would not be present at the hearing as she had recently been admitted to hospital. He advised members that any decision made at the hearing would not take effect for 21 days or until any appeal in respect of the decision was heard.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, James Mooney, representing West Mercia Police who had requested the review, addressed the sub-committee. He advised members that there had been no incidents of crime and disorder at the premises since the interim steps had been agreed. He did however voice his concerns that the condition regarding either the DPS or Bar Manager to be on site at all times had already been breached.

Ben Nelsey addressed the sub-committee on behalf of Enterprise Inns. He apologised for the breach of the condition but advised members that the situation could not be avoided as Ms Dean was in hospital at the time. In response to a question he advised that there was a personal licence course due to take place on 6 November 2010 and that Enterprise Inns would be happy to put another member of staff forward to complete the course if members were minded to amend the condition to include a personal license

holder as well as the bar manager. He added that there was already a suitable member of staff who had been employed at the Crown & Sceptre for 9 years.

The sub-committee retired to make their decision, the Senior Litigator and Democratic Services Officer also retired to offer legal and procedural advice.

The Senior Litigator read out the decision at the conclusion of the meeting.

RESOLVED

That the premise licence in respect of The Crown & Sceptre, Market Place, Ross on Wye, HR9 5NX be allowed to continue subject to the interim steps conditions and amended hours of operation being adopted.

That Ms Sarah Dean be removed as DPS of the Crown & Sceptre, Market Place, Ross on Wye, HR9 5NX.

The meeting ended at 11.55 am

CHAIRMAN



HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

PREMISES	Brewery Inn
APPLICANT'S NAME	Michael Peter Dean
APPLICATION TYPE	Variation to Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor SPA Daniels Councillor P Jones CBE
DATE OF MEETING	27 November 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 Cochrane, the applicant's legal advisor, and Mrs Stiles, an interested party 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

	Live / Recorded Music	Late Night Refreshment	Supply of Alcohol	Open to the Public
Monday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030
Tuesday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030
Wednesday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030
Thursday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030
Friday	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Saturday	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Sunday	1000 - 2330	2300 - 0000	1000 - 0000	1000 - 0030

HEREFORDSHIRE COUNCIL

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

NON STANDARD TIMINGS

	Live / Recorded Music	Late Night Refreshment	Supply of Alcohol	Open to the Public
Bank Holiday Sunday	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Bank Holiday Monday	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Christmas Eve	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130
Boxing Day	1000 - 0030	2300 - 0100	1000 - 0100	1000 - 0130

REMOVAL OF CONDITIONS

- A current inspection certificate should be held for all electrical installations in accordance with BS7671 and BS52266-1.
- The gas installation shall hold a current safety certificate signed by a member of the Council for Registered Gas Installers (CORGI).

NEW CONDITIONS

- All external windows at the front of the premises to be closed after 2300 if live or recorded music is being played.

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.

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

PREMISES	Crown & Sceptre
DESIGNATED PREMISES SUPERVISOR	Sarah Dean
APPLICANT'S NAME	West Mercia Police
APPLICATION TYPE	Full Review Following a Summary Review
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor SPA Daniels Councillor P Jones CBE
DATE OF MEETING	27 October 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 Mooney, representing West Mercia Police as well as Ms Watkins, representing the premises licence holder, and Mr Nelsey representing Enterprise Inns.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Council's Licensing Policy, the representation made by Enterprise Inns and the representation made by the West Mercia Police. The Members made the following decisions in order to promote the licensing objective of the prevention of crime and disorder.

- 1 That the conditions and change of licensing hours recommended at the interim steps hearing should remain on the licence. These are detailed within this decision notice.*
- 2 That Sarah Dean be removed as Designated Premises Supervisor for the Crown and Sceptre.*

REASONS

- 1 That notwithstanding the mitigating circumstances explained to the sub-committee, Miss Dean had been unable to comply with her duties as DPS.
- 2 It had not proved possible for suitable arrangements of qualified management staff to cover these issues in the intervening period.
- 3 The Sub-Committee considers it of paramount importance that the premises be seen to be properly run in accordance with its agreed licensing requirements.

HEREFORDSHIRE COUNCIL
**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**
HOURS OF LICENSABLE ACTIVITY

	Live Music,	Recorded Music, Film, Indoor Sporting Events	Sale of Alcohol (M)	Open to the public (O)
Monday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300
Tuesday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300
Wednesday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300
Thursday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300
Friday	1000 - 0000	1000 - 0000	1000 - 0000	1000 - 0000
Saturday	1000 - 0000	1000 - 0000	1000 - 0000	1000 - 0000
Sunday	1000 - 2300	1000 - 2300	1000 - 2300	1000 - 2300

ADDITIONAL CONDITIONS

- 2 SIA registered door staff to be employed between the hours of 9pm and 12.30 am on Friday and Saturday night.
- A risk assessment to be carried out to extend these hours or to employ additional staff as required.
- Ensure that either the Premises Licence Holder or Bar Manager are within the licensed premises at all times of licensable activity.
- The outside area of the premises to be closed from 11pm on any evening

** Subject to Section 52(11) which states that a determination under this section does not have effect:
(a) until the end of the period given for appealing against the decision, or
(b) if the decision is appealed against, until the appeal is disposed of.*

There is a right of appeal under Schedule 5 Paragraph 8a, which must be made to a magistrates court within 21 days of this decision. It is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford, if you do wish to appeal this decision.