

MINUTES of the meeting of Regulatory Sub Committee held at Meeting Room 18a, Brockington, 35 Hafod Road, Hereford on Monday 4 April 2011 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)
Councillors: SPA Daniels and GA Powell

71. ELECTION OF CHAIRMAN

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

72. APOLOGIES FOR ABSENCE

No apologies for absence were received.

73. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

74. DECLARATIONS OF INTEREST

There were no declarations of interest made.

75. APPLICATION FOR A VARIATION TO A PREMISES LICENCE 'MAMMA JAMMA'S, 15A WEST STREET, HEREFORD, HR4 0BX'. (Pages 1 - 4)

The Regulatory Sub-Committee was convened in order to determine an application for a variation to the premises licence in respect of Mamma Jammass, 15A West Street, Hereford, HR4 0BX. 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. He advised Members that although a copy of the applicant's advertisement had been sent to the licensing authority it did not contain the correct information. The applicant advised that the advertisement on file was for an earlier application, he presented the sub-committee with the correct advert. The Licensing Officer noted that the advertisement did not contain reference to non-standard timings but accepted that all other details were correct.

The Licensing Officer also advised that the applicants had agreed to all of the conditions recommended by the Environmental Health department. He also advised Members that the applicant had agreed to all conditions recommended by West Mercia Police excluding the condition requiring a last entry time of midnight.

The applicant advised Members that he was happy to retain the sound limiting device and had only requested its removal as the amplification system the used could not reach the levels required to activate the sound limiter.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Mooney, representing West Mercia Police, addressed the Sub-Committee. He advised Members that there had previously been incidents of low level noise disturbance from the premises but that the agreed conditions would address any such issues. He added that the last entry time of midnight had been requested to restrict any potential for antisocial behaviour and noise disturbance in the area.

In response to a question from the Legal Practice Manager, Mr Mooney advised that last entry conditions were not common for city centre premises but were used where licensed premises were located in residential areas.

In response to a question from the applicant, Mr Mooney confirmed that there had been minor incidents at the premises but no significant issues of crime and disorder.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Jones, the applicant, addressed the sub-committee. He commented on a number of issues, including:

- The Thwaites case stated that representations against an application should be based on 'real evidence' and not 'fear and speculation', for this reason he felt that the representation from the Town Clerk should not be accepted.
- The premises had a strict door policy and did not admit entry to patrons under the influence of drink and drugs.
- The internal sound proof door stopped the premises being a noise pollutant to local residents.
- There was only one halogen light located at the entry to the premises.
- There was no bass subwoofer in the premises.
- The nearby Green Dragon Hotel had not submitted a representation.
- The 8 letters of objection were all very similar.
- If all of the letters were submitted by the same person they could not be deemed as public nuisance, as defined in the Hope and Glory stated case.
- Two of the local residents who had submitted representations against the application had been in the premises recently and denied writing letters of objection.
- Mamma Jammass opened in July 2010 and there had been no record of noise disturbance.
- Staff check West Street and Aubrey Street to ensure there was no litter from the premises.
- The Council's Environmental Health team were happy with the soundproofing at the premises.
- To restrict entry after midnight would be of detriment to the premises, currently permitted entry until 0200.
- The majority of patrons enter the premises after midnight.

In response to a question, the applicant confirmed that he had spoken to the manager of the Green Dragon Hotel who had stated that the hotel had not received any complaints regarding noise disturbance from Mamma Jammass.

The Legal practice Manager raised concerns regarding the applicant's comments regarding the possibility of fraudulent representations. He added that it was acceptable for one person to write a representation for a number of residents subject to it being signed by the residents themselves. He had some concerns regarding the inconsistency

of some of the signatures and requested that the meeting be adjourned for further investigation of the matter to be undertaken.

The meeting was adjourned until 12:00 noon in order for discussions to take place with the local residents who had made representations in order to confirm that they were valid.

The meeting was reconvened at 12:10 pm, at this stage Mr Lawley, Miss Crick, and Mr and Mrs Holt, who had all submitted representations in objection to the application were present at the hearing.

The Legal Practice Manager advised Mr Lawley that there had been a question raised regarding the validity of his representation. Mr Lawley confirmed that the signature on the representation was his signature and that he had submitted the representation.

In response to a further question regarding the representations, Mrs Holt confirmed that she had written the representations for some of her tenants and that these representations had been signed by the tenants themselves. She added that a number of her tenants were foreign and could not express their views in writing, therefore she had checked with the licensing department to confirm if it would be permitted for her to write the representations and had been advised that it was acceptable.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Holt, speaking on behalf of an interested party who had submitted a representation, addressed the sub-committee. He commented on a number of issues, including:

- Two windows had been broken in the early hours of the morning recently, it was accepted that this may not have been linked to Mamma Jammias.
- There were noise disturbances from the premises.
- Currently have to bleach and clean the steps to the flats as a result of vomit and urine.

The Sub-Committee retired to make their decision, the Legal Practice Manager and the Democratic Services Officer also retired to assist them with procedural matters.

The Legal Practice Manager read out the decision, the applicant was advised that the formal decision would be sent to the address listed on the application form.

RESOLVED

That the application for a variation to the premises licence in respect of Mamma Jammias be approved subject to the amended hours and the conditions detailed in the attached decision notice.

76. APPLICATION FOR A VARIATION TO A PREMISES LICENCE 'JAILHOUSE, 1 GAOL STREET, HEREFORD, HR1 2HU'.

The Licensing Officer advised Members that the applicant had agreed to all of the recommended conditions and therefore West Mercia Police were happy to withdraw their representation.

77. TO CONSIDER A FULL REVIEW OF A PREMISES LICENCE FOLLOWING AN EXPEDITED REVIEW IN RESPECT OF: EAST EUROPEAN FOOD, 133 EIGN STREET, HEREFORD, HR4 0AJ. (Pages 5 - 6)

The Regulatory Sub-Committee was convened in order to determine an application for a review of a premises licence for East European Foods, 113 Eign Street, Hereford. 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 18 March 2011.

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)
- Ali Azad (Premises Licence Holder)

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.

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 West Mercia Police were of the opinion that the premises licence should be revoked as the licensing objective of the prevention of crime and disorder had been compromised.

Mr Azad advised the Sub-Committee that he had left the premises on 19 December 2010 and the management of the premises had been handed to another person. He stated that he had requested that the licence be transferred from his name. The Licensing Officer confirmed that no request for the transfer of the licence had been received by the Licensing Authority.

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

The Legal Practice Manager read out the decision at the conclusion of the hearing.

RESOLVED

That the premise licence in respect of East European Food be revoked.

The meeting ended at 12.30 pm

CHAIRMAN



HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

PREMISES	Mamma Jammass
APPLICANT'S NAME	Jonathan Jones
APPLICATION TYPE	Variation to Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor SPA Daniels Councillor GA Powell
DATE OF MEETING	4 April 2011

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 Jones, the applicant, Mr Mooney, representing West Mercia Police, and Mr and Mrs Holt, an interested party and her representative 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 with immediate effect 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 Music	Recorded Music, Prov. of Facilities for Making Music & Dancing	Supply of Alcohol	Open to the Public
Monday	1700 - 2330	1700 - 0130	1700 - 0130	1700 - 0200
Tuesday	1700 - 2330	1700 - 0130	1700 - 0130	1700 - 0200
Wednesday	1700 - 2330	1700 - 0130	1700 - 0130	1700 - 0200
Thursday	1700 - 2330	1700 - 0130	1700 - 0130	1700 - 0200
Friday	1700 - 2330	1700 - 0230	1700 - 0230	1700 - 0300
Saturday	1700 - 2330	1700 - 0230	1700 - 0230	1700 - 0300
Sunday	1700 - 2330	1700 - 0130	1700 - 0130	1700 - 0200

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

- That the operating schedule for the premise, based on the risk assessment to ensure compliance to the four licensing objectives, provides CCTV equipment which conform to the provision of the Data Protection Act 1998 and is meets the requirements and expectation of the Licensing Authority and Police. (This being the standard set in Herefordshire Council Licensing Policy)
- To prevent incidents of crime and disorder an expectation prevails that the operators of premises and their staff will at all reasonable times co-operate fully with the Police and other enforcement agencies and take steps to ensure that members of their staff understand the importance of the responsibility they hold.
- An incident log must be kept at the premises, and made immediately available on request to an authorised officer of the Council or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
- At peak and or critical times, that is when the licensing objective(s) crime and disorder is or are likely to be compromised, a last entry time of 0100 will be strictly adhered to.
- That a holder of a personal licence be present on the premises at all times when the premises is scheduled to remain open after midnight, at all other times the Designated Premise Supervisor (DPS) may from time to time, authorise in writing a Duty Manager to deputise for him. The written authorisation shall be kept on the premises and be readily available for examination by any Authorised Officer. The DPS must be satisfied that anyone appointed, as a Duty Manager understands the need to comply with the conditions of the licence and is competent to perform the function of Duty Manager.
- That the operating schedule for the premise has sufficient SIA registered door supervisors of a minimum of two at all times when the premises is scheduled to open after midnight.
- The operator shall ensure that in order to secure the integrity of the licensing objective(s) measures are taken to prevent bottles and glasses being taken from the premise.
- The operator shall in order to secure the integrity of the licensing objective(s), meet at reasonable times with parties to address issues of disorder, nuisance and annoyance.
- The operator shall ensure that in order to secure the integrity of the licensing objective of the prevention of crime and disorder the operator maintains an active membership and supports

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

the provision of a HAND 'Pubwatch' scheme or similar, operated locally in the area where the premise trades.

- Provision and use of a 'pub watch' radio to support the principal of membership of the HAND scheme

INFORMATIVES

- The application to remove the noise limiting devices from the premises was withdrawn by the applicant at the Committee hearing.

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	East European Foods
DESIGNATED PREMISES SUPERVISOR	Mr Ali Ahmed Azad
APPLICANT'S NAME	West Mercia Police
APPLICATION TYPE	Full Review
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor SPA Daniels Councillor GA Powell
DATE OF MEETING	4 April 2011

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 James Mooney, representing West Mercia Police and Mr Azad, the premises licence holder.

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

DECISION

- 1 It is the decision of the Committee that the premises licence for East European Foods be revoked.

REASON

- 1 The Committee has found that there has been serious crime at the premises and has made its decision having heard evidence from West Mercia Police and in accordance with the guidance issued under Section 53A of the Licensing Act 2003 as amended. The Committee therefore decided that in order to promote the licensing objective of the prevention of crime and disorder the licence should be revoked.

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

- 1 The Committee is required to review the premises licence in full within 28 days of the application for a summary licence review made on 17 March 2011.
- 2 The Licensee may make representations to the licensing authority in respect of the interim steps at any stage prior to the review. These representations must be heard by Committee within 48 hours (When calculating the 48 hour period any non-working day will be disregarded).
- 3 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.