

**MINUTES of the meeting of Regulatory Sub Committee held at  
The Council Chamber, Brockington, 35 Hafod Road, Hereford on  
Friday 17 June 2011 at 2.00 pm**

**Present:** Councillor JW Hope MBE (Chairman)  
Councillors: CM Bartrum and RC Hunt

**In attendance:** Councillors PJ Edwards and GA Powell

**6. ELECTION OF CHAIRMAN**

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

**7. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**8. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the hearing.

**9. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**10. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE 'RADUNI INDIAN CUISINE, 66 THE HOMEND, LEDBURY, HR8 1BT.'** (Pages 1 - 2)

The Regulatory Sub-Committee met to consider a full review following the expedited licence review of the premises licence for Raduni Indian Cuisine, 66 the Homend, Ledbury, HR8 1BT.

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 introduced the report and advised members that a condition had been added to the licence at a meeting on 31 May 2011 following a representation against the interim steps imposed on 25 May 2011.

Mr Mooney, representing West Mercia Police, addressed the sub-committee and advised members of the reasons why the premises had been the subject of a review.

Mr Light, representing the premises licence holder, addressed the sub-committee and advised that the concerns of the police could be addressed through the condition imposed on the licence on 31 May 2011. He had concerns that the premises had been the subject of an expedited review as he felt that the process should only be used to address incidents of violent crime.

All parties were given the opportunity to sum up their representations in a brief closing statement before the sub-committee retired to make its decision.

The decision of the sub-committee was read out by the Acting Principal Solicitor, a copy of the decision notice is attached for reference.

## **RESOLVED**

**That the following condition be added to the licence in respect of Raduni Indian Cuisine, 66 The Homend, Ledbury, HR8 1BT.**

- 1 A log book must be kept at the premises and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2003) or the Police. The log book must record the following:**
  - a) Details of all persons employed at the premises in any capacity.**
  - b) Date of birth of the person.**
  - c) The full name of the person.**
  - d) Their current address.**
  - e) Their national insurance number.**
  - f) Their passport details.**
  - g) In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.**
  - h) In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided.**

**All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.**

## **11. APPLICATION FOR VARIATION OF PREMISES LICENCE 'MCDONALDS RESTAURANTS, BELMONT ROAD, HEREFORD, HR2 7NB.' (Pages 3 - 6)**

The Regulatory Sub Committee was convened in order to determine an application for a new premises licence in respect of McDonalds Restaurants, Belmont Road, Hereford, HR2 7NB. 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 to the time limit were requested.

The Licensing Officer presented the report and advised Members that a copy of the advertisement had been received by the Licensing Department and that it was acceptable.

The Acting Principal Lawyer advised the sub committee that the responsible authorities had now withdrawn their representations as conditions had been agreed with the applicant.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Mooney, representing West Mercia Police addressed the sub-committee. He advised that the applicant had accepted all of the conditions recommended by the police. He added that

there was limited evidence of noise at the premises and that all of the concerns would be addressed through the agreed conditions.

Mr Kerry, the Town Clerk, also addressed the sub-committee on behalf of Hereford City Council. He advised that his comments had been endorsed via Hereford City Council's Planning Committee and that they had concerns in respect of late night fast food establishments. The concerns primarily related to litter and noise

Two of the local ward members, Councillors PJ Edwards and GA Powell, also addressed the sub-committee with their concerns in respect of the application. Their concerns related to noise, litter, anti-social behaviour and the impact on the neighbouring parkland.

Mr Gill, the applicant's legal representative, addressed the sub-committee in response to the concerns raised by the previous speakers. He reminded the sub-committee of the permissive nature of the Licensing Act and that none of the four licencing objectives had been breached. He advised that the police conditions had been agreed and that these conditions addressed the concerns raised by the local ward members. He gave full details of the procedures that McDonalds had put in place to address litter and also partnership projects they had undertaken with neighbouring schools.

The Sub-Committee retired to make their decision, the Acting Principal Lawyer and the Democratic Services Officer also retired to assist them with procedural matters.

At the conclusion of the meeting the Acting Principal Lawyer read out the sub committee's decision. The sub-committee felt that the following additional condition should be attached to the licence in order to address the concerns of the City Council and the local ward members.

1. No open alcohol containers to be carried into the in-store area.
2. Self closing doors must be present at the entrance to the premises.
3. The premises licence holder or their nominated representative shall meet with the local ward councillors for Belmont ward, in consultation with Hereford City Council if appropriate, no less than quarterly on the request of the said local ward councillors. Such meetings will include litter picking issues for the prevention of public nuisance.

## **RESOLVED**

**THAT the variation of the premises licence be granted subject to the conditions agreed with West Mercia Police and the additional 3 conditions referred to above and contained in the attached decision notice.**

The meeting ended at 4.05 pm

**CHAIRMAN**



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

<b>PREMISES</b>	Korai Ltd. Trading as Raduni Indian Cuisine
<b>DESIGNATED PREMISES SUPERVISOR</b>	Mohammed Hasnath
<b>APPLICANT'S NAME</b>	West Mercia Police
<b>APPLICATION TYPE</b>	Review of Premises Licence
<b>PANEL MEMBERS</b>	Councillor JW Hope MBE (Chairman) Councillor PJ McCaull Councillor RC Hunt
<b>DATE OF MEETING</b>	17 June 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 Roy Light, legal advisor for Korai Ltd.

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 condition detailed below, added to the premises licence as an interim step at the meeting of the Regulatory Sub Committee on 31 May 2011, be retained on the licence\*.

**CONDITION**

- 1 A log book must be kept at the premises and made immediately available on request to an authorised person (as defined by Section 13 of the Licensing Act 2003) or the Police. The log book must record the following:
  - a) Details of all persons employed at the premises in any capacity.
  - b) Date of birth of the person.
  - c) The full name of the person.
  - d) Their current address.
  - e) Their national insurance number.
  - f) Their passport details.
  - g) In respect of EU citizens, proof of a current EU passport, national insurance card, P45 or P60 shall be provided.

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

- h) In respect of non EU citizens, a passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom must be provided.

All such information shall be recorded prior to them working at the premises. All information detailed above to be supported by a copy of the relevant document.

**REASON**

- 1 The Committee came to this decision in order to promote the licensing objective of the prevention of crime and disorder.

*\* 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 advise or contact the Magistrates Court at Bath Street, Hereford, if you do wish to appeal this decision.*

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

<b>PREMISES</b>	McDonalds Restaurant Belmont
<b>APPLICANT'S NAME</b>	Kemco (Hereford) Ltd
<b>APPLICATION TYPE</b>	New Premises Licence
<b>PANEL MEMBERS</b>	Councillor JW Hope MBE (Chairman) Councillor PJ McCaull Councillor RC Hunt
<b>DATE OF MEETING</b>	17 June 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 Mooney, representing West Mercia Police; Mr Kerry, Hereford City Council Town Clerk; Councillors Edwards and Powell, local ward Councillors; and Mr Gill, legal advisor for Kemco (Hereford) Ltd.

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.

**HOURS OF LICENSABLE ACTIVITY**

	Late Night Refreshment	Open to the Public
<b>Monday</b>	2300 - 0000	0600 - 0000
<b>Tuesday</b>	2300 - 0000	0600 - 0000
<b>Wednesday</b>	2300 - 0000	0600 - 0000
<b>Thursday</b>	2300 - 0000	0600 - 0000
<b>Friday</b>	2300 - 0000	0600 - 0000
<b>Saturday</b>	2300 - 0000	0600 - 0000
<b>Sunday</b>	2300 - 0000	0600 - 0000

**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.
- An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) 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 visit by a relevant authority or emergency service
- CCTV will be provided as follows:
  - CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.
  - Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.
  - Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
  - The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.
  - The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
  - In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number X0300 333 3000 immediately.
- Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly. Staff employed at the premises shall remind customers of the requirement to leave quietly if necessary. Additionally systems to be in place with regards to monitoring and challenging any type of



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

nuisance from customers using the premises car park whether on foot or mobile by any means.

- The premises licence holder ensures they have procedures in place for the collection of litter on land owned/leased by and occupied by the premises. To include regularly checking of the exterior public areas and the clearing of any litter where necessary.
- The premises licence holder will ensure that the ingress and egress to the premises customer car park is not accessible to vehicles outside of operating hours.
- No open alcohol containers to be carried into the in-store area.
- Self closing doors must be present at the entrance to the premises.
- The premises licence holder or their nominated representative shall meet with the local ward councillors for Belmont ward, in consultation with Hereford City Council if appropriate, no less than quarterly on the request of the said local ward councillors. Such meetings will include litter picking issues for the prevention of public nuisance.

**REASONS**

- The sub committee considered the 4 licensing objectives in general and the issues of public nuisance and the prevention of crime and disorder in particular.
- The sub committee were mindful of the absence of any police representations against the application.
- The sub committee considers that the additional conditions agreed, together with the proposed liaison meetings will provide the necessary support for residents in the vicinity of the premises.

**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.

