

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 16 September 2011 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)
Councillors: CM Bartrum and FM Norman

17. ELECTION OF CHAIRMAN

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

18. APOLOGIES FOR ABSENCE

No apologies for absence were received.

19. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

20. DECLARATIONS OF INTEREST

There were no declarations of interest made.

21. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATHS SB7 (PART) AND LTB12 (PART) IN THE PARISHES OF STANFORD BISHOP AND LINTON

A report was presented by the Parks, Countryside and Leisure Development Manager about an application under the Highways Act 1980, section 119, to make a Public Path Diversion Order to divert part of footpaths SB7 and LTB12 at Stanford Bishop and Linton as well as an extinguishment order under section 118.

He felt that the diversion and extinguishment of the footpath should be permitted because the proposals met the criteria set out within the Highways Act and the Council's Public Path Order Policy.

It was noted that there may be 'higher rights' over the land but that was a matter for the applicants consideration.

Having discussed all the aspects about the application, the Sub-Committee was agreeable to the course of action proposed by the Parks, Countryside and Leisure Development Manager.

RESOLVED

THAT a public path diversion Order is made under section 119 of the Highways Act 1980, as illustrated on drawing number: D279/230-12,351-7 and that a public path extinguishment Order is made under section 118 of the Highways Act 1980, as illustrated on drawing number D279/230-14.

22. HIGHWAYS ACT 1980, SECTION 119, TO MAKE A PUBLIC PATH DIVERSION ORDER TO DIVERT PART OF BRIDLEWAY CD18 IN THE PARISH OF CRADLEY

A report was presented by the Parks, Countryside and Leisure Development Manager about an application under the Highways Act 1980, section 119, to make a Public Path Diversion Order to divert part of Bridleway CD18 in the parish of Cradley.

He felt that the diversion of the bridleway should be permitted because the proposals met the criteria set out within the Highways Act and the Council's Public Path Order Policy.

It was noted that there had been no objections received from the public, the parish council, the adjoining land owner or the Local Ward Member and the applicant would meet the costs involved.

Having discussed all the aspects about the application, the Sub-Committee was agreeable to the course of action proposed by the Parks, Countryside and Leisure Development Manager.

RESOLVED

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D396/99-18.

23. HIGHWAYS ACT 1980, SECTION 119, TO MAKE A PUBLIC PATH DIVERSION ORDER TO DIVERT PART OF FOOTPATHS WG23 AND WG23A AND, UNDER SECTION 118, TO MAKE AN EXTINGUISHMENT ORDER TO EXTINGUISH PART OF FOOTPATH WG23 IN WELLINGTON.

A report was presented by the Parks, Countryside and Leisure Development Manager about an application under the Highways Act 1980, section 119, to make a Public Path Diversion Order to divert part of footpaths WG23 and WG23A at Wellington as well as an extinguishment order under section 118.

He felt that the diversion and extinguishment of the footpath should be permitted because the proposals met the criteria set out within the Highways Act and the Council's Public Path Order Policy.

It was noted that the diversion was a result of the mineral extraction works in the area causing an obstruction to the existing route. The issue was a longstanding situation with an initial application being submitted in May 2000.

Having discussed all the aspects about the application, the Sub-Committee was agreeable to the course of action proposed by the Parks, Countryside and Leisure Development Manager.

RESOLVED

THAT a public path diversion Order is made under section 119 of the Highways Act 1980, as illustrated on drawing number: D335/400-23,23A(i) and that a public path extinguishment order is made under section 118 of the Highways Act 1980 as illustrated on drawing number D335/400 - 23(ii).

24. APPLICATION FOR VARIATION OF PREMISES LICENCE 'THE QUEENS ARMS, 30 HIGH STREET, BROMYARD, HR7 4AE.'

Early in the debate a matter for clarification arose regarding the existence of an alcohol free zone within the area outside of the premises but included within the application. A further issue arose when the Licensing Officer checked the advertisement which had been presented at the meeting. No reference to the outside areas was contained within the advertisement.

The applicant requested that his application be withdrawn. The Licensing Officer advised the sub-committee that he would visit the premises and advise the applicant during the re-application process.

25. APPLICATION FOR A NEW PREMISES LICENCE 'BROMYARD RUGBY FOOTBALL CLUB, TENBURY ROAD, BROMYARD, HR7 4LW.' (Pages 1 - 4)

The Licensing Assistant presented the report and gave a detailed background of the matters surrounding the application. She advised that the advertisement submitted by the applicant made no reference to non-standard timings or the provision of a marquee.

The Special Projects Lawyer advised members that Regulation 25 of the Licensing Act 2003 required applicants to advertise their application through a notice in a local newspaper, regulation 26 advised that the advert must describe the relevant licensable activity. He advised the Sub-Committee that only the licensable activities referred to in the advertisement should be considered by the committee and asked the applicant if he would be willing to withdraw the outside activities and the non-standards timings from his application.

The applicant agreed to amend his application accordingly.

Mr Mooney, representing West Mercia Police, advised the Sub-Committee that all conditions had been agreed with the applicant.

Mr Delahay, a local resident who had made a valid representation in respect of the application, advised the Sub-Committee that he had concerns regarding the extended hours requested by the applicant. He felt that the membership of the rugby club was strong enough without the need to open the club to non-members. He noted that by granting the application the premises would be permitted to open until 2:00 am on 104 days of the year.

The Sub-Committee retired to make their decision. On their return the decision was read out by the Special Projects Lawyer.

RESOLVED

THAT the application, as amended by the applicant to remove the outside activities and non-standard timings, be approved in accordance with the attached decision notice.

26. APPLICATION FOR A NEW PREMISES LICENCE 'THE PRINCE OF WALES, CHURCH LANE, LEDBURY, HR8 1DL.' (Pages 5 - 8)

The Licensing Officer presented the report and gave a detailed background of the matters surrounding the application. He advised that four conditions were added to the licence through a minor variation subsequent to a test purchase operation failure in February 2011.

James Mooney, representing West Mercia Police, advised the sub-committee that there had been some negotiations between all parties in respect of the proposed conditions.

He added that the only conditions that were not agreed related to the membership of a pub watch scheme; the reporting of a faulty CCTV system to the police; and the proposed condition regarding under 18's on the premises. He went on to give details of the non agreed conditions and requested that the sub-committee include the three proposed conditions in any resolution.

James Haugh, representing the Council's Trading Standards team, advised the sub-committee that three conditions had been agreed with the applicant. He advised that the condition regarding staff training had been amended to include the provision for an agreed internal training package. He added that at the time of the test purchase operation there had appeared to be a degree of apathy on the part of the member of staff who had made the sale, he felt this was regrettable and that the agreed conditions would help to assist the matter.

Mr Alan Lloyd addressed the sub-committee on behalf of the local residents who had made representations in respect of the application. He made a number of points, including:

- The local residents suffered as a result of noise emanating from the premises.
- The historic medieval street was very narrow with the nearest residential dwelling being approximately 9 ft from the public house.
- All the properties dated from the 17th Century or earlier and were therefore not well sound insulated.
- Concerns were raised in respect of loud live music on Thursday evenings and Sunday afternoons.
- The premises was not suitable for live music.
- Live music should not be permitted at the premises.

The Licensing Officer advised Mr Lloyd that the condition regarding noise had been amended to ensure that no noise was heard in neighbouring dwellings after 2300. Mr Lloyd raised concerns in respect of enforceability of the condition.

Gill Sherratt, the applicant's representative, addressed the sub committee and made a number of points, including:

- The application had been submitted to tidy up the licence and remove a number of outdated conditions.
- There had been a great deal of negotiation and the majority of conditions were now agreed.
- The test sale operation failure was regrettable and had been made by a personal licence holder.
- The purpose of the application was not a review of the licence, a number of the concerns expressed could only be addressed through a review and not through a variation.
- The pub watch scheme condition had not been agreed as no crime and disorder issues had been raised in respect of the premises and any condition added to the licence should be necessary and supported with evidence.
- The addition of a condition regarding the reporting of a faulty CCTV system was over prescriptive. The CCTV condition already required the system to be on at all times.
- The condition regarding under 18's being permitted on the premises was also contested. It was noted that the law required under 16's to be accompanied by an adult and the proposed condition was not proportionate or necessary.

The Applicant also addressed the sub-committee and advised that there was a smoking area at the back of the premises but that it was difficult to stop people smoking at the front of the premises as well.

The Sub-Committee retired in order to make their decision. On their return the decision was read out by the Democratic Services Officer.

RESOLVED

THAT the application be granted subject to the modified conditions as detailed in the attached decision notice.

The meeting ended at 5.15 pm

CHAIRMAN

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

PREMISES	Bromyard Rugby Club
APPLICANT'S NAME	Mr D Baker
APPLICATION TYPE	New Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor CM Bartrum Councillor FM Norman
DATE OF MEETING	16 September 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 together with Mr Rivers, on behalf of the applicant and Mr Delahay, a neighbouring resident 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 (INDOORS ONLY)

	Indoor Sporting Events, Live Music / Recorded Music, Performance of Dance, Prov. of facilities for Dancing	Late Night Refreshment	Supply of Alcohol	Open to the Public
Monday	1900 - 0000	2300 - 0000	1900 - 0000	1900 - 0000
Tuesday	1900 - 0000	2300 - 0000	1900 - 0000	1900 - 0000
Wednesday	1900 - 0000	2300 - 0000	1900 - 0000	1900 - 0000
Thursday	1900 - 0000	2300 - 0000	1900 - 0000	1900 - 0000
Friday	1200 - 0200	2300 - 0200	1200 - 0200	1200 - 0200
Saturday	1200 - 0200	2300 - 0200	1200 - 0200	1200 - 0200
Sunday	1200 - 2330	2300 - 2330	1200 - 2330	1200 - 2330

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

- In the event of pre-planned events on Friday, Saturdays and New Year's Eve SIA Licensed Door staff shall be employed at the premises as shown below until the termination of licensable activities. When employed externally Door staff shall wear hi-viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.

Duties:

Two (1) Door-staff shall commence duty at 2100 hrs.

Two (2) further Door-staff shall commence duty at 2200 hrs when the premises operate for licensable activities.

After 2300 hrs - Two (2) SIA Licensed Door-staff shall be deployed at the main access and egress point(s) until the termination of licensable activities. One (1) Licensed Door-staff shall be deployed patrolling the internal licensable area until the termination of all licensable activities

The DPS will employ SIA doorstaff at other times when risk assessment dictates door supervision to be necessary.

- The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.
- 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 refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
- The Premises Licence Holder/DPS shall successfully complete the BIIAB NCPLH level 2 (or recognised equivalent)
- All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with trading standards. (All existing staff shall be trained within one month of the date that this condition

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

appears on this licence. All new staff shall be trained within one month of taking up employed. All staff shall be re-trained twelve monthly thereafter. Training records shall be kept on the premises which shall show the name of the training course attended, the date of the training, the name of the person undertaking the training and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

- All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of taking up employed. All staff shall be re-trained twelve monthly thereafter. The training shall include:
 - Drugs Awareness
 - Conflict resolution
 - Selling to under age person
 - Selling to drunksTraining records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person and shall be signed by the trainer and trainee. This shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.
- No admission for new customers will be allowed to the premises after midnight.
- Signage in not less than 32 font shall be clearly displayed prominently at the point of access to the premises in relation to the Admission Policy, Age Policy, Drug Policy, and Dress Policy.
- The DPS and all other staff shall ensure that no open vessels are taken off the premises by customers except for consumption in any external area provided for that purpose.
- No external areas shall be used for the consumption of alcohol after midnight. Provided external areas will only be used for smoking after this time.
- No person under the age of 18 shall be permitted on the premises unless accompanied by an adult aged 18 or over.
- The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.
- No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).
- No person under the age of 18 years shall be permitted to be on the premises after 2200hrs other than a member of staff employed at the premises or a child of the premises licence holder or DPS

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

- No person under the age of 18 shall be permitted on the premises during the time that any drinks promotion is in place.
- Noise or vibration shall not emanate from the premises so as to cause a nuisance.
- 'Noise' from the premises must not be 'audible or discernable' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. In this condition; 'Noise' is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. 'Audible or discernable' is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed premises.
- The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
- Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

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	Prince of Wales
APPLICANT'S NAME	Mr L Smith
APPLICATION TYPE	Variation to a Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor CM Bartrum Councillor FM Norman
DATE OF MEETING	16 September 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 together with Ms Sherratt, the applicant's representative and Mr Smith, the applicant. Members also heard from Mr Lloyd and Mrs Kirby, representing the local residents who had made representations 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

There is no amendment to the licensing hours requested as part of the application.

CONDITIONS

The application was granted in respect of the hours of operation of licensable activities together with the following conditions

- All bar staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIIAB level 1 or equivalent or an internal training package as agreed with Herefordshire Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within one month of the date that this condition appears on this licence. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
- A written register of refusal will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a

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

period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

- Whenever Thomas Stephen Morgan is employed as a bar person there shall be a further Personal Licence Holder on duty at all times when the premises operate for the sale of alcohol until 23 November 2011.
- 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, searching equipment or scanning equipment (where fitted)
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
- 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 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.

- The Premises Licence Holder or DPS shall employ SIA registered door staff/supervisors on a risk assessed basis. When employed externally door staff shall wear hi-viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.
- On the occasions SIA door supervisors are employed at the premises, the Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and

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

addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police or an authorised officer of the SIA.

- No open containers will be removed from the premises other than to an external area which forms part of the premises as shown on the plan which forms part of the licence.
- 'Noise' from the premises must not be 'audible or discernable' within any occupied permanent structure where people normally reside or sleep, between 2200 and the end of licensable activities, when assessed with windows and doors closed. In this condition; 'Noise' is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. 'Audible or discernable' is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed premises.
- Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any beer garden, patio area, smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.
- The outside area shall not be used between 2330 and 1000 for any licensable activity.
- No person under the age of 18 years will be allowed on the premises unless accompanied by a person over the age of 18 years with the exception of a member of staff employed at the premises or a child of the premises licence holder or DPS.
- The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council on demand. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.
- No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

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.

