

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 4 October 2011 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)

Councillors: PL Bettington and Brig P Jones CBE

32. ELECTION OF CHAIRMAN

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

33. APOLOGIES FOR ABSENCE

Apologies were received from Councillor GA Powell.

34. NAMED SUBSTITUTES (IF ANY)

Councillor PL Bettington attended the meeting as a substitute member for Councillor GA Powell.

35. DECLARATIONS OF INTEREST

There were no declarations of interest made.

36. NOTIFICATION OF A TEMPORARY EVENT NOTICE 'THE HOP POLE, BROMYARD, HEREFORDSHIRE' (Pages 1 - 2)

The Licensing Officer introduced the report and advised the sub-committee that the application for a temporary event notice was before them as it had received an objection notice from West Mercia Police. He went on to advise the Sub-Committee that they could not approve the application with conditions or part approve the application and that their only options were to either choose to issue a counter notice or not to issue a counter notice.

Mr James Mooney, West Mercia Police's Licensing Officer, addressed the Sub-Committee and gave details of the history of the premises and the reasons why the police were objecting to the application. He went into specific details regarding the 17 incidents reported to the police since the latter part of 2010. In addition to these details he also drew members attention to information taken from the Hop Pole's Facebook pages advertising alcohol and food from 8:30 am on 29 September 2011, he advised the Sub-Committee that the premises was not licensed to serve alcohol at this time.

In response to a question from a Member of the Sub-Committee, Mr Mooney confirmed that the complaints recorded with the police had come from more than one source but that the majority were from one neighbouring resident.

In response to a further question he confirmed that the police had failed to object to an earlier temporary event notice. He confirmed that this was purely an administrative error and that the police would have raised an objection. He confirmed that the police had received complaints after the event had taken place but that no complaints were made over the weekend of the event.

Mr Russell Stevens, the applicant, addressed the Sub-Committee in support of his application. He gave a detailed account of the history of the premises as well as details regarding the location and the management of the Hop Pole. In response to the issues raised by the Police, Mr Stevens confirmed that the premises was operated as a weekend exclusive use venue for up to 50 people and that a number of the incidents had occurred when private parties had been taking place in the upstairs areas of the premises. He added that following the issues the booking procedures had been made more stringent which had resulted in considerably less incidents in recent months.

The Sub-Committee retired to make their decision, the Acting Principal Lawyer and the Democratic Services Officer also retired to offer legal and procedural advice whilst taking no part in the decision making process.

RESOLVED

THAT a counter notice be issued in respect of the temporary event notice.

37. SUSPENSION NOTICE SERVED ON A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

The Licensing Officer referred to agenda item No. 6 regarding the suspension of a dual hackney carriage/private hire licence.

Mr Mooney, representing West Mercia Police, gave details of the offence that had resulted in the driver being suspended. He confirmed that the driver had received a police caution for harassment.

Having carefully considered those matters brought before them, the Sub-Committee were of the opinion that the applicant was not a fit and proper person to hold a dual (Hackney Carriage and Private Hire) Driver's Licence.

RESOLVED:

That the applicant is no longer deemed a fit and proper person to hold a Dual (Hackney Carriage and Private Hire) Driver's Licence.

38. SUSPENSION NOTICE SERVED ON A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

The Licensing Officer referred to agenda item No. 7 regarding the suspension of a dual hackney carriage/private hire licence.

Mr Mooney, representing West Mercia Police, gave details of the offence that had resulted in the driver being suspended. He confirmed that the case had been referred to the Crown Prosecution Service and that the driver was awaiting trial.

The Sub-Committee decided to defer making a decision on the matter until the results of the trial were known and that in the meantime the licence should remain suspended.

RESOLVED

That the licence remain suspended until the trial of the dual hackney carriage/private hire licence holder has taken place.



HEREFORDSHIRE COUNCIL

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

PREMISES	The Hope Pole
APPLICANT'S NAME	Mr R Stevens
APPLICATION TYPE	Temporary Event Notice
EVENT DATES	27 to 30 October 2011
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor PI Bettington Councillor Brig. P Jones CBE
DATE OF MEETING	4 October 2011

Herefordshire Council as Licensing Authority of the Hop Pole, 9 the Square, Bromyard, Herefordshire, issue this counter notice. The effect of which is to disapply the temporary event notices listed above, which are attached to this notice as appendix 1.

You are therefore restricted to the hours and activities as stated on your licence.

REASON

To grant the temporary event notice would breach the licensing objectives of 'the prevention of crime and disorder' and 'ensuring public safety', in that:

- 1 The catalogue of incidents and complaints shown in the police report is inconsistent with the applicant's explanation of general disorder in the vicinity of the Hop Pole only.

A right of appeal against this notice exists under section 181 and Schedule 5 of the Licensing Act 2003.

