

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 12 October 2011 at 3.00 pm

Present: Councillor JW Hope MBE (Chairman)

Councillors: C Nicholls and GA Powell

47. ELECTION OF CHAIRMAN

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

48. APOLOGIES FOR ABSENCE

No apologies for absence were received.

49. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

50. DECLARATIONS OF INTEREST

There were no declarations of interest made.

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

The Regulatory Sub-Committee was convened in order to determine an application for a Temporary Event Notice. The TEN had been subject to an objection from West Mercia Police and therefore had to be determined by the Sub-Committee.

It was noted that Councillor Brig. Jones CBE could not attend the meeting and therefore in accordance with the Council's Constitution Councillor Nicholls was in attendance as a substitute member.

The Chairman advised that the meeting had been adjourned on 11 October as it could not be confirmed that Mr Stevens had received notice of the meeting. He then introduced the Members and Officers and asked any interested parties to introduce themselves. He advised them of the hearing procedures and then asked the Licensing Officer to present the report.

The Licensing Officer advised the Sub-Committee that the application was very similar to a recent application submitted by Mr Stevens but that the terminal hour had now been reduced to 0100. He confirmed that the police objection in respect of the application still remained.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr James Mooney, representing West Mercia Police who had applied for the review, addressed the sub-committee. He made a number of points, including:

- The application was nearly identical to that applied for previously except for the change in terminal hour from 0200 to 0100.

- There had been a review of the premises licence prior to the premises coming into Mr Steven's ownership.
- There had been a number of complaints made to the police in respect of the premises regarding disorder and alcohol being consumed 'after hours'.
- Mr Stevens had limited management of the premises on a day to day basis.
- There had been one more incident reported to the police on 7 October. The complaint was regarding patrons consuming alcohol in the street, the police could not attend the scene immediately and when they did attend all patrons had dispersed.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, Mr Stevens, the premise licence holder, addressed the sub-committee. He raised a number of points, including:

- The premises had operated a TEN successfully until 0200 only two weeks earlier, this had not been subject to any complaints at the time.
- The intention was to host a Halloween Ball.
- Other premises in the vicinity had been granted TEN's until 0100.
- The Hop Pole was situated in the centre of Bromyard, the market square was a congregation point although not all of the incidents reported to the police were patrons of the premises.
- Residents of the hotel could be served after the public house had closed, this was the same for any hotel.
- The premises was operated as a weekend exclusive hire venue benefitting from 30 letting bedrooms, a dining room, kitchen and living room.
- The parties were now subject to more stringent letting conditions as there had been issues with noise previously.
- The smoking area was next to the primary complainant's front door and the premise was adjoining his home.
- Professional door staff were employed on a risk assessed basis.
- A sign in sheet, incident log, witness statement log and various daily checks had also been introduced.
- No patrons were allowed entry into the public house after 11pm, this policy would also be retained for the TEN.
- More personal licence holders had been employed.
- Mr Stevens confirmed that he now stayed at the premises if it was hired out for a weekend to ensure better supervision.
- 90% of the complaints were made by one neighbouring resident.

Mr Mooney confirmed that the police had not objected to the previous TEN. He added that this was down to an omission on his part and that he would have objected to the application.

In response to a question regarding the reduction of incidents at the premises, Mr Stevens felt that this was as a result of better door security and more stringent house rules for parties.

In response to a point made during Mr Stevens' submission, the Licensing Officer confirmed that only the police could presently object to a TEN and therefore there would be no representations from local residents or other agencies.

The Licensing Officer asked for clarification in respect of Mr Stevens' management of the Hop Pole including particular questioning as to when he had last visited the Hop Pole. Mr Stevens confirmed that he was not generally at the premises during the day as this was not a priority. He confirmed that he would be at the premises later in the day.

The Sub-Committee retired to make their decision, the Council's Legal Advisor and the Democratic Services Officer also retired to assist them with legal and procedural matters.

RESOLVED

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

The meeting ended at 4.25 pm

CHAIRMAN



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 C Nicholls Councillor GA Powell
DATE OF MEETING	12 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.

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 objective of 'the prevention of crime and disorder', in that:

- 1 The catalogue of incidents and complaints shown in the police report is of concern to the sub-committee. It notes a recent improvement. However the sub-committee looks for a continued improvement before it would be willing to grant a similar application.

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

