

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Thursday 25 April 2013 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)

Councillors: BA Durkin and GA Vaughan-Powell

130. ELECTION OF CHAIRMAN

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

131. APOLOGIES FOR ABSENCE

No apologies for absence were received.

132. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

133. DECLARATIONS OF INTEREST

There were no declarations of interest made.

134. FITNESS OF LICENSED VEHICLES H055 AND H275 FOLLOWING VOSA INSPECTION

The Licensing Officer presented the report and advised that VOSA and West Mercia undertook a joint vehicle check at Blackmarsden School on 6 March 2013. During the inspection vehicles H055 and H275 both were found with defective tyres.

Mr Bairkdar addressed the Sub-Committee on behalf of his wife, Mrs Hussini. He advised that the vehicles were checked regularly and that he had purchased a tyre shop in order to ensure that his vehicles remained compliant. He advised that he had tried to contact the driver to get the matter remedied and had believed that the faulty tyre had been changed.

In response to a question Mr Bairkdar confirmed that he believed that the tyre on vehicle H055 had been replaced and that he had attempted to contact the driver of vehicle H275 in order to arrange a replacement. He added that one of the vehicles had only been MOT'd recently and he was therefore surprised that the tyre had worn so quickly.

Mr Bairkdar advised the Sub-Committee that he had been out of the County during the time of the checks as his son had been in hospital following a road accident.

Members voiced their concern over the efficiency of the inspection routine undertaken by Mr Bairkdar. They considered revoking both of the licences but decided on a final warning.

RESOLVED

THAT the Regulatory Sub Committee:

- (a) **Issue 4 Penalty Points for each vehicle for a breach of Standard Condition B10 (Failure by driver or proprietor to take reasonable precautions to ensure the**

safety of passengers);

- (b) Issue a final warning, that if the vehicle is found with defective tyres in the future the licences will be revoked and the vehicles will not be able to be licensed in Herefordshire in the future;**
- (c) Instructs that all vehicles be checked within one calendar month of today's meeting.**

135. FITNESS OF LICENSED VEHICLE H088 FOLLOWING VOSA INSPECTION

The Licensing Officer presented the report and advised that the vehicle had received 18 penalty points after being inspected subsequent to the VOSA inspection at Blackmarston School. As a result of adding an additional seat to the vehicle a further four penalty points were recommended resulting in the vehicle being subject to a total of 22 penalty points, significantly over the 16 points permitted on the vehicle in any 12 month period.

Mr Oakley-Davies advised the Sub-Committee of the reasons that had resulted in an extra seat being added to the vehicle. He further advised that a number of procedures had now been put in place to ensure a similar situation did not arise in the future. All drivers had been written to in order to ensure they were aware of their responsibilities as well as giving them clear guidance in respect of the daily checks they were required to undertake on the vehicles. He apologised to the Sub-Committee and assured Members that the incident would not be repeated.

In making its decision the sub-committee noted that the 18 penalty points imposed on the vehicle at its recent inspection were not due to passenger safety issues. It therefore took a lenient view and decided that the licence should not be suspended.

RESOLVED

THAT Committee:

- (a) Issue 4 further Penalty Points for making alterations to the vehicle without consent (adding a seat into vehicle);**
- (b) and issue a final warning, that if the vehicle is found to be defective; altered in the future; or subject to further penalty points in the next 12 months, the licence will be revoked and the vehicle will not be able to be licensed in Herefordshire in the future.**

136. APPLICATION FOR A NEW PREMISES LICENCE 'MARMARIS KEBAB HOUSE, 21 UNION STREET, HEREFORD, HR1 2BT'

The Committee adjourned the determination of the application to allow the applicant sufficient time to secure translation services.

RESOLVED

THAT the determination of the application be adjourned for sufficient time to ensure that the applicant secures appropriate translation of the officer's report and other key documents.

137. APPLICATION FOR A VARIATION OF THE PREMISES LICENCE 'PLAY NIGHTCLUB, 51-55 BLUE SCHOOL STREET, HEREFORD, HR1 2AR'

The Regulatory Sub-Committee considered a variation of the premises licence in respect of Play Nightclub, 51-55 Blueschool Street, Hereford.

The application requested an extension in hours for the permitted licensable activities until 4:00 am and also requested that the premises remain open to the public until 4:30 am on New Year's Eve, Boxing night, Easter Thursday, A level result Thursday and the Sunday before Bank Holiday Monday. The application also requested the inclusion of adult review shows (with no exposure of genitals). Finally the application sought to bring the terminal hour for all nights of the week in line as well as requested an earlier start time of 6:30 pm.

The Licensing Manager presented the report and advised that a copy of the advertisement had been received by the Licensing Department and was accepted.

Mr Mooney and Inspector Sempler addressed the Sub-Committee on behalf of West Mercia Police, who had submitted a valid representation in respect of the application. They advised that the police did not object to the application for adult review shows and did not object to the request for a terminal hour of 4:30 am on New Year's Eve. They also advised that following discussions, the applicant had agreed to revise the Boxing night terminal hour to 3:30 am. The increase in hours for the Sunday before Bank Holiday Mondays, Easter Thursday, and A Level result Thursday were objected to.

The Police produced statistics relating to alcohol related disorder in and around the premises, which was within the Council's designated Cumulative Impact Zone. The Police also drew the Sub-Committee's attention to the current police shift pattern which allowed extra officers to be on the street at the current peak times when premises closed, possible future issues regarding budget cuts within the police force were also noted.

Mr Spriggs, representing the Licensing Authority, also submitted a valid representation in objection to the application and raised the following points. The Licensing Authority also did not object to the application for adult review shows and did not object to the request for a terminal hour of 4:30 am on New Year's Eve or the Boxing night terminal hour of 3:30 am. However, as per the Police objection, the increase in hours for the Sunday before Bank Holiday Mondays, Easter Thursday, and A Level result Thursday were objected to.

The Licensing Officer had concerns in respect of possible disorder at the nearby sandwich shops when hundreds of patrons exit the premises. He also quoted a case between Luminar Leisure and Wakefield High Court to support refusal of the application within the Cumulative Impact Zone.

Finally the Sub-Committee heard from Mr Guerche and Mr Reynolds, speaking on behalf of Play Nightclub. They advised the Sub-Committee that they had amended their application regarding Boxing night following discussions with the Police and Licensing Authority. They gave Members a detailed background of the reasoning behind the application and advised that all of the nights being requested for an extension had been licensed in previous years by means of Temporary Event Notices. In summing up they advised that they would be happy to reduce the hours applied for to 3:30 am for the sale of alcohol and hoped that the Sub-Committee would see fit to grant their application.

RESOLVED

THAT:

- (a) The proposed commencement of licensing hours of 6:30 pm be allowed.**

- (b) The application for adult review shows be allowed.**
- (c) That the applications in respect of Boxing Night and New Year's Eve be granted until 3:30 am for licensable activities with the premises remaining open to the public until 4:00 am.**
- (d) That the request for an extension to the hours in respect of all other nights applied for remain as existing (3:00 am)**

The meeting ended at 4.50 pm

CHAIRMAN