

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 21 May 2013 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)

Councillors: CM Bartrum and BA Durkin

147. ELECTION OF CHAIRMAN

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

148. APOLOGIES FOR ABSENCE

No apologies for absence were received.

149. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

150. DECLARATIONS OF INTEREST

There were no declarations of interest made.

151. APPLICATION FOR A NEW PREMISES LICENCE '59 COMMERCIAL ROAD, HEREFORD, HR1 2BP'

The Sub-Committee considered an application for a new premises licence at 59 Commercial Road, Hereford.

The Chairman read out the guidance note and asked all parties to introduce themselves. He also heard any requests for an extension to the 10 minutes permitted for parties to make their representation. A request to extend the time was made by the applicant's advisor and this was granted by the Sub-Committee.

The Licensing Manager presented the report and drew Members' attention to two of the stated cases referred to within it, namely Luminar Leisure v Wakefield Magistrates Court and JD Wetherspoon PLC v Guildford Borough Council.

The Committee heard representations from Mr Mooney and Inspector Sempler, both representing West Mercia Police, who had objected to the application. They advised the Sub-Committee that the application was within the Council's designated Cumulative Impact Zone and that there was a rebuttable presumption against new applications within this area. They produced crime and disorder statistics to support their case as well as giving the Sub-Committee detailed information regarding the Police shift patterns and their ability to police the area effectively.

Members were advised that there were currently 4 takeaways licenced until 1:30 am as well as 2 sandwich shops which generally remained open until 4:00 am all within the Cumulative Impact Zone.

The Sub-Committee were also requested to consider Section 17 of the Crime and Disorder Act 1998 when making their decision.

The Sub-Committee also heard from Mr Spriggs, the Licensing Officer who had also objected to the application. During his statement Mr Spriggs also called upon Mr Neades, the premises licence holder for Yates'. Mr Spriggs objected to the application due to its location within the Cumulative Impact Zone. He advised that the proposed location for the takeaway was near to the premises which had led to the Cumulative Impact Zone being introduced by the Council. This premises used to be a hotspot for late night disorder. He drew Members' attention to a photograph within their agenda pack which showed the queue for Yates', this queue went directly in front of the door of 59 Commercial Road and Members were advised that this could cause issues for people wishing to access the takeaway. He noted that the applicant had not offered any explanation as to why the application should be accepted as an exception to the policy. He therefore requested that the application be refused.

Mrs Pillinger, the applicant's legal advisor, addressed the Sub-Committee in support of the application. She advised Members that the applicant had requested a terminal hour of 1:30 am in line with other hot food premises in the vicinity. She added that no alcohol would be sold or consumed on the premises and that there would be no additional impact on the Cumulative Impact Zone as a result of the application being granted. She produced statistics from the Police website which indicated that disorder in the area was low although this data was disputed by the Police representatives.

Mrs Pillinger continued to address the Sub-Committee in support of the application and drew Members' attention to the success of the applicant's other takeaway which was permitted to stay open until 4am within Worcester's Cumulative Impact Zone. She advised Members that the addition of one takeaway would not have a negative impact on the CIZ but that it would in fact assist with dispersal and due to the fast throughput of customers it would also assist in moving people away from the CIZ at the end of the night.

In response to a question, Mrs Pillinger stated that she did not believe that the granting of the application would have a significant impact on the CIZ.

The Sub-Committee retired to make its decision. When the meeting was reconvened the Senior Litigator advised all parties that the Sub-Committee had decided to grant the licence for the following reasons:

- The Sub-Committee made its decision with particular consideration given to paragraph A11 of Annexe 1 of Herefordshire Council's Licensing Policy.
- The Sub-Committee considered the application on its merits and considered that the applicant had comprehensively demonstrated that it would not add to issues in the area.
- The Sub-Committee came to a neutral view on the evidence given by both parties concerning crime figures in the locality.
- The Sub-Committee noted that the premises would close at 0130, the same time as other licenced takeaways in the vicinity; that alcohol would not be served or permitted on the premises and that there would be a fast throughput of customers.

- The Sub-Committee considered its duties as set out in Section 17 of the Crime and Disorder Act 1988 and did not consider that crime and disorder in the area would be adversely affected.
- It was considered that no extra members of public would frequent the area specifically for the use of these premises
- The 'floodgate' argument was considered but the Sub-Committee noted that all applications would be considered on their merits and could not find a strong argument to refuse the application.

RESOLVED

That the application be granted subject to the following conditions:

1. **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.

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 (provided that the police will allow reasonable time for the recording to be obtained in the event that the request for recordings is made at a time when the premises are closed.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.

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 0300 333 3000 immediately.

2. **On Friday and Saturday nights from 11.00 pm, two SIA Licensed Door Supervisors will be employed at the premises until the termination of licensable activities. When employed externally door staff shall wear high visibility reflective jackets or vests.**
3. **The Premises Licence Holder will employ SIA door staff at other times when risk assessments dictate door supervision to be necessary.**
4. **The Premises Licence Holder shall maintain a register of Door Supervisors which will 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 authority Officer of the SIA.**
5. **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), an authorised Herefordshire Trading Standards Officer 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
 - (g) any visit by a relevant authority or emergency service
6. **Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exists to the premises requesting the public to respect the needs of local residents and to leave the premises quietly.**
 7. **Adequate refuge containers shall be located in the premises. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exists to the premises requesting the public to respect the area and ensure that litter is disposed of properly and in appropriate litter bins.**
 8. **The Premises Licence holder will ensure that the area immediately outside the premises is regularly checked for litter during operating hours and that any litter found is disposed of appropriately**
 9. **All staff shall wear clothing which identifies them as members of staff of the premises.**
 10. **The Premises Licence Holder and staff will not permit alcohol to be consumed on the premises.**
 11. **The premises will be served by no less than three tills with staff to operate same at peak times (11:00 pm – 1:30 am Friday, Saturday and Sunday before Bank Holiday Monday) of service to ensure a fast throughput of customers.**

The meeting ended at 3.55 pm

CHAIRMAN