

**MINUTES of the meeting of Regulatory Sub Committee held at
The Council Chamber, Brockington, 35 Hafod Road, Hereford on
Tuesday 29 April 2014 at 10.00 am**

Present: Councillor JW Hope MBE (Chairman)

Councillor (Vice Chairman)

Councillors: BA Durkin and Brig P Jones CBE

In attendance: Councillor PD Price

1. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the meeting.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. NAMED SUBSTITUTES

There were no substitutes present at the hearing.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**5. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE IN RESPECT OF 'THE
YEW TREE INN, PRESTON ON WYE, HR2 9JT' - LICENSING ACT 2003**

The Sub-Committee considered an application for a review of the premises licence in respect of 'The Yew Tree, Inn, Preston on Wye.

The Chairman outlined the procedure for the hearing, introduced the Members and Officers and asked any interested parties to introduce themselves.

Prior to making their decision the Members then heard from the following:

- Representing the Licensing Authority: Miss A Poole, Licensing Officer and Mr M Pigrem, Head of Trading Standards and Licensing.
- Applicant for the review: Mr F Spriggs on behalf of the Licensing Authority, and Ms E Bowell, licensing assistant.
- Responsible Authorities: Mrs E Laughland, Principal Environmental Health Officer, and West Mercia Police (Inspector N Semper and Mr J Mooney.)
- Those individuals who had made relevant representations and wished to speak: Mr M Seabourne (supporting the review), and Mr S Collins, Mr S Davey, and Ms S Montague (opposing the review).
- Representing the Licence Holders: Councillor PD Price, and Ms T Brandeberry, and Mr P Pugh the Premises licence holders.

The Sub-Committee retired to make its decision. When the meeting reconvened its decision was read out to the meeting.

RESOLVED: That the current licence of the Yew Tree Inn be temporarily varied for a period of 14 days as follows: Sale of Alcohol: Monday-Thursday (12:00-23:00), Friday (12:00-23:00), Saturday (12:00-00:00), Sunday (12:00-23:00). *(This decision is to take effect 21 days from the date of notification of the decision, subject to any appeal.)*

REASONS

To emphasise the need for licensed premises to adhere strictly to their license conditions, and to promote the prevention of crime and disorder objective.

NOTES

1. The Sub-Committee particularly considered the Guidance issued under S182 of the Licensing Act 2003 as provided with the agenda papers. The Sub-Committee considered its options under paragraph 11.19 of the Guidance and wished to respond in a proportionate and appropriate manner.
2. The Sub-Committee considered carefully both the carefully logged complaints received and visits carried out by officers and police. However, it was mindful of the applicant's summary, that this was predominately a matter where repeated breaches of the legislation should be considered. The Sub-Committee considered there was sufficient evidence to justify a temporary modification of the licence.
3. The Sub-Committee directed that the Council's licensing officers should liaise with the licensees and provide them with assistance to help them lodge and progress their application to vary their licence.
4. The Sub-Committee emphasised the respondents' right of appeal. This was set out in the Decision Notice sent to the licence holders.

6. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE IN RESPECT OF 'INDIAN SUMMER, 9 HIGH STREET, ROSS ON WYE, HR9 5HL' - LICENSING ACT 2003

The Sub-Committee was informed that the licensee was not present but had submitted an application for a minor variation to the premises licence that should address the issues that had arisen. It was therefore proposed that the hearing should be adjourned.

RESOLVED: That consideration of the matter be deferred until the Sub-Committee's scheduled meeting on 20 May 2014.

7. HIGHWAYS ACT 1980, SECTION 118A. PROPOSED RAIL CROSSING EXTINGUISHMENT ORDER FOOTPATH LY9A (PART) IN THE PARISH OF LLANCILLO

The Sub-Committee considered an application under section 118A of the Highways Act 1980, to make a rail crossing extinguishment order in relation to part of the definitive public footpath LY9A in the Parish of Llancillo.

The Parks and Leisure Centre Manager and the Assistant Rights of Way Officer presented the report. Attention was drawn to the key points summary in the report including Network Rail's view that use of the path, which crossed the railway twice, posed a significant danger. It was also noted that there were no objections to the proposal; the adjoining landowner whose property was affected by the application

agreed with the proposals; and Network Rail, the applicant for the order, would reimburse the Council's costs in making the extinguishment order.

RESOLVED: That a rail crossing extinguishment order is made under the provisions of section 118A of the Highways Act 1980, in relation to part of definitive public footpath LY9A, as shown on drawing number: D443/240-9A, appended to this report, the Sub-Committee being satisfied that it meets the specified statutory criteria in that it is expedient, in the interests of safety of members of the public who use, or are likely to use, the path or way in question that the way in question should be stopped up.

The meeting ended at 1.07 pm

CHAIRMAN