

MINUTES of the meeting of Regulatory Sub Committee held at Grand Jury room, Shirehall, St Peter's Square, Hereford, HR1 2HX on Monday 8 September 2014 at 12.00 pm

Present: Councillor A Seldon (Chairman)
Councillor (Vice Chairman)

Councillors: CM Bartrum and GA Vaughan-Powell

In attendance: Councillors

Officers:

1. ELECTION OF CHAIRMAN

Councillor Seldon was elected as Chairman for the Regulatory Sub-Committee hearing.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

4. DECLARATIONS OF INTEREST

Cllr Seldon declared an interest as ward member for the application

5. NOTIFICATION OF TEMPORARY EVENT NOTICE IN RESPECT OF THE HOP POLE, 9 THE SQUARE, BROMYARD, HR7 4BP AND THE ISSUE OF AN OBJECTION NOTICE GIVEN BY THE CHIEF OFFICER OF POLICE FOR WEST MERCIA.' - LICENSING ACT 2003

The Regulatory Sub-Committee was convened to consider an objection by the Chief Officer of Police for West Mercia to a Temporary Event Notice (TEN) applied for by the Hop Pole Hotel Bromyard.

At 12.04 there was no representation for the applicant in attendance. The meeting was adjourned until 12:15pm,

The meeting was reconvened at 12:15 pm – There still was no representation present for the applicant –

The Chairman introduced the Members and Officers and asked any interested Parties to introduce themselves. The following interested parties were present. Mr Fred Spriggs - Licensing officer for Herefordshire Council. Mr Jim Mooney representing the objectors to the application – West Mercia Police.

The Sub-committee noted that the applicant was not present and Mr Fred Spriggs confirmed that the applicant had been notified of the time, date and venue of the hearing.

He placed before the sub-committee the letter sent to the applicant Chairmain Brooke notifying her of the hearing.

The Licensing Officer Mr Fred Spriggs presented the report.

Mr Jim Mooney - West Mercia Police – presented the objection on behalf of the Police. He confirmed that the police objected to the application on the grounds of prevention of Crime and Disorder (one of the four Licensing Objectives)

Mr Jim Mooney explained that the Premises are situated in a small market town and has no external area included on the Premises License and that the application was related to the upcoming Folk Festival in Bromyard.

He confirmed that the Police had received a range of complaints, many relating to the non-compliance of the existing premises licence and that the Premises licence had been reviewed in 2009 and additional conditions applied.

Mr Jim Mooney stated that since September 2010, there had been 47 reported incidents relating to crime and disorder with 17 of these received during 2014 with the last of these reported on the 30th August 2014. The majority of incidents occurred either late at night or at weekends, although it was noted none were related to external issues.

The Police also had concerns with the general running of the premises and numerous meetings had taken place. On some occasions when the police had visited the premises there had been no designated premises supervisor on the premises.

It was accepted by the police that the majority of reported incidents were of a low level nature, however, due to the large volume of incidents there were ongoing concerns on the quality of life for nearby residents.

In closing, Mr Mooney stated that the Police object to the application on the grounds of crime and disorder, public nuisance concerns over management of the premises and the non-attendance of the designated premises supervisor.

The Chairman thanked Mr Mooney and Mr Spriggs

The Committee retired to make the decision.

The Committee's Decision

After careful consideration of the evidence presented, the panel upheld the police objection.

The panel considered the views of the police presented and in particular, the number of reported incidents, on-going concerns regarding management of the premises and the impact on local residents, the panel rejected the application. The panel made reference to case precedence i.e. Luminar v Wakefield and the fact that the Licensed Premises had a duty of care and responsibility in allowing alcohol to be taken outside of its curtilage.

The Licensing sub-committee upheld the objection under the four licencing objectives:

1. Prevention of crime and disorder
2. Public safety
3. Prevention of public nuisance
4. Protection of children from harm

And issued a counter notice under Section 105.

It was noted that there is no right of appeal to the Magistrates Court as any appeal has to be brought no later than 5 working days before the day on which the event period specified in the temporary event notice begins.

The meeting ended at 2.00 pm

CHAIRMAN