

AGENDA

Regulatory Sub Committee

Date: **Monday 8 September 2014**

Time: **12.00 pm**

Place: **Shire 4, Shirehall, St Peter's Square, Hereford, HR1 2HX**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Gemma Dean, Governance Services

Tel: 01432 260088

Email: gdean@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Gemma Dean, Governance Services on 01432 260088 or e-mail gdean@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership

**Councillor CM Bartrum
Councillor A Seldon
Councillor GA Vaughan-Powell**

AGENDA

	Pages
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the agenda.	
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 To hear an objection to a Temporary Event Notice in Respect of the Hop Pole Hotel, 9 Market Square, Bromyard HR7 4BP.	7 - 18

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

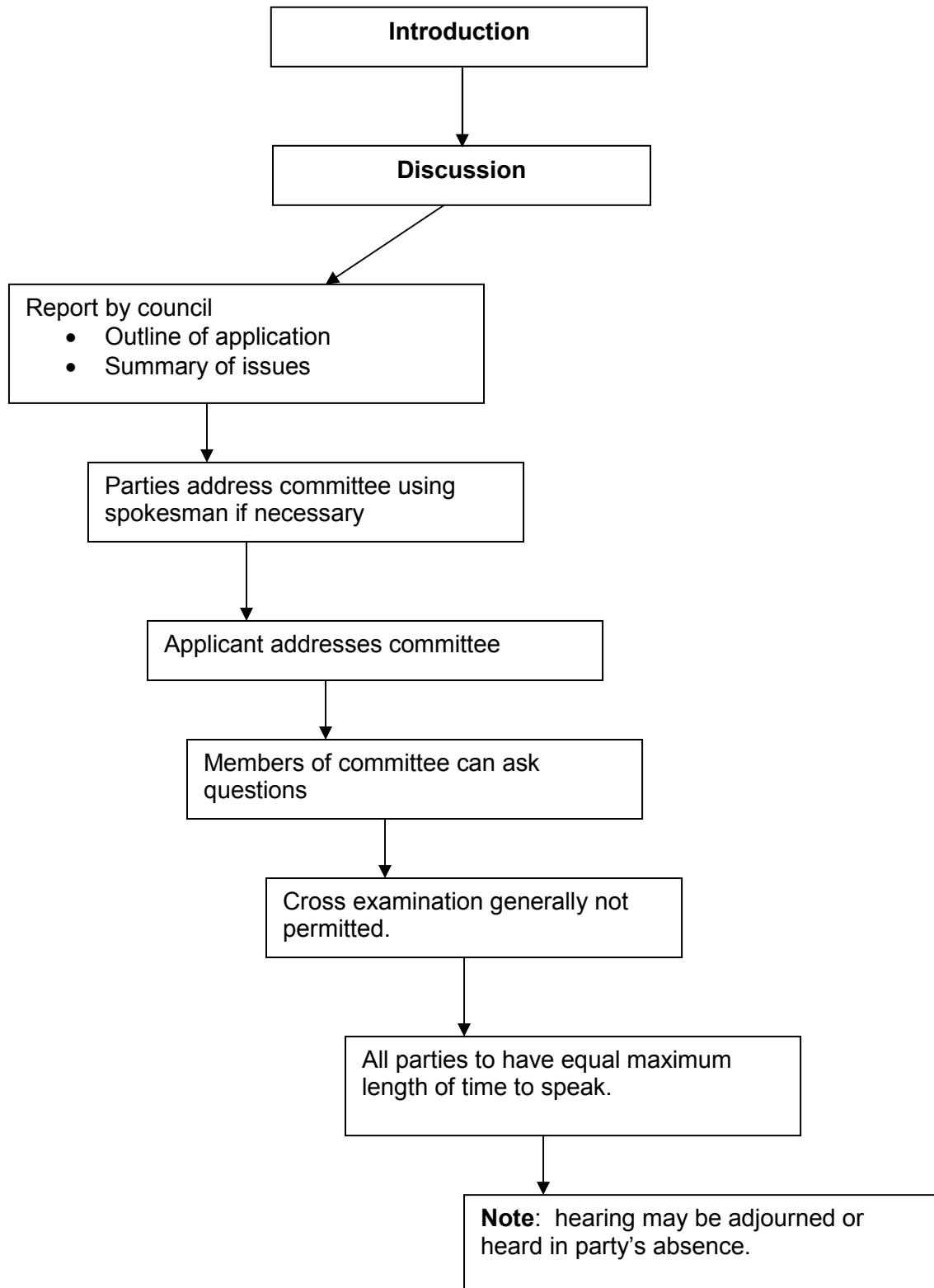
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Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

Licensing Hearing Flowchart



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	8 SEPTEMBER 2014
TITLE OF REPORT:	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
REPORT BY:	LICENSING OFFICER

1. Classification

Open

2. Key Decision

This is not an executive decision

3. Wards Affected

Bromyard

4. Purpose

To consider the notification of a 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.

5. Recommendation(s)

THAT

Sub-Committee determine the application with a view to promoting the licensing objective of the prevention of crime and disorder in the overall interests of the local community. They should give appropriate weight to:

- **The steps that are necessary to promote that licensing objective,**
- **The objection notice issued by the West Mercia Police,**
- **The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and**
- **The Herefordshire Council Licensing Policy.**

6. Key Points Summary

Objection Notice issued by West Mercia Police

7. Options

There are two options available to the committee:

- a) Issue a 'counter notice' if it considers necessary for the promotion of the crime prevention objective, or
- b) Refuse to issue a counter notice, thereby authorising the Licensable Activity and hours as notified in the Temporary Events Notice

8. Reasons for Recommendations

To ensure compliance with the legislation.

9. Introduction and Background

Background Information

Applicant	Charmain Brooke The Royal Oak, Etnam Street, Leominster, HR6 8EJ	
Premises	The Hop Pole, 9 The Square, Bromyard, HR7 4BP	
Solicitor	Not known	
Type of application: TEN	Date received: 28th August 2014	End of 2 nd Working Day 1st September 2014

10. TEN Notification

The notification of a Temporary Event Notice has received an objection from the relevant Chief Officer of Police. It therefore is now brought before committee to determine the notification.

11. Summary of Notification

The licensable activity notified is: -
Sale by retail of alcohol
Regulated Entertainment
Late Night Refreshment
All the above on and off the premises

Friday 12th September to Sunday 14th September 2014
between 09:00 – 01:00

Details of Event

The application states 'Bromyard Folk festival for Residents and Non-Residents to be able to take alcohol in plastic cup's outside the premises.'

Summary of Representations

The relevant Chief Officer of Police made a written objection by email on 1st September 2014 on the grounds that the temporary event would undermine the Crime Prevention Objective. Full details can be found within the background papers. In brief they state 'The premises has been subject to numerous complaints of crime and disorder in last 3 years, in 2014 alone there have been 17 recorded incidents'.

12. Current Premises Licence

The current licence authorises

1. A performance of live music (Indoors)
2. Any playing of recorded music (Indoors)
3. Sale by retail of alcohol (For consumption both on and off the premises)

Between the hours of:

Monday-Thursday, Sunday: 11:00 - 00:15
Friday-Saturday: 11:00 – 00:15

There is a condition attached to the licence which states:

OPEN CONTAINERS

NO OPEN CONTAINERS TO BE REMOVED FROM THE PREMISES EXCEPT FOR CONSUMPTION IN ANY EXTERNAL AREA PROVIDED FOR THAT PURPOSE.

The Licence is held by:

The Hop Pole (Bromyard) Ltd
Meriden House, 6
Great Cornbow
Halesowen
B63 3AB
0121 585 6655

And the designated premises supervisor is:

Mr Russell Warren Stevense
The Old Vicarage
Marlsborough
Kingsbridge
Devon
TQ7 3RR

13. Key Considerations

To consider what action should be taken, if any, to promote the crime prevention licensing objectives in accordance with the recommendation.

14. Equality and Human Rights

No implications have been identified.

15. Financial Implications

There are unlikely to be any financial implications at this time to the authority.

16. Community Impact

The granting of the licence as applied for may have an impact on the Community.

17. Legal Implications

The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that: -

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

By virtue of Schedule 5 Section 16(6) 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.

18. Consultees

The Police and Environmental Health are the only responsible authority able to issue an objection notice under the act.

19. Risk Management

No risk identified

20. Appendices

- a. TEN Application Form
- b. Police Objection

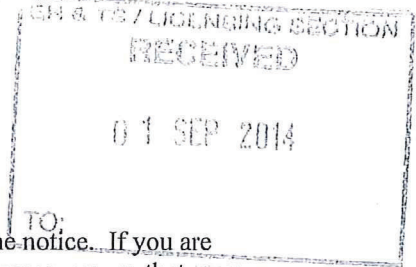
21. Background Papers

Background papers were available for inspection in the room called Shire 4, the Shirehall, Hereford 30 minutes before the start of the hearing.

STEN14/743

Paid £21.00
28/8/14
RECEIPT: - 66424

[Insert name and address of relevant licensing authority and its reference number (optional).]



Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	Brooke
Forenames	Charmain
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	Tisdale
Forenames	Charmain
3. Your date of birth	[REDACTED]
4. Your place of birth	[REDACTED]
5. National Insurance Number	[REDACTED]
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED]	
Post town Leominster	Postcode HR68JA
7. Other contact details	
Telephone numbers	[REDACTED]
Daytime	[REDACTED]
Evening (optional)	[REDACTED]
Mobile (optional)	[REDACTED]
Fax number (optional)	[REDACTED]
E-Mail address (if available)	[REDACTED]

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
The hoppole inn, 9 market square	
Post town Bromyard	Postcode Hr74bp
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	[REDACTED]
Evening (optional)	[REDACTED]
Mobile (optional)	[REDACTED]
Fax number (optional)	
E-Mail address (if available)	[REDACTED]

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
The hop pole hotel, 9 market square, bromyard, HR74BP	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	TQ90496
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Hotel and licensed premises with existing alcohol licence	
Please describe the nature of the event below. (Please read note 5)	
Bromyard folk festival for residents and non residents and to be able to take alcohol in plastic cup's outside the premises.	

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3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		<input type="checkbox"/>
The provision of regulated entertainment		<input checked="" type="checkbox"/>
The provision of late night refreshment		<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)		<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		12/9/2014-14/9/2014
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
09.00-01.00		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		150
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" type="checkbox"/>

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		


5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	1	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	28th August 2014

Name of Person signing	CR Brooke
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For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

From: Mooney,James [james.mooney@westmercia.pnn.police.uk]
Sent: 01 September 2014 12:06
To: Licensing
Cc: Smith,Colin; Spriggs, Fred; 'royaloakpub@hotmail.co.uk'
Subject: Hop Pole, Market Place, Bromyard - TEN application police objection

Importance: High

NOT PROTECTIVELY MARKED

Hop Pole, Market Place, Bromyard - TEN application - police objection

I hereby give notice that I object to a Temporary Event Notices received by West Mercia Police on 29 August 2014 and submitted by Charmaine Brooke on the 28 August 2014

The application seeks to authorise licensable activities between the hours 0900hrs to 0100hrs on all days between 12 and 14 September 2014.

The application is to allow the supply of alcohol outside the premises and in particular to extend the licensed hours up until 0100hrs.

This location is subject to a Designated Places Prohibition Order that restricts the consumption of alcohol.

The venue does not have an external licensed area.

The premises has been subject to numerous complaints of crime and disorder in last 3 years, in 2014 alone there have been 17 recorded incidents. Details of these and police intervention will be provided if this matter progresses to a regulatory hearing.

The police objection is made on crime prevention grounds

A copy of this objection notice has been sent electronically to the e-mail address provided by the applicant

Regards

Jim Mooney (on behalf of Ps Colin Smith)
Licensing and Harm Reduction Coordinator
Policing Unit - Herefordshire
West Mercia Police
DDI 01432 347102
Switchboard '101' x 4702
james.mooney@westmercia.pnn.police.uk
[In Herefordshire we protect people from harm](#)

