

**MINUTES of the meeting of Regulatory Sub Committee held at The Shire Hall St Peter's Square Hereford HR1 2HX on Monday 8 December 2014 at 11.00 am**

**Present:** Councillor (Chairman)  
Councillor (Vice Chairman)

**Councillors: Brig P Jones CBE, A Seldon and P Sinclair-Knipe**

**In attendance: Councillors**

**Officers: Mike Jones and Fred Spriggs**

**7. ELECTION OF CHAIRMAN**

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

**8. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**9. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the hearing.

**10. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**11. CHAIRMANS ANNOUNCEMENTS**

There were no Chairman's announcements

**12. APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF 'THE LIVE AND LET LIVE, WHITBOURNE, WR6 5SP' - LICENSING ACT 2003**

The Licensing officer Mr Fred Spriggs introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. In addition, the Licensing officer drew attention to the representations that had been received

Colin Richmond resident of 7 Old Forge since 1982 explained that his garden backs on to the premises. Mr Richmond raised a number of points relating to the application

- The erection of decking in front of the premises has had an effect on noise.
- Frequent changes in Landlords have not helped in promoting good relationships with residents.
- Historically Landlords have failed to manage the premises effectively.
- Noise does not end on closing time

It was recognised by Mr Richmond that his points raised relate to previous occupants/landlords.

Mr Chris Shaw resident of Old Forge has a property overlooking the premises.

Mr Shaw stated that the conditions put forward and accepted by the applicant have alleviated Mr Shaw's concerns relating to the premises.

Mr Shaw did however have some concerns relating to opening hours and noise. However, if the applicants take steps to control noise on the premises and restrict late night opening to a few occasions a year then Mr Shaw would have no objections to the premises applications.

Mr Heath Thomas solicitor for the applicant introduced himself

Mr Thomas explained that a number of residents who submitted objections refused to give identification details.

The Chairman requested legal clarification on unidentified representations. It was established that if unidentified representations are made then they would attract less weight than fully identified representations.

Mr Thomas explained that the premises have suffered in the past due to transient tenants who have not managed the premises in a manner conducive to good resident relationships.

The applicants have purchased the free hold of the property and have invested a great deal of time and money in the premises and therefore, have a vested interest in managing the property effectively.

Applicants are local to the area and are keen to foster good community relationships.

Mr Thomas outlined all agreed conditions, and explained that the decking area to the front of the premises has now been removed and that the focus of the business has now been transferred to the rear of the premises alleviating disturbance to properties to the front of the premises.

Mr Thomas explained to Mr Shaw and Mr Richmond that licence conditions can be reviewed at any time as long as evidence warrants a review.

Mr Thomas also explained that if Environment Protection conditions as agreed are adhered to then there should be no issues, however, Environment Protection can take action if there are breaches in prescribed noise levels.

Mr Thomas noted that conditions should be proportionate to the business and would urge the committee not to restrict hours.

The Committee retired to consider the application

The Committee reconvened

Having carefully considered those matters brought before them, the Sub-Committee determined the application as follows, with a view to promoting the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, as set out in the guidance issued under Section 182 of the Licensing Act 2003, and the Council's Licensing Policy:

The Licensing Panel of the Council's Regulatory Sub-Committee are mindful to approve the application given that the Sub-Committee believe that the application would not add to issues of Crime and Disorder and that the applicants have demonstrated this to the satisfaction of the Sub-Committee.

The application has been granted as applied for, subject to condition page 56 as amended. i.e. No waste such as bottles or refuse shall be placed outside the premises until the end of licensable activities

The Committee drew attention to the solicitor's comments regarding the power of residents to call a review if required.

The Committee also urged that the applicants to make every effort with signage to encourage patrons to vacate the premises in a responsible manner.

This concluded the meeting

The meeting ended at Time Not Specified

**CHAIRMAN**