

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Regulatory Sub Committee held at Committee Room 1, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Thursday 1 October 2015 at 11.00 am

Councillors: PA Andrews, TL Bowes and DW Greenow

25. **ELECTION OF CHAIRMAN**

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

26. **DECLARATIONS OF INTEREST**

3. TO CONSIDER AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF 'THE GOLDEN GALLEON, 61 COMMERCIAL ROAD, HEREFORD, HR1 2BP' - LICENSING ACT 2003.

Councillor Greenow declared a non-pecuniary interest due to knowing the applicants solicitor.

27. **TO CONSIDER AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF 'THE GOLDEN GALLEON, 61 COMMERCIAL ROAD, HEREFORD, HR1 2BP' - LICENSING ACT 2003.**

The Regulatory Sub Committee was convened in order to determine an application for a variation of a premises licence in respect of the Golden Galleon, 61 Commercial Road Hereford.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. The following attendees were noted:

- Inspector Nick Semper (West Mercia Police)
- Mr Jim Mooney (West Mercia Police)
- Mr Fred Spriggs (representing the Licensing Authority)
- Mt Watkin (a local resident speaking in objection)
- Mr N Coulson (representing the applicant)
- Mr H Singh (the applicant)

The Chairman read out the introductory notes and requested that any extensions to the 10 minute time limit permitted for representations to be made. No requests were made.

The Licensing Manager presented the report and confirmed representations had been made by two of the responsible authorities, namely, West Mercia Police and the Licensing Authority and that those representations from the Police had been agreed, however, representations from the Licensing Authority had not been agreed. Representation had been made by a member of the public and the premises fell within the area covered by the Herefordshire Council Special Policy (Cumulative Impact Policy).

Mr Spriggs, representing the Herefordshire Council Licensing Authority read out the Licensing Authority representation with the following points made

- The premises are situated within the Herefordshire Council Cumulative Impact Policy.
- No conditions were offered to mitigate possible impact on the Licensable Objectives.
- Neither the applicant or the applicant's solicitor made any contact with the Licence Authority to discuss the Local Authority representation
- No dispersal policy has been offered by the applicant

Mr Watkins a local resident stated that early morning activities impact on residents in the vicinity of the premises.

Mr Coulson, the applicants solicitor addressed the committee and made a number of comments, including:

- The applicant had been a resident and owner of the premises for a number of years. 21 Temporary Event Notices had been applied for within the last year and all had been granted.
- Agreed that CIP has had a positive affect however there are no facilities to support the night time economy in excess of 1:30am.
- Believes that impact of the premises can be managed and in fact go some way to addressing existing issues of congregation.
- Recognises that security staff should be available and that SIA staff are available in adjacent premises that could be utilised.

The Committee Legal Adviser drew the Committee's attention to the case of JD Weatherspoon PLC v Guildford Borough Council contained on page 12 of the report before the committee.

Mr Mooney stated that the police position is to take a case by case view and confirmed that there is no blanket policy in place. Mr Semper made the point that it is important to support the night time economy. The Sub-Committee retired to make their decision. The Acting Legal Adviser and the Democratic Services Officer retired with the Sub-Committee to offer legal and procedural advice.

RESOLVED

That the application for a variation of a premises license for the Golden Galleon, 61 Commercial Road, Hereford HR1 2BP be granted subject to the following conditions:

- For avoidance of doubt the Committee notes that the revised application the opening of the premises to serve hot refreshments which shall be limited to 0300 hrs save for all Fridays and Saturdays, and Sundays preceding holidays when the premises may remain open until 0430 hrs.
- On this basis the Committee requires that two SIA registered and trained staff must be on duty between 0130hrs and closing time for all Friday Saturdays, and Sundays preceding bank holidays AND at any earlier time found to be necessary on a risk assessed basis. They will be appropriately dressed for their duties.
- Litter in the vicinity of the premises will be cleared hourly from 0130hrs onwards.
- Suitable receptacles will be provided.

The Committee considered carefully the application within the context of being within the relative Impact Zone. It was correctly addressed by the officers on the relevant case-law. The Committee found that the applicant has successfully met the burden of proof required to rebut the rebuttable presumption that the application should not succeed.

The Committee makes it clear that should it become evident that the extended licence provisions have a negative impact then it expects that those provisions to be brought back for further consideration in the future.

28. **TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'THE MONUMENT, WHITECROSS ROAD, HEREFORD, HR4 0LT' - LICENSING ACT 2003.**

The Regulatory Sub Committee was convened in order to determine an application for a new premises licence in respect of the Monument, Whitecross Road, Hereford HR4 0LT.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. The following attendees were noted:

- Mr Michael Wheeler (Retail Development Manager Green King)
- Mr Andrew Whitcombe (General Manager for the Monument)

The Chairman read out the introductory notes and requested that any extensions to the 10 minute time limit permitted for representations to be made. No requests were made.

The Licensing Officer presented the report and confirmed representations had been made by three of the responsible authorities, namely, West Mercia Police, Environmental Health and Trading Standards and that those representations from the Police had been agreed, however, representations from Environmental Health and Trading Standards had not been agreed. The matter is therefore brought before the Committee for determination.

The Sub-Committee retired to make their decision. The Acting Legal Adviser and the Democratic Services Officer retired with the Sub-Committee to offer legal and procedural advice.

RESOLVED

That the application for a new premises license for the Monument, Whitecross Road, Hereford HR4 0LT be granted subject to the agreed conditions contained in pages 81 to 83 inclusive in the report before the committee.

With particular reference to paragraph 5 on page 82 areas marked 1 and 2 on a plan which will be attached to the decision notice will be affected as referred to in this paragraph while the large area identified as 3 on the plan shall have its use limited to 2300hrs and will be monitored from that time.

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