

**MINUTES of the meeting of Regulatory Sub Committee held at Committee Room 1 - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Friday 13 May 2016 at 10.00 am**

**Present:**

**Councillors: DW Greenow, MD Lloyd-Hayes and PJ McCaull**

**Officers: Mike Jones and Fred Spriggs and Elisabeth Laughland**

**10. ELECTION OF CHAIRMAN**

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

**11. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**12. REVIEW OF A PREMISES LICENCE FOLLOWING THE EXPEDITED/SUMMARY LICENCE REVIEW IN RESPECT OF: 'SPARKYS BAR AND CAFÉ, 18 WEST STREET, LEOMINSTER, HR6 8ES' - LICENSING ACT 2003**

The sub-committee considered a review of a premises licence following an expedited/summary review in respect of Sparkys Bar and café, 18 West Street Leominster.

The chairman read out the guidance notes and asked all parties to introduce themselves and confirmed that 25 minutes would be available for each party in terms of representations.

The legal officer to the sub-committee made the point that he was aware that late evidence had been submitted and had been made available to all parties. Direction was given to the committee on the matter of late submission of evidence.

The licensing officer presented the report as per the agenda papers.

The west mercia police representative read out a statement to the committee outlining a number of incidents relating to the premises that required attendance by the police. It was also pointed out to the committee that the premises had been operating in breach of the existing premises licence.

Counsel for Mr Wicks stated that he had not seen sight of the police submissions and voiced his concern regarding the number of incidents highlighted and that incidents could be unconnected to the premises and requested that it would be helpful to have sight of the root date behind the reported incidents.

The legal officer advised that it would right that Mr Wicks and his counsel should have sight of the police submission.

The police representative confirmed that they could provide a statement on reported incidents however he confirmed that requested data behind the incidents reported would

not be immediately available as this would require further interrogation of their systems. An adjournment was requested by the police and counsel to discuss the police representations.

The committee adjourned at 10:50

The committee reconvened at 11:05

Counsel for Mr Wicks confirmed to the subcommittee that he had only learned of the limits of the existing premises licence during the recess which changes Mr Wick's position. Mr Wicks accepted that the operating style of the premises had been contrary to the operating schedule of the licence and would be content to revert to the existing operating schedule which is to operate as a restaurant and not as a night club.

The police representative based on this clarification withdrew their request to revoke the licence and proposed the following conditions

The sale by retail of alcohol on the premises from monday to thursday and sunday 10:00 to 23:00. Friday and Saturday 10:00 – 23:30 (alcohol). Friday and Saturday until 24:00 midnight late night refreshment. Regulated entertainment (performing of live music and playing of recorded background music) all day until 23:00.

The chairman asked for any further questions or comments.

The environmental health officer confirmed that there had been issues of noise in the garden of the premises and loud music from the premises. Attempts have been made to discuss with Mr Wicks but dialogue had been lacking of late.

Counsel for Mr Wicks appreciated the noise concerns however it was viewed that the amended conditions put forward would not require loud noise.

Following no further question the subcommittee retired at 11:20hrs to make its decision

The regulatory sub-committee reconvened at 11:50 and the chairman invited the legal adviser to the committee read out the decision.

He stated that, having carefully considered those matters brought before them, the sub-committee had determined the application as set out below, 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.

He also stated that the committee wished to compliment all parties on the realistic and clear discussions which had taken place and had allowed progress to be made.

**Resolved:**

**That the premises licence may continue subject to the following conditions:**

- 1. The sale by retail of alcohol on the premises is permitted from Monday to Thursday and Sunday 10:00 to 23:00. Friday and Saturday 10:00 – 23:30 (alcohol). Friday and Saturday until 24:00. Midnight late night refreshment.**
- 2. Regulated entertainment (performing of live music and playing of recorded background music) all day until 23:00.**

3. The licence will be subject to the amended model conditions as attached to this decision. For avoidance of doubt these modifications are effective today and the modified licence becomes effective.

These modifications have been made in accordance with the licence objectives and are considered by the committee to be necessary and appropriate as required by recognised case law

13. **APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF THE 'SLIP TAVERN, WATERY LANE, MUCH MARCLE, LEDBURY, HR8 2NG' - LICENSING ACT 2003**

The Licencing officer confirmed that all conditions had been agreed and therefore the item had been withdrawn.

The meeting ended at 12.00 pm

**CHAIRMAN**