

**Minutes of the meeting of Licensing sub-committee held at
Committee Room 1, The Shire Hall, St Peter's Square, Hereford,
HR1 2HX on Tuesday 3 July 2018 at 10.00 am**

Present: Councillor DW Greenow (Chairman)
Councillors: CR Butler and FM Norman

Officers: Emma Howell

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**4. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 'BARTON
COURT, COLWALL, WR13 6HN - LICENSING ACT 2003**

Members of the licensing sub committee of the council's planning and regulatory committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision the members heard from Emma Howell, licensing technical officer and the applicants, James Meyer and Linda Camp.

The licensing technical officer highlighted that with the exception of two representations from neighbours that all the other representations had been agreed. The representation in appendix 5 had however now been agreed due to an amendment to the licensable hours as follows:

Licensable activities to be until 2300 hours on weekdays and 12.00 (midnight) on Friday and Saturday.

The committee then heard from the applicants who stated that they had not intended to apply for such extensive timings and were happy to amend the hours of licensable activities. As a result only one representation at appendix four was to be considered.

The Applicants were alarmed at the statements in the representations as they had bought the property in 2015 following extensive consultation with the previous owner. The applicants had not spoken to the neighbouring properties as they thought that the landowner's agent had been keeping the neighbours informed of the plans.

There were three entrances into the premises and there was signage directing guests away from the entrance directly impacting the neighbouring properties. Due to a recent theft, there was now a chain across the drive to prevent anyone from accessing the premises via the neighbouring properties' entrance. Any music would be played from the opposite end of the premises to the neighbouring properties. During the renovation of the property, there had been someone on the premises at all times and no complaints had been raised with them about the noise nuisance. Since purchasing the premises there had only been one occasion when fireworks had been used which had been at 2030 hrs for 5 minutes. The future plans for the premises were to have classical music events or open air theatre. There were no plans to have Glastonbury style events.

Following questions, it was confirmed:

- That there was always someone on site and that the applicants would soon be living on site permanently.
- The signage was clear about which entrance to use. Unfortunately Google directed people to the entrance nearest the neighbours but all the business' literature directed guests to the other entrance.
- They had assumed that the previous owner or his land agent were keeping the neighbours informed of their plans as he was the landlord of those properties. The applicants had been keeping the previous owner and his land agent informed of their plans.
- As far as they were aware, no nuisance complaints had been brought to the landlords or their attention.

The committee have carefully considered all the representations, reports and evidence before them today. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire's statement of licensing policy.

DECISION

The sub committee's decision is to grant the licence to subject to the amended conditions:

Licensable activities to be until 2300 hours on weekdays and 12.00 (midnight) on Friday and Saturday.

REASONS

The committee had taken into account the representations from the applicants. They had also taken account that with the exception of one other representation from a neighbouring property all other representations had been agreed. The committee had carefully considered the points raised in connection with nuisance and had noted that no complaints had been raised with the landlord or the applicants. It was further noted that if there were formal nuisance complaints there would be the option to review the licence.