

**Minutes of the meeting of Licensing sub-committee held at
Online meeting only on Wednesday 21 April 2021 at 10.30 am**

Present: Councillor Alan Seldon (chairperson)
Councillors: Paul Andrews and Polly Andrews

Officers: Licensing technical officer and Legal advisor to the sub-committee

100. APOLOGIES FOR ABSENCE

No apologies for absence were received.

101. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

102. DECLARATIONS OF INTEREST

Councillor Alan Seldon declared that he was aware of the location of the premises as he regularly drove passed it.

**103. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF KINGS
HEAD, DOCKLOW, LEOMINSTER. HR6 0RX - LICENSING ACT 2003**

Members of the licensing sub-committee from 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.

The technical licensing officer presented the report.

It was noted that the Herefordshire Council Statement of Licensing Policy 2020 to 2025 had been updated to include "All representation must be 'relevant', for example they must be about the likely effect of the grant of the application". This followed paragraph 8.57 in the s182 Guidance which uses the same wording.

The sub-committee then heard from the applicant's agent and a representative from the Campaign for Real Ale (CAMRA), who highlighted the following:

- The history of the Kings Head which had been closed in 2015. It was noted that a planning application to turn the pub into housing in 2018 had been refused following community objections.
- The background of the applicant, the applicant planned to run the pub as a family run local pub for local people. The applicant had moved to the area.
- There had been 80 letters of support from the community.
- Since 12 April 2021, there had been two Temporary Event Notices (TENS). It was noted that only a limited number of TENS could be applied in a year which would restrict the business.
- For the first TENS, there had been 60 covers and by the end of the evening there had been 60 people on site socially distanced.

- There had been no complaints received and the approximate average age of customers was between 55 to 60.
- There had been no other representations from other responsible authorities.
- The public representation was based on speculation and no evidence had been provided.
- The previous business had failed under the normal pub opening hours and the sub-committee were urged to trust the applicant with the hours which had been applied for.
- Docklow is a small village and has no other facilities.
- The pub is in a rural setting. The pub will be a destination venue which would need every bit of trade that they can attract.
- There was no history that the Kings Head had been subject to complaints.

The committee 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 Council's statement of licensing policy.

DECISION

The sub committee's decision was to grant the licence as applied for.

REASONS

The sub committee had taken into careful consideration the written public representation, together with the information supplied by applicant's agent and CAMRA. The sub-committee had noted that there was no evidence provided to support the fact that the licensing objectives would not be promoted. As a rural county, Herefordshire tended to be an early to bed and early to rise community so some of the issues outlined in the public representation were unlikely to occur.

104. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF 'SHIRES PARK, ULLINGSWICK, HEREFORDSHIRE. HR1 3JE- LICENSING ACT 2003

Members of the licensing sub-committee from 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.

The technical licensing officer presented the report.

The sub-committee first heard from environmental protection who highlighted the following:

- The premises were a new start up catering for caravanning and the applicants would like to operate a small store for on and off trade sales.
- Supplement 3 which had been published on the morning of the meeting which showed the distance of individual premises in relation to the licensable area.
- It was not clear where entertainment would be taking place.
- It was noted that outdoor entertainment had been now been removed from the application for the licence.
- The area for licensable activity had now been reduced.
- The premises were in a rural location and the applicant had not recognised that there would be low background noise and there was little mention of close neighbours.
- There was a lack of clarity with regard to licensable activity which included likely numbers, frequency, whether the public could visit or if customers had to stay on site. Without this information, then public nuisance was likely to be of concern.

The sub-committee then heard from the public representations:

- The concerns from the parish council which were attached as part of the public representations were read out.
- There was no knowledge of Claire Thompson and Diane Thompson had no personal licence so it was questioned whether a premises licence could be granted.
- There were concerns that this would lead to the development of an event management business.
- The Barn had already been turned into a shower block
- Given the location of the premises, the noise would carry significantly.
- It was acknowledged that the issue of outdoor music had been addressed.
- There was no clarity as to whether this would turn into a party venue or a mini festival venue.
- This was a very open application with very little detail.

The sub-committee then heard from the applicant's agent who highlighted that:

- The applicant was a very responsible person.
- The premises was a new start up catering for caravanning and camping and the applicant would like to operate a small store and provide onsite entertainment.
- The site could be opened under the permitted development rights which had been extended from 28 days to 56 days. Issues relating to planning were not within the scope of the licensing sub committee.
- The noise complaint was in relation to an event held at the Chase and should be considered irrelevant.
- Given the concerns raised, the request for outdoor entertainment had been withdrawn from the applicant.
- The applicant's agent had been trying to contact environmental protection since 9 March and the first contact was on 7 April.
- The location photograph (supplement 3) showed several circles some of which were not domestic but were light industrial.
- Details of the application had been published in the Hereford Times.
- The applicant does not need a personal licence in order to apply for a premises licence but was currently training in order to obtain one.
- This was a modest application for a club house

The licensing authority confirmed that the applicant had applied to be a designated premises supervisor (DPS) and in order to be a DPS, there was a requirement to be a personal licence holder.

The sub-committee moved into private session in order to discuss the application. Following the discussion, the sub-committee decided to adjourn the meeting until 17 May at 2.30 pm which would allow for a site visit on 7 May at 10.30 am. The reason for the site visit was due to the number of changes to the application made during the meeting and the need to understand the location of the premises to fully consider the points made by environmental protection, the public representations and the applicant's agent.

105. EXCLUSION OF PUBLIC AND PRESS

106. APPLICATION FOR A GRANT OF A PERSONAL LICENCE

This item was withdrawn from the sub-committee's agenda as the representations had been agreed prior to the meeting.

