

**Minutes of the meeting of Licensing sub-committee held at
Online Meeting Only on Tuesday 18 May 2021 at 2.30 pm**

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

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

107. APOLOGIES FOR ABSENCE

No apologies for absence were received.

108. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

109. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**110. 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.

This application was part-heard by the sub-committee on 21 April 2021 and was adjourned to allow a site visit to take place on 7 May 2021.

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 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 in respect of the meeting held on 21 April 2021 and formed part of the agenda pack for the meeting on 18 May 2021 showed the distance of individual building locations 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.
- Following further discussions with the applicant, environmental protection withdrew their representation prior to the meeting held on 18 May 2021.

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.
- A member of the public read out their representation which was attached to the agenda.
- It was acknowledged that the music condition had been withdrawn from the application but there was still concern as the area was quiet and peaceful.

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 for 2021. 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 Distillery 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 2021 and the first contact was on 7 April 2021.
- 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 sub committee had visited the site and had had the opportunity to show the substantially built club house which was modest.
- The site was small and there was no intention to cause inconvenience or nuisance to neighbours.

Following a question from a sub committee member, the applicant's agent stated that a planning application with regard to a caravan site had not yet been submitted as the applicant would be starting with a camping site which was permissible under the general

development rights. It was noted that there could be 5 caravans on the site without planning permission.

The applicant and applicant's agent were reminded that in order to sell alcohol (and before any alcohol is to be sold at the premises) the proposed designated premises supervisor (DPS) needed to hold a personal licence.

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.

REASONS

The licensing sub committee had heard from members of the public, applicant, applicant's agent and environmental protection. It had been noted that the applicant had stated that they wish to be a good neighbour and the sub-committee would urge communications with neighbours. The majority of the representations were in relation to highways or public nuisance. Highways issues were outside of the remit of the licensing sub committee so could not be considered and the application for live and/or recorded music had been withdrawn. On the basis that no evidence had been provided to show that the applicant would not promote the licensing objectives, the sub-committee decided to grant the licence.

111. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF IZZY'S CAFÉ, WYE VALLEY VISITOR CENTRE, SYMONDS YAT WEST, ROSS-ON-WYE. HR9 6DA - 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 principal licensing officer presented the report.

Following a query from a member of the sub-committee, it was confirmed that the licensing team had no records of public nuisance and confirmed that the police had chosen not to make a representation in connection with the prevention of crime and disorder objective.

The member of the public who had put in a notice of intention to speak at the sub committee was unable to attend due to business commitments. The clerk to the sub-committee read out the further points that they wished to be taken into account:

- 1) There are no emergency contact details in the conditions. Communication with the Wye Valley Visitor Centre out of trading hours has been extremely difficult over the last 15 years so I know that would not be an option if problems occur. It would be helpful to have a telephone contact in case of emergencies over at the centre – given it has never traded after 6pm on the site.
- 2) Within the requirement for signage asking for guest to respect the local residents – there is not requirement that there is safe dispersal away from the site managed by a human. Within the 30 minute time between the end of the licensing hours 11pm and the closure 11.30pm there should be a condition – that can be added to the

- proposed Log Book – requiring a DPS to check all guests have vacated the area and WC facilities and the Wye Valley Visitor Centre as a whole.
- 3) There is no CCTV requirement to monitor issues on the large site that is Wye Valley Visitor Centre.

Finally I feel that although “Overprovision” is not an area that is looked at as part of the Licensing objectives – due to the huge Overprovision of Premise Licenses within this parish – it is the responsibility of the Herefordshire Council & Licensing Sub Committee to ensure that by granting the license there is NO RISK to increase in Public Nuisance, Crime & Disorder. Is the Sub Committee absolutely certain that their decision will not add to our existing problems in this area.

The sub-committee then heard from the applicant:

- Most of points that they wish to raise had been put into the letter which was attached as an appendix to the agenda pack.
- The majority of the representations had been received from the Old Court Hotel which was directly opposite the café.
- The business was a day time business and would be closed 6.00 pm as the rest of the site closed at that time
- The request for a late night refreshment licence was if there was a request to host a function or open for longer on a bank holiday.
- They will not be opening a late night drinking establishment.
- They currently lose customers because they cannot sell alcohol but pubs can sell children’s meals so they want equity.
- The business was seasonal from Easter to October
- The business made their own ice cream but they cannot sell it as it contains alcohol.

Following questions from the sub committee, the following was confirmed:

- The premises would close at 6.00 pm the majority of the time and they just wanted the ability to stay open occasionally.
- The trade was mostly during the holidays and for families
- There may be events during the quiet season.
- The café was a fully functioning catering kitchen which served fast food.

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 with two additional conditions as follows:

1. A contact telephone number is to be made available on the premises at all times
2. The premises should be cleared by 11.30 pm on all occasions.

REASONS

The licensing sub committee had heard from the applicant, the additional points from a public representation and had carefully considered the written representations. It had been noted that the applicant had been communicating with neighbours and would encourage this for as long they continued to operate. On the basis that no evidence had been provided to show that the applicant would not promote the licensing objectives,

the sub-committee decided to grant the licence with two additional conditions to take into account the representations made by members of the public.

The meeting ended at 3.40 pm

Chairperson