

**Minutes of the meeting of Licensing sub-committee held at
Online Meeting Only on Wednesday 14 July 2021 at 10.00 am**

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

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

127. APOLOGIES FOR ABSENCE

No apologies for absence were received.

128. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

129. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**130. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF THE
BUTCHERY, BOSBURY ROAD, CRADLEY, MALVERN, WR13 5LT- 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, the supplement published on 14 June 2021 and the background papers.

The licensing technical officer presented the report.

The sub-committee then heard from the applicant:

- He would like to co-operate with the council and residents
- The requested timings on the application to facilitate local events which take place in the surrounding area and it would not be an everyday trading option.
- The consumption of alcohol would be off the premises so it would be difficult to see why people would gather round the store.
- The demographics of the village were ages 30 + and not younger youths / teenagers.
- They could not control the speed of vehicles on the road.
- There had been a retail store for the last 30 years and residents were used to parking outside.
- Prior to Covid the store had had longer opening hours.
- The premises had been brought from the previous owners who had retired.
- There had been investment and refurbishment of the premises.
- The premises needed to be sustainable.
- The premises were a convenience store and therefore the timings had to suit customers.

- There had been a local pub and post office which had a premises licence. The pub had closed and the post office had surrendered its premises licence.
- As it would be a local convenience store, residents may walk to it rather than drive several miles.
- There would be Challenge 25, CCTV and a fire risk assessment in place.

It was noted that the sub-committee had to assess all applications before them in accordance with the Licensing Act 2003. Issues in connection with road safety were covered under the Highways Act 1980 regime and therefore outside of the remit of the Licensing Act 2003.

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 licensing sub committee had heard from the licensing technical officer and the applicant and had carefully considered the written representation.

It was noted that all conditions had been agreed with the responsible authorities. Highways issues were the remit of the Highways Act 1980 and the sub-committee were solely concerned with the requirements of the Licensing Act 2003. On this basis, as there was no evidence that the applicant would not promote the licensing objectives, the sub-committee decided to grant the licence as applied for.

131. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF HEREFORD RUGBY FOOTBALL CLUB, WYESIDE, BELVEDERE LANE, HEREFORD. HR4 0PH - 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, the supplement published on 14 June 2021 and the background papers.

The technical licensing officer presented the report.

Before the sub-committee heard from the members of the public who had made representations, it was confirmed that there was no longer a cumulative impact zone policy contained within Herefordshire Council's Statement of Licensing Policy 2020/2025. The previous policy had contained one but had not covered this area. This application would have to be considered on its own merits and the proximity of other premises with licences could not be taken into account.

The sub-committee heard from the public representations who highlighted the following:

- Due to the location of the apartment block, they looked onto the rugby ground and the club was approx. 200 yards away. It was a peaceable location.
- The sporting activities were enjoyed and they wished it to remain a nice club and not become a pub/club.
- With the club windows open, the noise would be intolerable as most of the residents were older.

- Traffic in and out of the club would cause a nuisance.
- There was a concern about an increase in crime and disorder if the licence was granted.
- They had not reported previous incidents as they wished to be good neighbours.
- West Mercia Police had previously closed down one of the events at the club because there had been a suspected rape.
- There had been an incident with naked men running across the rugby pitches.
- The police had interviewed everyone at the club as they had been carrying out a drugs investigation.
- It was suggested that a site visit took place so that the members of the sub-committee had an understanding of the issues.
- When there were ticketed events, people try to access the event through residents' property. When these people were challenged, residents were threatened with physical abuse.
- When dinner parties were held, it was a different dynamic as attendees tended to be older.
- They had always had a good relationship with the club and the club relied them to keep an eye on the grounds.
- One public speaker lived on the ground floor so they would endure more disturbance.

Following a query from a member of the sub-committee, it was confirmed that the applicant had not reached out to the residents of the apartment block directly.

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

- The history and background to the Rugby Club which included the fact that it was a registered club where members could bring guests.
- Matches were normally played on a Saturday afternoon
- The club was very much part of the community and the stated objectives were to strengthen the bonds between the club and the local area.
- Details of local events the club had recently hosted were outlined
- The application for a premises licence had been made to replace an existing club licence.
- The licensable area was confined to the club house and not the grounds.
- Regulated entertainment had previously been authorised under Temporary Event Notices (TENS).
- The club was run by and for the benefit of its members and needed to be on the soundest financial footing possible.
- The club wishes to hire the premises to people other than its members which they currently cannot do under the club licence.
- There had been no representations from responsible authorities.
- There had been consultation with environmental protection prior to submitting the application.
- The application was for a new licence to replace a club premises licence and was not a variation. The licence would negate the need for TENS
- There would be a right to review the licence if there was nuisance.
- The club manager would be unchanged and would be the designated premises supervisor which was not required under a club licence.
- There was anecdotal evidence of raucous behaviour but that the sub-committee needed to take decision based on evidence. There may also have been instances where persons unconnected to the club had used the grounds.
- The club manager takes all incidents seriously and the chairperson of the club also took them seriously. There was encouragement to contact them if there were issues so that they could be resolved.

- The club did value their neighbours.
- The club would not turn into a late night pub.

Following a query from a member of the sub-committee, it was confirmed that the applicant agent's did not know who would be upset by an application until it was advertised. Letters had not been sent out to all residents.

After a private discussion, the sub-committee agreed to adjourn to allow for a site visit to take place on 6 August 2021 at 4.00 pm. This application would then be heard again on 17 August 2021 at 10.00 am.

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 2020/2025.

132. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF THE DEN TAPAS BAR, 15 BRIDGE STREET, HEREFORD. HR4 9DF - 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, the supplement published on 13 July 2021 and the background papers.

The technical licensing officer presented the report.

The sub-committee heard from the public representations who highlighted the following:

- The main issues was the noise nuisance. The residents of nearby properties were entitled to be protected against statutory noise nuisance. The noise should not be audible or discernible.
- There was concern about the extension of the time as it would be an additional hour later when people would leave.
- Due to the proximity of some of the properties, there was constant disturbance by music.
- The applicant had not consulted directly with residents even though they were very close.
- It would mean the serving of more alcohol in an area where there were a number of premises with licences.
- One property was adjacent to the premises and the CCTV would cover that back door but there were already issues at the resident's property.
- When the staff leave, they are noisy and hung around.
- There was experience of loud music, slamming doors, yelling patrons
- There had been attempts to address issues with staff and the management of the premises but these had not be resolved had had gotten worse.
- All these issues will transfer to the adjacent property.
- The premises claim to close at 10.00 pm but there was knocking on windows at 4.00 am and 6.00 am and it will only become worse.

The sub-committee then heard from the applicant who highlighted:

- This was an application for a new premises licence
- The applicant was The Den Limited who operated an established business next to the new premises.

- The applicant was taking on an additional business and would trade as a smaller separate business
- The new business will aid the economic recovery in a sector which had been badly affected by Covid-19.
- The two businesses would be separate and the tapas would be passed through a serving hatch which connected to the premises.
- There was no passage between the two business for staff or patrons.
- This was a new application and need to be judged on its own merits.
- No responsible authorities had made a representation.
- The concerns raised about the Den had been noted
- The premises would have no regulated entertainment or outside area.
- A new experienced manager had now been appointed to run both the Den and the new premises which would be called Cora Restaurant.
- The Den's furniture would be put away and they will cordon off their outside area to deter unauthorised use
- CCTV will be fitted.
- The new designated premises supervisor would be happy to work with the residents to resolve issues.
- No evidence had been supplied and the concerns were based on fear and speculation.
- This would be a dining in operation only
- The applicant would be willing to work to cover the front door adjacent to the premises but there needed to be consideration of the resident's right to privacy

Following questions from the sub committee, the following was confirmed that the applicant would like to maintain a good relationship with the residents and would make themselves available.

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 2020 - 2025.