

## **Minutes of the meeting of Licensing sub-committee held at Online Meeting on Friday 18 March 2022 at 2.00 pm**

**Present:** Councillor Paul Andrews (chairperson)  
Councillors: Polly Andrews and Tony Johnson

**Officers:** Licensing technical officer, Senior solicitor, major projects, Democratic services technical support officer and Democratic Services Officer

### **168. ELECTION OF CHAIRPERSON**

Councillor Paul Andrews was elected Chairperson for this meeting.

### **169. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

### **170. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the meeting.

### **171. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **172. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF 'SHOOTERS BAR, GRAFTON HOUSE, BURGESS STREET, LEOMINSTER. HR6 8DE' - 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 and the supplements issued 17 March 2022.

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee.

The sub-committee heard from Environmental Health:

- Concerns around the extension of time that premises could remain open would result in more noise issues.
- Attending as they have not received an adequate updated Noise Management Plan (NMP)
- Stressed the need for all procedures to be placed on the NMP, with guidance being previously sent to the applicant. But never receiving a suitable plan in return.
- Stated that if they received and approved an NMP then they would not have any objections to the extension.
- Issues could be exaggerated by extension into noise sensitive hours. And would like assurances management can control noise within the premises at late hours.

The sub-committee heard from the public representations:

- Concerns raised about the extension to playing music late at night and the selling of alcohol, leading to noise complaints and anti-social behaviour in the town.
- Raised that there had be 23 police incidents in the area in the past 6 months, but failed to provide direct link to premises
- Believed the variations on the license could place the premises on par with a nightclub in Hereford without any of the conditions placed upon them.
- Only able to attribute four category 1 incidents that specifically referenced the premises. Three of those were assaults – on this point the Licensing Officer clarified that these incidents are created as someone has used the premise to contact the police. But, they are unable to determine whether the calls involving the premises are due to an incident at the premises or someone coming in off the street requesting help.
- Councillors have received complaints from members of the town in regards to late night police and ambulance presence.
- People who live in close proximity to the premises, such as above local shops claim there to be a lack of sound insulation. These frustrations have been reported online social media platforms but not to the correct authorities to deal with.
- It was noted that it is difficult to get police officers out after 10pm to the area. It is thought that a further extension of the license and lack of police presence could see a strain on residents
- CCTV has been funded from the town council to overview the area that has been linked to anti-social behaviour.
- Street cleaning staff often report cigarette ends and broken glass close to the business.
- Concern over fire doors being left open during warm weather causing noise disturbances

The sub-committee then heard from the applicant via their agent:

- The premises underwent an extensive programme of sound proofing and upgrading in 2018.
- They host a litany of events, and like to remain open with international sporting events, this would be a rare occasion.
- There has been a significant decrease in the noise produced by the premises since the current DPS took over the premises in 2019, with there being no evidence sent to the noise team since the takeover.
- A NMP was served to the council on the 21/08/2019, but the DPS never received a response to this plan. Due to the fact that the pre-requisite conditions for needing a NMP in place were never met, the premises owner did not see the urgency in chasing it up. Additionally, nothing has been added to the premises that would produce further noise and therefore there is no requirement to add any further NMP conditions to the current license.
- Claim the applicant has been given assumed responsibility for issues taking place in the vicinity of his premises. But, believes there is no evidence that this is related to their customers.
- Welcomes CCTV and believes it will relieve accusation on the premises
- They have been forthcoming in providing CCTV footage to the police. They are the only licensed premises that put on a security team which covers all areas of the premises including the smoking area. And do not go home until everyone has left the area.

- They do not allow for drinks to leave the premises following 11pm, and all their drinks are served out of polycarbonate vessels and therefore any reference to smashed glass cannot be related to the premises.
- Police found no grounds to object, and therefore concerns around category 1 incidents could not be associated with the premises.
- From ongoing liaison there has been 22 issues that reference the premises since 2019 (last variations), this equates to one every 44.6 days. 18 of these reports were recorded as positive entries, and that club management have done nothing wrong and fulfilled their responsibilities.

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

- Clarification that there is nothing in the license to warrant a replacement NMP.

The sub 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.

## **DECISION**

The Sub-Committee's decision was to grant the variation as applied for.

## **REASONS**

Having heard from the members of the public, the Environmental Health department at the Council and the applicant who have spoken this afternoon and having regard to the written representations, information and evidence submitted in relation to this application the decision of the sub-committee is to grant the variation as applied for.

On the basis of the representations, information and evidence submitted for consideration of the sub-committee the sub-committee believes that the granting of the variation will not undermine the four licensing objectives and specifically those of Prevention of Crime and Disorder and Prevention of Public Nuisance.

## **APPEAL INFORMATION**

Under Schedule 5 Paragraph 4 of the Licensing Act 2003, the applicant or a person who made relevant representations, may appeal against the decision. Schedule 5 Paragraph 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.

The meeting ended at 3.33 pm

**Chairperson**