

## **Minutes of the meeting of Licensing sub-committee held at Online Meeting on Wednesday 1 March 2023 at 10.30 am**

**Present:** Councillor Paul Andrews (chairperson)  
Councillors: Polly Andrews and Clare Davies

**Officers:** Licensing technical officer, Senior Solicitor, Litigation and Principal licensing officer

### **32. APOLOGIES FOR ABSENCE**

Apologies were received from Cllr John Hardwick.

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

Cllr Clare Davies substituted for Cllr John Hardwick.

### **34. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **35. EXCLUSION OF PUBLIC AND PRESS**

Sub committee members were advised that due to the nature of the information to be presented it was recommended that the next item on the agenda be heard in private.

**It was resolved that that under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting as it is considered that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.**

### **36. REVIEW OF A PREMISES LICENCE IN RESPECT OF THE DUCKER, 11 SOUTH STREET, LEOMINSTER. HR6 8JA CALLED BY WEST MERCIA POLICE - LICENSING ACT 2003 (Pages 3 - 4)**

Members of the licensing sub-committee from the Council's Planning and Regulatory Committee considered an application for review of the premises licence in respect of The Ducker, 11 South Street, Leominster HR6 8JA that had been received from West Mercia Police, full details of which appeared before the members in their pack. Confidential supplementary information was presented, including a statement from the solicitors to the partner of the license holder and two witness statements setting out the details of the incident which led to the application for a review.

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee, the relevant guidance and the reasons supplied by the applicant for requesting the review.

The sub-committee heard from the representative of West Mercia Police and from the agent for the licence holder. The members of the sub-committee then put questions to the agent to clarify a number of points.

## **DECISION**

[Name redacted] shall not be permitted to enter or remain on the licensed premises as defined by the red line on the plan at any time (whether employed or not) when licensable activities are taking place.

This condition is to remain in force until the conclusion of the criminal proceedings arising from the incident at the premises on 11 August 2022 involving [name redacted].

If the premises is sold prior to the conclusion of the criminal proceedings this condition will be deemed as removed.

## **REASONS**

The sub-committee have listened to the representation from the applicant, West Mercia Police, and the representation from the licensing agent and considered the evidence within the bundle.

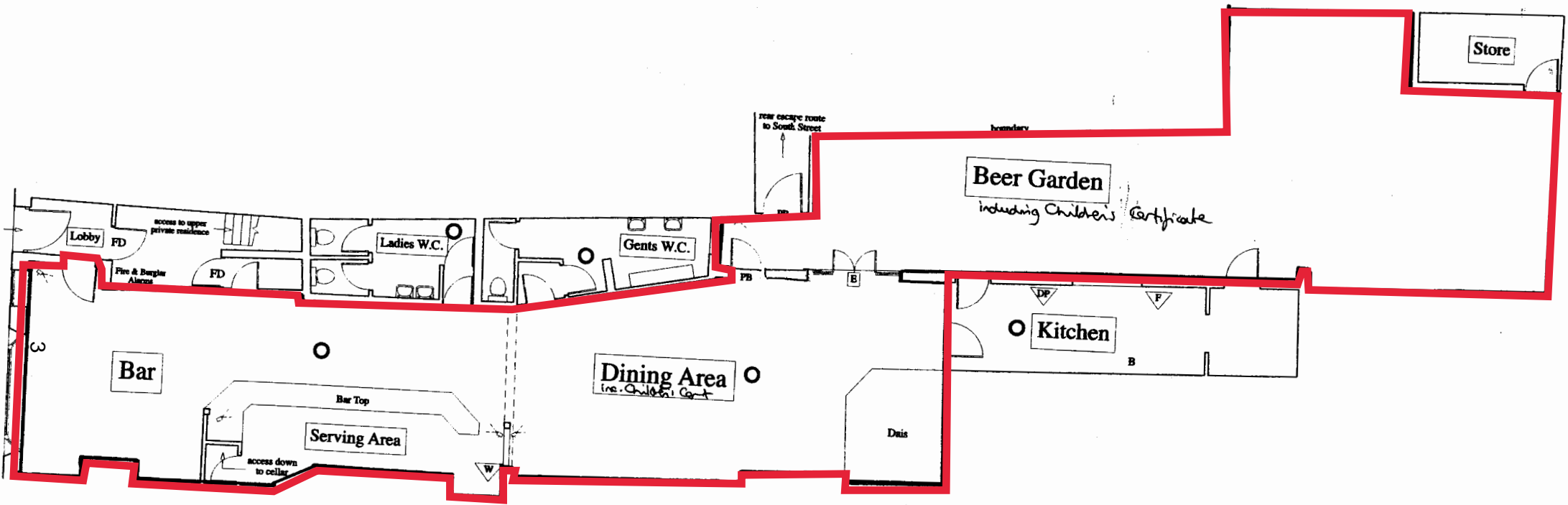
The sub-committee believe on the balance of probabilities the incident on 11 August 2022 occurred whilst licensing activities were being undertaken and it is appropriate and proportionate to the furtherance of the licensing objectives, namely prevention of crime and disorder, to impose this condition.

The sub-committee have considered [name redacted] Article 8 ECHR rights and this condition allows access to the living accommodation and the lobby as marked on the plan. [They] will still have access to the kitchen outside of licensing hours.

The meeting ended at 12.06 pm

**Chairperson**

- ▽ Fire Extinguisher - Foam Type
- Fire Extinguisher - Water Type
- Emergency Lighting Point
- ⊞ Emergency Fire Exit Sign
- ⓧ C.C.T.V. camera



**The Ducking Stool, South Street,  
Leominster.  
GROUND FLOOR PLAN**

MINUTE ITEM 36

New  
Lea

