

## **Minutes of the meeting of Licensing Sub-Committee held at Online Meeting/Herefordshire Council Offices on Thursday 17 August 2023 at 1.30 pm**

**Present:** Councillor Polly Andrews (chairperson)

**Councillors:** Clare Davies, Peter Hamblin and Stef Simmons

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

### **6. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

Councillor Peter Hamblin would act as Councillor Polly Andrew's substitute for agenda item no. 4, application for a variation of licence at Radford's Sport Bar.

### **8. DECLARATIONS OF INTEREST**

Councillor Andrews declared a non-pecuniary interest in agenda item no. 4, application for variation of licence at Radford's Sport Bar as the local ward member to the application and a participant in the initial consultation.

### **9. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF RADFORD'S SPORTS BAR, HEREFORD FC, EDGAR STREET, HEREFORD. HR4 9JU - LICENSING ACT 2003**

*Councillor Polly Andrews left the meeting room for the application below.*

*Councillor Peter Hamblin assumed a seat on the sub-committee for the application below as Councillor Andrew's substitute.*

*Councillor Stef Simmons assumed the chair of the meeting for the application below.*

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.

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee. A representation had been received from Environmental Health; the set of conditions proposed was accepted by the applicant. One relevant public representation had been received.

The sub-committee then heard from the applicant's representative that:

- The application was to enable a safe family-friendly space which would predominantly be used on match days and occasionally on other football family days in summer.

- The space would be patrolled by marshals and police would be close at hand.
- The club was community based and sought a family-friendly atmosphere.
- The concerns of neighbours were acknowledged and the club sought to establish good relations with local residents. The club was disappointed with the objections received to the application and it sought to work with local objectors to address their issues.
- Signs had been placed around the ground asking people leaving to be respectful of local residents.
- On match days plastic cups only were used by the football club.
- The conditions proposed by Environmental Health had been accepted in full.
- The club would work with staff to ensure they knew the conditions and could enforce them when required.

Following questioning by the sub committee it was confirmed that:

- People would not be allowed to take drinks outdoors of the venue after 11:00 p.m.
- The fan zone would only be used for football events and not be for private hire or use by people hiring facilities at the football club.
- The club's own bar staff were used for all private hire functions.

*There was an adjournment at 1:48 p.m.; the meeting reconvened at 2:00 p.m.*

The sub-committee carefully considered all the representations, reports and evidence before them. 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 is to approve the application as applied for with the additional conditions which were put forward by Environmental Health and agreed by the applicant, namely:

1. No waste such as bottles or refuse shall be placed outside the premises between 2300hrs and 0730hrs the next day
2. No live or recorded music in the Radford's Sports Bar carpark after 2300hrs.

## **REASONS**

The sub-committee had taken into account the written representations and the information presented to the sub-committee. The committee has recognised the concerns raised and the reasons why the representations were made. The sub-committee consider that the application with the addition of the above mentioned conditions will promote the licensing objectives.

*Councillor Polly Andrews resumed her seat on the sub-committee and resumed the chair of the meeting.*

*Councillor Peter Hamblin left the meeting.*

## **10. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF THE VENUE, 1 GAOL STREET, HEREFORD, HR1 2HU - 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. A supplement containing a report from the Principal Environmental Health Officer was published on 16 August. A supplement containing additional information and photographs was published on 17 August.

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee. A representation had been received from Environmental Health.

The sub-committee heard from the representative of Environmental Health that:

- The primary issue with the application was the prevention of public nuisance.
- There was concern that the licensing of the bar in outdoor space would result in a dual activity at the site of a nightclub and late night pub.
- There was concern that the outdoor bar would impact on local residents as people socialized in the outside area. The outdoor space was an enclosed area which echoed and amplified sound.
- Local residential properties were located under 50 meters from the outside area. Within 100 metres there were 63 flats and dwellings.
- The break out of sound from the nightclub was caused by people opening the door to access the outdoor space.
- Loud music, repetitive bass beats, people noise and queues at the venue posed a public nuisance.
- There was a concern that queuing and accessing the nightclub would impact on local residents. The area in which the Venue was located was a busy night time area and transitory noise was a problem.
- The Venue had received noise complaints in 2011, 2015 and 2019 but not more recently. Complaints had been received about other venues in the area.
- The objection of Environmental Health was based upon an assessment that if the application was granted it would undermine the licensing objective to avoid public nuisance.

The sub-committee then heard from the applicant that:

- The application did not seek to extend the hours of operation or to provide music outside.
- The application supported licensing objectives; an extra bar outside would reduce queuing and tension at the indoor bar and allow people to access a cool space.
- A controlled environment within the nightclub was demonstrated by the pictures that had been circulated in the supplement.
- The location of a bar in the outside space would limit the opening and closing of the external door, as people would stay to drink in the garden and reduce breakout noise from the nightclub.
- There had been no noise complaints in the previous three years. There were greater numbers of noise complaints at other venues in Hereford.
- The applicant had placed notices locally and advertised in the local press during consultation for the variation of the license.
- The variation would be for the benefit of staff, customers and public.

Following questioning by the sub committee it was confirmed that:

- Three noise complaints for the nightclub were listed on Environmental Health records but were not recent.
- The capacity of the Venue was 400 but this was limited by the nightclub to 350.
- Bottles and glasses would be collected regularly and bins for glass disposal from the bar could be placed in the cellar.

*There was an adjournment at 2:30 p.m.; the meeting reconvened at 2:50 p.m.*

The sub-committee carefully considered all the representations, reports and evidence before them. 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**

After hearing representations today it is the sub committee's decision to grant the application as applied for.

### **REASONS**

The reasons for this is that the sub-committee has taken into account the written representations and information presented to the committee and fully recognise the concerns raised and the reasons why the representations were made, however the sub-committee considers the application made will promote the licensing objectives.

I would like to clarify to members of the public that you can go to the Licensing and Environmental Health departments at Herefordshire Council with any evidence based concerns.

The meeting ended at 2.52 pm

**Chairperson**