

Minutes of the meeting of Licensing Sub-Committee held at Online Meeting/Conference Room 1, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Tuesday 26 March 2024 at 10.00 am

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

Officers: Licensing technical officer, Senior Lawyer - Civil Litigation and Principal licensing officer

63. APOLOGIES FOR ABSENCE

No apologies for absence were received.

64. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

65. DECLARATIONS OF INTEREST

There were no declarations of interest made.

66. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF WYE LOUNGE, 39 HIGH STREET, ROSS-ON-WYE, HR9 5HD – 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. Also contained in the supplementary information: supplementary information from the applicant (published on 20 March); supplementary information from Environmental Health (published on 25 March); the additional information from the applicant's agent (published on 25 March); and email correspondence between the applicant's agent and the local authority on 25 March regarding the Environmental Health representation (published on 25 March).

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee. Two representations had been received from the responsible authorities; Trading Standards and Environmental Health had proposed conditions which had been accepted by the applicant. Three relevant public representations had been received.

The sub-committee heard from the public representatives that:

- Loud music and disruption had been experienced on the nights of 16 and 24 February 2024 when the Wye Lounge had a temporary licence. This had an unacceptable impact upon residential amenity.
- Disruption had included the congregation of youths outside the venue drinking, shouting and fighting.
- The Wye Lounge was not a night club and there was no reason for a 2 a.m. licence for music.
- Live music should cease at 11:00 p.m., Sunday – Thursday and midnight, Friday – Saturday with an extension to 1 a.m. for New Year's Eve.

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

- The applicant had operated similar venues in the area without any problems with police, neighbours or responsible authorities;
- The current application could only be refused if there was evidence that the application would undermine the licensing objectives. No credible evidence had been provided by objectors to the application to prove that the licensing objectives would be undermined.
- The applicant has accepted all conditions proposed by responsible authorities therefore the police had not made a representation on the application and no objections had been made by responsible authorities.
- The representations of local residents were summarised and it was contended that no evidence existed to support the objections raised. It was stated that the sub-committee must apply evidence-based decision-making.
- On Saturday 16 February, one of the dates of the complaints regarding noise and disruption, it was confirmed that the venue had ceased to trade shortly after midnight and till receipts had been presented as evidence. Evidence in statements from other witnesses living nearby and above the venue explained that there was no disturbance emanating from the Wye Lounge.
- On Saturday 24 February, the second date of the complaints regarding noise and disruption, it was confirmed that the venue closed just after midnight on Sunday 25 February. Closed circuit television (CCTV) recording provided evidence that showed a quiet and orderly dispersal of customers after closure.
- Objections that the application would cause disturbance was fear and speculation that was contrary to evidence-based decision-making.
- The application would not undermine the licensing objectives and had not received objections from the responsible authorities.

Following questioning by the subcommittee it was confirmed that:

- In response to questions regarding the temporary licenses on 16 and 24 February, the applicant's representative confirmed that the venue had closed before the time of the noise and disturbance and that no regulated entertainment had taken place.
- In response to a question regarding whether the applicant had received complaints regarding noise and disturbance, the applicant's representative confirmed that no complaint had been received and steps had been taken to attempt to identify the source of the noise.

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 grant the Premise Licence as applied for in respect Wye Lounge, 39 High Street, Ross-on-Wye.

REASONS

The sub-committee has taken into account the written representations from Senior Licensing Officer Emma Bowell and Mr Lucan of the 'Licensing Guys' on behalf of the Applicant, Mr Zhuzhi. The sub-committee has fully considered all the relevant paperwork including the Law, Policy and guidance.

The sub-committee has also considered the evidence presented during the hearing.

The sub-committee has considered the written representations made by residents, in particular the concerns raised in respect of the incidents of disturbance and noise that occurred recently in February 2024, and their request that the application not be granted. The sub-committee has taken these representations seriously and have had to balance the content of these representations against all the evidence and information submitted.

The sub-committee has listened carefully to the representations and extensive information supplied by Mr Lucan. In particular, the sub-committee notes the submissions provided by Mr Lucan in relation to the objections and the measures that will be put in place to address and meet the licensing objectives.

It is noted that responsible authorities had requested additional conditions be put in place and that these have been accepted without amendment by the applicant.

Taking all the facts into consideration, the nature of the incidents that have occurred, the objections raised by residents and the licensing objectives, together with the extensive representations on behalf of the applicant, including the additional conditions the Applicant has accepted, the sub-committee feel it is appropriate to grant the application as applied for.

The sub-committee further notes that should incidents occur that adversely impact upon residents, which are attributed to the Wye Lounge, the licence can be reviewed.

The meeting ended at Time Not Specified

Chairperson