

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

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

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

20. APOLOGIES FOR ABSENCE

No apologies for absence were received.

21. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

22. DECLARATIONS OF INTEREST

There were no declarations of interest made.

23. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF TRILOGY, 51-55 BLUE SCHOOL STREET, HEREFORD, HR1 2AR - 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 supplementary information published on 30 September 2024.

Prior to making its decision the Council's Licensing Officer presented the report which outlined the options available to the Sub-Committee. Two representations were received from the Responsible Authorities: West Mercia Police; and the Licensing Authority. The West Mercia Police representation requested a condition which was agreed by the applicant. The Licensing Authority representation was an objection to the application which was withdrawn following the agreement of a further condition with the applicant. One relevant representation was received from a member of the public. The Licensing Officer summarised the application and provided an overview of the representations received and the licensing history of the premises. Further, the Sub-Committee noted the change of the applicant and agent from the original application submitted.

The Sub-Committee then heard from the applicant and applicant's representative that:

- It was explained that the applicant was an experienced, local operator of premises.
- There had recently been a change of applicant and agent.

- The application sought an extension of the hours to allow for midday opening and glass to be used in the Botanics Bar up to 11:00 p.m.
- No objections had been received from the responsible authorities and there had been no concerns that the application would undermine the licensing objectives.
- The use of glassware had been a concern for the licensing authority and an objection had been raised to the application. The licensing authority later withdrew the objection with conditions agreed with the application.
- No objection had been received from West Mercia Police but a condition for the use of PET glassware had been requested and agreed by the applicant.
- There had been one public representation which referred to noise, fire escapes left open allowing free entry, litter, the noise of staff leaving the premises and queues outside the venue. These problems related to the night time economy; the application sought to bring the hours forward into the daytime with no impact on night time issues.
- The applicant had been disturbed by the public representation on the application and work had been undertaken at the premises to ensure that the issues raised in the representation would be addressed. The applicant had written to local residents to explain the issues would be addressed and he would meet with the public representative.

Following questioning by the Sub-Committee it was confirmed that:

- It was confirmed that there was no intention to show films at the venue at this time.
- The applicant confirmed that he was content to abide by all conditions agreed by previous licence holder.

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 with the additional conditions as agreed.

REASONS

The Sub-Committee has taken into account the detailed representations and information presented to the hearing by Senior Technical Licensing Officer, Emma Bowell, Mr Nick Semper on behalf of the applicant and Mr Tom Williams as applicant.

The Sub-Committee fully recognises the concerns raised by the local residents and the reasons why the representations were made. The Sub-Committee can only consider the application before it and those representations that relate to one or more of the licensing objectives.

The Sub-Committee notes that West Mercia Police and the Licensing Authority made representations which were accepted by the applicant and that additional licence conditions have been put in place. No further representations were received from the responsible authorities, which includes the Trading Standards Department and Environmental Protection – who deal with noise nuisance.

The Sub-Committee has considered the nature of the concerns raised by members of the local community in relation to: noise emanating from the venue, causing disturbance

to local residents; potential for patrons and employees of the premises causing disruption within the community; and the impact on the local area generally.

The Sub-Committee notes the submission made by Mr Semper and Mr Tom Williams in support of the premises licence application and the measures that are being taken to mitigate any potential impact on the local area. The Sub-Committee is pleased that the Applicant is taking steps to engage with the Community and is taking firm action to address the concerns.

The Sub-Committee considers that the application made is comprehensive and will promote the licensing objectives.

The Sub-Committee would strongly advise that should the premises licence conditions not be complied with, that the residents inform Herefordshire Council Environmental Health and Licensing Department as well as the other appropriate Responsible Authorities so that concerns are properly documented as soon as practicable.

24. APPLICATION FOR A GRANT OF A PREMISES LICENCE IN RESPECT OF BRIDGE THAI STREET FOOD, 7 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, and the supplementary information published on 24 September 2024.

Prior to making its decision the Council's Licensing Officer presented the report which outlined the options available to the Sub-Committee. No representations were received from the Responsible Authorities. Four relevant representations were received from members of the public. The Licensing Officer summarised the application and provided an overview of the representations received.

The Sub-Committee then heard from the applicant and applicant's representative that:

- The restaurant was established and successful with a small number of customers eating in the premises or food being provided by takeaway
- The application would allow customers to have an alcoholic drink with their meal and to accompany in take away meals.
- The restaurant would close before the clubs shut and the food from the premises is restaurant fare and not fast food therefore not appealing to people leaving pubs and clubs
- Temporary Event Notices (TENs) had been used recently to allow the restaurant to serve alcohol and no issues had been raised concerning the serving of alcohol at the premises.
- There had been no representations from the responsible authorities, including West Mercia Police, the licensing authority and environmental health.
- There had been four representations on the application, including three which had been anonymous. Reference in the representations had been made to noise nuisance, crime, disorder, and anti-social behaviour.
- It was noted that there were a number of other licensed premises locally and data had indicated that the number of crime and disorder incidents locally was minor.
- Due to the nature of the premises as a restaurant it was unlikely that people will loiter outside the venue.
- The restaurant would use distinctive takeaway boxes which would allow any litter issues to be identified and addressed.

Following questioning by the Sub-Committee it was confirmed that:

- It was confirmed that there was no bar area and that alcohol would be served to the table.
- Alcohol at the premises had been served in accordance with the TENs.

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.

REASONS

The Sub-Committee has taken into account the detailed representations and information presented to the hearing by Senior Technical Licensing Officer, Emma Bowell and Mr Semper on behalf of the applicant.

The Sub-Committee fully recognises the concerns raised by the local residents and the reasons why the representations were made. The Sub-Committee can only consider those representations that relate to one or more of the licensing objectives.

The Sub-Committee notes that there were no representations received from the responsible authorities, which includes West Mercia Police, Trading Standard and Environmental Protection.

The Sub-Committee has considered the 4 relevant representations made by members of the public. The representations relate to anti-social behaviour, damage to property, litter and noise causing disturbance and nuisance to local residents and businesses. It was raised that there is potential for patrons of the premises causing disruption within the local area generally. The Sub-Committee notes that 3 of these representations were anonymous and will therefore attach appropriate weight to them in these circumstances.

The Sub-Committee notes the detailed submissions made by Mr Semper in support of the premises licence application and note that the premises has operated under TENs for the last 6 weeks without any problems. The Sub-Committee notes the analysis of the representations made against the granting of the application by Mr Semper and measures that are being taken to ensure this premises will not impact negatively on the local area.

The Sub-Committee considers that the application made is comprehensive and will promote the licensing objectives.

The Sub-Committee would strongly advise that should the premises licence conditions not be complied with, that the residents inform Herefordshire Council Environmental Health and Licensing Department as well as the other appropriate Responsible Authorities so that concerns are properly documented as soon as practicable.

25. 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.

26. TO CONSIDER THE SUSPENSION OR REVOCATION OF A PERSONAL LICENCE FOLLOWING CONVICTION OF THE HOLDER FOR A RELEVANT OFFENCE - LICENSING ACT 2003

Members of the licensing Sub-Committee from the Council's Planning and Regulatory Committee considered the above decision, full details of which appeared before the members in their agenda.

Prior to making its decision the Council's Licensing Officer presented the report which outlined the options available to the Sub-Committee.

Following questioning by the Sub-Committee it was confirmed that:

- Numerous attempts had been made by the local authority to contact the licence holder using the details held by the Licensing Authority, provided by the Licence Holder, but no response had been received.
- As a licence holder he is required to provide details of his current address to the licensing authority.
- The individual had been convicted of a sexual assault on a male and had received an 8 month suspended sentence, been made subject to a rehabilitation order and had been added to the sex offenders register.
- It could not be guaranteed that the court would have known that the individual was a licence holder therefore would not have been in a position to report the conviction to the licensing authority.
- The dates that the individual had been a DPS at local establishments between end of May and middle of July 2024 were provided.

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 revoke the personal licence.

REASONS

The Sub-Committee has taken into account the report and evidence presented by Senior Technical Officer, Emma Bowell at the hearing in relation to Ewan Anthony McGreevy.

The Sub-Committee notes that Mr McGreevy has been written to on numerous occasions and provided with the opportunities to respond and explain his position. Mr McGreevy has not responded to the correspondence sent to him by the Licensing Authority and has not provide any explanation to the Licensing Authority.

The Sub-Committee confirmed with the Licensing Authority that they had made reasonable endeavours to confirm Mr McGreevy's contact details and were satisfied that due diligence had been completed in this case. In fact, it is noted that Mr McGreevy has a responsibility to inform the Licensing Authority of any change in his contact details, he has not done so.

There are a number of options open to the sub-committee:

- a) Revoke the personal licence
- b) Suspend the personal licence for a period not exceeding 6 months
- c) Decide not to revoke or suspend the personal licence. (But if that is the decision you must invite the chief officer to make representations about whether the licence should be suspended or revoked) before reaching your final decision

The Sub-Committee has decided that Ewan Anthony McGreevy will have his personal licence revoked following conviction of a relevant offence as defined by the Licensing Act 2003.

The Sub-Committee consider that West Mercia Police should be informed of this decision.

The meeting ended at 11.49 am

Chairperson