

# A G E N D A

## Regulatory Committee

Date: **Tuesday, 14th October, 2003**

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Time: **2.00 p.m.**

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Place: **Council Chamber, Brockington**

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Notes: Please note the **time, date** and **venue** of the meeting.

*For any further information please contact:*

*Pete Martens, Members' Services*

*Tel 01432 260248*

*Fax 01432 260286*

***e-mail: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)***

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Regulatory Committee

To: Councillor R.I. Matthews (Chairman)  
Councillor Brig. P. Jones CBE (Vice-Chairman)

Councillors Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope, T.W. Hunt,  
Brig. P. Jones CBE, G. Lucas, J.W. Newman, R. Preece, D.C. Taylor and  
P. G. Turpin

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
4. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 29th July, 2003.	5 - 8
5. <b>PROCEDURAL ARRANGEMENTS</b> To note the procedural arrangements for the meeting.	9 - 10
6. <b>THE LICENSING ACT 2003</b> To receive a verbal update about the latest developments in respect of the Licensing Act, 2003.  <b>Wards: County-wide</b>	
7. <b>PUBLIC ENTERTAINMENTS LICENSING - VARIATION OF OPENING HOURS, KING CHARLES II, 13 BROAD STREET, ROSS-ON-WYE</b> To consider an application to vary the opening hours for an Annual Public Entertainment Licence. Consideration of this item was deferred at the last meeting for further information.  <b>Ward: Ross-on-Wye West</b>	11 - 26
8. <b>REVISED POLICY FOR VARIATIONS OF PUBLIC ENTERTAINMENT LICENSES</b> To consider introducing a requirement that applicants for Public Entertainment Licences should place an advert in the local press.	27 - 28

**Wards: County-wide**

**9. MOTOR SALVAGE OPERATORS - THE VEHICLE (CRIMES) ACT 2001 & THE MOTOR SALVAGE OPERATORS REGULATIONS 2002** 29 - 32

To advise the Committee about new registration responsibilities being placed on local authorities and to determine procedures.





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### YOU HAVE A RIGHT TO:-

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt information'.
- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, its Committees and Sub-Committees and to inspect and copy documents.
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### **Please Note:**

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The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

## **Public Transport Links**

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- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.



# **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

## **FIRE AND EMERGENCY EVACUATION PROCEDURE**

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You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.



.COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of the Regulatory Committee held at Brockington, 35 Hafod Road, Hereford on 29 July 2003 at 2.00 pm.**

**Present: Councillor R.I. Matthews (Chairman)  
Councillor Brig P. Jones (Vice-Chairman)**

**Councillors: Mrs S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope, T.W. Hunt,  
G. Lucas, J.W. Newman, R. Preece, D.C. Taylor, P.G. Turpin**

**13. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**14. NAMED SUBSTITUTES**

There were no substitutions made.

**15. DECLARATIONS OF INTEREST**

Councillor G Lucas declared a prejudicial interest in Agenda item No. 7 (application for Public Entertainments Licence with variation of opening hours for King Charles II, 13 Broad Street, Ross-On-Wye).

**16. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 17 June 2003 be approved as a correct record and signed by the Chairman.**

**17. PROCEDURAL ARRANGMENTS**

The Committee noted the procedural arrangements for hearing appeals to ensure that the laws of Natural Justice were followed to give a fair hearing to applicants and to licensing officers.

**18. APPLICATION FOR PUBLIC ENTERTAINMENTS LICENCE – HEREFORDSHIRE YOUNG FARMERS CHAIRMAN’S BALL ON FRIDAY 6TH SEPTEMBER 2003 IN MARQUEE AT GILLOW FARM, HAREWOOD END, HEREFORD – LOCAL GOVERNMENT (MISCELLANOUS PROVISIONS) ACT 1982**

Consideration was given to a report in respect of an application from Herefordshire Young Farmers Association for an Occasional Public Entertainment Licence with a finishing time of later than 0100 hours which was set out in the Council’s policies. The Principle Trading Standards Officer provided the Committee with details of the Council’s policies for granting Public Entertainment Licences and said that the finishing time of not later than 0100 hours was in place to protect the local community and individuals from disturbance by events involving music, singing and dancing. She also advised that the Committee would need to have regard to the implications of any decisions it made which would relate to the provision of the Crime and

Disorder Act 1998. She added that the Fire Authority and the Police had no objections to the application and that the Area Environmental Health Manager had also raised none, subject to certain conditions being imposed on the licence if the application was approved.

Mr C Lloyd presented the application by Herefordshire Young Farmers Association for a finishing time of 2:00 am in respect of the Chairman's Ball to be held on 6 September 2003 at Gillow Farm, Harewood End, Hereford. He said that the event had been held at various venues within the County during previous years and that no problems had been encountered. He explained the steps that would be put in place to minimise noise and disturbance and outlined the arrangements for car parking and security, and the likely number of those who would be attending.

At the conclusion of the application Mr Lloyd and the licensing officers withdrew from the meeting whilst consideration was given to the application. Having considered all the facts in relation to the application, the Committee whilst mindful of the Council's policies took the view that Mr Lloyd had given satisfactory evidence to suggest that the event would be well supervised in a responsible manner. The Committee decided that the extension of hours should be granted, but only because of the exceptional circumstances involved. The applicant and the licensing officers were invited back to the meeting and were informed of the decision.

**RESOLVED: That an Occasional Public Entertainment Licence be granted to Herefordshire Young Framers in respect of their Chairman's Ball on 6 September 2003 between 9.00pm and 2.00am at Gillow Farm, Harewood End, Hereford subject to:**

- (a) **the applicant fulfilling all conditions imposed by the Police and the Fire Authority;**
- (b) **the applicant first agreeing final details of the event with the Head of Environmental Health and Trading Standards, satisfying his requirements regarding car parking, stewarding, minimisation of noise nuisance and providing him with a responsible contact person for the event;**  
**and**
- (c) **the local residents being first notified or reminded in writing about the event by the applicant.**

**19. APPLICATION FOR PUBLIC ENTERTAINMENTS LICENCE WITH VARIATION TO EXTEND OPENING HOURS BEYOND THOSE SET BY COUNCIL POLICY FOR KING CHARLES II, 13 BROAD STREET, ROSS-ON-WYE – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

Consideration was given to a report in respect of an application from the proprietors of King Charles II Public House, 13 Broad Street, Ross-on-Wye for the variation of the hours of opening of an Annual Public Entertainment Licence to allow a finishing time of later than that of 23.30 hours which was set out in the Council's policies. The Principle Trading Standards Officer provided the Committee with details of the Council's policies for granting Public Entertainment Licenses and said that the finishing time of not later than 23.30 hours was in place to protect the local community and individuals from disturbance by events involving music, singing and dancing. She also advised that the Committee would need to have regard to the

implications of any decisions it made which would relate to the provision of the Crime and Disorder Act 1998. She added that the Fire Authority and the Police had no objections to the application and that the Area Environmental Health Manager had also raised none, subject to certain conditions being imposed on the licence if the appeal was upheld. She said that the letters contained in the appendix to the report set out in the agenda were in respect of the previous application considered by the Committee in April 2003 and that these should be disregarded in respect of the current application. She circulated two letters in support of the application which had recently been received.

Mr P Neades and Mr A Gooding provided the Committee with details about the application and the way in which they operated the premises. They said that they had made every effort to ensure that it had an extremely good reputation of being well managed and provided a safe environment for their clientele. He advised that a later finishing times of 1:00 am on Thursdays, Fridays and Saturdays and 12.30 am on Sundays would enable a natural extension of music and dancing provided at the premises. They said that they employed a number of dedicated door staff and that together with CCTV and a sophisticated digital noise monitoring unit at the rear of the premises ensured that any disturbance was non-existent or was kept to a minimum. On occasions when local residents had complained about noise they had been invited to the premises where it has been demonstrated that the noise had arisen from other venues nearby.

At the conclusion of the hearing the applicants and the licensing officers withdrew from the meeting whilst consideration was given to the application. Having considered all the facts in relation to the application the Committee had concerns about the effect that the later finishing times could have on local residents and decided that the matter should be deferred for their views to be sought so that everyone was fairly represented.

**RESOLVED: That the application to vary the opening hours on Thursdays, Fridays, Saturdays and Sundays in respect of King Charles II, 13 Broad Street, Ross-on-Wye be deferred to enable the views of local residents to be obtained for consideration by the Committee.**

## 20. DRAFT LICENSING POLICY – THE LICENSING ACT 2003

The Legal Practice Manager presented a report suggesting the adoption of a draft Licensing Policy by the Council from in respect of transfer of liquor and other such licensing from the Magistrates Court to the Council from April 2004. He advised that the Licensing Act 2003 received Royal Assent on 10 July 2003 and that it will move the responsibility for liquor licensing from the Magistrates Court to local authorities. He explained the background to the new legislation and its implication for the Environmental and Trading Standards Department and the County Secretary and Solicitors Department. The provisions of the new Act would enable a streamlining of liquor licensing and public entertainments licensing which were currently split between the Magistrates Court and the Council. It would help to promote the following four licensing objectives:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

The Legal Practice Manager said that each Bench of Magistrates currently had their own licensing policies to deal with matters under the Licensing Act 1964 and that the Council would need to formulate its own policy to deal with the transfer of matters under the Licensing Act 2003. He provided the Committee with a draft policy and commended it to the Committee for consultation purposes. He also advised that it would be necessary for the Regulatory Committee to establish a licensing Sub-Committee to deal with the new duties with effect from April 2004.

The Committee considered details of the report and the draft policy and agreed that the draft policy should be issued to the relevant organisations for consultation purposes. It also agreed that a Sub-Committee should be established and the Chairman asked for those Members who were interested in sitting upon it to put their names forward.

**RESOLVED: That**

- (a) the draft policy be noted and approved for circulation to external consultees; and**
- (b) the Regulatory Committee note that it will be necessary for a Licensing Sub-Committee to be formed and members of that Sub-Committee receive appropriate training in respect of the new duties to be conferred upon the authority.**

The meeting ended at 3.00 pm.

**CHAIRMAN**

**REGULATORY COMMITTEE**  
**LICENSING APPEAL PROCEDURE**

1. Introduction by Clerk to the Panel.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Panel or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Clerk to the Panel, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Panel. When the additional information has been furnished, they should all be asked to leave again.
8. The Panel can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is a refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second application the same way.





**7 PUBLIC ENTERTAINMENTS LICENSING VARIATION  
TO EXTEND THE OPENING HOURS BEYOND THE  
HOURS SET BY COUNCIL POLICY FOR KING  
CHARLES II, 13 BROAD STREET, ROSS ON WYE****LOCAL GOVERNMENT (MISCELLANEOUS  
PROVISIONS) ACT 1982**

Report By: Head of Environmental Health and Trading Standards

**Wards Affected:**

Ross on Wye West

**Purpose**

1. To consider an application to vary opening hours for an Annual Public Entertainment Licence that requires a finishing time later than the current policies of 23:30.

**Legislation – Local Government (Miscellaneous Provisions)  
Act 1982**

2. Local Authorities are, when licensing public entertainment events, permitted to make the licence conditional.

The purpose of conditions attached to and forming part of a licence broadly fall into four categories.

- (a) Securing the safety of everyone present
- (b) Securing adequate access to the premises in emergencies
- (c) Ensuring adequate sanitary arrangements in the premises and
- (d) Preventing nuisance and disturbance in the neighbourhood.

The holder of an Entertainment's Licence may at any time apply to the Authority for such variations of the terms, conditions and restrictions on a subject to which the licence is held.

The Authority may:-

- (a) Make the variation specified in the application
- (b) Make such variations as they think fit, including subject to the four categories above.
- (c) Impose terms, conditions or other restrictions other than those specified or

- (d) Refuse the application

## Regulations/Conditions

3. Amongst the various Conditions and Regulation there are specific ones that related to finishing times for events.

Condition 4.1 of the Standard Conditions for Licensing of Premises for Public Entertainment

Premises licensed for public entertainment shall only be opened and used for any of the said purposes on such days and during such hours as the Licensing authority specifies in the schedule to the licence conditions.

The Regulations (standard conditions) of the Council specify the opening times of entertainment establishments as follows

11.00 until 2330 (Monday to Saturday)	In respect of premises that have the benefit of a liquor licence under the Licensing Act 1964
1100 until 2230 (Sundays)	For MUSICAL entertainment only in respect of all types of premises

## Background

4. On the 8<sup>th</sup> April 2003 the Regulatory Committee heard an application from King Charles II to extend their opening hours to 0100 Monday to Sunday. Local residents and businesses made a number of objections. After considering this application the Regulatory Committee granted an opening time of 1200 (midnight) for Friday and Saturdays.
5. On the 29 July the Regulatory Committee heard another application to increase the opening hours to 1 am on Thursday, Friday, Saturday nights and 12.30 on Sunday nights. This decision was deferred for further consultation.

## The Application for Deviation from Policy

6. Andrew Gooding and Paul Neades of King Charles II, Broad Street, Ross on Wye request a variation of the licence conditions to extend the Annual licence opening entertainment hours from:-

Current closing hours	Requested closing hours
Thursdays 11pm	1am
Friday 12pm	1am
Saturdays 12pm	1am
Sundays 10:30pm	12:30am

## Issues

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Further information on the subject of this report is available from Suzanne Laughland, Acting Licensing Manager on (01432) 261675

7. A consultation letter was sent to all the local residents and businesses who had previously made comments and a public notice was placed in the Ross Gazette. Five responses were received from the letters, (appendix 1) and no responses from the Ross Gazette public notice.
8. The Police were consulted and had no objections to the variation of hours.
9. The Fire brigade were consulted and stated:-  
  
The occupier should be reminded that it is their responsibility to ensure that the means of escape, the emergency lighting, fire alarm and fire fighting equipment be maintained in good working order at all times and appropriate records kept.  
  
As a guide it is considered that the maximum number of persons allowed in the premises should be 180.  
  
There should be at least 3 stewards or attendants, who should be instructed as to their duties and available whilst members of the public are on the premises.
10. Environmental Health were consulted and carried out nighttime visits to monitor the noise levels coming from the King Charles II, the findings had not been received at the time this report went to print.

## Options

11.
  - To grant the extended hours
  - To grant the extended hours and impose conditions
  - To refuse the extended hours, or
  - Come to some other conclusion





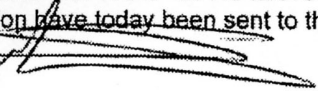
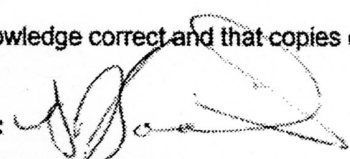
Sent 22/5/03

To: DECA/334  
The Licensing Section  
Herefordshire Council  
P.O.Box 233  
Hereford  
HR1 2ZF

### APPLICATION FOR VARIATION OF PUBLIC ENTERTAINMENT LICENCE

£200 FEE

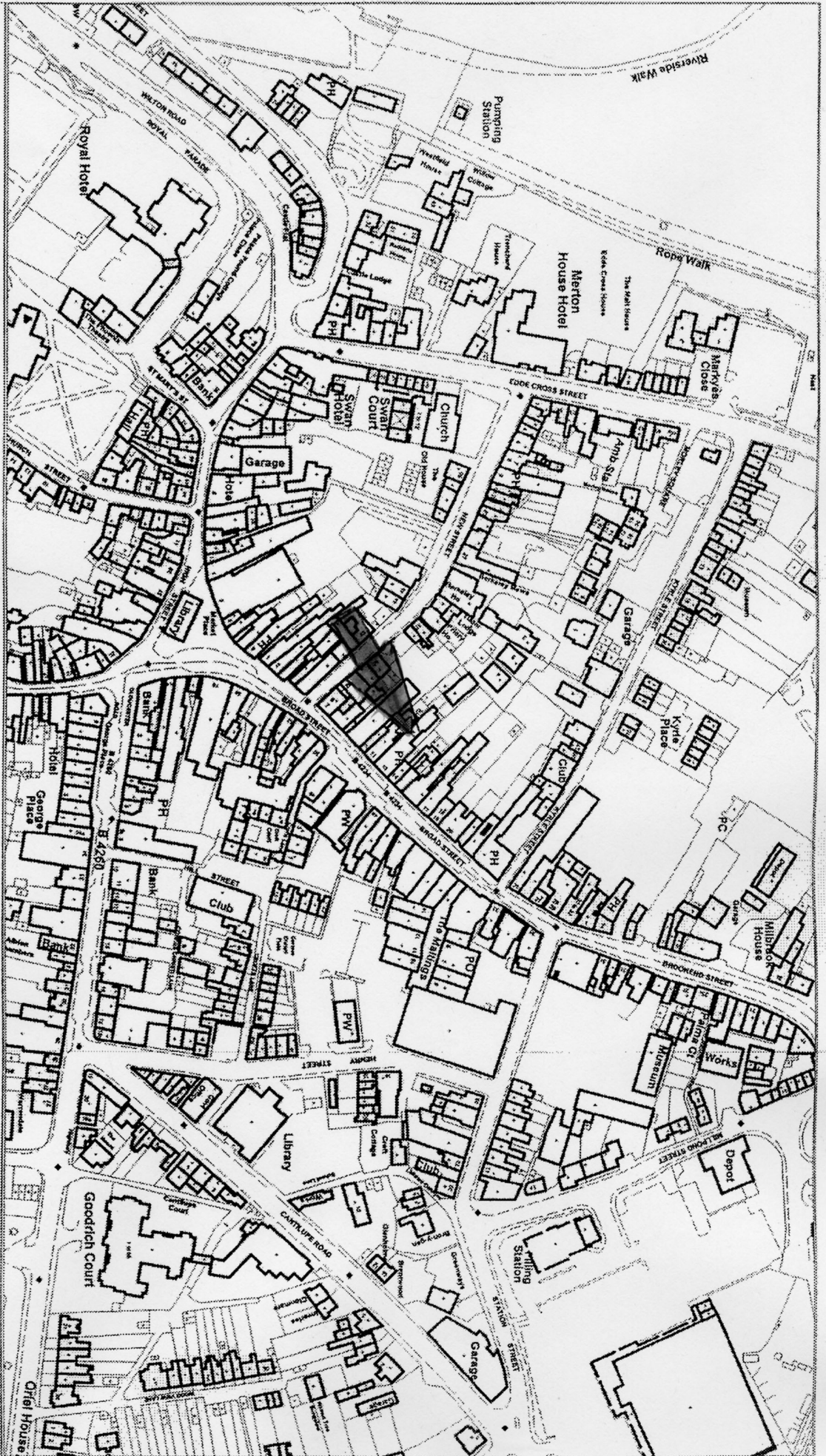
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

<b>1. Licensee Details 1.</b>  Name: PAUL NEADES Address: KING CHARLES II 13 BROAD ST. ROSS ON WYE HFOS Post Code: HR97EA Tel. No. (Home) 01989 562039 (Work) " " " "	<b>Licensee details 2. (if applicable)</b>  Name: MR ANDREW GOODING Address: KING CHARLES II 13 BROAD ST ROSS ON WYE HFOS Post Code: HR97EA Tel. No. (Home) 01989 562039 (Work) " " " "
<b>2. Nature of variation.</b> EXTEND OPENING HOURS FROM THU 11pm TO 1am FRI 12pm TO 1am SAT 12pm TO 1am SUN 10 30pm TO 12-30am	<b>A: Proposed maximum numbers of persons allowed on premises on completion of works.....180.....</b>  <b>B: Proposed sanitary accommodation to be provided.</b> Male: WCs.....1..... Urinals.....3..... Basins.....1..... Female: WCs.....2..... Basins.....1.....
<b>3. Address of Premises</b> THE KING CHARLES II 13 BROAD ST. ROSS ON WYE HEREFORDSHIRE	Tel. No. 01989 562039
Fee payable: £.....200.....00	
<p>I/we, the undersigned, <b>HEREBY APPLY</b> for the Variation of the Public Entertainment Licence in force for the above premises.</p> <p><b>I/WE DECLARE THAT</b> all the above details are to the best of my/our knowledge correct and that copies of this application have today been sent to the Police and the Fire Authority.</p> <p>Signed:  Signed: </p> <p>Date: 23/5/03 Date: 23/5/03</p>	
<p><b>PLEASE ENSURE THAT YOU HAVE</b></p> <p>PLANS ARE AS SEEN IN APRIL →</p> <ol style="list-style-type: none"> <li>1. SIGNED THE FORM</li> <li>2. ATTACHED THE CORRECT FEE</li> <li>3. ENCLOSED PLANS (EXISTING AND PROPOSED)</li> <li>4. SENT COPIES TO THE POLICE AND FIRE AUTHORITY</li> </ol>	

Please return this copy to the address at the top right of this letter

Receipt No 216135 Fee £200 Date 11-6-03 Income Code N8000 9362





LOCATION PLAN - King Charles II, Broad St., Ross-on-Wye

SCALE 1:1250



Herfordshire Council  
 EHTS  
 PO Box 233  
 Hereford  
 HR1 2ZF  
 Tel.: (01432) 261675  
 Fax.: (01432) 261982





18 SEP

The Barrel Inn,  
Brookend Street,  
Ross-on-Wye,  
HR9 7EG.

16<sup>th</sup> September, 2003

Herefordshire Council,  
Licensing Unit,  
P O Box 233,  
Environmental Health & Trading Standards,  
County Offices,  
Bath Street,  
Hereford,  
HR1 2ZF.

Dear Sirs,

**Re: King Charles 11, Broad Street, Ross-on-Wye  
Application to extend Public Entertainment Hours**

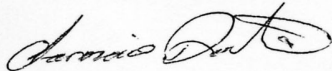
As a local resident and licensee I object to this application for the following reasons:-

1. Since they were granted a licence to open until 12.00 midnight, members of their staff have been posting flyers, advertising their weekend events, in the toilets of my licensed premises.
2. The Police have been called to the premises on many occasions, even, recently, on a Sunday night, resulting with the pub being closed before 10.30pm. Obviously these calls are logged with the Police, but are the Council kept informed of these incidents? There has been a marked increase in vandalism in the town, ie. Broken shop windows, flower beds and hanging baskets destroyed.
3. As licensee of the Barrel Inn in Brookend Street, I realise that I have a responsibility to ensure that my neighbours are not annoyed or disturbed by excessive noise, as we are in a residential area. I have not had one complaint about noise and the Police have never been called to my premises. This cannot be said of the King Charles 11.
4. We have a drinking ban on the streets of Ross. On several occasions I have seen the two licensees of the King Charles 11 standing on the pavement, talking to their door-men, with drinks in their hands. This does not set a good example for their customers, especially as they stated in The Journal, dated 6<sup>th</sup> August, that they would not allow their customers to leave the premises with a glass or a bottle.

5. When they were granted their late licence in April, 2003, it was on condition that they close the premises on Fridays and Saturdays between 6.00pm and 8.00pm. On a number of occasions, this condition has been breached, eg. Saturday 6<sup>th</sup> September – England v Macedonia. The kick-off was 5.30pm. Although the front doors were closed, I know for a fact that the bar was open during this “closed” period.
6. Last Christmas they applied for extended hours for a number of private functions and then opened to the public, as you can see from the enclosed advertisement from The Ross Gazette.

I really do not see the point in you attaching conditions to the granting of a licence if the licensee ignores and flaunts these conditions and we do not have the Police presence in the town to enforce them.

Yours faithfully,



C.N. Danter

c.c. Hereford Police Licensing Dept  
Hereford Licensing Administration Centre

# Charlie's BAR

at The King Charles II  
13 Broad Street, Ross-on-Wye - Tel: 01989 562039

**THE ONLY PLACE TO PARTY YOU THROUGH CHRISTMAS**

<b>Thursday 19th</b>	The 'Student, I'm back - let's get p***ed' Party	8 till 11
<b>Friday 20th</b>	Funky Friday The End of Shift for Xmas Party	8 till late
<b>Saturday 21st</b>	The Santa's Coming Soon Party!	8 till late
<b>Sunday 22nd</b>	The 3 days left to go Party	8 till Close
<b>Monday 23rd</b>	The I Don't Need an Excuse to go to the Pub Party	8 till Close
<b>Tuesday 24th</b>	The Big One Let's Open our Presents <u>NOW</u> Party	8 till late
<b>Thursday 26th</b>	<b>BOXING DAY</b> The Hair of the Dog Party! 'No dogs allowed'	7 till Close

**The No.1 Venue for Entertainment  
+ Live Big Screen Sport**

# PARK & RIDE

Date	Officer	Case Notes
1.		RESPONSE TO THE ADVERT CONCERNING THE
2.		EXTENDED OPENING HOURS



OUR REF: SSP/JB/Danter  
YOUR REF: OCCPEL/334/SFL/CE  
DATE: 15 August 2003

18 AUG

acc sent 18/08

# Thorpe Thorpe

SOLICITORS, ADVOCATES AND  
COMMISSIONERS FOR OATHS

Herefordshire Council,  
PO Box 233,  
Environmental Health & Trading Standards  
County Offices  
Bath Street  
HEREFORD  
HR1 2ZF

2 Church Street, Ross-on-Wye  
Herefordshire HR9 5HW  
**TELEPHONE: 01989 562903**  
Fax: 01989 566041  
Email : [lawyers@thorpe2thorpe.fsnet.co.uk](mailto:lawyers@thorpe2thorpe.fsnet.co.uk)  
[not for service]  
DX:22484 Ross-on-Wye

Attn: Miss S F Laughland - Acting Licensing Manager

Dear Madam,

**Re: King Charles II, Broad Street, Ross-on-Wye  
Application to extend Public Entertainment hours**

We acknowledge receipt of your letter of 14 August 2003, giving details of a new application for extension of opening hours at the King Charles II. We understand also from our subsequent telephone call that this application is likely to be heard on 14<sup>th</sup> October 2003.

We will take instructions and any comments our Client may wish to make concerning this application will be forwarded in good time for consideration by the Regulatory Committee.

Thank you for your assistance.

Yours faithfully



**THORPE & THORPE**

**PARTNERS:** John Conway LL.B (Hons) Simon Hett LL.B  
**ASSOCIATES :** Stephen Harris BA (Hons) Dianne H Pearson LL.B (Hons) **Member of the Family Law Panel**  
**SOLICITORS:** Stephanie S. Pearce LLB (Hons) Nicolas W Morrow-Brown BA (Hons) **Member of the Family Law Panel**  
Gemma Duckworth LL.B  
**LEGAL EXECUTIVE:** Eunice M Hope FILEx  
**MANAGERS:** P.M. Stockton PROBATE S. Matthews-Brain CONVEYANCING

Also at: 2 High Street, Cinderford (Tel: 01594 823205)  
30 Cambray Place, Cheltenham (Tel: 01242 233917) as John Martlew & Co

## REVOLUTIONS

48 Broad Street  
Ross on Wye  
Herefordshire  
HR9 7DY

16.8.03

Miss SF Laughland  
PO Box 233  
Environmental Health & Trading Standards  
County Offices  
Bath Street  
Hereford  
HR1 2ZF

Dear Madam

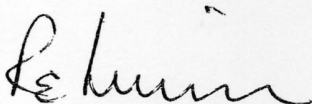
### KING CHARLES II BROAD STREET ROSS ON WYE PROPOSED EXTENSION TO ENTERTAINMENT HOURS

I must object strongly to the above application for extension of opening hours to 1 a.m. on Thursday, Friday and Saturday nights and 12.30 a.m. on Sunday nights on the grounds that there will be noise in the streets until at least an hour after said closing times while people are hanging around the streets in a very drunken state. One only has to stand in the streets after closing time, as it is at present, to see and hear the problems that confront residents in the surrounding flats at night.

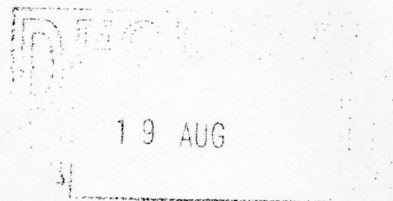
Being in the process of renovating the top floor of my property at the above address, which is directly opposite the King Charles II public house, for the purpose of living there for the foreseeable future I feel the noise would invade my privacy due to the fact that I would have to have all my windows closed at night to lessen the noise. It would also affect my chances of renting out the above-mentioned flat in the future, as prospective lessees would be unwilling to rent a noisy flat.

At present I am quite happy with the licensing hours that have been granted to the King Charles II public house and have no objections to this.

Yours Sincerely



R.E.Little



ack card sent 19/08

**Nature's Choice**  
Restaurant & Guesthouse

Raglan House · 17 Broad Street · Ross-on-Wye  
Herefordshire · HR9 7EA · UK  
Phone (0) 1989 763454 FAX (0) 1989 763064

Miss S.F. Laughland  
Acting Licensing Manager  
Environmental Health & Trading Standards  
Herefordshire District Council  
PO Box 233  
County Offices  
Bath Street  
Hereford HR1 2ZF

21 AUG

*add card  
sent 2108*

August 20, 2003

**RE: KING CHARLES II – BROAD STREET – ROSS ON WYE – APPLICATION  
TO EXTEND PUBLIC ENTERTAINMENT HOURS**

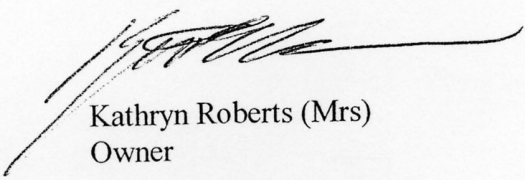
Dear Miss Laughland,

I am in the process of signing a ten-year lease on the guesthouse and restaurant located at 17 Broad Street, Ross-on-Wye, just three doors down from the above-mentioned premises. I am planning to open the guesthouse within a matter of weeks, and have myself spent a weekend onsite. I am writing to oppose the further extension of the public entertainment hours at the King Charles.

The music from the King Charles on Friday and Saturday nights is clearly audible in every one of our guest rooms until midnight. While no one can expect a guesthouse in the town center to be quiet and tranquil all the time; I do hope to my guests will be able to get a night's rest. While I would like to support neighboring businesses in their endeavors to expand, this expansion will clearly hinder my own attempt to run a successful business.

I implore you **not to expand** the entertainment hours beyond their current times: Friday and Saturday nights to 12:00 midnight. Thank you for your consideration.

Sincerely,



Kathryn Roberts (Mrs)  
Owner



address not supplied  
of ack card  
for phone book  
found address  
on system

Miss S. F. Laughland,  
Acting Licensing Manager,  
Environmental Health & Trading Standards,  
P.O. Box 233, County Offices,  
Bath Street,  
Hereford,  
HR1 2ZF

24<sup>th</sup> August, 2003

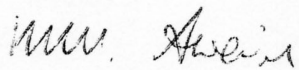
Dear Madam,

Thank you for your letter of 14<sup>th</sup> August, 2003.

Whilst I understand the King Charles 11 landlords have made efforts to keep the noise levels down that emanate from the building, it still concerns me greatly that the noise levels generated by the clients after leaving the establishment is unacceptable for someone who is trying to sleep.

This drunken noise pollution can only be exacerbated the longer they are allowed to drink, therefore I strongly object to the increased licensing hours on the grounds that it is socially unacceptable to the local residents, especially Sunday night as the majority of people have to rise for their work on Monday mornings.

Sincerely Yours,



Monika M. Swaine

2 BERKELEY MEWS  
ROSS-ON-WYE  
HEREFORDSHIRE  
HR9 7DA

R. A. and J. WRIGHT  
2 BERKELEY MEWS  
NEW STREET  
ROSS-ON-WYE  
HEREFORDSHIRE HR9 7DA  
01989 768012

16<sup>TH</sup> SEPTEMBER 2003.

18/09/03.

DEAR SIRs,

KING CHARLES II - BROAD STREET, ROSS-ON-WYE

WITH REFERENCE TO THE APPLICATION BY THE ABOVE FOR AN EXTENSION OF THE ENTERTAINMENT HOURS.

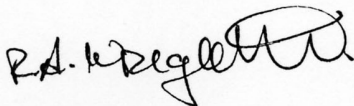
IT APPEARS THAT THERE IS ALREADY ENOUGH LATE NIGHT ENTERTAINMENT IN ROSS PROVIDED BY THE NIGHT CLUB 'JAQUELINES' AND THE ABOVE.

THE NOISE EMITTED BY THESE TWO ( AND THE EAGLE OCCASIONALLY) IS , DURING THE WARM SUMMER EVENINGS ALREADY BECOMING INTOLERABLE. BUT IT IS THE NOISE CREATED AT CLOSING TIME THAT WE FEEL WILL CAUSE THE MOST CONCERN. AT PRESENT THE DRUNKEN SHOUTING, SINGING AND SCREAMING OF THESE YOUNGSTER GOES ON FOR SOME TIME AFTER LEAVING THESE ESTABLISHMENTS.

IF YOU PROPOSE TO HAVE THESE YOUNG PEOPLE LEAVING JAQUELINES AND THE KINGS HEAD AT THE SAME TIME IN THE EARLY HOURS OF THE MORNING IT WILL BE A RECIPE FOR DISASTER. WE ALL KNOW OF THE DAMAGE DONE IN THE CENTRE OF ROSS AT THESE TIMES AND WE FEEL CERTAIN YOU WILL BE ABLE TO DOUBLE THAT SHOULD THIS APPLICATION GO AHEAD, I WONDER HOW THE LOCAL POLICE FEEL ABOUT IT!

WE THEREFORE WOULD NOT SUPPORT THIS APPLICATION.

YOURS TRULY,



R. A. & J WRIGHT.





**8 REVISED POLICY FOR VARIATIONS OF PUBLIC ENTERTAINMENT LICENSES****THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982****Report By: Head of Environmental Health and Trading Standards****Wards Affected:**

County-wide

**Purpose**

1. to consider requiring a public notice to be advertised in local newspapers to inform local residents of an application for a variation of an Annual Public Entertainment Licence opening hours beyond the current policy.

**Legislation – Local Government (Miscellaneous Provisions) Act 1982**

2. Local Authorities are, when licensing public entertainment events, permitted to make the licence conditional.

The purpose of conditions attached to and forming part of a licence broadly fall into four categories.

- (a) Securing the safety of everyone present
- (b) Securing adequate access to the premises in emergencies
- (c) Ensuring adequate sanitary arrangements in the premises and
- (d) Preventing nuisance and disturbance in the neighbourhood.

The holder of an Entertainment's Licence may at any time apply to the Authority for such variations of the terms, conditions and restrictions on a subject to which the licence is held.

The Authority may:-

- (a) Make the variation specified in the application
- (b) Make such variations as they think fit, including subject to the four categories above.
- (c) Impose terms, conditions or other restrictions other than those specified or
- (d) Refuse the application

3. The Act allows the Local Authority to charge a reasonable fee for a Public Entertainment's Licence.

### Background

4. Herefordshire Council's Licensing Section is currently receiving a number of variation applications to extend the licence hours beyond the current policy

11.00 until 2330 (Monday to Saturday)	In respect of premises that have the benefit of a liquor licence under the Licensing Act 1964
1100 until 2230 (Sundays)	For MUSICAL entertainment only in respect of all types of premises

5. The increase in variations are due to the impending Liquor Licensing regime in that the current licensing hours will be issued as grandfather rights under the new legislation. Any variations to extended hours may require an operational plan when the new law comes into force.
6. To provide local residents with the opportunity to make comments on the proposed extended hours, it is proposed the Council issues a public notice in the local newspapers outlining the applicant's variation of hours.
7. With the current fee of £120.00 to submit a variation this would not cover the costs of advertising the public notice.

### For Committee to consider

- a) To make council policy, the requirement to advertise to local residents in the local newspaper the requested opening hours of an application to vary an Annual Public Entertainment Licence, where the hours are beyond the current licensing policy.
- b) To require the applicant to pay the cost of such advertising.
- c) Come to some other conclusion.

**9. REPORT ON MOTOR SALVAGE OPERATORS****THE VEHICLE (CRIMES) ACT 2001 & THE MOTOR SALVAGE OPERATORS REGULATIONS 2002****Report By: Head Of Environmental Health And Trading Standards****Wards Affected:**

County-wide

**Purpose**

1. To inform the Committee of new registration responsibilities being placed on local authorities and to determine procedures for this activity.

**Background**

2. The Vehicle (Crimes) Act 2001 and The Motor Salvage Operators Regulations 2002 place responsibility on local authorities to make provision for the registration of Motor Salvage Operators. The Act came into force on 21<sup>st</sup> October 2002.
3. A motor salvage dealer purchases worn out or damaged vehicles in order to repair them or recover re-usable parts, which can be regarded as useful objects (as opposed to scrap). Any person who carries on a business dealing wholly or partly in:-
  - The recovery of salvageable parts from motor vehicles for re-use or re-sale; or
  - The purchase of written off vehicle and their subsequent repair and re-salewill need to be registered with the local authority in whose area that business is situated. Failure to register is an offence.
4. Registration must be granted upon application, except where the local authority is not satisfied that the applicant is a fit and proper person. Registrations can be cancelled where the authority becomes aware that the applicant is not fit and proper. West Mercia Constabulary have agreed to carry out checks on applicants without charge.
5. The registration shall be for a 3-year period.
6. The local authority may require a fee for the work involved in administering the registration system. In common with other licensing fees, this fee should be with a view to recovering reasonable costs incurred, and not set to "make a profit."
7. A register of dealers shall be maintained by the local authority and the public shall be permitted to have access to the register at any reasonable time.

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Further information on the subject of this report is available from Suzanne Laughland, Acting Licensing Manager on (01432) 261675

## Enforcement

8. The Police will have sole responsibility for the enforcement of this legislation.

## Fees

9. The Government has suggested that a fee of £40 - £70 per application would be considered as reasonable. The midlands licensing forum have consulted organisations and the Police regarding registration. In addition, Officer time has been spent creating application forms, guidance notes and conditions. Therefore the Midlands Licensing Form members have suggested and agreed that a registration fee of £70 would be reasonable. Fees may also be charged for inspecting the public register and making copies of any entry contained in the register.

## Resource implications

10. Twenty large Motor Salvage operators are estimated to require registration, however there may be many more smaller outlets that fit the definition of a Motor Salvage operator. The local authority will have to consult with other agencies to establish which businesses require registering e.g. Environment Agency, Business Rates.
11. It is estimated that to complete a registration from the initial invitation to apply for registration through to issue will take three hours of officer time. An estimate cannot be made on the time taken to establish which businesses require registration.
12. The licensing section will have to set up a new database system, public register and consult with other organisations consequently this new legislation will have some resource implications. However the licensing service is currently in the process of appointing two temporary administration staff that will take some of the computer work from the licensing officers, therefore providing there are not too many smaller premises requiring registrations the licensing section could administer the set of registrations with the current staffing resources.

## Authority

13. The Motor Salvage Operators Regulations 2002 amends the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 so as to ensure that the functions under this new legislation cannot be undertaken by the Cabinet and therefore would fall within the remit of the regulatory committee. It would require the Council to amend its Constitution and it would be appropriate to delegate the administration of the new registration to the Director of the Environment as with other licences.
14. The Act states that the local authority shall not proceed with any proposed refusal or cancellation of registration until an applicant or registered person has been given an opportunity to make representations to them about the proposal. If the person concerned informs the local authority that he desires to make oral representations, the local authority shall give him an opportunity of appearing before, and being heard by, a person appointed by the local authority.

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Further information on the subject of this report is available from Suzanne Laughland, Acting Licensing Manager on (01432) 261675

15. This is an unusual provision and means that the hearing of such objections would not be by this Committee but by a person appointed by the Council who would make the final decision. Bearing in mind that there is a further right of appeal to the Magistrates Court it would be appropriate for the person appointed to be the Director of Environment.

## Recommendations

That the Committee consider :-

- (a) The new legislation relating to motor salvage operators;
- (b) Approve a registration fee of £70;
- (c) Agree that there shall be no charge for inspection or making copies of the public register;
- (d) Approve a fee for making a certified copy of the register of £15; and
- (e) Agree that the above fees shall be subject to periodic revision at the same time as all other fees;
- (f) They recommend the Council to amend the Constitution (Delegated Powers of the Director of Environment) by adding:-

“The Director of the Environment and officers authored by him no lower than the position of Trading Standards Manager to act on behalf of the Council in relation to its functions and responsibilities for registering motor salvage operators including being the person appointed by the Council to hear oral representations, concerning the proposed refusal, refusal to renew or cancellation of a registration.”

