

**Minutes of the meeting of Licensing Sub-Committee held at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Thursday 21 November 2024 at 10.00 am**

**Present:**

**Councillors: Bruce Baker, Simeon Cole and Peter Hamblin**

**In attendance: Councillors**

**Officers: Licensing technical officer and Senior Lawyer - Civil Litigation**

**27. ELECTION OF CHAIRPERSON**

Councillor Peter Hamblin proposed and Councillor Simeon Cole seconded the election of Councillor Bruce Baker to act as chairperson for the duration of the meeting.

**28. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Polly Andrews.

**29. NAMED SUBSTITUTES (IF ANY)**

Councillor Simeon Cole acted as a substitute for Councillor Polly Andrews.

**30. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**31. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF SWAN HOTEL, CHURCH STREET, KINGTON, HEREFORDSHIRE, HR5 3AZ- 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.

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. In total ten representations were received; six were accepted as relevant; two were withdrawn; and two were not deemed relevant. The Licensing Officer summarised the application and provided an overview of the representations received.

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

- The licensee was an experienced publican and had run the premises for seven years.
- The purpose of the application was to extend hours for entertainment and to support an existing business to provide a regular schedule of entertainment.

- The current application requested the removal of outdated and unenforceable conditions and proposed new conditions which promoted the licensing objectives.
- The application sought to extend licensable activities Monday - Sunday 10:00 - 01:00 with no amendment to the non-standard timings.
- There were significant merits with the application which was supported by conditions that were subject to enforcement.
- The sub-committee could only have grounds for refusing the application if it was felt that it did not promote the licensing objectives. There was no evidence to support the contention that the application undermined the licensing objectives and no objections had been received from the responsible authorities.
- Objections had been raised by members of the public. These included crime and disorder however there was no evidence that crime statistics over the previous 6 months in the locality had any connection with the premises.
- Objections from members of the public concerned noise nuisance and in particular noise from the garden and patrons leaving from the car park. The application included a condition to ensure that noise or vibration should not emanate from the premises to cause a nuisance and the applicant must comply with any request to amend noise levels. Signs would be displayed at the entrances/exits to request that patrons leave considerately. Noise levels would be monitored during events. There would be no live entertainment in the garden and doors/windows closed when entertainment was in progress. In addition there would be no bottling out outside the premises between the hours of 11:00 p.m. and 07:30 a.m. on any day.
- Residents living in close proximity to the pub should make contact with the applicant to discuss and address problems experienced with noise and rubbish.
- The noise from cars was acknowledged as an objection in public representation but it was noted that there was a public car park in the square by the pub.
- The applicant had no intention of putting on live or recorded music every day of the week.
- Fear and speculation were not admissible during proceedings in accordance with the guidance for licensing hearings.
- There was no history of problems arising from this applicant or premises. If the application was granted and problems occurred there was a review process that could be followed.

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

- It had been anticipated that the designated premises supervisor would attend the hearing and it was regretted that they were not at the meeting to answer questions.
- There was uncertainty as to whether the premises was fitted with air conditioning but it was confirmed that the condition to close windows and doors would be upheld.
- It was confirmed that the outdoor area had been withdrawn from plans for the variation of the licence for late night entertainment. There were no plans for the premises to use the outdoor area for entertainment purposes.
- It was confirmed that the applicant was keen to have direct contact with local objectors to seek to address concerns with the application. It was confirmed that names and addresses of local objectors had been supplied to the applicant and agent.

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 amended, that amendment being that performances of live and recorded music will proceed indoors and will not take place outdoors.

## **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 Chris Lucan 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 Standards and Environmental Protection.

The Sub-Committee has considered the six relevant representations that have been made by members of the public. The representations relate to noise nuisance and anti-social behaviour from patrons both inside and outside of the premises. The Sub-Committee was disappointed that none of the individuals raising concerns in respect of the application attended the hearing to present their views.

The Sub-Committee notes the detailed submissions made by Mr Lucan in support of the application. The Sub-Committee notes the analysis of the representations made against the granting of the application by Mr Lucan and measures that are being taken to ensure this premises will not impact negatively on the local area. In particular that the Premises Licence Holder will engage with members of the community to address any issues that are raised and also that there is no intention to play live and/or recorded music every day of the week.

The Sub-Committee was also disappointed that the Premises Licence Holder did not attend the hearing to be available to answer questions from the Committee.

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

It is noted that the application has been amended to state that performances of live and recorded music will proceed indoors and will not take place outdoors, the Applicant has stated that if there is a later need to extend those activities onto the patio then they will submit another Variation application.

The Sub-Committee notes that Section M sub-section D of the application states:

- Any entertainment provided in the outdoor area will end by 22:30hrs.
- All doors and windows will be closed from 22:30hrs when regulated entertainment is being provided inside the premises.
- The outside area will be closed from 23:00hrs, with the exception of patrons wishing to smoke.

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.

The meeting ended at 10.56 am

**Chairperson**