

A G E N D A

Regulatory Committee

Date: **Tuesday, 9th December, 2003**

Time: **2.00 p.m.**

Place: **Council Chamber, Brockington**

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

For any further information please contact:

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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,
G. Lucas, J.W. Newman, R. Preece, D.C. Taylor and P. G. Turpin

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 14th October, 2003.	1 - 4
5. THE LICENSING ACT 2003 To receive a verbal update about the latest developments in respect of the Licensing Act 2003. Wards: County-wide	
6. REGULATIONS FOR CHRISTMAS EVE 2003 OPENING HOURS FOR PUBLIC ENTERTAINMENT - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 To consider authorising the Head of Environmental Health and Trading Standards to vary the hours of Public Entertainment Licences closing times for Christmas Eve Wednesday 24 th December 2003. Wards: County-wide	5 - 8
7. LICENSING APPEALS PROCEDURE To note the procedural arrangements for hearing appeals at the meeting. Wards: County-wide	9 - 10

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|-----|--|---------|
| 8. | TIME NIGHTCLUB. COMMERCIAL ROAD, HEREFORD - REQUEST FOR EXTENSION OF ANNUAL PUBLIC ENTERTAINMENTS LICENSE HOURS | 11 - 16 |
| | <p>To consider a request from Time Nightclub, Commercial Road, Hereford for a variation in the hours of opening in their Annual Public Entertainments License to 0200 on Christmas Day. A copy of the application is enclosed separately.</p> <p>Ward: Central</p> | |
| 9. | THE HOPE AND ANCHOR, ROPE WALK, ROSS ON WYE FOR AN EXTENSION OF THEIR ANNUAL PUBLIC ENTERTAINMENT LICENSE OPENING HOURS | 17 - 22 |
| | <p>To consider a request from the Hope and Anchor, Rope Walk, Ross on Wye for an extension of their Annual Public Entertainment License opening hours from 23.30 to 2 am on Thursdays, Fridays, Saturdays and Bank Holidays. A copy of the application is enclosed separately.</p> <p>Ward: Ross-on-Wye West</p> | |
| 10. | THE GRANDSTAND, GRANDSTAND ROAD HEREFORD HR4 0BE - REQUEST FOR EXTENSION OF ANNUAL PUBLIC ENTERTAINMENTS LICENSE HOURS | 23 - 28 |
| | <p>To consider a request from The Grandstand, Grandstand Road, Hereford for an Annual Public Entertainments License with a finishing time of 2400 instead of 2330 on Fridays and Saturdays. A copy of the application is enclosed separately.</p> <p>Ward: Three Elms</p> | |

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- Inspect agenda and public reports at least three clear days before the date of the meeting.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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MINUTES of the meeting of the Regulatory Committee held at Brockington, 35 Hafod Road, Hereford on 14 October 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, R Preece, D.C. Taylor, P.G. Turpin

21. APOLOGIES FOR ABSENCE

Apologies were received from Councillor J.W. Newman

22. NAMED SUBSTITUTES

There were no substitutions made.

23. 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) and left the meeting for the duration of the item.

24. MINUTES

RESOLVED: That the Minutes of the meeting held on 29 July 2003 be approved as a correct record and signed by the Chairman.

25. PROCEDURAL ARRANGEMENTS

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 the applicants and to the licensing officers.

26. THE LICENSING ACT 2003

The Legal Practice Manager said that the draft Licensing Policy in respect of the transfer of liquor and other such licensing from the Magistrates Court to the Council from April 2004, approved at the last meeting, had been sent to the partner authorities for observations. The response had been favourable from the Fire Authority and the West Mercia Constabulary and he had arranged a series of meetings to discuss the matter further with them. The next stage would be for the views of interested parties, such as those involved in the trade, to be sought. The guidance from Central Government, which had been anticipated at the end of September, had not materialised but he did not anticipate that there would be many changes necessary to the draft policy. He outlined the training which had been organised for the Committee early in the New Year in preparation for the new regime from 1st April 2004.

27. PUBLIC ENTERTAINMENTS LICENSING – APPLICATION FOR VARIATION TO EXTEND THE OPENING HOURS BEYOND THOSE WITHIN COUNCIL POLICY - KING CHARLES II, 13 BROAD STREET, ROSS ON WYE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The Acting Licensing Manager said that on 29 July the Regulatory Committee had heard an application in respect of the Public entertainments Licence for the King Charles II public house, 13 Broad Street, Ross-on-Wye for the hours of opening to be increased to 1 am on Thursday, Friday and Saturday and 12.30 am on Sundays. Consideration of the application was deferred at the meeting to enable the views of the local residents to be obtained for consideration by the Committee. She said that interested parties had been written and that an advert had been placed in the local press. The written responses that had been received were included in the agenda.

The Environmental Health Officer submitted a written report at the meeting about her investigations into alleged noise nuisance emanating from the premises. She said that she had undertaken night time monitoring on Saturday 27 September 2003 and that entertainment had ceased at 12 midnight in compliance with the public entertainment licence. She considered that any noise from the premises was not excessive or detrimental to the amenity of the area and that generally the premises appeared to be well managed with steps taken to minimize any noise or nuisance. She had also received no complaints about noise nuisance. Notwithstanding the aforementioned, she felt that increasing the entertainment hours to 1.00 am Thursday to Saturday and 12.30 am on Sundays could increase the risk of disturbance to local residents and give rise to issues on anti-social behaviour. She felt it was not in the interests of the Council to set a precedent to other public houses in the area. The premise was a public house and not a nightclub and Ross-on-Wye was a small rural town. She, therefore, recommended that the request for the extension to the hours within the Public Entertainments licence should be refused.

The applicants 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 providing a safe environment for their clientele. They 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. The applicant said that the premises had also been fitted with double-glazing and air conditioning to minimize noise and that a new sound system had been recently installed which directed music away from the doorway and street. The entertainment was aimed at those in their 20's and 30's for who were more responsible and for who there were limited alternative facilities in the town.

At the conclusion of the hearing the applicants and the Licensing Officers withdrew from the meeting whilst consideration was given to the application. The Committee discussed the details of the application at some length. Whilst acknowledging that the premises were very well run and that the applicants had gone to very great lengths to ensure that noise and nuisance was minimised, the Committee generally felt that the applicants had no control over their clientele once they had left the premises. The Committee was concerned that the possible disturbance, which could

be caused to local residents in the early hours of Friday, Saturday and Sunday/Monday mornings and, therefore, decided to follow the recommendations of the Environmental Health Officer and refuse the application. The applicants and the officers were then invited back into the meeting and informed of the decision. The Committee noted the changes to the licensing laws in 2004 would necessitate the reprocessing of Public Entertainment and Liquor Licences and was of the opinion that these changes would be more advantageous for the applicants.

RESOLVED: That the request for the public entertainment licence to be varied with a finishing time of 1am Thursdays, Fridays, and Saturdays and 12.30 am on Sundays in respect of King Charles II, 13 Broad Street, Ross-on-Wye be refused.

28. REVISED POLICY FOR VARIATIONS OF PUBLIC ENTERTAINMENT LICENSES

A report was presented by the Acting Licensing Manager for the Committee 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 Entertainments Licence for opening hours beyond the current policy. She advised that the Council's Licensing Section was currently receiving a number of variation applications to extend the licensing hours to beyond the current policy. This increase was due to the impending liquor licensing regime under which any increases in hours would continue under "grandfather rights" within the new legislation. When the new regime was in place applicants may be required to submit an operational plan, which they were not required to do at the moment. She proposed that to provide local residents with the opportunity to make comments on the proposed extended hours that the Council should issue a public notice in the local press outlining the applicant's variation of hours. She said that the current fee £120 would not cover the costs of placing such an advert and, therefore, suggested that the applicants should be required to place and pay for such an advert. Having discussed the proposal, the Committee generally concurred with the views of the Acting Licensing Manager.

RESOLVED: That applicants for the variation of hours of an Annual Public Entertainments Licence be required to pay for and place an advert in the local press where the hours proposed were beyond those set out in the Council's licensing policies.

29. REPORT on MOTOR SALVAGE OPERATORS - THE VEHICLE (CRIMES) ACT 2001 & THE MOTOR SALVAGE OPERATORS REGULATIONS 2002

A report was presented by the Acting Licensing Manager about new registration responsibilities, which had been placed on local authorities, and a suggested procedure for dealing with the matter. She said that the Vehicle (Crimes) Act 2001 and the Motor Salvage Operators Regulations 2002 placed responsibilities on local authorities to make provision for the registration of motor salvage operators. She provided the Committee with details of the requirements of the new legislation, who it was aimed at and how it could be dealt with. She also provided the Committee with details about enforcement, fees and the resource implications for the Council. Having considered the report, the Committee agreed to the recommended course of action suggested by the Acting Licensing Manager.

RESOLVED: That it be recommended that:-

- (a) a registration fee of £70 be introduced;
- (b) that there shall be no charge for inspection or making copies of the public register;
- (c) the fee for making a certified copy of the register be £15; and
- (d) the above fees shall be subject to periodic revision at the same time as all other fees;
- (e) Council be recommended 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.”

The meeting ended at 3.21 pm.

CHAIRMAN

REPORT ON A PROPOSAL TO CHANGE PUBLIC ENTERTAINMENT LICENCE OPENING HOURS CONDITIONS/REGULATIONS FOR CHRISTMAS EVE 2003. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**Report By: Head of Environmental Health And Trading Standards****Wards Affected:**

County-wide

Purpose

1. To consider authorising the Head of Environmental Health and Trading Standards to vary the hours of Public Entertainment Licences closing times for Christmas Eve Wednesday 24th December 2003.

Background

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

Conditions

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

Condition 4.2 of the Standard Conditions for Licensing of Premises for Public Entertainment.

- 4.2 Premises licences for Public Entertainment shall not be opened and used, for any of the said purposes, from midnight on Christmas Eve to midnight on Christmas Day.

Issues

4. The police have been consulted and state.

In previous years the Magistrates have granted extensions and they have not caused any problems. All the pubs are open until 23:45 and those clubs that open are only open until 23:59. This does not give any dispersal between the clubs and pubs. From the police point of view we want and require this dispersal time between the clubs and pubs. No other applications apart from Time have been received, any others submitted will be looked at individually.

5. The Fire Brigade have been consulted and state.

They have no objections to extending the licensing hours beyond midnight if they met with fire safety standards but would assess each application on its merits.

6. The Environmental Health have been consulted and state

there were no recorded complaints about disturbance to neighbours from the 01:00 extension of Public Entertainment hours on Christmas Eve 2002. I would have to consider individually any variation applications to extend Christmas Eve 2003 opening Hours, however I would suggest that the hours are restricted to those allowed in previous years.

Options

7. It is for the Regulatory Committee to decide
 - a) Whether to authorise the Head of Environmental Health and Trading Standards to permit premises to remain open for the purpose of Public Entertainment up to 01:00 after receiving recommendations from the Police, Fire Brigade and Environmental Health.
 - b) Whether to authorise the Head of Environmental Health and Trading Standards to permit premises to remain open for the purposes of Public Entertainment for no set time other than that recommended by the Police, Fire Brigade and Environmental Health.

Further information on the subject of this report is available from Suzanne Laughland, Principal Trading Standards Officer on (01432) 261675

- c) To authorise the Head of Environmental Health and Trading Standards to permit premises to remain open for the purposes of Public Entertainment until the time stated by the Regulatory Committee.
- d) Refuse to allow licence conditions to be varied.
- e) Or reach some other conclusion

Further information on the subject of this report is available from Suzanne Laughland, Principal Trading Standards Officer on (01432) 261675

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.

PUBLIC ENTERTAINMENT LICENSING APPLICATION TO VARY THE CHRISTMAS EVE 2003 OPENING HOURS FOR TIME, 100 COMMERCIAL ROAD, HEREFORD. BEYOND THE HOURS SET BY COUNCIL STANDARD CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Report By: Head of Environmental Health And Trading Standards

Wards Affected:

Hereford Central Ward

Purpose

1. To consider an application to vary opening hours of Time, 100 Commercial Road, Hereford on Christmas Eve 2003 from the current licensing Standard Conditions of midnight Christmas eve to 2:00am Christmas morning 2003

Background

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

Conditions

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

Condition 4.2 of the Standard Conditions for Licensing of Premises for Public Entertainment.

- 4.2 Premises licences for Public Entertainment shall not be opened and used, for any of the said purposes, from midnight on Christmas Eve to midnight on Christmas Day.

The application for deviation from policy

4. Jeremy Wilkinson, Debra Wilkinson and Neville Leese of Time nightclub, 100 Commercial Road, Hereford request a variation of the licence condition to extend the opening entertainment hours from Midnight to 0200.

History

5. last year the Regulatory Committee considered extending the Public Entertainment Licensing opening hours for Christmas Eve from midnight to 01:00am on Christmas morning, Wednesday 25th December 2002.

The Regulatory Committee resolved that the Head of Environmental Health and Trading Standards be authorised to vary the hours of Public Entertainment Licenses to permit a closing time of 01:00 on Christmas day 2002, subject to any planning conditions which existed in respect of the opening hours of such premises. The Council would review this decision in the future

6. An application to extend the opening hours for Christmas Eve was heard by the Council from Time and a licence to permit entertainment until 01:00am Christmas morning was issued. The Head of Environmental Health and Trading Standards issued a licence permitting time to remain open until 01:00am Christmas morning Wednesday 25th December 2002.

Issues

7. The police have been consulted and state:

There are no objections to the application to vary the Public Entertainment Licence for 24th December 2003. The reasoning behind this is that in previous years the Magistrates have granted extensions, and they have not caused any problems. As you are aware all the pubs are open until 23:45 and those clubs that open are only open until 23:59. This does not give any dispersal time between the clubs and pubs. From a police point of view we want and require this dispersal time between the clubs and pubs.

8. The Fire brigade have been consulted and have no objections
9. Environmental Health have been consulted and make the following comments:

Further information on the subject of this report is available from Suzanne Laughland, Principal Trading Standards Officer on (01432) 261675

Although there are no recorded complaints about disturbance to neighbours, I would express concerns about this application as there are residential premises directly opposite to this club and would suggest that the hours are restricted to those allowed in previous years

Special Hours Certificate

10. Hereford Magistrates has received an application and issued a liquor licence for extended hours up to 02:00am on Christmas morning, Thursday 25th December 2003.

Options

10. It is for the Regulatory Committee to decide
 - Grant the extended hours
 - Grant the extended hours and impose conditions
 - To refuse the extended hours
 - To come to some other conclusion

Appendix 1

SPECIAL CONDITIONS THAT MAY BE ADDED TO INDOOR PUBLIC ENTERTAINMENT LICENCES

S 1.0 means of counting the number of patrons present

- S 1.1 The Licensee(s) shall have a means of regulating the number of persons present, in the premises at any time when used for public entertainment, which is to the satisfaction of the Licensing Authority.
- S 1.2 The Licensee(s) shall use the means for regulating numbers or persons whilst the premises is being used for public entertainment.
- S 1.3 The Licensee(s) shall, on request of an authorised officer, demonstrate to that officer the means of regulating numbers and shall give to that officer the number of persons he/she/they believe to be in the premises and that the maximum occupancy level is not exceeded.

S 2.0 means of controlling noise levels

- S 2.1 The Licensee(s) shall ensure that any sound attenuating devices, noise limitation devices, etc installed on the premises and/or affixed to sound equipment is operating correctly and in accordance with settings, levels, etc designed to prevent noise nuisance occurring and agreed with the Licensing Authority.

S 3.0 Video Surveillance Equipment

- S 3.1 The Licensee(s) shall install (OR keep installed) and operate video surveillance cameras and recording equipment at the licensed premises to the satisfaction of the Licensing Authority. Such equipment shall record the conduct of persons entering and leaving the licensed premises and their conduct in the immediate vicinity of such premises.
- S 3.2 The Licensee(s) shall retain the tapes containing the recordings made in pursuance of the above condition, for a minimum of 14 days from the time of the recording being made.
- S 3.3 The video surveillance equipment shall make a continual and contemporaneous record of the date and time on each recording made in pursuance of the above conditions.
- S 3.4 The Licensee(s) is/are responsible for the security of any video recording made and retained in accordance with the preceding conditions. Such recording shall be made available to an officer of the Licensing Authority or a police officer on request. Failure to provide the video recording, in its original form, may result in revocation of the licence and/or prosecution.

S 4.0 Seating

- S 4.1 Any seating in the premises shall be so arranged as to allow free access to all exits therefrom.
- S 4.2 For a closely seated audience, chairs shall be either securely fixed to the floor or alternatively shall be battened securely together in units of not less than four seats.
- S 4.3 Adequate gangways not less than 1.05m wide unless otherwise approved by the Licensing Authority, shall be provided.
- S 4.4 The gangways shall lead directly to each exit door and shall be kept free from obstruction.

Appendix 1

S 5.0 Drinking Water

S 5.1 Free and unrestricted access to cold drinking water shall be provided at all times and without charge

S 6.0 Steps and Stairways

S 6.1 The edges of the treads of steps and stairways shall be conspicuous. All gangways, exit ways and the tread of steps and stairways shall be maintained with a non-slip surface.

S 6.2 Edges of steps shall be conspicuously marked.

S 7.0 Additional Notices to be displayed

S 7.1 Where a licence stipulates that particular parts of the premises are licensed for a particular maximum number, then notices stating the maximum number of persons (including staff) permitted to be in each relevant part of the Licensed Premises, shall be conspicuously sited in each relevant part of the Licensed Premises. Such notices shall be in letters not less than 20 millimetres high bearing the words "Maximum Occupancy" and stating the relevant maximum number.

S 8.0 Car Parking

Adequate car parking facilities shall be made available to the satisfaction of the Licensing Authority, with stewards being appointed where necessary to control car parking arrangements.

**PUBLIC ENTERTAINMENT LICENSING VARIATION TO
EXTEND THE OPENING HOURS BEYOND THE HOURS SET
BY COUNCIL STANDARD CONDITIONS FOR HOPE AND
ANCHOR, ROPE WALK, ROSS ON WYE HR9 7BU**

**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 standard conditions of 23:30.

Background

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

Conditions

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

Condition 4.2 of the Standard Conditions for Licensing of Premises for Public Entertainment.

- 4.2 Premises licences for Public Entertainment shall not be opened and used, for any of the said purposes, from midnight on Christmas Eve to midnight on Christmas Day.

The application for deviation from policy

4. Ben Nelsey of the Hope and Anchor, Rope Walk, Ross on Wye requests a variation of the licence conditions to extend the Annual Public Entertainment Licence opening entertainment hours from 23:30pm to 02:00am on Thursday's, Friday's, Saturday's and bank Holidays

Issues

5. The police have been consulted and made the following comments:

I have concerns about the PEL application and would make formal objections to any liquor licensing application to obtain a section 77 late night liquor licence, which they would need.

The Hope and Anchor and conservatory are the same premise. The conservatory is like a large garage that has been converted into a function room. They have two separate liquor licences, with the same licensee. The Hope and Anchor is a pub, with a food trade etc and would not qualify for a late liquor licence.

The conservatory is used as a function room at this time is hired out for private parties, they have had 12 functions this year and have applications in for 4 more which will be granted. Because they are private function they do not need the PEL and because they qualify for Special orders of Exemptions (Extensions) they can have the extensions. I have no records or evidence of disorder associated with these extensions or with the pub in general. Yes they have the odd problem but in general the premise is well run.

If they are granted a late PEL they will have to apply to the magistrates for a Sec 77 late night liquor licence. This is the same as the night clubs have and that the King Charles II in Broad St has.

I have some concerns about two aspects of the PEL, one is the noise that will be made when people leave the premise late at night. The applications to open until 0200 with a maximum of 190 people. When they leave they will either drive or if they intend to use taxi etc they will have to walk back into town, via the steps to Wye St, This is directly past residential properties. Whilst I have no evidence of excess noise it is likely that it will happen. Unlike say the king Charles which at least empties on to

the main shopping and through road. Yes there are residential properties in Broad St, but I would suggest it is not the same.

My second concern is again noise related. If this is granted it will mean music and other entertainment in the premise. It has large patio type window and single glazing and no noise control measures in place. I don't know what the noise levels will be but, I see no measures in place to control or restrict the noise levels. The premise has been subject of noise complaints to the police in August this year. These are my concerns over the PEL, but are areas best left to your expertise.

The liquor licence

If this PEL is granted it will be followed by the liquor licence application to get the liquor licence the court must be satisfied that the provision of alcohols ancillary to music entertainment and food. So they must have the music late into the night i.e. until 0200. I don't know if they have a kitchen in the conservatory, I don't think so and this area would be another on which I would object. The other thing they would need to be show that the premise is STRUCTURALLY ADAPTED AND BONA FIDA USED OR INTENDED TO BE USED FOR THE PURPOSE OF PROVIDING FOR PERSONS RESORTING TO THE PREMISES MUSIC DANCING AND SUBSTANTIAL REFRESHMENT TO WHICH THE PROVISION OF ALCOHOL IS ANCILLARY. They are in my view not structurally adapted. they have single glazing, no cctv they only have a dance floor and bar. I would have to check but I don't think they have a dj booth.

I would also argue they are not bona fid used for because they have none of the control measure in place. The king Charles which is the obvious comparison had all that in place and had a customer base that was using the premise for exactly that. When you visited there people were eating dancing etc thus qualifying. This is just a private function room, for which he wants a late licence.

6. The Fire brigade have been consulted and have no objections
7. Environmental Health have been consulted and are awaiting the report:
8. A public notice was printed in the Ross gazette awaiting responses

Special conditions

9. Herefordshire Council Environmental Health and Trading Standards Licensing section add special conditions to the standard conditions for night-clubs and like premises, see Appendix 1.

These conditions are based on recommendations from the Police, Fire Brigade and Environmental Health.

Case Law

10. Lidster V Owen [1983] 1 W.L.R. 516 – considerations which are external to the premises as well as those internal to the premises can be taken into account.

Options

It is for the Regulatory Committee to decide

To grant the extended hours

To grant the extended hours and impose conditions

To refuse the extended hours

To come to some other conclusion

Further information on the subject of this report is available from Suzanne Laughland, Principal Trading Standards Officer on (01432) 261675

Appendix 1

SPECIAL CONDITIONS THAT MAY BE ADDED TO INDOOR PUBLIC ENTERTAINMENT LICENCES

S 1.0 means of counting the number of patrons present

- S 1.1 The Licensee(s) shall have a means of regulating the number of persons present, in the premises at any time when used for public entertainment, which is to the satisfaction of the Licensing Authority.
- S 1.2 The Licensee(s) shall use the means for regulating numbers or persons whilst the premises is being used for public entertainment.
- S 1.3 The Licensee(s) shall, on request of an authorised officer, demonstrate to that officer the means of regulating numbers and shall give to that officer the number of persons he/she/they believe to be in the premises and that the maximum occupancy level is not exceeded.

S 2.0 means of controlling noise levels

- S 2.1 The Licensee(s) shall ensure that any sound attenuating devices, noise limitation devices, etc installed on the premises and/or affixed to sound equipment is operating correctly and in accordance with settings, levels, etc designed to prevent noise nuisance occurring and agreed with the Licensing Authority.

S 3.0 Video Surveillance Equipment

- S 3.1 The Licensee(s) shall install (OR keep installed) and operate video surveillance cameras and recording equipment at the licensed premises to the satisfaction of the Licensing Authority. Such equipment shall record the conduct of persons entering and leaving the licensed premises and their conduct in the immediate vicinity of such premises.
- S 3.2 The Licensee(s) shall retain the tapes containing the recordings made in pursuance of the above condition, for a minimum of 14 days from the time of the recording being made.
- S 3.3 The video surveillance equipment shall make a continual and contemporaneous record of the date and time on each recording made in pursuance of the above conditions.
- S 3.4 The Licensee(s) is/are responsible for the security of any video recording made and retained in accordance with the preceding conditions. Such recording shall be made available to an officer of the Licensing Authority or a police officer on request. Failure to provide the video recording, in its original form, may result in revocation of the licence and/or prosecution.

S 4.0 Seating

- S 4.1 Any seating in the premises shall be so arranged as to allow free access to all exits therefrom.
- S 4.2 For a closely seated audience, chairs shall be either securely fixed to the floor or alternatively shall be battened securely together in units of not less than four seats.
- S 4.3 Adequate gangways not less than 1.05m wide unless otherwise approved by the Licensing Authority, shall be provided.
- S 4.4 The gangways shall lead directly to each exit door and shall be kept free from obstruction.

Appendix 1

S 5.0 Drinking Water

S 5.1 Free and unrestricted access to cold drinking water shall be provided at all times and without charge

S 6.0 Steps and Stairways

S 6.1 The edges of the treads of steps and stairways shall be conspicuous. All gangways, exit ways and the tread of steps and stairways shall be maintained with a non-slip surface.

S 6.2 Edges of steps shall be conspicuously marked.

S 7.0 Additional Notices to be displayed

S 7.1 Where a licence stipulates that particular parts of the premises are licensed for a particular maximum number, then notices stating the maximum number of persons (including staff) permitted to be in each relevant part of the Licensed Premises, shall be conspicuously sited in each relevant part of the Licensed Premises. Such notices shall be in letters not less than 20 millimetres high bearing the words "Maximum Occupancy" and stating the relevant maximum number.

S 8.0 Car Parking

Adequate car parking facilities shall be made available to the satisfaction of the Licensing Authority, with stewards being appointed where necessary to control car parking arrangements.

PUBLIC ENTERTAINMENT LICENSING APPLICATION TO VARY OPENING HOURS BEYOND THE HOURS SET BY COUNCIL STANDARD CONDITIONS FOR THE GRANDSTAND, GRANDSTAND ROAD, HEREFORD.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Three Elms

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 standard conditions of 23:30

Background

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

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

The application for deviation from policy

4. Susan Price and Clive Warren request a variation of the licence conditions to extend the Annual Licensing opening entertainment hours for The Grandstand, Grandstand Road, Hereford from 23:30pm to Midnight on Friday's and Saturday's.

Issues

5. The police have been consulted and made the following comments:

I have no objection to the application to extend the Public Entertainment Licence for this premise until 23:59 on Friday and Saturday nights. They have not made or indicated that they intend to make an application for a section 77 which is a late night liquor licence (a Night Club Licence).

If they do I would object to it at the Magistrates Court because the premises are not structurally adapted and bona fida used for the provision of entertainment and food to which to which the provision of alcohol was ancillary.

6. The Fire brigade have been consulted and have no objections.
7. Environmental Health have been consulted and made the following comments:

I have no objection to this proposal to extend the terminal hour on Fridays and Saturdays by half an hour up to 12 midnight. Although there are residential properties within 40 meters of the public house this service has no record of any complaints as regards disturbance caused to neighbours.

Should in future it be proposed to extend the hours further or should concerns be expressed by residents I may wish to review my comments.

8. Public notices were printed in the Hereford Times and Hereford Journal, no objections were received

Special conditions

9. Herefordshire Council Environmental Health and Trading Standards Licensing section add special conditions to the standard conditions for night-clubs and like premises, see Appendix 1.

These conditions are based on recommendations from the Police, Fire Brigade and Environmental Health.

Options

10. It is for the Regulatory Committee to decide

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