

HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)

PREMISES	Club MO
APPLICANT'S NAME	Mr. S. Harrison
APPLICATION TYPE	Variation
PANEL MEMBERS	Councillor J.W. Hope (Chairman) Councillor S.P.A. Daniels Councillor A. Seldon
DATE OF MEETING	17th August, 2007

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

As a preliminary issue the sub-committee considered the letter received from the applicant dated 15th August, 2007 requesting the adjournment of the consideration of his application. The sub-committee were advised by the Licensing Officer of the criteria as set out in the Licensing Act 2003 (Hearings Regulations 2005) Paragraph 11 (1). The Council's Legal Advisor requested that the Licensing Officer satisfy them that the applicant had received timely and correct information including notification of the date and location of the meeting. This was done to its satisfaction. As a preliminary issue the sub-committee decided:-

- (1) That there was no public interest justifying its granting of an adjournment, and
- (2) That the applicant had received proper notice of the meeting. The sub-committee also noted that the applicant could have sent a professional representative to the meeting in his absence.

The sub-committee therefore proceeded to consider the application in the applicant's absence.

Prior to making their decision, the Members heard from the Licensing Officer and the Environmental Protection Manager.

Having heard the representations and considered all of those matters brought before them, the Panel decided to **REFUSE** the said application on the basis that the application was not consistent with promoting the licensing objectives within the meaning the Licensing Act 2003. The following reasons for refusal were noted:

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PUBLIC SAFETY

- (a) Empty containers could be thrown from the first floor causing a risk to patrons and members of the public below.
- (b) Concerns regarding the safety of members of the public in relation to the flat roof and its suitability.

PREVENTION OF PUBLIC NUISANCE

- (c) Concerns regarding inappropriate levels of noise and lack of details in the application as to how escape of noise should be controlled.

The Members further considered that if they had granted the application, there would be no suitable conditions which could be imposed in order to adequately address the said licensing objectives.