

**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 (MISCELLANEOUS 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**