

HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	King Charles II
LICENCE HOLDER	Andrew Gooding and Maria Oates
APPLICANT'S NAME	Rowena Clark
APPLICATION TYPE	Review of Premises Licence
PANEL MEMBERS	Councillor Brig. P Jones CBE (Chairman) Councillor A Seldon Councillor JW Hope
DATE OF MEETING	22 December 2008

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.

Prior to making their decision, the Members heard from:

- Victoria Woodland (Environmental Health Officer)
- Maria Oates (Premise Licence Holder)
- Joanna Cochran (Legal Advisor)
- Rowena Clark (Applicant for the review)
- Michael Rudd (Representing Claire Jones, in support of the review)

Having carefully considered those matters put before them, the Members of the Committee considered that in order to promote the Licensing Objectives that the application should be, and was determined as follows:-

That the following additional conditions be imposed forthwith* upon the licence:-

- A dispersal policy of customers from the premises shall be put in place, details and commencement date of the policy to be agreed with the Council's Environmental Health Department.
- No open containers shall be taken to, or consumed in, the external passageway or garden after midnight.

** Subject to Section 52(11) which states that a determination under this section does not have effect:*

- (a) until the end of the period given for appealing against the decision, or
(b) if the decision is appealed against, until the appeal is disposed of.*

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That the following additional condition be imposed upon the licence from 1 March 2009:-

- All staff employed on the premises as stewards shall be SIA registered (including stewards operating in the garden area).

REASONS

In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy, the Guidance issued pursuant to Section 182 of the Act, together with the matters raised both orally and in the documents presented to the meeting. The Committee were cognisant of the fact that the Licence amounted to 'property' within the meaning of Article 1 to the First Protocol of the European Convention on Human Rights and considered that their decision was proportionate, having regard to all the matters put before them. The Members made their decision in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.