

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