

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

<b>PREMISES</b>	CATS Leys Hills
<b>APPLICANT'S NAME</b>	Graham & Stella Mitchell
<b>APPLICATION TYPE</b>	New Premises Licence
<b>PANEL MEMBERS</b>	Councillor A Seldon (Chairman) Councillor SPA Daniels Councillor PJ McCaull
<b>DATE OF MEETING</b>	16 November 2009

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 Mr Cransdale, Ms Saxon, Mr Duffield, and Mr Morgan, four of the local residents who had submitted a representation in respect of the application together with Mr and Mrs Mitchell, the applicants.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted subject** to the conditions appearing below. 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 Members imposed conditions 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.

**HOURS OF LICENSABLE ACTIVITY**

	Live/Recorded Music	Performance of Dance	Anything Similar to Music or Dance	Late Night Refreshment	Supply of Alcohol	Open to the Public
<b>Monday</b>	1900 - 2400	1900 - 2400	1900 - 2400	2300 - 2400	1900 - 2400	0900 - 0030
<b>Tuesday</b>	1900 - 2400	1900 - 2400	1900 - 2400	2300 - 2400	1900 - 2400	0900 - 0030
<b>Wednesday</b>	1900 - 2400	1900 - 2400	1900 - 2400	2300 - 2400	1900 - 2400	0900 - 0030
<b>Thursday</b>	1900 - 2400	1900 - 2400	1900 - 2400	2300 - 2400	1900 - 2400	0900 - 0030
<b>Friday</b>	1900 - 2400	1900 - 2400	1900 - 2400	2300 - 2400	1900 - 2400	0900 - 0030
<b>Saturday</b>	0900 - 2400	0900 - 2400	0900 - 2400	2300 - 2400	0900 - 2400	0900 - 0030
<b>Sunday</b>	0900 - 2400	0900 - 2400	0900 - 2400	2300 - 2400	0900 - 2400	0900 - 0030

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#### REASONS

The Regulatory Sub-Committee was concerned about the consumption of alcohol within the application site at or around the same time as parts of the site were utilised for nursery purposes not withstanding the careful supervision of the children which the committee was assured was in place. The Sub-Committee was also influenced by the almost total lack of evidence before it concerning complaints as to noise or other nuisance on the application site.

#### NON STANDARD TIMINGS

The application for non standard timings was rejected.

#### CONDITIONS

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

- The mandatory conditions of The Licensing Act 2003.
- All conditions proposed by the applicant under section p of the application form.

#### PREVENTION OF PUBLIC NUISANCE

- All live music to be unamplified.

#### PROTECTION OF CHILDREN FROM HARM

- Adopt a 'Challenge 25' policy
- No alcohol to be sold within the application site;
  - a) while the nursery facility is in use, and;
  - b) for 1 hour after this use ceases, to ensure that the application site is clear before sale of alcohol commences

#### APPEAL INFORMATION

Under Schedule 5 Section 2, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.