

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

<b>PREMISES</b>	TJ's Bar & Bistro
<b>APPLICANT'S NAME</b>	Mr Harjinder Singh
<b>APPLICATION TYPE</b>	Variation
<b>PANEL MEMBERS</b>	Councillor JW Hope (Chairman) Councillor RC Hunt Councillor PJ McCaull
<b>DATE OF MEETING</b>	26 November 2010

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 Firth and Mr Gwatkins, a local resident who had made a representation in respect of the application and his representative, and Mr Tomkins, the applicant's legal advisor.

Having heard the representations and considered all of those matters brought before them, the Panel decided to **REJECT** the said application on the following basis:-

The Committee finds that the premises are within the Hereford Cumulative Impact Zone and as such are affected by the Special Policy set out in the Council's Licensing Policy 2008 - 2011. In particular the Committee considered paragraph 5 and had decided that the applicant has not rebutted the presumption that a variation of the license should be refused.

The Committee noted carefully the arguments raised by the police concerning the cumulative impact of ongoing incidents within Commercial Road and referred itself to 13.26 to 13.28 of the current Home Office Guidance issued under S. 182 of the Licensing Act 2003 accordingly.

The Committee noted the comments of the Council's Licensing Officer made in connection with JD Witherspoon v Guildford BC (see paragraphs 18/20 of Committee Report) and found them persuasive.

In general the Committee has made its decision to further encourage the promotion of the following relevant licensing objectives, namely:

- (a) the prevention of crime & disorder
- (b) the prevention of public nuisance

**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.