

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 29th June, 2004 at 2.00 p.m.**

Present: Councillor R.I. Matthews (Chairman)
Councillor Brig. P. Jones CBE (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 and D.C. Taylor

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor PG Turpin.

2. NAMED SUBSTITUTES (IF ANY)

There were no substitutions made.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made:

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 19 April 2004 be approved as a correct record and signed by the Chairman.

5. 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 for applicants and to the officers.

**6. PUBLIC ENTERTAINMENTS LICENSING VARIATION TO EXTEND THE
OPENING HOURS BEYOND THE HOURS SET BY COUNCIL POLICY FOR
O'NEILLS', COMMERCIAL ROAD, HEREFORD, HR1 2BP**

The Acting Licensing Manager presented the report of the Head of Environmental Health and Trading Standards in respect of an application from O'Neil's', Commercial Road, Hereford to vary the opening hours for an Annual Public Entertainment License beyond that of 23.30 hours set out in the Council's licensing policies. She said that the finishing time was in place to protect the local community and individuals from disturbance by events involving music, singing and dancing and also advised that the Committee would need to have regard to the implications of any decisions it made which would relate to the provisions of the Crime and Disorder Act 1998. The applicants had applied for a finishing time of 1.30am Mondays to Saturdays and 00.30 am on Sundays. She advised that the Hereford and Worcester Fire Brigade and the Environmental Health Department had no objections to the application. She also advised that a public notice had been published in the Hereford Times over a two week period and the objections received were set out in the report.

Mr Crowley and his Solicitor Mr Drake presented their application for the variation of the license. Mr Crowley explained that the intention was to re-develop O'Neil's into a theme bar which would provide 1980s music and be aimed at the age group of 25 plus. The Company already operated 20 such establishments nationally and had strict policies in place to ensure safety within the premises; that drinkers under 21 were not permitted entry; and that there were no price-discounted or special offer drinks available.

PC Thomas who represented Area Commander Ian Bentley who was unable to attend lodged a formal objection to the application on behalf of West Mercia Constabulary. He said that O'Neil's was a very well run public house and that he was confident that the applicants would have an equally well run establishment. The objection of the Police centred on the impact of another late night premises in Commercial Road, which according to Police records was already a hot spot, another club they felt would exacerbate the existing public order problems encountered in the early hours of Thursdays, Fridays, Saturdays and Sundays. He provided the Committee with details of the opening hours of the other premises in the area together with comprehensive statistical details about public order problems during each year, when they arose, the type of incidents involved and the police manpower needed to deal with it. He also gave evidence of the statistics being collected since late 90's by the Police about changes in shift patterns; CCTV usage showed a 10-minute video of Commercial Road police incident; and the co-operation being sought of proprietors to cease special or all-inclusive offers involving cheap alcohol. He also explained about the work being undertaken by the Herefordshire Community Safety Partnership and the guidance it issued with a view to introducing steps to prevent and reduce alcohol related crime and disorder. He also reminded the Committee that the Licensing Act 2003 was due to come into force during 2005 and that rather than dealing with such applications on an individual and piecemeal basis, the Committee would be able to introduce a comprehensive licensing policy for all the premises in the area at the same time for the benefits of customers, the trade and local residents.

The Committee discussed details of the application and asked questions of the applicants and the officers. The applicant and his Solicitor were also given the opportunity to question the officers and the Police.

At the conclusion of the hearing the applicants and the licensing officers and the Police withdrew from the meeting whilst consideration was given to the application. Having considered all the facts in relation to the application the Committee had grave concerns about the effects that the later finishing times could have on local residents and the provisions of the Crime and Disorder Act 1998. They were mindful of the evidence given by the Police about the problems of alcohol related crime and disorder in the area and decided that the application should be refused. The applicants and the officers returned to the meeting and were informed of the decision.

RESOLVED: That the application for the variation of the Public Entertainment Licensing hours be refused because the Committee did not believe a restriction on the times or conditions of the license can sufficiently counter the objections that the Committee feel are sustained namely:

- (a) that Commercial Road at its current level is unacceptably tying up Police resources in dealing with late night disorder in the area, fuelled by alcohol;**

and

- (b) those who reside and trade in the area are likely to be put to further nuisance by the addition of another establishment offering late night entertainment.

7. PUBLIC ENTERTAINMENTS LICENSING REPORT TO DETERMINE THE OPENING HOURS FOR AN APPLICATION FOR LUCTONIANS RUGBY CLUB KINGSLANDON 16 JULY 2004 IN A MARQUEE AT LUCTONIANS RUGBY CLUB - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Consideration was given to a report in respect of an application from Luctonians Rugby Football Club 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 Acting Licensing Manager 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 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 appeal was upheld.

The Licensee Tracy Hyde handed over to Mr S Green-Price presented the application by Luctonians Rugby Football Club for a finishing time of 3.30am on 16th July 2004. He said that the event had been held at the venue in previous years and that no problems had been encountered. The funds raised at the event played a very important part to enable to the club to promote rugby in the area. Those invited were members of the club, their friends and relatives and no tickets would be sold on the night. As had been the case in previous years, local residents would be notified about the event in writing and the notice would be hand delivered.

At the conclusion of the appeal the applicant 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 Green-Price 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 Luctonians Rugby Football Club in respect of their summer ball on 16th July 2004 between 8.30pm and 3.30am at Mortimer Park, Kingsland, Leominster subject to:

- (a) the applicant fulfilling any conditions imposed by the Police and the Fire Authority;
- (b) the applicant 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 notified or reminded in writing by the applicant.

8. PUBLIC ENTERTAINMENTS LICENSING REPORT TO DETERMINE THE OPERATING HOURS FOR AN APPLICATION FOR HEREFORDSHIRE YOUNG FARMERS CLUB DANCE ON SATURDAY 9TH JULY 2004 IN A MARQUEE ON LOWER HOPE FARM, ULLINGSWICK

Consideration was given to a report in respect of an application from Herefordshire Young Farmers Club 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 Acting Licensing Manager provided the Committee with details of the Council's policies for granting Public Entertainments 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 Police and the Fire Authority 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.

Mr Carless and Mr Lewis presented the application by Herefordshire Young Farmers Club for a finishing time of later than 0100 hours on 9 July 2004. They said that the event had been held in previous years and that no problems had been encountered. At the conclusion of the appeal 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 whilst mindful of the Council's policies took the view that Mr Carless and Mr Lewis had given satisfactory evidence to suggest that the event would be well supervised in a responsible manner. The Committee decided that in view of the circumstances and previous good record of the applicants that the application should be granted.

RESOLVED: That an Occasional Public Entertainment Licence be granted to Herefordshire Young Farmers Club in respect of their summer ball on 9 July 2004 at Lower Hope Farm, Ullingswick, Herefordshire until 2.00 am subject to:

- (a) the applicant fulfilling any conditions imposed by the Police and the Fire Authority;
 - (b) the applicant 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 notified or reminded in writing by the applicants.

9. PUBLIC ENTERTAINMENTS LICENSING REPORT TO DETERMINE THE OPENING HOURS AND CINEMA LICENSING REPORT TO DETERMINE THE OPENING HOURS FOR AN OCCASIONAL CINEMA LICENSE APPLICATION FOR AN APPLICATION FOR THE BIG CHILL FESTIVAL ON 30TH JULY 2004 - 1ST AUGUST 2004 AT EASTNOR DEER PARK, EASTNOR CASTLE DEER PARK, EASTNOR, NR LEDBURY

Consideration was given to a report in respect of an application from Chill Fest Ltd for an Occasional Public Entertainment Licence and for an Occasional Cinema Licence with finishing times later than those which were set out in the Council's policies. The Acting Licensing Manager gave details of the policies and the reasons for which they were in place. She advised that the policies protected the local community and individuals from disturbance by such events and she also said 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 applications 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. .

Fiona Stewart presented the application on behalf of Chill Fest Ltd for a finishing time of 2.00 am on 30 and 31 July 2004 and 1.00 am on 1 August 2004. She asked for the opening hours to be varied to 6.00 am in respect of an Occasional Cinema License on 30 July 2004 – 1 August 2004. She provided the Committee with details about the event and said that four full time Police Officers and forty-five professional security guards would be employed. The event had first been held at the same venue last year and had proved to be extremely successful with few problems or complaints arising. CCTV would be used at the venue and steps would be taken to minimise traffic congestion on the adjoining road network by staggering the admission period. There would be strict controls in place so that those attending would be by ticket only. She also explained that the Occasional Cinema License was for a marquee which would be showing films during the night time period of the event.

At the conclusion of the appeal the applicant and the licensing officers withdrew from the meeting whilst consideration was given to the applications. Having considered all the facts in relation to the application the Committee whilst mindful of the Council's policies took the view that Ms Stewart 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

- (i) an Occasional Public Entertainment Licence be granted to Chill Fest Ltd in respect of the Big Chill Festival at Eastnor Castle Deer Park, Ledbury with a finishing time of 2.00 am on 30 and 31 July 2004 and 1.00 am on 1 August 2004; and**
- (ii) an Occasional Cinemas License be granted to Chill Fest Ltd at Eastnor Castle Deer Park, Ledbury to 6.00 am Friday 30 July 2004 – Sunday 1 August 2004, subject to:**
 - (a) the applicant fulfilling any conditions imposed by the Police and by the Fire Authority;**

- (b) the applicant 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 notified or reminded in writing by the applicant.**

The meeting ended at 4.40 pm

CHAIRMAN