

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 14th December, 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, T.W. Hunt,
G. Lucas, R. Preece, D.C. Taylor and P.G. Turpin

In attendance: Councillors P.J. Edwards and P.E. Harling (ex-officio)

24. APOLOGIES FOR ABSENCE

Apologies were received Councillor JW Hope and Councillor JW Newman.

25. NAMED SUBSTITUTES (IF ANY)

Councillor JHR Goodwin for Councillor JW Hope

26. DECLARATIONS OF INTEREST

There were no declarations of interest.

27. MINUTES

RESOLVED: That the minutes of the meeting held on 30th November 2004 be approved as a correct record and signed by the Chairman

**28. REPORT ON A PROPOSAL TO CHANGE PUBLIC ENTERTAINMENT LICENCE
OPENING HOURS CONDITIONS/REGULATIONS FOR CHRISTMAS EVE 2004 -
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

A report was presented by the Licensing Manager suggesting that the Head of Environmental Health and Trading Standards be authorised to vary the hours of public entertainment licence closing times for Christmas Eve 2004. She advised that Public Houses were able to open until 2345 but that clubs could only open until 2359 under the Councils licensing arrangements. She advised that this gave limited dispersal time for clients attending pubs and clubs and she suggested that premises be permitted to remain open for the purpose of public entertainment up to 0100 on Christmas morning. PC Thomas of West Mercia Constabulary confirmed that such an arrangement would considerably help the Police in dealing with any potential public order problems if the closing time of pubs and clubs was staggered to permit a gradual dispersal of those attending. The Committee noted that there had been no complaints about noise or nuisance in previous years when similar arrangements had been introduced and agreed with the proposals of the Licensing Manager.

RESOLVED THAT the Head of Environmental Health and Trading Standards be authorised to permit premises to remain open for the purpose of public entertainment up to 01:00 after receiving recommendations from the Police, Fire Brigade and Environmental Health

29. 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.

30. PUBLIC ENTERTAINMENT LICENSING APPLICATION TO VARY THE CHRISTMAS EVE 2004 OPENING HOURS FOR TIME, 100 COMMERCIAL ROAD, HEREFORD BEYOND THE HOURS SET BY COUNCILS STANDARD CONDITIONS AND TO PERMANENTLY REMOVE CHRISTMAS DAY CLOSING HOUR RESTRICTIONS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The Licensing Manager presented the report of the Head of Environment, Health and Trading Standards in respect of an application from Time Nightclub to vary the opening hours to 0200 on Christmas Morning 2004 instead of the Council's standard licensing condition of midnight on Christmas Eve 2004. She outlined the application and provided the Committee with details of the Council's Policies for granting Public Entertainment Licenses and said that the finishing time was in place to protect the local community and individuals from disturbance from events involving music, singing and dancing. She said that in 2003 the Committee had decided on a finishing time of 0100 Christmas Morning for such premises. She added that the Fire Authority and the Police had no objection to the application and that the area Environmental Health Manager had also raised no objections. She reminded the Committee that last year the applicants had won an appeal in the Magistrates Court for the license to be varied to 0200.

The Solicitor acting on behalf of the applicants said that the finishing time of 0200 had been applied for by her clients for commercial reasons to enable the differential to be maintained between the nightclub and the finishing time of pubs, which had been increased to 2345 on Christmas Eve. She said that the later finishing time would also enable a more gradual dispersal of customers during the evening. She advised that her clients had already been granted an extension of their liquor licence to 0200 and that they wanted the Public Entertainments Licence to tie in with this. PC Thomas said that the Police were in favour of a later finishing time to assist with the dispersal of the public from the pubs and clubs on Christmas Eve.

At the conclusion of the hearing the applicants, the licensing officers and the police withdrew from the meeting whilst consideration was given to the application. The Committee noted that no complaints had been made about noise or nuisance disturbance for local residents last year and decided that the application should be granted.

RESOLVED THAT the request for the Public Entertainment License be varied with a finishing time on 0200 on Christmas morning 2004 in respect of Time Nightclub, 100 Commercial Road, Hereford be approved

31. IMPLEMENTATION OF THE LICENSING POLICY AND CUMULATIVE IMPACT POLICY FOR COMMERCIAL ROAD AREA OF HEREFORD CITY - LICENSING ACT 2003 AND GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

The Licensing Manager presented the report of the Head of Environmental Health and Trading Standards to consider

- (a) the adoption of the licensing policy to be used by Herefordshire Council from 7 February 2005 in respect to carrying out its functions under the Licensing Act 2003; and
- (b) the adoption of a special licensing policy for the cumulative impact of premises in the Commercial Road area of Hereford city.

She outlined the legislation covered by the Licensing Act 2003, the consultations which had take place with the Police and Fire Authorities and other interested parties and presented the options that were available to the Council. She also said that the proposals had been presented at Local Area Forums, to Town and Parish Councils, to the holders of Public Entertainment Licences and also been advertised through press releases and news items on local radio. The Committee and the Head of Environmental Health and Trading Standards thanked the officers for their hard work in preparing the proposals and undertaking the consultation process.

RESOLVED THAT the licensing policy and the cumulative impact policy for Commercial Road, Hereford under the provisions of the Licensing Act 2003 and guidance issued under section 182 of the Licensing Act 2003 set out in the report of the Head of Environment Health and Trading Standards be adopted

32. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) LICENCE ACT 1976

The Licensing Manager presented a report about proposed revised conditions for hackney carriage and private hire licences. She said that a review had taken place as part of a rolling programme of licensing and also as requested by the taxi trade. The new licence conditions were a combination of the previous conditions, experience gained since 1998, the best practice of other licensing authorities and recommendations from the trade. All appropriate licence holders had been consulted along with the local Taxi Association Steering Group. An advert was placed in the Hereford Times inviting comments and all Members of the Council were consulted.

RESOLVED THAT the proposed new licence conditions set out in the report of the Head of Environmental Health and Trading Standards in respect of the following be approved:

- private hire vehicle operators;
- dual drivers (private hire and hackney carriage); and
- private hire and hackney carriage vehicles

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

33. DETERMINATION OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE

The Licensing Manager presented a report about an application for the renewal of a dual hackney carriage and private hire drivers license. She said that the application required the applicant to disclose any criminal convictions and police cautions and she outlined those that had been disclosed. In the light of the information provided by the applicant the license had not been issued and instead referred to the Committee for consideration.

Having considered all the facts put forward by the Licensing Manager and the applicant, the Committee decided that Licence should remain suspended until 1st

REGULATORY COMMITTEE

TUESDAY, 14TH DECEMBER, 2004

April 2005.

The meeting ended at 4.05 p.m.

CHAIRMAN