

**Supplement to the agenda for**

# **Licensing sub-committee**

**Monday 25 September 2017**

**10.00 am**

**Committee Room 1, The Shire Hall, St Peter's Square,  
Hereford, HR1 2HX**

	<b>Pages</b>
<b>4. REVIEW OF A PREMISES LICENCE IN RESPECT OF: THE HORSE &amp; JOCKEY, 9-10 NEW STREET, ROSS ON WYE, HR9 7DA' MADE BY HEREFORDSHIRE COUNCIL: ENVIRONMENTAL HEALTH - LICENSING ACT 2003</b>	<b>3 - 6</b>
<b>5. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF: THE DUCKING STOOL, 11 SOUTH STREET, LEOMINSTER, HR6 8JA - LICENSING ACT 2003</b>	<b>7 - 10</b>



**Conditions Agreed between the Police, EHO, Trading Standards in respect of the –  
Horse & Jockey, Ross on Wye**

Licensable Activities

Live Music (Unamplified) Indoors Only  
Sale of alcohol

Hours for Licensable Activities

Sale of alcohol	
Monday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 23:30
Sunday	12:00 to 22:30

Live Music	
Monday to Saturday	11:00 to 23:00
Sunday	12:00 to 23:00

*Non Standard Timings*

Sale of Alcohol	
New Year's Eve	11:00 to 00:30.
Boxing Day	11.00 to 00.00.
Sunday preceding a Bank Holiday	12:00 to 23:30.

Live Music	
New Year's Eve	11:00 to 00:15

The opening hours of the premises

Monday to Thursday	11:00 to 23:30.
Friday and Saturday	11:00 to 00:00
Sunday	12:00 to 23:00.

*Non Standard Timings*

New Year's Eve	11:00 to 01:00.
Boxing Day	11.00 to 00.30.
Sundays preceding a Bank Holiday	12:00 to 00:00

Licensing Conditions:

*Prevention of Crime*

1. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the Police, which must record the following:
  - (a) all crimes (relevant to the licensing objectives) reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints (relevant to the licensing objectives) received
  - (d) any incidents of disorder
  - (e) seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment (if fitted)
  - (h) any visit by a relevant authority or emergency service

2. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose will employ SIA door staff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
3. 'No open containers or vessels of alcohol shall be removed from the premises'.
4. All existing staff shall be trained within one month of the date this condition appears on this licence. All new staff shall be trained within one month of being employed at the premises. All staff shall be re-trained twelve monthly thereafter. The training shall included:
  - Selling to under age person
  - Selling to drunks
 Training records shall be kept on the premises which shall show the area of training covered, the date of the training, the name of the person trained and shall be signed by the trainer and trainee. This shall be produced to the police, an authorised Herefordshire Trading Standards Officer or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) on demand.

*Prevention of Public Nuisance*

**(Section 177A does not apply to conditions 5 to 14)**

5. Any device capable of transmitting amplified sound [in this context amplified means any increase in the volume of the sound] (other than if required for an emergency) shall be turned to silent after 23:00 hours (on New Year's Eve after 00:15 hours) until the premises are closed to the public.
6. Any performance of live unamplified music shall not be performed by more than 2 entertainers.
7. All external doors (except if being used for immediate access and egress) and all windows to the premises shall be kept closed after 22:30 hours
8. The outside area shall not be used for the consumption of alcohol after 22:30 hours.
9. There shall be no use of televisions or any amplified sound system [in this context amplified means any increase in the volume of the sound] in any external area of the premises.
10. The person in charge of the premises at the time, shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance.
11. The Premises Licence Holder or DPS or the person in charge of the premises at the time, must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
12. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
13. A notice shall be displayed reading 'No smoking shall be permitted outside the front of these premises. Any person fail to observe this condition will be refused further service

at the bar upon re-entry'. This notice, measuring not less than A4 size shall be prominently displayed on both the entrance door to the premises and also on the ground floor windows readable from both inside and outside the premises. The person in charge of the premises at the time, shall ensure that no person is served who breaches this condition.

14. The Premises Licence Holder or DPS or the person in charge of the premises at the time must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

#### *Protection of Children from Harm*

15. A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
16. No person under the age of 18 years shall be permitted to be on the premises after 2100hours other than a member of staff employed at the premises or a child of the premises licence holder or DPS
17. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Herefordshire Trading Standards Officer or the police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.
18. No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

**From:** xxxxxxxxx

**Sent:** 22 September 2017 11:44

**To:** Licensing

**Cc:** xxxxxxxx; xxxxxxxx; xxxxxxxxxx; xxxxxx; jim mooney; xxxxxxxxx; Spriggs, Fred

**Subject:** Re: Horse & Jockey Review Hearing

Dear Lucy,

I am writing on behalf of the residents who have sent in representations. We have consulted on the issues outlined and are willing to withdraw our representations and accept the terms of the new agreement as long as we can get reassurance and clarification on the following issues:

1) to ensure that the pub is run on a professional basis, the Designated Premises Supervisor should have successfully completed the BIIAB Level 2 Award for Personal Licence Holders and abide by the codes of conduct set out by NewRiver Retail. We request reassurances that efforts are being made to improve standards by ensuring that management are appropriately trained and qualified.

2) Mr Spriggs has kindly clarified by email that no amplified music will be allowed in the pub and that devices capable of sound (ie. TV, Juke box) are to be turned off at 11 pm. We request a definition of what is meant by 'amplified' in this context, and changes in the wording of the agreement where music is being referred to, since some ambiguity remains. For example, in point 5 in the section on Prevention of Public Nuisance, 'Any device capable of transmitting amplified sound...should be turned to silent after 23:00 hours'.

3) we request reassurances that we may continue to object if the terms of the new agreement fail to solve the problems, or if the pub management and owners fail to adhere to the terms of this agreement.

Yours sincerely,

**Sent:** 22 September 2017 10:48

**To:** info@semperfidelisconsultancy.co.uk

**Cc:** Spriggs, Fred; Licensing; Bartlett, Jenny (Cllr); xxxxx@xxx; xxxxxxxxxxx@xxxxxx;  
xxxxx@xxxxx

**Subject:** Application for variation of premises License The Duckers

Dear Nick Semper

Thank you for the meeting with the applicant and members of the South Street Residents Association. Also please can you thank the applicant for reducing the hours and agreeing the other points that we spoke about in our meeting.

I have now spoken to other residents in five properties surrounding 11 South Street about these changes to the variation of Premise License and we agree with the reductions and conditions to licensable activities as they are detailed in this email. We can confirm that we would rather see a successful business at 11 South Street, that is mindful of the needs of the residents surrounding the property. That we will support the application provided that our conditions are met (detailed 1-9 below and in the attached document) are attached to the premises license at 11 South Street The Duckers, which are:

1. No entry to the garden before 9am any day (**Application asked for 7am**)
2. No entry or re-entry to the pub after **11:30 pm** on any day of the week except in a welfare emergency in which case this will be logged with the reason, which will be accessible to view by all parties by request. (*Application originally asked for 1am Sunday – Thursday and 2am Friday – Saturday*)
3. No entertainment including live, amplified and recorded music Sunday to Thursday after **11pm**, and Friday to Saturday after **midnight**. (*Application originally asked for midnight and 1am. Sunday 11:30pm is too late*)
4. The stopping of all trading including the sales of drinks at **midnight** Sunday – Thursday and **1am** Friday – Saturday and also New Years Eve. (*Application originally asked for 1am and 2am*)
5. Late night refreshment Sunday – Thursday till **11 am** , Friday – Saturday **midnight**

**In addition the residents want the following conditions to be attached :**

5. No consumption of drinks in the garden, this area is to be used for smoking only.
6. No doors or windows open into the garden at any time any day of the week.
7. Sound proofing measures in the pub including acoustic insulating curtains/blinds, and an additional exit set of doors installed into the garden to create an acoustic barrier, so that customers have to go through a porch and the second set of acoustic doors to enter and exit the garden.
8. No speakers in the garden
9. The quiet dispersal by staff of customers leaving the premises after 10pm

With kind wishes to you and the applicant  
South Street Residents Association

**From:** Nick Semper [mailto:info@semperfidelisconsultancy.co.uk]

**Sent:** 22 September 2017 14:55

**To:** XXXXXXXX

**Cc:** Spriggs, Fred; Licensing; Bartlett, Jenny (Cllr); xxxxxxxx; xxxxxx@xxxxx; xxxxx@xxxxx

**Subject:** RE: Application for variation of premises Licence at 'The Ducker'

Dear xxxxxx,

Thank you very much for sight of the below proposals.

I have discussed the contents with the new management team at the Ducking Stool.

I am pleased that, through negotiation and concessions made by my client, we have reached some general consensus on items 1-5 below.

However there were a further five conditions specified in your email below that we did not fully discuss, numbered 5-9 inclusive.

Dealing with each in turn:

5. The outside area is an important component of the Ducker's offering, and forms part of the licensable area. We have already offered no drinks in the area after a certain hour. Therefore we are not agreed.

6. The applicant has already ensure that there are no windows that open onto the back yard anymore, so as to mitigate any noise issues. The doors are a main source of fresh air into the pub. Clearly the noise and vibration Conditions No 1 & 2 in the Prevention of Public Nuisance Section covers noise pollution. Therefore we are not agreed.

7. This has already been offered by my client and is a work in progress.

8. The external speakers are disconnected and actually being removed today. Therefore we are agreed.

9. Customer dispersal is covered in the original application. Condition 6. states "Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly." Clearly there is a pastoral role for the management, staff and SIA employed at the premises ensuring, to their best endeavours, that customers leave quietly. However the extent of the terms proposed by the SSRA are too broad to be clearly defined and/or enforceable. Therefore we are not agreed.

I therefore regret to report that we are not agreed and that we will all progress to the Hearing on Monday along the terms of the original application.

However I would like to stress that the meeting and resultant process has been extremely useful as we have all been able to engage in a meaningful discussion, been able to table our concerns and reach a general consensus in some areas. For that my client and I thank you all very much.

Kind regards as always,

Nick SEMPER

Semper Fidelis Consultancy

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Rural Enterprise Centre,  
Vincent Carey Road,  
Rotherwas Business Park,  
HEREFORD  
HR2 6FE





South Street residents Association 22<sup>nd</sup> September 2017

Application for Variation of Premises License 'The Duckers'

I saw five other residents yesterday, I have emailed another and I am seeing another today at 9am

They agree with the amendments tables at our meeting which were:

1. No entry to the garden before 9am. **(Was 7am)**
2. No entry or re-entry to the pub after **11:30 pm** on any day of the week except in a welfare emergency in which case this will be logged with the reason, which will be accessible to view by request. *(Application asked for 1am Sunday – Thursday and 2am Friday – Saturday)*
3. No entertainment including live, amplified and recorded music Sunday to Thursday after **11pm**, and Friday to Saturday after **midnight**. *(Application asked for midnight and 1am, Sunday 11:30pm is too late)*
4. The stopping of all trading including the sales of drinks at **midnight** Sunday – Thursday and **1am** Friday – Saturday and New Years Eve. *(Application asked for 1am and 2am)*
5. Late night refreshment Sunday – Thursday till **11 am** , Friday – Saturday **midnight**

**In addition the residents support the following conditions:**

5. No consumption of drinks in the garden, this area is to be used for smoking only.
- 6 .No doors or windows open into the garden at any time any day of the week.
7. Sound profiting measures in the pub including acoustic insulating curtains/blinds, and an additional exit set of doors installed into the garden to create an acoustic barrier, so that customers have to so through a porch and the second set of acoustic doors to enter and exit the garden.
8. No speakers in the garden
9. The quiet dispersal by staff of customers leaving the premises after 10pm

