

Date: Friday 20 March 2009

Time: 2.00 pm

Place: The Council Chamber, Brockington, 35 Hafod Road, Hereford

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

Ricky Clarke, Democratic Services Officer, Tel: 01432 261885 Fax: 01432 260286 E-mail: rclarke@herefordshire.gov.uk

### **Herefordshire Council**



## **AGENDA**

## for the Meeting of the Regulatory Sub Committee

To: Councillors JHR Goodwin, JW Hope MBE and P Jones CBE

**Pages** 

#### 1. ELECTION OF CHAIRMAN

To elect a Chairman for the hearing.

#### 2. APOLOGIES FOR ABSENCE

To receive apologies for absence.

#### 3. NAMED SUBSTITUTES (IF ANY)

To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.

#### 4. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.

5.	APPLICATION FOR A NEW PREMISES LICENCE 'THE ROYAL OAK HOTEL, SOUTH STREET, LEOMINSTER, HR6 8JA.'	1 - 6
	To consider an application for a new premises licence in respect of 'The Royal Oak Hotel, South Street, Leominster, HR6 8JA.	
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## The Public's Rights to Information and Attendance at Meetings

#### YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up
  to four years from the date of the meeting. (A list of the background papers to a
  report is given at the end of each report). A background paper is a document on
  which the officer has relied in writing the report and which otherwise is not available
  to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

#### **Please Note:**

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

#### **Public Transport Links**

- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

#### HEREFORDSHIRE COUNCIL

#### BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

#### FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

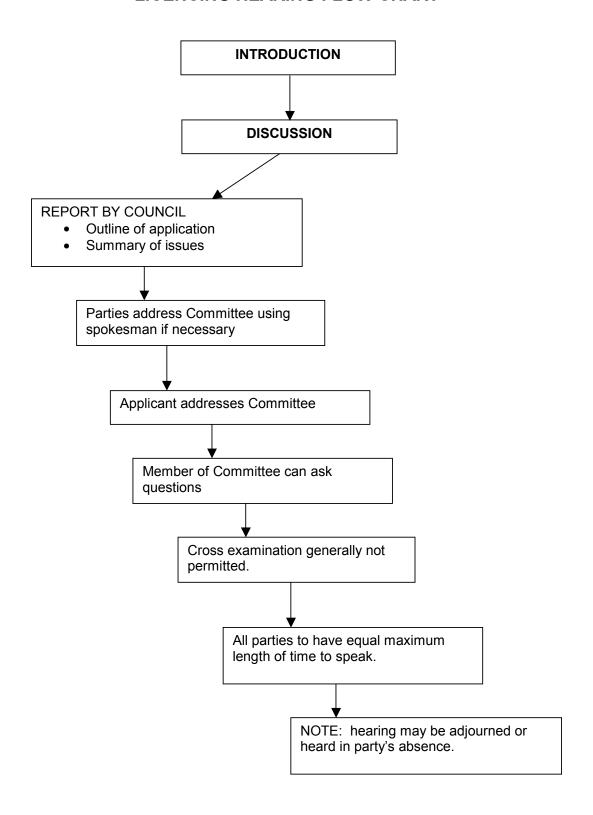
You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

#### LICENCING HEARING FLOW CHART



# APPLICATION FOR NEW PREMISES LICENCE IN RESPECT OF 'THE ROYAL OAK HOTEL, SOUTH STREET, LEOMINSTER, HR6 8JA.' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

#### Wards Affected:

Leominster

#### 1 Purpose

To consider an application for a new premises licence in respect of 'The Royal Oak Hotel, South Street, Leominster, HR6 8JA.

#### 2 **Background Information**

Applicant	Venture Resource Ltd, Meriden House, 6 Great Cornbow, Halesowen, W.Midlands, B63 3AB.				
Solicitor	TA Matthews, 6 King Street, Hereford, HR4 9BS.				
Type of application:	Date received: 28 Days consultation:				
Variation	24/01/09 20/02/09				

The advertisement for the premises has been seen and has been accepted.

#### 3 Summary of Application

The licensable activities applied for are: -

Live Music, Recorded Music, Provision of Facilities for Music and Dancing, Provision of Facilities of a similar nature, *(All Indoors)* and Sale by Retail of Alcohol – Extended Hours (On & Off premises). For the following hours: -

Monday – Thursday 09:00 – 23:30 Friday – Saturday 09:00 – 01:30 Sunday 09:00 – 00:00

4. The following hours have been applied for in respect of late night refreshment (*Indoors*): -

 $\begin{array}{lll} \mbox{Monday} - \mbox{Thursday} & 23:00 - 23:30 \\ \mbox{Friday} - \mbox{Saturday} & 23:00 - 01:30 \\ \mbox{Sunday} & 23:00 - 00:00 \end{array}$ 

5. The premises to be open to the public for a further 30 minutes after the times shown above.

#### 6. Non Standard hours

There is an application for 'non-standard' hours in respect of all of the licensable activities: -

On Sundays before a Bank Holiday Monday the hours will be 09:00 – 01:30 with the premises closing 30 minutes later.

#### 7. Removal of Existing Conditions

The application does not request the removal of any of the conditions shown on the licence.

#### 8. Summary of Representations

Copies of the representations and suggested conditions can be found within the attached background papers.

#### **West Mercia Police**

West Mercia Police have made a representation and conditions have been agreed with the applicant.

#### **Environmental Health**

The Environmental Health Officer has also made a representation and recommends that the hours applied for be reduced to 01:00 hours on a Friday and Saturday with a closing time of 01:30.

They request four General Conditions, five conditions in relation to public nuisance and one condition regarding the protection of children from harm.

#### Fire Authority.

The fire authority has no comment to make in relation to the application.

#### Interested Parties.

The Local Authority has received four letters of representation in respect of the application, from interested parties.

These address all four of the Licensing Objectives.

#### 9. Committee's Responsibility

The committee is responsible for promoting the four licensing objectives.

In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- The steps that are necessary to promote the licensing objectives;
- The representations (including supporting information) presented by all parties;
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003;
- The Herefordshire Council Licensing Policy.

#### 10. **Options: -**

It is for the committee to take such steps below as it considers necessary for the promotion of the licensing objectives:

- Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003.
- Grant the licence subject to modified conditions to that of the operating schedule
  where the committee considers it necessary for the promotion of the licensing
  objectives and add mandatory condition set out in the Licensing Act 2003.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.

- To refuse to specify a person in the licence as the premise supervisor.
- To reject the application.

#### 11. Background Papers

- a. Application Form
- b. Letter from TA Matthews
- c. Police Comments
- d. Environmental Health & Trading Standards Comments
- e. Public Representations

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford, 30 minutes before the start of the hearing.

#### **NOTES**

#### RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.8. A representation would only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in "Guidance for interested parties: Making representations" which can be found on the DCMS website.
- 9.9 The "cumulative impact" on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority's decision by way of judicial review.
- 9.11. Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgment. This may be difficult for ward councilors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councilor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.

## Licensing Authorities power to exercise substantive discretionary powers.

The British Beer and Pub Association (2) The Association of Licensed Multiple Retailers (3) The British Institute of Inn keeping V Canterbury City Council.

Contesting the validity of the Licensing policy that asks for certain requirements before the application has been submitted. In the summing up the Judge states; The scheme of the legislation is to leave it to applicants to determine what to include in their applications, subject to the requirements of Section 17 and the Regulations as to the prescribed form and the inclusion of a statement of specified matters in the operating schedule. An applicant who makes the right judgement, so that the application gives rise to no relevant representations, is entitled to the grant of a licence without the imposition of conditions. The licensing authority has no power at all to lay down the contents of an application and has no power to assess an application, or exercise substantive discretionary powers in relation to it, unless there are relevant representations and the decision – making function under section 18 (3) is engaged.

#### HEREFORDSHIRE COUNCIL

## Application for a premises licence to be granted under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Dort 1 Draminas Dataila

LAFBL2 (Reg10)

We Venture Resource Limited apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Posta	al address of premises or, if none, ordnance survey	map refer	ence or description / LICENSING SECTION
	Royal Oak Hotel n Street		
			2.3 JAN 2009
Post	town	Post co	de
Leom	ninster	HR6 8JA	TO:
Teleph	none number of premises (if any)		01568 621610
Non-de	omestic rateable value of premises		£ 28,000.00
Part 2	2 - Applicant Details		
Please	e state whether you are applying for a premises licence	e as	
		Please t	ick ✓
a)	An individual or individuals*		please complete section (A)
b)	a person other than an individual*		
	i. as a limited company		please complete section (B)
	ii. as a partnership		please complete section (B)
	iii. as an unincorporated association or		please complete section (B)
	iv. other (for example a statutory corporation)		please complete section (B)
c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)

1

Peapod Solutions Ltd

e)	the proprie	etor of an educa	tional establishmen	t		please complete section (B)
f)	a health se	rvice body				please complete section (B)
g)	a person w Care Stand independen	ards Act 2000 (d	under Part 2 of the 14) in respect of an	1		please complete section (B)
h)	the chief off in England a	ficer of police of and Wales	a police force			Please complete section (B)
*If you	are applying	as a person des	cribed in (a) or (b)	olease confi	rm:	
						Please tick ✓ yes
	<ul><li>I am ca which in</li></ul>	rrying on or prop nvolves the use	oosing to carry on a of the premises for	business licensable a	ctivities;	or
	<ul><li>I am ma</li></ul>	aking the applica	ation pursuant to a			
	0	statutory functi				
	0	a function disch	narge by virtue of H	er Majesty's	preroga	itive 🔲
(A) IND Mr Surnam	М	PLICANTS (fill i	n as applicable) Miss	Ms [	es	Other title (for example, Rev)
						please tick ✓ yes
I am 18	years old or	over				
Current address if different premise	3					
Post To	wn			Po	stcode	
Daytime	contact tele	ephone number	r			
E-mail a (optiona						

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)	
Mr Mrs Miss Ms	Other title (for example, Rev)
Surname First names	(ior example, recv)
I am 18 years old or over	please tick ✓ Yes
Current postal address if different from premises address	
Post Town Post	code
Daytime contact telephone number	
E-mail address (optional)	
2	
(B) OTHER APPLICANTS	
Please provide name and registered address of applicant in full registered number. In case of a partnership or other joint venture give the name and address of each party concerned	. Where appropriate please give any (other than a body corporate), please
Name	
Venture Resource Limited	
Address	
Meriden House 6 Great Cornbow Halesowen W.Midlands B63 3AB	
Registered number (where applicable)	
Registered number (where applicable) 04055831	
04055831	prated association etc)
20 A	prated association etc)
04055831  Description of applicant (for example partnership, company, unincorporate partnership)	orated association etc)

## Part 3 Operating Schedule

When do you want the premises licence to start?	Day 1	2	Mont	h	Ye	ar	10	9
	Day		Mont	h	V <sub>0</sub>	ar	0	19
If you wish the licence to be valid only for a limited period, when do you want it to end?								
If 5,000 or more people are expected to attend the premises please state the number expected to attend.	at any	one	time,					

Please give a general description of the premises (please read guidance note 1)							
Hotel with restaurants function rooms wine bar and outside patio area							
S.							
*							

What licensable activities do you intend to carry on from the premises? (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Prov	rision of regulated entertainment	Please tick ✓ yes
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	
Prov	ision of entertainment facilities for:	
i)	making music (if ticking yes, fill in box I)	
j)	dancing (if ticking yes, fill in box J)	
k)	entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)	
Prov	ision of late night refreshment (if ticking yes, fill in box L)	
Supp	oly of alcohol (if ticking yes, fill in box M)	$\square$
In all	cases complete boxes N, O and P	

	AA
1	

Plays	Plays		Will the performance of a play take place indoors or	outdoors or both -			
	Standard days and timings (please read guidance note 6)		outdoors or both - please tick [✓] (please read guidance note 2)	Outdoors			
Day			product them [1] (product road gallocation road 2)	Both			
Mon			Please give further details here (please read guidance not	e 3)			
Tue							
Wed			State any seasonal variations for performing plays (plea	se read guidance note 4)			
Thur							
Fri			Non standard timings. Where you intend to use the prepays at different times to those listed in the column on read guidance note 5)		<u>of</u>		
Sat							
Sun							

## B

Films			Will the exhibition of films take place indoors or outdoors	Indoors
Standard days and timings (please read guidance note 6)			or both - please tick [✓] (please read guidance note 2)	Outdoors
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Wed			State any seasonal variations for the exhibition of films (ple	ease read guidance note 4)
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## D

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entertainment Standard days and timings (please read guidance note 6)			<u>Indoors or outdoors or both - please tick [ ✓ ]</u> (please read guidance note 2)	Outdoors
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Wed			State any seasonal variations for boxing or wrestling entert guidance note 4)	ainment (please read
Thur				
Fri			Non standard timings. Where you intend to use the prementarianment at different times to those listed in the concept (please read guidance note 5)	nises for boxing or wrestling lumn on the left, please list
Sat			(please read guidance note 5)	
Sun				

## E

	Live music		Will the performance of live music take place indoors or	Indoors	/
Standard days and timings (please read guidance note 6)		CENTRAL PROPERTY CONTROL OF THE PROPERTY OF TH	outdoors or both - please tick [✓] (please read guidance note 2).	Outdoors	
Day	Start	Finish		Both	
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Tue	09.00	23.30			
Wed	09.00	23.30	State any seasonal variations for the performance of live mote 4)	usic (please read	guidance
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Sun	09.00	00.00			

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Thur Fri Sat			Non standard timings. Where you intend to use the premise		

#### G

Performances of dance Standard days and timings (please read guidance note 6)		imings	Will the performance of dance take place indoors or outdoors or both - please tick [✓] (please read guidance note 2)	Indoors Outdoors	
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description to that falling		200000000000000000000000000000000000000			
within (e), (f) or (g)					
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09.00	01.30	Non standard timings. Where you intend to use the premises	
09.00	00.00	guidance note 5)	7
	09.00 09.00 09.00	09.00 23.30 09.00 23.30 09.00 01.30	09.00 23.30  State any seasonal variations for the provision of facilities for similar description to that falling within j or K (please read guident provision of facilities of entertainment on the Sunday before a Bar between the hours 09.00 - 01.30  Non standard timings. Where you intend to use the premises facilities for entertainment of a similar description to that fallid different times to those listed in the column on the left, pleas guidance note 5)

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick [✓ ] (please read guidance note 2).	Indoors Outdoors	~		
Day	Start	Finish		Both			
Mon	23.00	23.30	Please give further details here (please read guidance note 3)				
Tue	23.00	23.30					
Wed	23.00	23.30	State any seasonal variations for the provision of late night guidance note 4)				
Thur	23.00	23.30	Late night refreshment on the Sunday before a Bank Holiday Monday will be betwee hours 23.00 - 01.30				
Fri	23.00	01.30	Non-standard timings. Where you intend to use the premis night entertainment at different times to those listed in the please list (please read guidance note 5)				
Sat	23.00	01.30	product (product road gardeline line o)				
Sun	23.00	00.00					

#### M

Supply of alcohol			Will the supply of alcohol be forconsumption	On the premises	
Standard days and timings (please read guidance note 6)			(please tick box ✓) (please read guidance note 7)	Off the premises	
Day	Start	Finish		Both	~
Mon	09.00	23.30	State any seasonal variations for the supply of alcoh	ol (please read guidance note	4)
Tue	09.00	23.30			
Wed	09.00	23.30	-		
Thur	09.00	23.30	Non standard timings. Where you intend to use the alcohol at different times to those listed in the columnead guidance note 5)		ase
Fri	09.00	01.30	Supply of alcohol on the Sunday before a Bank Holiday 09.00 - 01.30	Monday will be between the ho	ours
Sat	09.00	01.30			
			-		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name RUSSELL WARREN STEVENS

Address BROCKINGTON HALL,
BODENHAM
HEREFORDSHIRE

Postcode HR1 8JA

Personal licence number (if known) TQ90496

Issuing licensing authority (if known) South Hams District Council

#### N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

O

Hours premises are open to the public Standard timings (please read guidance note 6)		olic	State any seasonal variation (please read guidance note 4)
Day	Start	Finish	1
Mon	09.00	00.00	
Tue	09.00	00.00	
Wed	09.00	00.00	Non-atomical timings. When you into also also also also also also also als
Thur	09.00	00.00	Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list. (please read guidance note 5)
			On the Sunday before a Bank Holiday Monday the hours the presmises will be open to the
Fri	09.00	02.00	public will be between the hours 09.00 - 02.00
Sat	09.00	02.00	
Sun	09.00	00.30	

#### P

Describe the steps you intend to take in order to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

Regular checks will be made outside the premises to ensure that all four licensing objectives are promoted. This will include the monitoring of noise emanating from the premises. Staff will monitor persons leaving the premises to ensure that they do so in an orderly manner. The premises will be adequately supervised to ensure that children are protected from harm.

Staff are to be trained in the supply of alcohol and safety issues.

The bar areas can be supervised from the bars.

The dining areas are set a[art from the rest of the premises and supervised by staff members

b) The p	prevention of crime and	disorder		
Alcohol	is stored in a place to wh	ich the public does not ha	ve access.	

#### c) Public safety

Suitable beverages other than intoxicating liquor (including water) is available.

Adequate staff will be provided to ensure that persons entering and leaving the premises do so in an orderly manner.

#### d) The prevention of public nuisance

Staff members will make regular checks to ensure that persons entering and leaving the premises do so in an orderly manner.

W.C facilities are available to customers and are clearly signed

Prominent clear and legible notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and the area quietly.

Staff shall make regular checks to ensure that noise does not emanate from the premises so as to cause a public nuisance.

All external doors and windows shall be kept closed except for access when amplified music entertainment is provided at the premises and after 23.00 in any day.

The outdoor area shall not be used for the consumption of alcohol or licensable activities after 00.00 (midnight)

#### e) The protection of children from harm

Staff are trained in the obligation not to serve alcohol to persons underage.

Signs are in place at the premises advising that persons underage are not to be served.

			Please tick ✓ yes	S
<ul><li>I have enclo</li><li>I have sent y</li></ul>	or enclosed payment of the fe sed the plan of the premises you copies of this application a			
	sed the consent form complete	ed by the individual I wish to	be premises	2
supervisor, i l understand	I that I must now advertise my	application	<u>v</u>	1
<ul> <li>I understand be rejected</li> </ul>	I that if I do not comply with the	e above requirements my ap	plication will	]
STANDARD SCA	CE, LIABLE ON CONVI LE [AMOUNT], UNDER SE STATEMENT IN OR	SECTION 158 OF THI	E LICENSING ACT 2003	
Part 5 - Signature	es (please read guidance no	ote 10)		
	nt or applicant's solicitor or of the applicant please state		nt. (See guidance note 11)	
Signature	A. Millet	Celeu.		
Date 23	od James	2009		
Capacity S@	Cicitos for	the appl	iccecl	
For joint application	s signature of 2nd applicant note 12) If signing on beha	nt or 2nd applicant's solic	itor or other authorised age	ent
Signature				
Date				
Capacity				
,	re not previously given) and read guidance note 13)	address for corresponde	nce associated with this	
D.Backhouse T.A.Matthews 6 King Street				
Post town	Hereford	Post code	LIDAODE	
Telephone number		01432 352121	HR4 9BS	
If you would prefer	us to correspond with you b		ddress (ontional)	
ii you would prefer	as to correspond with your	y e-man put your e-man a	duress (optional)	

#### Notes for guidance

- Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licencing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
- Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
- For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 5. For example (but not exclusively), where you wish the activity to go on longer on a particular day ie Christmas Eve.
- 6. Please give timings in 24 hour clock (eg 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. if you wish people to be able to do both please tick both.
- 8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
- Please list here steps you will take to promote all four licensing objectives together.
- 10. The application form must be signed.
- An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 13. This is the address which we shall use to correspond with you about this application.



The Licensing Officer Herefordshire Council PO Box 233 **Bath Street** Hereford

Partners

R C Smallwood

M R Speight

D Backhouse

Associate Solicitors

6 February 2009

| B Soderstrom

Gillian Pryce

Julie Bennett

Dear Sirs

Karen Middleton

#### Re: Licensing-The Royal Oak Hotel, South Street, Leominster

Fiona Davies Sharon Edelstyn

We have been speaking to the licensing officer at West Mercia Constabulary and understand that they have several conditions they wish to suggest as follows:-

Ian Goodwin

Steven Lloyd

- 1. That a CCTV system is installed and which meets the requirements of the Police and the Licensing Authority.
- Heather Razvi

2. That an incident book is kept at the premises.

- 3. That there be sufficient door supervisors at the premises as are appropriate on a risk assessed basis.
- Sue Rudd FILEX®
- 4. That no drinks in open containers are to be taken outside beyond the patio area.

Probate Executives

5. That the designated premises supervisor joins the Leominster Pub Teresa Ingarfield

Watch Scheme.

Stephanie Griffiths

6. That the capacity for the functions rooms is to be limited according to the fire risk assessment.

We are advised by our client that these conditions are acceptable but should be grateful an amount of time can be agreed in which to have the CCTV system installed. We would ask for 6 weeks.









If there are any other conditions which you wish to put on the licence can you please advise us so that these may be approved and the licence granted without the requirement to go before the licensing committee.

Yours faithfully

T A MATTHEWS



Licensing Unit
Hereford Police Station,
Bath Street, Hereford, HR1 2HT
Lo-Call Tel: 0300 333 3000
Direct Dial 01432 364552

Fax: 01432 364563

Email: stephen.thomas@westmercia.pnn.police.uk

Our Ref: ST/AW

Your Ref DMB/EG/17686.7

**11 FEBRUARY 2009** 

Messrs T A Matthews Solicitors 6 King Street HEREFORD HR4 9BS

Dear Sir

LICENSING ACT 2003 - ROYAL OAK HOTEL, SOUTH STREET, LEOMINSTER

Thank you for your copy letter dated 6 FEBRUARY, 2009.

In reply note that your client has agreed to the conditions set out in our letter dated 27 January 2009

We note that your client will require up to 6 weeks in which to install the CCTV system, there are no issues with this.

Yours faithfully

S THOMAS, PC697 LICENSING OFFICER COMMUNITY SAFETY DEPT.

Cc Mr F Spriggs, Licensing officer, Herefordshire Council PO Box 233, Bath Street, Hereford.







# **MEMORANDUM**

To

: GEMMA HICKS, LICENSING OFFICER, LICENSING SECTION

From

ARIS TREZINS, ENVIRONMENTAL PROTECTION MANAGER,

**ENVIRONMENTAL HEALTH AND TRADING STANDARDS** 

Tel

01432 261765

My Ref

: AT/HH

Date

19th February, 2009

Your Ref

:

# LICENSING ACT 2003 APPLICATION FOR PREMISES LICENCE ROYAL OAK, SOUTH STREET, LEOMINSTER, HR6 8JA

Having had opportunity to assess the above application, I would like to make the following representations and to suggest these conditions be attached to a Premises Licence.

#### **OPENING HOURS**

These premises have in the past been subject of complaints from with local residents due to noise nuisance and disturbance caused by the activities associated with them. I am concerned about the proposal to open until 2:00am on Saturday and Sunday mornings and would therefore suggest that the proposed times for licensable activities are restricted to 1:00am for the sale of alcohol and provision of music with a closing time of 1:30am. This I understand would be consistent with other nearby licensed premises.

In addition to the measures proposed in part P of the application and those requested by the West Mercia Constabulary as set out in the letter from T.A. Matthews dated 6<sup>th</sup> February 2009 I would like the following conditions to be included in the license:-

#### **GENERAL**

 A responsible person shall be available on the premises at all times that they are open to the public. This person shall comply with all reasonable requests made by a duly authorised officer, of the Licensing Authority or the West Mercia Constabulary, if it is considered by this duly authorised officer that one or more of the four licensing objectives are being compromised.

#### **PUBLIC SAFETY**

- A suitable and sufficient risk assessment shall be recorded and maintained for the provision of licensable activities on the premises. The actions and control measures identified in the risk assessment shall be effectively implemented.
- 3. Adequate means of ventilation shall be provided, particularly when entertainment is provided and windows and doors are to be kept shut.
- **4.** Adequate systems shall be in place to control numbers of persons entering the premises to prevent over crowding and alleviate crowd control problems.

#### PREVENTION OF PUBLIC NUISANCE

- 5. Noise or vibration shall not emanate from the premises so as to interfere with the use or enjoyment of any neighbouring premises.
- 6. Staff shall check to ensure that noise emanating from the premises does not cause public nuisance at least on an hourly basis whilst recorded or amplified live music is being played other than background music. If the noise is observed to be at an unacceptable level immediate action must be taken to address the problem. A written log showing the time, the person making the check, observations made and any actions taken shall be kept on the premises and made available at the request of the Licensing Authority. ( N.B. This would substitute the suggested condition in part P of the application d) 'Staff shall make regular checks to ensure that noise does not emanate from the premises so as to cause a public nuisance'.)
- 7. A suitable and sufficient policy shall be implemented to ensure that rowdy or unsociable behaviour from patrons on the outdoor area is effectively controlled.
- 8. A suitable and sufficient dispersal policy shall be implemented to deal with any rowdy or unsociable behaviour from patrons leaving the premises. (N.B This condition could incorporate the suggested condition in part P of the application d) 'Staff members will make regular checks to ensure that persons entering and leaving the premises do so in an orderly manner)
- 9. Doors to the lobbies to exits shall not be propped open.

#### THE PROTECTION OF CHILDREN FROM HARM

10. Proven methods shall be employed for the prevention of unlawful supply, consumption and use of alcohol, drugs and other products, which is illegal to sell to children.

I trust the above is of assistance, however should you have any concerns or require any clarification please do not hesitate to contact me.

A. TREZINS ENVIRONMENTAL PROTECTION MANAGER

## SCHEDULE

## ATTACHED TO REPRESENTATION FORM

**ISTER** 

My wife and I live
listen carefully to the proposals made by Mr Stevens Companies have owned the Royal
Oak at least three years, we have the following reservations concerning his
Application:-

To Prevent Crime and Disorder: There is a real problem with late night drinking in Leominster and our
 Residents Association takes this issue very seriously. Windows are
 broken, cars damaged etc on a regular basis. This often happens in the
 early hours of the morning and in a small Town the noise and the damage
 caused can be traumatic to local residents

Any person running the Royal Oak Hotel should be conscious of this and responsible. The Managers of the Royal Oak Hotel under its present owners have been woefully inadequate in this regard. The Police have been called on numerous occasions for acts of vandalism, criminal damage and even fire works being set off from the roof of the Royal Oak Hotel. This has gone unchecked and unrestrained by the owner. This gives us grave concerns as to how committed the owner is to making sure that the Royal Oak Hotel runs properly and legally.

A further example is the way the Hotel was opened in Christmas week 2008 - without a Licence. Since then the Public Bar has been opened on days when the Liquor Licence was not in force. On 2 February and on 16 February (Crime Reference numbers 0526S020209 and 519S160209 relate). Our concerns are not petty. We submit that these Breaches, technical though they may be, disclose an attitude that does not bode mell for the future.

## 2. Public Safety

We have received an E-Mail from the Fire Department (Mr Piggott), saying that he is satisfied that the owner has reacted positively concerning the Fire Regulations. This relates also to rooms which are serviced by a Fire Escape which is no longer servicing the Royal Oak. We know that at least one of the rooms is used regularly as a bedroom if not by the owner then by his staff. The lights are on and we can see people going past the Fire Door to use the room and other rooms in that wing.

## 3. To Prevent Public Nuisance

Late at night in Leominster the noise from those in the Street in the early hours of the morning can be very loud indeed and very disturbing to those of us living in the area of the Royal Oak (see above). There is also noise from the Ballroom at the back of the Royal Oak Hotel. That noise can be deafening. We are told that double glazing will be installed to the rear of the premises to prevent noise. That could be of great assistance. We submit that the Ballroom does not need to be opened later than 12.00 pm the noise from the front of the Ballroom (as opposed to the back) will cause a considerable nuisance to those in Etnam Street as well as South Street.

### 4. Protect Children From Harm

Numerous families walk past the Royal Oak in the mornings and in the afternoons going to and from the Schools in South Street, Leominster. It is just not right that the children should pick their way through broken glass, bottles and other signs of nightly disturbance etc caused through late night drinking at the Royal Oak and in the neighbouring Streets.

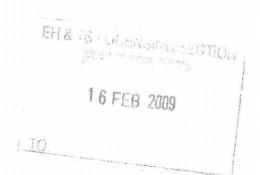
additional information which may or nay not be relevent. Feb 73 09

The Royal Oak used to be a successful welcoming coaching inn and was very important for tourism in Leominster. There were management problems over the last 3 years and a lot of damage was done to many Leominster people financially and otherwise. There were also problems with late night noise (after11pm) and any complaints were met with verbal abuse from the management . There were many occasions when the doormen had to intervene and also when the Police were called. Many of these incidents were not helped by the attitude of the management. I realise that the management has now changed but feel that the owners of the hotel must have been aware of the problems being caused and did nothing to prevent them. The problem only ceased when the management left suddenly after accumulating so many debts they were unable to continue in residence. They had many weekend late functions to raise themselves some cash which they presumably took with them. An amount of £124,000 was left owing including £7,104 to Herefordshire council and to many small businesses in Leominster.

I would not like to appear to be a 'kill joy ' and would love to see the Royal Oak once more operating as a successful coaching inn. But do not feel the a late night licence till 1.30am would enhance the area or attract more tourists. So I object on the grounds of noise and late night disturbance in a street where there are many residences and another Hotel.

leonins,





# Representation Form – Interested Parties Suggested Conditions

Premise: Royal oak leominsteryour name

It would help us with this application if you could suggihappy for the premise to operate under to rectify the p experiencing.

All suggested conditions shall be considered in line with the Herefordshire Council Licensing Policy, the Licensing Act 2003 and the Licensing Objectives.

To Prevent Crime and Disorder
License till midnight only
Dublis O. fet
Public Safety
Not allowing anyone to be served
Not allowing anyone to be served who is too drunk or of a disorderly pature.  Prevent Public Nuisance
disorderly pature.
Prevent Public Nuisance
prevent noise from Hotel by
only holding functions in room
at rear of premises, finishing
prevent noise from Hotel by only holding functions in room at vear of premises. Finishing before midnight
Drotoot Children from House
preventing children in nearby residences from sleeping due to excessive noise.
residences from Sleeping due
to expessive noise.

Sig

Da

f you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105

EH & TS/ LICENSING SECTION 製造 To File its in

TO:

15/02/04

2 FFR 2009 HEREFORDSHIRE COUNCIL Licensing Act 2003

## REPRESENTATION FORM - INTERESTED **PARTIES**

On making your representation please have regard to the 'Making Representations Guidance Notes' which further explains the process and the information that can be considered by the licensing authority.

When completing this form please print clearly and legibly.

Please return this form, and any additional information within the statutory period to: The Licensing Section, County Offices, PO Box 233, Bath Street, Hereford, HR1 2ZF licensing@herefordshire.gov.uk

aking

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of the li boxe Mail CO. U/C es 110

To Prevent Crime & Disorder

I AM CONCERNED THAT THE CHIME AND ALSORDER EXPERIENCED ON PRIOR COCASIONS WILL BE REPEATED AGAIN IF LICEUCING IS GRANTED AFTER 11130 PM.

Public Safety

AS ABOVE - MEMBERS OF THE PUBLIC MYSELF AND SON IN CUIDED AND HUSBAND WITH DEMENOTYA, HAVE ALL FELT UNSAFE AND AFRAID DUE TO CLIENTELLE OF THIS HOTEL WHEN RUNNING LATE NIGHT LICENCE. DOR HOWE TO Prevent Public Nuisance 130 ceasaron time IS FAR TOO LATEIN THIS TOO LATEIN THIS AREA

YES THIS TOO. THE MOISE FROM AMASSITE CIATHERING, DISCO, LIVE BAND AND KARAOKE DOES NOT BERE CONTEMPLATION .. SO HAR NO BOUNCERS HAVE BEEN IN GUIDENCE ANYWHERE

To Protect Children from Harm

THE PROPOSED GATHERINGS INCUIDE BOUNCY CASTLES - NO TIME LIMIT IS STATED SO YOUNGSTERS WILL BE PRESENT THEY OUGHT NOT TO BE UNTIL THE EARLY HOURS -

MORE OVER ZAW ATTACKET SOWAS OUR NOST GHBOUK

THSTOR ETNAM S

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105

PLEASE TURN OUT

I am glad that The R.Oak 15 spen,
but I am concerned by the youth
of mose running it (AGAIN) the owner
is the same person who owned / director
the previous company, although this
time he is present on occasion.

Public SAFETY is an issue when untimuted occupancy is advertised for me noons. Also when

DRINKING & FXCESS IS CLEARLY

ENCOURAGED BY PUBLICLY DISPLAYED NOTICES STATING THAT STAYING IS CHEAPER THAN A TAXI HOME (IN A MULTIPLY OCCUPIED ROOM IMPLYING YOUTH)

THE GWNER SAID (OPTIMISTICALLY I PRAY)

THAT HE'S EXPECTING UPTO 800 YES

EIGHTHUNDRED PEOPLE TO THE 4 fow EVENTSTHAT HE'S RUNNING ON 14

FEBRUARY! ICANNOT BELIEVE

THAT IS SAFE! EVEN 400 WOUZD BE WORRY ING.

PROPOSE THEREFORE, THAT LICENSINGBE GRADTED UNTIL 11130, OCCUPANCY IN
ROOMS IS ENQUIREDINTO (FIRE REGULATIONS SURELY)?
ATIME RESTRICTION IS PUT ON BOUNCY CASTE
OFM PERHAPS? (FOR CHILDREN) + BOUNCERS BE
IN EUTDENCE. AN ORDERLY PREMISES WITT NEE
IN EUTDENCE. AN ORDERLY PREMISES WITT NEE

12 January 2009

Licensing Department Herefordshire Council Bath St Hereford HR1 2HQ EH & TB / LIC EMSING SECTION

13 JAN 2009

TO:

Dear Sirs

#### RE: APPLICA

I and my wife

The last managers were, quite frankly, appalling in the way in which they ran the Hotel.

What concerns my wife and I most (and the other residents in South Street) is that the Hotel is still under the same ownership – the Company might have changed but that is a name only.

Therefore, we have little faith that any regulations concerning the ballroom, late night opening, regulations of consumption by juveniles will be honoured. We have already experienced a breach of the Rules in that the premises was opened without any license whatsoever two weeks ago. Music was being played in the ballroom on Sunday afternoon and we feel that this is just the beginning of a catalogue of breaches that could well occur.

Supervision by the licensee on the site did little to stop the breaches last time.

What will happen this time?

The last thing we want to do is to deny a leisure facility to Leominster. No members of South Street are of that frame of mind but they are concerned about the quality of their lives and the disrepute the last Managers brought to the Hotel and indeed to the town.

For these reasons, I oppose the granting of any licence to the Royal Oak Hotel and in particular to late night opening of the ballroom. The noise is deafening and the windows were always left open and the fire door at the back.

I am sure that the others in South Street will be writing.

We put our faith in the Council and the Licensing Authority and we hope we are not let down once more.

Yours faithfully

4S, LICENCING OFFICER, HEREFORD POLICE STATION

EH & IS LICENSING SECTION 學等等所得到一個學事的 為自

16 FFR 2009

10:

HEREFORDSHIRE COUNCIL Licensing Act 2003

REPRESENTATION FORM - INTERESTED **PARTIES** 

On making your representation please have regard to the 'Making Representations Guidance Notes' which further explains isidered by the

Please return this form, and any additional information within the statutory period to: The Licensing Section, **County Offices,** PO Box 233. Bath Street, Hereford, HR1 2ZF licensing@herefordshire.gov.uk

rame a Address of premises you are making

THE ROYAL PAK HOTEL SOUTH ST LEDGINGTER

DATA PROTECTION ACT 1998. Please indicate by ticking here ..... if you are not content for your personal details to be circulated as necessary prior to any hearing.

A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

To Prevent Crime & Disorder IN THE AAST 18 MONTHS WHON THEY PIAMEN LOUIS MUSIC | SOLVINGE MANY DAINES, FILLITS MANGE STALTEN IN THE BUILDING (MORE) AND OUTSING MY MOMENTAY. ALL WORK ICKEN IN THE POLICE AT THE THAT. Public Safety AS ABOUC. THE ARCA IS WARY RESIDENCELL AND I AM WELLIN FOR WE PEOPLE IN ME ARCA. To Prevent Public Nuisance MAYING LOUIS MUSIC, NOISON DEUXIE ABONCE ON THE SMOET IN THE BARCY MOURS OF ME MARNING. THIS MAS AARIBURD IN THE PAST. IZMONIAS. To Protect Children from Harm DOTH REY YOURS CHILDREN MADE BAN AKELIEN BY WEIGE NUISANCE IN THE PART & MONTHIS. LOT SLEEPING MODEINE POR LANGE ON

> If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105