

AGENDA

Regulatory Sub Committee

Date: **Monday 4 April 2011**

Time: **10.00 am**

Place: **Meeting Room 18a, 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

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership **Councillor SPA Daniels**
 Councillor JW Hope MBE
 Councillor GA Powell

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. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

	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.	
5. APPLICATION FOR A VARIATION TO A PREMISES LICENCE 'MAMMA JAMMA'S, 15A WEST STREET, HEREFORD, HR4 0BX'.	1 - 6
To consider an application for the variation of a premises licence in respect of 'Mamma Jamma's, 15A West Street, Hereford, HR4 0BX'.	
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6. APPLICATION FOR A VARIATION TO A PREMISES LICENCE 'JAILHOUSE, 1 GAOL STREET, HEREFORD, HR1 2HU'.	59 - 68
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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.

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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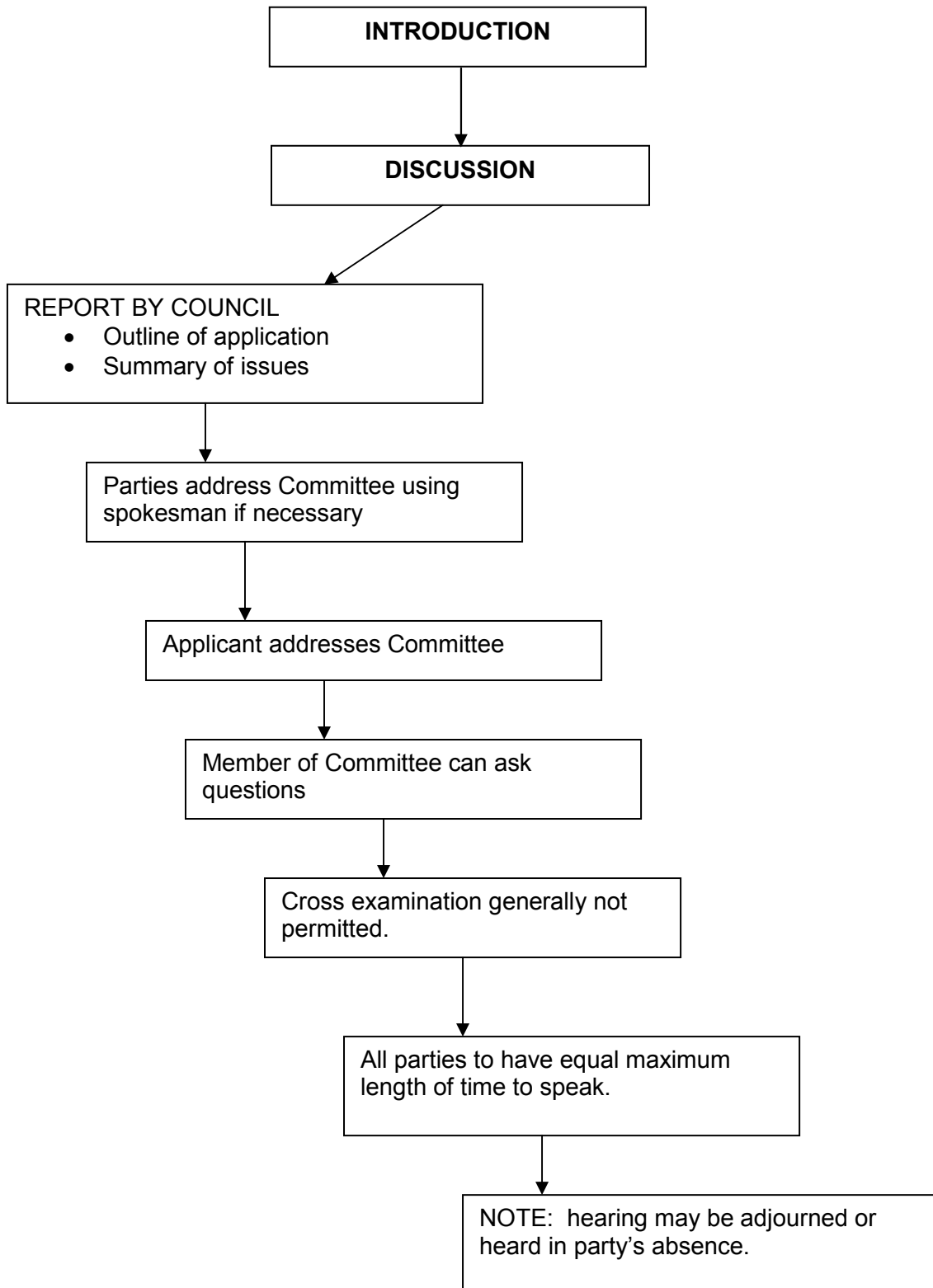
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	4 APRIL 2011
TITLE OF REPORT:	APPLICATION FOR VARIATION OF A PREMISES LICENCE 'MAMMA JAMMAS, 15A WEST STREET, HEREFORD, HR4 0BX.' - LICENSING ACT 2003
PORTFOLIO AREA:	ENVIRONMENTAL HEALTH & TRADING STANDARDS

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider an application for the variation of a premises licence in respect of the 'Mamma Jammass, 15A West Street, Hereford, HR4 0BX'.

Key Decision

This is not a Key Decision.

Recommendation

THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should 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, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- The police and EHO have made representation as Responsible Authorities.
- One (1) representation from the City Council.
- Eight (8) representations from members of the public.

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

Options

- 1 a) 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,
- b) 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 conditions set out in the Licensing Act 2003,
- c) To exclude from the scope of the licence any of the licensable activities to which the application relates,
- d) To refuse to specify a person in the licence as the premise supervisor, or
- e) To reject the application.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Jonathan George Charles Jones Orchard Rise, A49 Moreton on Jugg, HR4 8AH	
Solicitor	N/K	
Type of application: Variation Application	Date received: 16/02/11	28 Days consultation 15/03/10

Licence Application

- 4 The application for a variation to the premises licence has received representation and is brought before the committee for determination.

Current Licence

- 5 The current licence authorises: -

Live Music
Wednesday 19:00 until 23:00

Recorded Music
Sunday – Friday 17:00 until 02:00
Friday – Saturday 17:00 until 03:00

Facility for Making Music
Sunday – Thursday 17:00 until 01:30
Friday – Saturday 17:00 until 02:30

Facility for Dancing
Wednesday 19:00 until 23:00
Friday - Saturday 21:00 until 03:00

Supply/Sale of Alcohol
Sunday – Thursday 17:00 until 01:30
Friday – Saturday 17:00 until 02:30

Non Standard Hours
None

Summary of Application

6 The application requests that the hours be extend as follows:

Live Music
Monday – Sunday 1700 until 23:30

Recorded Music, Facility for Making Music, Facility for Dancing, Supply/Sale of Alcohol
Sunday – Thursday 17:00 until 03:00
Friday – Saturday 17:00 until 04:00

Non Standard Hours
Until 0400 hours on New Years Eve and Christmas Eve

The applicant has also requested to remove the sound limiting device.

Summary of Representations

7 A copy of the representations can be found within the background papers.

8 Representation has been made by:
The police
The EHO
City Council
Eight (8) members of the public

Key Considerations

11 THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should 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, and
- The Herefordshire Council Licensing Policy.

Community Impact

- 12 The granting of the licence as applied for may have an impact on the Community.

Legal Implications

- 13 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

- 14 The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

- 15 In this case it was summed up that: -

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

- 16 Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

- 17 This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

- 18 This has been further supported by the case of R (on the application of Developing Retail Ltd) (Claimant) v South East Hampshire Magistrates' Court (Defendant) & (1) Martin Usher & Ors (2) Portsmouth City Council (Interested Parties) (2011) which appeared before the Queens Bench Division on 4/3/2011.

- 19 It was held that the condition imposed by the Magistrates Court was vague, imprecise and arbitrary and therefore was not enforceable.

- 20 Schedule 5 gives a right of appeal to: -

Rejection of applications relating to premises licences

1 Where a licensing authority—

- (a) rejects an application for a premises licence under section 18,
 - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
 - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
 - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

- 2(1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

21 Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

Consultees

- 22 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 23 A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.
- 24 The notice of application was displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.
- 25 The applicant has produced a copy of that advertisement. However it is noted that the hours applied for states 17:00 to 03:00. No mention has been made of the non-standard timings.

Appendices

- 26
- a. Police representation
 - b. EHO representation
 - b. Application Form
 - c. Public Representation

Background Papers

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

EH & TS / LICENSING SECTION
RECEIVED

11 FEB 2011

TO:

Application to vary a premises licence 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.

I/We Jonathan George Charles Jones

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PR01437

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
15a West Street

Post town	Hereford	Post code	HR4 0BX
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Telephone number at premises (if any)	07932379145
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Non-domestic rateable value of premises	£14250
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Part 2 – Applicant details

Daytime contact telephone number	07932379145		
E-mail address (optional)	jonsunkingpromos@hotmail.com		
Current postal address if different from premises address	Orchard Rise Moreton-On-Lugg		
Post Town	Hereford	Postcode	HR4 8AH

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

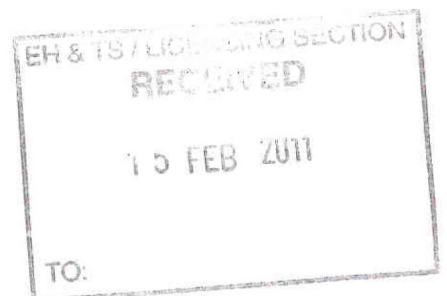
Day Month Year

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Please describe briefly the nature of the proposed variation (Please see guidance note 1)
To be able to have a dj playing music on some Thursday nights, To have live music on some nights. To be able to serve alcohol to a later time. To remove from our license the use of a sound limiter and replace it with using upto a maximum sound sytem of 1500w.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--



Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Tue					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) We wish to be able to have live music including open mic performances on these nights. Although we wont have live music every week it would be very useful to not be restricted to a specific night should the opertunity arrive		
Mon	1700	2330			
Tue	1700	2330	State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	1700	2330			
Thur	1700	2330	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	1700	2330			
Sat	1700	2330			
Sun	1700	2330			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) To be able to have a jukebox or disc jockey playing music during these times		
Mon	1700	0300			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Tue	1700	0300			
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Should New Years Eve, Christmas eve fall Sunday to Thursday we would like to be able to play music upto 0400.		
Wed	1700	0300			
Thur	1700	0300			
Fri	1700	0400			
Sat	1700	0400			
Sun	1700	0300			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Tue						
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Wed						
Thur						
Fri						
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing We have a jukebox on site and also intend to use djs.	
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Please give further details here (please read guidance note 3) We have a jukebox and a dual cd player that are both amplified.	
Mon	1700	0300		
Tue	1700	0300	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Wed	1700	0300		
Thur	1700	0300	Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5) Should New Years Eve, Christmas eve fall Sunday to Thursday we would like to be able to play music upto 0400	
Fri	1700	0400		
Sat	1700	0400		
Sun	1700	0300		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing We have a small dancefloor which we normally have a pool table on. However when a dj is playing we remove the pool table and use the floor for dancing.	
Mon	1700	0300	Please give further details here (please read guidance note 3)	
Tue	1700	0300		
Wed	1700	0300	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur	1700	0300		
Fri	1700	0400	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5) Should New Years Eve, Christmas eve fall Sunday to Thursday we would like to be able allow dancing upto 0400	
Sat	1700	0400		
Sun	1700	0300		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises <input checked="" type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon	1700	0300		
Tue	1700	0300		
Wed	1700	0300		
Thur	1700	0300		
Fri	1700	0400		
Sat	1700	0400		
Sun	1700	0300		

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)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	1700	0330	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) Should New Years Eve, Christmas eve fall Sunday to Thursday we would like to be able to open upto 0400
Tue	1700	0330	
Wed	1700	0330	
Thur	1700	0330	
Fri	1700	0430	
Sat	1700	0430	
Sun	1700	0330	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

I would like to remove the condition regarding sound limiters. This is because we were so aware of the problems previously associated with noise in the area we have only installed a small sound system and this has worked very well, we believe,

have maximum 1500Wt sound system in place.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

I have enclosed PART A - PREMISES LICENSE as part B is displayed at the bar of Mamma Jammis.

15 FEB 2011

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

By extending the opening hours we believe more customers will disperse before the end of a night and thus help with keeping down the noise and other public nuisances. Also by extending the opening hours and still allowing for a 30 minute drinking up period the customers will be able to leave when they have concluded their evening.

b) The prevention of crime and disorder

We are increasing the number of cctv cameras we have within the building.

c) Public safety

We have restricted our own numbers to a maximum of 215 including staff this is to help ensure the people on the premises are never crushed, crowded or undersupervised.

d) The prevention of public nuisance

We are getting more people into the building and we think the extra opening times and serving times will help us disperse crowds more evenly.

By removing the sound limiter clause and just having a clause limiting the actual amount of power we have for sound we will always be below the noise nuisance threshold. Most sound limiters operate above the 1500w threshold and we find the level we have more than adequate.

e) The protection of children from harm

We allow no under 18s into the premises at all. We operate a very strict "Think 25" policy which all staff help invigilate.


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	 - J. JONES
Date	9 th February 2011
Capacity	owner/designated premises supervisor

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

MEMORANDUM

To : REBECCA WILLIAMS, LICENSING SECTION, ENVIRONMENTAL
HEALTH AND TRADING STANDARDS

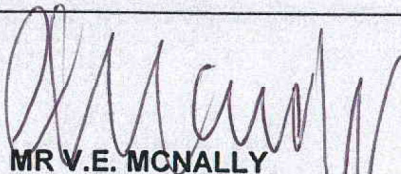
From : VINCENT MCNALLY - ENVIRONMENTAL HEALTH OFFICER,
ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Tel : 01432 260168 My Ref :
Date : 14.03.11 Your Ref : RWI/PRO1437

**LICENSING ACT 2003
NOTIFICATION OF APPLICATION TO VARY PREMISES LICENCE FOR MAMMA
JAMMAS, 15A WEST STREET, HEREFORD, HR4 0BX**

Having assessed the above application, I would like to make the following representation:

Representation	Industry Guidance
<p>PREVENTION OF PUBLIC NUISANCE</p> <p>I object to the removal of the noise conditions on this licence as the Environmental Protection department has received noise complaints about these premises</p>	



**MR V.E. MCNALLY
ENVIRONMENTAL HEALTH OFFICER (POLLUTION)
ENVIRONMENTAL HEALTH & TRADING STANDARDS**

Territorial Policing Unit – Herefordshire
Hereford Police Licensing Department
Hereford Police Station
Bath Street
Hereford. HR1 2HT

0300 333 3333 ext 4702
Direct Dial: 01432 347102

E-mail licensing.herefordshire@westmercia.pnn.police.uk

17 February 2011.

Our Ref:
Your Ref:

**Herefordshire District Council
Licensing Authority
PO Box 233
Bath Street
HEREFORD. HR1 2ZF**

Dear Sir/Madam

Premises licence variation application – Mamma Jamma’s, West Street, Hereford.

I refer to the above application made in pursuant of the Licensing Act 2003, received by the West Mercia Police on 15 February 2011.

The application covers two issues, the variation of operating hours and the removal of noise limiters. With regards to the ‘operating hours’, West Mercia Police would request that the following conditions be considered to any licence granted. As you will see, some of the actual conditions are already on the premises licence, but it is the view of West Mercia Police that the current detail is insufficient to be meaningful and enforceable. It is the view of West Mercia Police that amending current conditions and adding new will enhance and address the licensing objectives, and in particular that of preventing crime and disorder.

- Condition – That the operating schedule for the premise, based on the risk assessment to ensure compliance to the four licensing objectives, provides CCTV equipment which conform to the provision of the Data Protection Act 1998 and is meets the requirements and expectation of the

NOT PROTECTIVELY MARKED

Licensing Authority and Police. (This being the standard set in Herefordshire Council Licensing Policy)

- Condition – To prevent incidents of crime and disorder an expectation prevails that the operators of premises and their staff will at all reasonable times co-operate fully with the Police and other enforcement agencies and take steps to ensure that members of their staff understand the importance of the responsibility they hold.
- Condition - An incident log must be kept at the premises, and made immediately available on request to an authorised officer of the Council or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
- Condition - At peak and or critical times, that is when the licensing objective(s) crime and disorder is or are likely to be compromised, a last entry time of midnight will be strictly adhered to.
- Condition – That a holder of a personal licence be present on the premises at all times when the premises is scheduled to remain **open after midnight**, at all other times the Designated Premise Supervisor (DPS) may from time to time, authorise in writing a Duty Manager to deputise for him. The written authorisation shall be kept on the premises and be readily available for examination by any Authorised Officer. The DPS must be satisfied that anyone appointed, as a Duty Manager understands the need to comply with the conditions of the licence and is competent to perform the function of Duty Manager.
- Condition – That the operating schedule for the premise has sufficient SIA registered door supervisors of a minimum of two at all times when the premises is scheduled to **open after midnight**.
- Condition – The operator shall ensure that in order to secure the integrity of the licensing objective(s) measures are taken to prevent bottles and glasses being taken from the premise.
- Condition – The operator shall in order to secure the integrity of the licensing objective(s), meet at reasonable times with parties to address issues of disorder, nuisance and annoyance.
- Condition – The operator shall ensure that in order to secure the integrity of the licensing objective of the prevention of crime and disorder the operator maintains an active membership and supports the provision of a **HAND** 'Pubwatch' scheme or similar, operated locally in the area where the premise trades.
- Condition – provision and use of a 'pub watch' radio to support the principal of membership of the HAND scheme

The applicant has additionally requested the removal of noise limiters. This is an issue best dealt with by the relevant responsible authority. However it is important to point out that the premises is near to a large residential hotel and other residential premises. Noise issues do impact on these premises and are recorded by West Mercia Police to pass on to the relevant authority as and when reports are made.

As you are aware there are other mandatory conditions that need to be added to the premises licence which further concern the crime and disorder licensing objective

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

These are the minimum new and expanded current conditions that West Mercia Police would request on any new variation licence issued with regards to the extension of operating hours.


Yours sincerely,

Jim MOONEY
Police Licensing Officer

NOT PROTECTIVELY MARKED

27th February 2011.

Richard Pascoe,


Hereford.
HR4 9AR

**Licensing Section,
Environmental Health and Trading Standards,
County Offices,
PO Box 233,
Bath Street,
Hereford.
HR1 2ZF**



Dear Sirs,

Re: 15a West Street.

I am penning this letter to lodge my opposition to the application to grant the premises at 15a West Street, Hereford, a late license.

The granting of such a license will cause a large amount of noise until the early hours of the morning, which will directly affect the quality of life at 50/51 Broad Street with the majority of occupants having properties which are to the back of 15a West Street. Also, social unrest will surely increase through the passing of such a license, in a City where combating such is paramount.

Therefore, I trust that the above premises will not be successful with such an application, which would harm the quality of life of many.

Yours faithfully,


Richard Pascoe.

RECEIVED

01 MAR 2011

HEREFORDSHIRE COUNCIL
Licensing Act 2003 TO:

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**

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.

Your Name: RICHARD PASCOE	Contact Telephone No.
Address: [REDACTED] HEREFORD HR4 0AR	E-mail address:
Please state your interest in the premises you are making a representation about: Residential neighbour	
Name & Address of premises you are making a representation about: MAMA JAMA'S 15A WEST STREET HEREFORD	

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	see attached ✓
Public Safety	
To Prevent Public Nuisance	see attached ✓
To Protect Children from Harm	

Signed: [REDACTED]

Date: 1/3/11

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



HEREFORDSHIRE
COUNCIL

Representation Form – Interested Parties
Suggested Conditions

Premise: Mama Jama's
15A West Street

Your name: Richard Pascoe

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

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

<p>To Prevent Crime and Disorder Limit hours alcohol sold</p>
<p>Public Safety</p>
<p>Prevent Public Nuisance Limit sale of alcohol to 11.30pm and 0.1am Friday, Saturday. All music to stop at 11pm Sunday to Thursday and 12.30am Friday and Saturday Soundproof Buildings, and keep doors and windows shut Don't allow removal of sound limiters to be replaced with max sound system</p>
<p>Protect Children from Harm</p>

Signed: [Redacted]

Date: 1/3/11

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



*Hereford
HR4 9AR*

*Herefordshire Council
Licensing Dept
Bath Street
Hereford
HR1 2ZF*

Dear Sir/Madam,

I am putting in writing that could you please change the hours that 15a West Street want to open for.

I live at Flat 1 Broad Street and this faces onto West Street at the back, I will be able to hear everything and I do work full time I like everyone else need my rest and I would expect to go home and find it quiet as I always try to be for other people. Already we have noise from the Queens Arms pub which goes on very late and into the early hours but thankfully not usually after 12am, I don't think it is fair to expect anyone to live by a pub that is playing music until 3 or 4am in the morning on weekends and 3 during the week.

Perhaps they could close at 12 in the week and 1.30am at weekends but finish the music at 11.30

Regards

Lukasz Chmielewski



ELI REPRESENTATION
 RECEIVED
 01 MAR 2011

HEREFORDSHIRE COUNCIL
 Licensing Act 2003

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

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.

Your Name: LUKASZ CHMIELEWSKI	Contact Telephone No.
Address: [REDACTED] HEREFORD HR4 2AR	E-mail address:
Please state your interest in the premises you are making a representation about: NEIGHBOUR (Residential)	
Name & Address of premises you are making a representation about: MAMA JAMA'S 15A WEST STREET HEREFORD	

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 ✓ see attached
Public Safety
To Prevent Public Nuisance ✓ see attached
To Protect Children from Harm

Signed: [REDACTED]
 Date: 1st March 2011

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



**Representation Form – Interested Parties
Suggested Conditions**

Premise: Mama Jama's Your name: Lukasz Chmielewski
15A West Street

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are 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 Limit hours alcohol sold
Public Safety
Prevent Public Nuisance limit sale of alcohol to 11.30pm Sundays to Thursday and 1am Friday and Saturday All music to stop at 11pm Sunday to Thursday and 12.30am Friday and Saturday Sound proof buildings and doors windows to be kept shut Don't allow removal of sound limiters to be replaced with max sound system
Protect Children from Harm

Signed: [Redacted]
Date: 1st March 2011

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


Hereford
HR4 9AR

Hereford Council
County Offices
Licensing Dept
Bath Street
POBox 233
HR1 2ZF

27th February 2011

Dear Sir,

Re: Licence for 15a West Street, Hereford HR4 OBY

Can you please reduce the hours **that** the above licence has been applied for.
I live at a flat on the corner of Broad **St**/West **Street** and my bedroom backs onto west **Street**.

I am very worried **about** the noise and the amount of people coming from **this** venue at such a late hour.

We already **get** a lot of noise from The Queens Arms and Stagecoach **pubs**, but **thankfully** this has usually stopped by mid night, although this is very disruptive at least we can get some rest but to think of **this** venue being open until 4.30 am and the noise going on until then is very disturbing.

Thank you

Lidia Slocka


EH & WS LICENSING SECTION
 RECEIVED
 01 MAR 2011

HEREFORDSHIRE COUNCIL
 Licensing Act 2003

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

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.

Your Name: KIDIA SLODKA	Contact Telephone No.
Address: FLAT 8 52/51 Broad Street Hereford HR4 9AR	E-mail address:
	Please state your interest in the premises you are making a representation about: resident neighbour
Name & Address of premises you are making a representation about: MAMA JAMA'S 15A WEST STREET HEREFORD	

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	see attached
Public Safety	
To Prevent Public Nuisance	see attached
To Protect Children from Harm	

Signed: [Redacted]
 Date: 1/3/11

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



HEREFORDSHIRE
COUNCIL

**Representation Form – Interested Parties
Suggested Conditions**

Premise: Mama Jama's Your name: Lidia Slocka
15A West Street

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

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

<p>To Prevent Crime and Disorder Limit hours alcohol sold</p>
<p>Public Safety</p>
<p>Prevent Public Nuisance limit sale of alcohol to 11.30pm Sunday to Thursday and to 1.0am Friday and Saturday All music to stop at 11pm Sunday to Thursday and 12.30 am Friday and Saturday Soundproof Building and keep doors and windows shut. Don't allow removal of sound limiter to be replaced with Max sound system</p>
<p>Protect Children from Harm</p>

Signed: [Redacted]

Date: 1/3/11

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



Hereford
HR4 9AR

28th February 2011

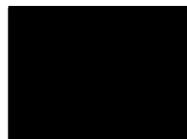
Licence Dept
Hereford Council
Bath Street
Hereford

Re: Licence for Alcohol Sales at 15a West Street, Hereford

Dear Sir,

I feel that I must write to you to see if you can reduce the hours that the above has applied for to a more appropriate time. I work at Ledbury and I have to leave very early and I dread the thought of being kept awake until early hours with music and the general public coming and going past my apartment until 5am on Friday and Saturday, as my bedroom is at the rear and backs onto west street. I do hope that you will consider my request and give it some thought.

Thank you



Paul Green

HEREFORDSHIRE LICENSING SECTION
 RECEIVED
 01 MAR 2011

HEREFORDSHIRE COUNCIL
 Licensing Act 2003

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

TO:
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.

Your Name: PAUL GREEN	Contact Telephone No. [REDACTED]
Address: FLAT 2 50 BROAD STREET HEREFORD HR4 0AR	E-mail address:
	Please state your interest in the premises you are making a representation about: RESIDENT NEIGHBOUR
Name & Address of premises you are making a representation about: MAMA JAMA'S 15A WEST STREET HEREFORD	

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 ✓ see attached
Public Safety
To Prevent Public Nuisance ✓ see attached
To Protect Children from Harm

Signed: [REDACTED]
 Date: 11/3/11

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

ELI & IS / LICENSING SECTION
 RECEIVED
 01 MAR 2011
 TO:



**Representation Form – Interested Parties
 Suggested Conditions**

Premise: Mama Jama's Your name: PAUL GREEN
15A West Street

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

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


<p>To Prevent Crime and Disorder Limit hours alcohol sold</p>
<p>Public Safety</p>
<p>Prevent Public Nuisance limit sale of alcohol to finish 11:30pm Sunday to Thursday and 1am Friday and Saturday All music to stop at 11pm Sunday to Thursday and 12:30 am Friday and Saturday sound proof building and keep doors, windows shut Deny the right to remove current sound limiters to be replaced with Maxx sound system</p>
<p>Protect Children from Harm</p>

Signed:

Date: 11/3/11

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

Alan Crowle


Hereford
HR4 0BY
February 26, 2011



Hereford council
County Offices
Licensing Dept.
Bath street
POBox 233
HR1 2ZF

Dear Sir/Madam:

I am writing to lodge my objection to the proposal for "Entertainment and supply of alcohol to the public from 17:00 to 04:30 Monday to Saturday at 15a West Street, Hereford, HR4 0BY"

Living close to the proposed site we already have issues with noise pollution from the Stagecoach playing Karaoke until 12:30am, I do not want a nightclub here also as this would make it near impossible to enjoy my property due to the levels of noise. Placing a nightclub this close to residential properties is unacceptable.

Yours Sincerely,


Alan Crowle

LICENSING SECTION
 RECEIVED
 01 MAR 2011
 TO:

HEREFORDSHIRE COUNCIL
 Licensing Act 2003

REPRESENTATION FORM – INTERESTED PARTIES

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

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.

Your Name: Alan Crowle	Contact Telephone No.
Address: 3 Fletcher Court West Street Hereford HR4 0BY	E-mail address:
Please state your interest in the premises you are making a representation about: Res idem neighbours	
Name & Address of premises you are making a representation about: MAMA JAMA's 15A West Street Hereford	

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 See attached
Public Safety
To Prevent Public Nuisance <input checked="" type="checkbox"/> see attached
To Protect Children from Harm

Signed: [Redacted]

Date: 1/3/11

ELI REPRE – 1 Representation Form – Interested Parties

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

EH & TS / LICENSING SECTION
 RECEIVED
 01 MAR 2011
 TO:



HEREFORDSHIRE
 COUNCIL

**Representation Form – Interested Parties
 Suggested Conditions**

Premise: Mama Jama's Your name: Alan Crowle
15A West Street

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are 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	
Public Safety	
Prevent Public Nuisance	<p>← Sunday To Thursday limit sale of alcohol to midnight music to stop by 11pm Monday To Thursday music to stop by 12.30 am Friday and Saturday - sound proof Building doors and windows to be kept shut.</p>
Protect Children from Harm	Deny Removal of Sound Limiters

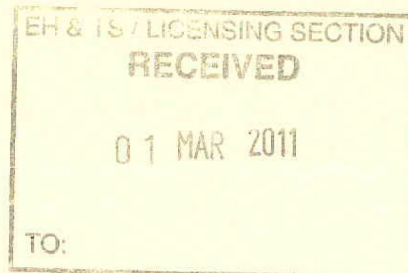
Signed:

Date: 11/3/11

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

**Hereford
HR4 0BY**

**Herefordshire Council
Licensing Dept
Hereford
HR1 2ZF**



Dear Sir/Madam,

We are writing to contest the request for extended opening hours applied for at 15a West Street, Hereford. We are both full time students and we work on weekends. Because of this the requested opening hours will intrude on our rest and relaxation when we are working 6 out of 7 days in our term breaks and there will also be a disturbance in the surrounding areas in the early hours of the morning and we would like the hours restricted to a more reasonable time, we think all music to finish by 11.30pm in the week and 12.30am weekends. We would also like to see the building close by 12pm week days and 2am weekends. We think that to allow the hours applied for will encourage people to binge drink and behave in a drunk and disorderly manner. Also the surrounding are will be subject to drunken mess and our doorway will be a prime spot for this sort of behaviour.

These are the reasons we feel that the hours asked for are unreasonable and we ask that you consider the effect this will have on the neighbours of this building.

Regards

Laura Crick and Chris Lawley

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**

Your Name: <i>Chris Lawley Laura Cook</i>	Contact Telephone No.
Address: <i>1 Fletcher Court WEST STREET HEREFORD HR4 0BY</i>	E-mail address:
	Please state your interest in the premises you are making a representation about: <i>Resident Neighbour</i>
Name & Address of premises you are making a representation about: <i>MAMA JAMA's 15a West Street Hereford</i>	

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	<i>see attached</i>
Public Safety	
To Prevent Public Nuisance	<i>see attached</i>
To Protect Children from Harm	

Signed: [Redacted]

Date: [Redacted]

26/2/2011

ELI REPRE – 1 Representation Form – Interested Parties

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

1

ELI REPRESENTING SECTION
RECEIVED
01 MAR 2011
TO:



HEREFORDSHIRE
COUNCIL

Representation Form – Interested Parties Suggested Conditions

Premise: Mama Jama's Your name: Laura Crick
15A West Street Chris Lawley

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are 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 limit hours alcohol sold
Public Safety
Prevent Public Nuisance limit sale of alcohol until 11:30 pm Sunday to Thursday limit sale of alcohol until 2am All music to stop at 11pm Sunday to Thursday All music to stop at 12:30 am weekends Soundproof Building and keep doors and windows shut Deny the right to remove sound limiters to replace with max sound system
Protect Children from Harm

Signed:



Date:

26/2/2011

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


Hereford
HR1 1UN
Tel 01432 353459
Or 07738227197
Email Gholt.hes@googlemail.com

26th February 2011

The Manager
Licensing Dept
Hereford Council
Bath Street
Hereford

Re: Application for licence for entertainment and Alcohol sales at Mama Jama's

Dear Sir,

I am writing to you as I am the landlord of a number of flats that I own and lease out at Broad Street and West Street, Hereford.

I noticed that you have received a licence application from Mama Jama's 15A West Street, Hereford for music and sale of alcohol until various hours of the morning.

I have a constant stream of complaints from tenants at my apartments re the noise from the Queens Arms and the music and public noise that comes from this pub, fortunately this entertainment usually finishes about midnight, that is obviously very annoying for any neighbouring properties and people trying to sleep, but I just don't know what will happen if the licence application for 15A West Street is granted for the requested times.

I am constantly cleaning up vomit and urine from the porches of my existing flats and there are always nuisance callers dialling the door entry system when the pubs close, but as the existing licences for these pubs has already been granted there is little that we can do over this, however I do hope that in writing to you before you consider the requests of this new application of Mama Jama's that you may consider reducing the hours that you will permit on the new licence.

I also note that the applications requests for the 'Removal of sound limiters and this to be replaced with max sound system 1500w' can you please deny this request as the area around 15a West Street, is currently given to a large amount of residential living and to take away sound limiters can only aggravate the noise situation

Thank you

Gill Holt (Mrs) 

EH & TS / LICENSING SECTION
RECEIVED
 01 MAR 2011

HEREFORDSHIRE COUNCIL
 Licensing Act 2003

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

TO: **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.

Your Name: GILL HOLT	Contact Telephone No. [REDACTED]
Address: 57 GORSTY LANE HEREFORD HR1 1UN	E-mail address:
	Please state your interest in the premises you are making a representation about: Landlord of neighbouring Flats
Name & Address of premises you are making a representation about: MAMA JAMA'S 15A WEST STREET, HEREFORD	

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	✓ see attached
Public Safety	
To Prevent Public Nuisance	✓ see attached
To Protect Children from Harm	

Signed: [REDACTED]
 Date: 1/2/2011

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



HEREFORDSHIRE
COUNCIL

Representation Form – Interested Parties Suggested Conditions

Premise: Mama Jama's Your name: GILL HOULT
15A West Street

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

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

<p>To Prevent Crime and Disorder limit hours alcohol sold</p>
<p>Public Safety</p>
<p>Prevent Public Nuisance limit sale of alcohol to 11:30pm Sun - Thursday and 1am Friday and Saturday All music to stop at 11pm Sun - Thursday and 12:30am Friday and Saturday. Soundproof Building and keep doors & windows shut Deny the right to remove sound limiter to replace with max sound system</p>
<p>Protect Children from Harm</p>

Signed: 

Date: 1/3/2011

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

West Street
Hereford
HR4 0BY

Herefordshire Council
Licensing Dept
County Offices
PO Box 233
Bath Street
Hereford
HR1 2ZF



Dear Sir,

I am writing to you to ask if you can minimise the hours that have been requested to sell alcoholic drinks and play music to the public at 15a West Street, Hereford. I live very near to 15a West Street Hereford HR4 0BY, and I work every day. This is my home and although there is some disruption at week ends from neighbouring pubs etc the noise (from karaoke and live music) is usually finished by 11.30pm at the latest. Although this disturbs my home life I can put up with this. There are very often disturbances from people leaving these pubs and I get a mess on my doorstep, from these people being sick etc and sometime graffiti, but the thought of licensing hours and music until 4am absolutely terrifies me. As this is now my home I would find it very difficult and expensive to have to try to move so I am asking if perhaps the licensing committee can please think of people like me who live in a very close proximity to this building and restrict the hours of both music and sales

Thank you

Mr Michal Pawluk

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.

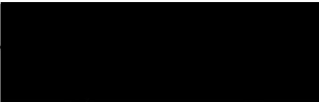
Please return this form, and any additional information within the statutory period to:
The Licensing Section,
County Offices,
PO Box 233,
Bath Street, Hereford,
HR1 2ZF
licensing@herefordshire.gov.uk

Your Name: Michal Pawluk	Contact Telephone No.
Address: 2 FLETCHER COURT WEST STREET HEREFORD HR4 0BY	E-mail address:
	Please state your interest in the premises you are making a representation about: NEIGHBOUR (Residential)
Name & Address of premises you are making a representation about: MAMA JAMA'S 15A WEST STREET, HEREFORD	

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 .

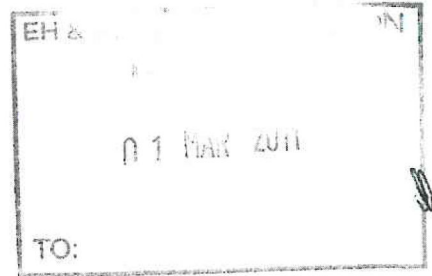
A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

To Prevent Crime & Disorder
Public Safety
To Prevent Public Nuisance Prohibit removal of sound limiters. limit sale of alcohol to midnight Sunday to Thursday and 1am Friday - Saturday Music to stop by 11pm Monday to Thursday and 12.30am Friday and Saturday Building to be soundproofed and doors and windows kept closed
To Protect Children from Harm

Signed: 
Date: 26 February 2011

ELI REPRE – 1 Representation Form – Interested Parties

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



**Representation Form – Interested Parties
Suggested Conditions**

Premise: Mama Jama's Your name: Michal Pawluk
15A West Street

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are 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
Public Safety
Prevent Public Nuisance ✓
Protect Children from Harm

Signed: [Redacted]

Date: 26 February 2011

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

From: Stephen Kerry [mailto:clerk@herefordcitycouncil.gov.uk]
Sent: 09 March 2011 13:52
To: Williams, Rebecca
Subject: FW: ELI PREM G 11 Memo to Responsible Authorities-Interested Parties

Becky,

Anthony Bush has given me your correct email address. Please let me know the outcome as our members were quite concerned at the prospect of uncontrolled music until 4.30 am. We're not ready for Ibiza in Hereford yet!

Steve

From: Stephen Kerry [mailto:clerk@herefordcitycouncil.gov.uk]
Sent: 09 March 2011 10:57
To: 'rwilliams@herefordshire.gov.uk'
Cc: 'Olena Polak'; 'Bush, Anthony'
Subject: RE: ELI PREM G 11 Memo to Responsible Authorities-Interested Parties

Dear Becky,

The City Council considered this application at its Planning Committee on 7th March. We object to the proposals on the grounds of public nuisance.

Adding another ninety minutes to the opening time will increase the late night/early morning noise and anti-social behaviour associated with people exiting clubs. Taking the closing time further into the small hours of the morning will substantially increase that problem and mean this club is operating outside the general closing time conditions operating in Hereford.

Removing the sound limiter can only increase the amount of noise generated inside the club, there would be no point applying to do it if that were not the case. We are assuming the sound limiter was required after proper consideration both of the ambient noise in the neighbourhood and to restrain public nuisance, and to control noise levels inside the establishment to manage the risk of ear damage. There may well be a secondary ground for objection based on public safety although without technical data and industry guidance we cannot judge that. We trust the Environmental Health specialists will review this matter very carefully.

Please let us know the outcome of this application.

Steve Kerry
Town Clerk
Hereford City Council.

From: Bush, Anthony [mailto:abush@herefordshire.gov.uk]
Sent: 15 February 2011 10:35
To: Stephen Kerry
Subject: FW: ELI PREM G 11 Memo to Responsible Authorities-Interested Parties

For your information

Anthony Bush

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	4 APRIL 2011
TITLE OF REPORT:	APPLICATION FOR VARIATION OF A PREMISES LICENCE 'JAILHOUSE, 1 GAOL STREET, HEREFORD, HR1 2HU.' - LICENSING ACT 2003
PORTFOLIO AREA:	ENVIRONMENTAL HEALTH & TRADING STANDARDS

CLASSIFICATION: Open

Wards Affected

Central

Purpose

To consider an application for the variation of a premises licence in respect of the 'Jailhouse, 1 Gaol Street, Hereford, HR1 2HU'.

Key Decision

This is not a Key Decision.

Recommendation

THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should 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, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- The police have made representation as a Responsible Authority

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

Options

- 1 a) 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,
- b) 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 conditions set out in the Licensing Act 2003,
- c) To exclude from the scope of the licence any of the licensable activities to which the application relates,
- d) To refuse to specify a person in the licence as the premise supervisor, or
- e) To reject the application.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Steven Lloyd Harrison The Crozens, 114 Eign Road, Hereford, HR1 2RZ	
Solicitor	N/K	
Type of application: Variation Application	Date received: 11/02/11	28 Days consultation 10/03/10

The premises were visited by the Licensing Authority during the night of 3rd February 2011 were it was found that a number of conditions were not being complied with. This included the condition that there were to be 3 door supervisors on duty.

In addition to this it was noted that the current conditions shown on the licence were outdated and in most cases unenforceable.

As a result of that visit the applicant submitted the variation application now appearing before the committee.

Licence Application

- 4 The application for a variation to the premises licence has received representation and is bought before the committee for determination.

Current Licence

- 5 The current licence authorises: -

A performance of live music; Any playing of recorded music; A performance of dance; Making music; Dancing; Sale by retail of alcohol

Monday: 12:00 - 01:30;

Tuesday-Thursday: 12:00 - 02:00;

Friday-Saturday: 12:00 - 03:00;

Sunday: 12:00 - 01:00

Provision of late night refreshment

Monday: 23:00 - 02:00;

Tuesday-Thursday: 23:00 - 02:30;

Friday-Saturday: 23:00 - 03:00;

Sunday: 23:00 - 01:30

Non Standard Hours

A performance of live music; Any playing of recorded music; A performance of dance; Making music; Dancing; Provision of late night refreshment

New Years Eve 24 hr

Xmas Eve 12:00-02:00

Sale by retail of alcohol

New Years Eve 24 hr

Xmas Eve 12:00-02:00

Bank Holidays 12:00 - 03:00

Summary of Application

- 6 The application requests that the condition in relation to the door staff be amended as shown at Part 3 of the variation form.

In addition the applicant requests to amend the condition in relation to fly posting.

Summary of Representations

- 7 A copy of the representation can be found within the background papers.
- 8 Representation has been made by the police as a Responsible Authority.
- 9 The Licensing Authority has been working in partnership with the premises licence holder and the police. As a result a set of conditions has been agreed. These are:-

Prevention of Crime:

- i. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order , be correctly time and date stamped , recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

- ii. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by Officers of the Fire Authority, Police or Licensing Authority.

- iii. An incident log must be kept at the premises, and made immediately available on request to an authorised officer of the Council or the Police, which must record the following:

- all crimes reported to the venue
- all ejections of patrons
- any complaints received
- any incidents of disorder
- seizures of drugs or offensive weapons
- any faults in the CCTV system or searching equipment or scanning equipment
- any refusal of the sale of alcohol
- any visit by a relevant authority or emergency service

- iv. The DPS and all other staff shall ensure that no open containers are taken off the premises by customers.

- v. The premises shall be an active member of the HAND Scheme (Pub Watch)

- vi. A Hereford City centre 'Pub Radio' shall be held at the premises. A responsible person shall log on at the control centre at the commencement of licensable activities. A responsible person shall monitor the radio throughout the period which the premises are open for licensable activities. Any information likely to have an impact on any of the licensing objectives shall be transmitted on the radio immediately.

- vii. A dispersal policy in relation to the premises shall be kept on the premises and produced to the Police and Authorised Local Authority Licensing Officers on request

Public Safety:

- viii. The maximum permitted numbers of persons in the premises including staff shall not exceed 300
- ix. A system shall be place which is capable of showing the number of persons on the premises at any one time. This number shall be given immediately on demand to an officer from the Licensing Authority or police.
- x. No rubbish or waste paper shall be stored or allowed to accumulate in any part of the premises.
- xi. The premises shall be kept properly and sufficiently ventilated and heated to the satisfaction of the Licensing Authority. All equipment shall be maintained in a proper working condition and any fuel stored in a safe manner.

Electrical & Gas Installations

- xii. All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an authorised Licensing Authority officer or Police on demand.
- xiii. All portable electrical equipment shall be powered through a sensitive earth leakage protection system (residual current device) having a rated residual operating current not exceeding 30 milliamps and a maximum operating limit of 30 milliseconds.
- xiv. The residual circuit device shall be tested at lease once a week and a record of this check shall be kept at the premises.
- xv. Any and all gas appliances used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an authorised Licensing Authority officer or Police on demand.

Special Effects

- xvi. The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke producing agent, for any purpose shall not be permitted without specific written consent of the Licensing Authority. Application for consent, together with a detailed description of the method of use, should be made to the Licensing Authority not less than 14 days prior to the day on which the laser equipment is to be used.
- xvii. Strobe lights shall be operated on a fixed rate of not more than four flashes per second. Where more than one strobe light is used, the flashes shall be synchronised. In any case, such lights shall not be installed without the prior written approval of the Licensing Authority.
- xviii. The use of foam shall not be permitted unless with the prior written approval of the Licensing Authority.

Prevention of Public Nuisance:

- xix. The premises licence holder or DPS or nominated responsible person (in writing) shall ensure that noise and vibration does not emanate from the premises so as to cause a nuisance to any person residing in any noise sensitive dwelling and the music from the premises shall not be audible at any noise sensitive dwelling after 00.00 (midnight).
- xx. All parts of the licensed premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.
- xxi. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by a local authority officer or the Police.
- xxii. Any musical amplification system/equipment located at the premises, prior to use, shall be wired through a sound limiting device located in a separate and remote lockable cabinet. The level shall be pre-set by a responsible person in charge of the premises to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person.
- xxiii. 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.
- xxiv. Bottling out shall not take place between 23.00 hours and the end of licensable activities.

Litter and Fly-Posting

- xxv. The premises licence holder or DPS or Agent acting on their behalf shall not aid, abet, counsel or procure the commissioning of any illegal placarding or fly-posting. Illegal in this context means at places not authorised by the Local Authority.

Protection of Children:

- xxvi. Challegne 21 will be operated at the premises and prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all entrances to the premises as well as at at least 6 other locations within the premises advising this.
- xxvii. All staff shall be aware and trained in the age restriction policy operated at the premises and a record of the training shall be kept within the training records held at the premises.

10 The following 2 conditions have not been agreed by the applicant and are shown on the current licence.

- xxviii. Two (2) SIA Licensed Door staff shall be employed at the premises from 2000 hrs until the termination of licensable activities. When employed externally Door staff shall wear hi-viz reflective jackets. When employed internally they shall be readily identifiable as doo staff.

xxix. No person under the age of 21 shall be permitted entry to the premises other than a person employed at the premises.

Key Considerations

- 11 THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should 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, and
 - The Herefordshire Council Licensing Policy.

Community Impact

- 12 The granting of the licence as applied for may have an impact on the Community.

Legal Implications

- 13 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
- 14 The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.
- 15 In this case it was summed up that: -
A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
- 16 Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.
- 17 This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:
'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.
- In addition to this it was stated that any condition attached to the licence should be an enforceable condition.
- 18 This has been further supported by the case of R (on the application of Developing Retail Ltd)

(Claimant) v South East Hampshire Magistrates' Court (Defendant) & (1) Martin Usher & Ors (2) Portsmouth City Council (Interested Parties) (2011) which appeared before the Queens Bench Division on 4/3/2011.

19 It was held that the condition imposed by the Magistrates Court was vague, imprecise and arbitrary and therefore was not enforceable.

20 Schedule 5 gives a right of appeal to: -

Rejection of applications relating to premises licences

1 Where a licensing authority—

- (a) rejects an application for a premises licence under section 18,
 - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
 - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
 - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

2(1) This paragraph applies where a licensing authority grants a premises licence under section 18.

(2) The holder of the licence may appeal against any decision—

- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
- (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).

(3) Where a person who made relevant representations in relation to the application desires to contend—

- (a) that the licence ought not to have been granted, or
- (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,

he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

21 Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

Consultees

22 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.

- 23 A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.
- 24 The notice of application was displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.
- 25 The applicant has produced a copy of that advertisement. However it is noted that no mention has been made of licensable activities taking place outdoors and no non-standard timings are shown.

Appendices

- 26 a. Police representation
b. Application Form

Background Papers

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

EH & T Licensing Section
RECEIVED
 09 FEB 2011
 TO:

Application to vary a premises licence 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.

I/We STEVEN LLOYD HARRISON
 (Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description the Jailhouse, goal street Hereford hr1 2hu			
Post town		Post code	Hr1 2hu

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 – Applicant details

Daytime contact telephone number	07941761896 or 07968696079		
E-mail address (optional)	mouthmurf@hotmail.com		
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?



If not do you want the variation to take effect from

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
we would like to change our restriction on door supervisors, at present we have to operate with a minimum of 3 SIA registered Door supervisors when ever we are open. we would like to change this to one door supervisor per 100 people (we have a capacity of 300) we intend to always operate with a minimum of 3 door supervisors on weekends but on week days we have nights which on average attract between 50-100 people and having 3 doormen on for these nights is not economically viable . we also have a very low rate of antisocial behaviour or drug issues on these nights. these nights include our lap and poll dancing, open mic acoustic nights, private hire etc.

we would also like to amend the no fly posting setcion of our license as we have worked closely with the community protetcion team to assign designated areas where our posters can be displayed for more information please contact Craig Sandman 07792 880502

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)	
Tue				
Wed				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur				
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish		<u>Please give further details here</u> (please read guidance note 3)	
Mon					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)		Indoors
Day	Start	Finish	Outdoors		<input type="checkbox"/>
Mon			Both		<input type="checkbox"/>
			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri								
Sat								
Sun								

N

<p>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)</p>
--

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)	
Day	Start	Finish		
Mon				
Tue				
Wed				
Thur				<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Fri				
Sat				
Sun				

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

All conditions to be revised and submitted in 14 days after consultation.

- I have enclosed the premises licence Please tick yes

- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	7/2/11
Capacity	OWNER

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

STEVEN HARRISON
114 RGN ROAD

Post town	HEREFORD	Post code	HR1 2RY.
Telephone number (if any)	07976729333		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing 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.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state 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.
4. 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 e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 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.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. 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.

Territorial Policing Unit – Herefordshire
Hereford Police Licensing Department
Hereford Police Station
Bath Street
Hereford. HR1 2HT



0300 333 3333 ext 4702
Direct Dial: 01432 347102

E-mail licensing.herefordshire@westmercia.pnn.police.uk

23 February 2011

Our Ref:
Your Ref:

**Herefordshire District Council
Licensing Authority
PO Box 233
Bath Street
HEREFORD. HR1 2ZF**

Dear Sir/Madam

Ref Premises licence variation application – Jail House, Gaol Street, Hereford

I refer to the above application made in pursuant of the Licensing Act 2003, received by the West Mercia Police on the 10 February 2011

On behalf of the Chief Constable please take this as an Objection Notice for the purposes of of the Act.

This objection notice is served because it is the view of the West Mercia Police that to allow such application would undermine the licensing objectives and in particular the objective of the prevention of crime and disorder.

The application covers two separate matters. Only one of these is of concern to West Mercia Police – that is the reduction of 'SIA' registered door supervisors to 1 for up to 100 customers.

West Mercia Police submit the following as grounds to object to the application.

- Since the beginning of 2010, there have been in the region of 45 recorded incidents which are attributed to or near to the premises.
- These incidents directly impact on the licensing objectives, in particular the crime and disorder objective as the majority of the incidents involve disorder in or near the premises and the detention of customers for the possession of illegal drugs.



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- The majority of customers detained for drugs possession have come about from the positive actions of 'SIA' door supervisors at the premises, and in particular the searching of customers as they enter the premises
- Reducing door supervisors to one will not allow the premises to manage and address the crime and disorder licensing objective as there is not the capacity to undertake searches on entry and to supervise the inside of the premises at the same time. This further impacts on the health and safety of staff and customers.
- Additionally there is a history of younger people trying to use the premises. There is a condition on the premises licence that no one under the age of 18 is allowed in. There are systems in place where door staff undertake strict age verification at the point of entry. To reduce the door supervisor's numbers would impact on the ability to provide these checks. Therefore it would further impact on the mandatory age verification licensing condition and the licensing objectives.

There is scope for negotiation with the applicant with regards to reducing the number of door supervisors to a more acceptable level that meets the expectations of West Mercia Police. However at this stage, please take this letter as police representations to object to the application.

Yours sincerely,

Jim MOONEY
Police Licensing Officer

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