

# AGENDA

## Regulatory Sub Committee

Date: **Tuesday 28 June 2011**

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Time: **10.00 am**

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Place: **Room 22A The Council Chamber, Brockington, 35  
Hafod Road, Hereford**

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

For any further information please contact:

**Pete Martens Committee Manager**

Tel: 01432 261885

Email: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format, please call Pete Martens Committee Manager on 01432 261885 or e-mail [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Regulatory Sub Committee

**Membership**            **Councillor JW Hope MBE**  
                                 **Councillor CM Bartrum**  
                                 **Councillor AJ Hempton-Smith**

## **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

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1.	<b>ELECTION OF CHAIRMAN</b> To elect a Chairman for the hearing.	
2.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
3.	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
5.	<b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH MB16 (PART) AND MB18 (PART) IN THE PARISH OF MUCH BIRCH</b>  To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpaths MB16 and MB18 in the parish of Much Birch.  Ward Affected Pontrilas	1 - 6
6.	<b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH ET2 (PART) IN THE PARISH OF ELTON</b>  To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath ET2 in the parish of Elton.  Ward Affected Mortimer	7 - 12
7.	<b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER RESTRICTED BYWAY LG49 (PART) IN THE PARISH OF LLANGARRON</b>  To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of restricted byway LG49 in the parish of Llangarron.  Ward Affected Llangarron	13 - 18
8.	<b>APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 11.5</b>  To decide whether to reinstate a hackney carriage vehicle licence.	19 - 28

<b>9. APPLICATION FOR VARIATION OF PREMISES LICENCE 'SHOOTER'S BAR. GRAFTON HOUSE, LEOMINSTER, HR6 8DE.'</b>	29 - 34
To consider an application for variation of the premises licence in respect of 'Shooter's Bar, Grafton House, Leominster, HR6 8DE	
<b>Background Papers - Shooters Bar - Application Form</b>	35 - 58
<b>Background Papers - Shooters Bar - Representations</b>	59 - 68
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<b>10. EXCLUSION OF PUBLIC AND PRESS</b>	
In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.	
<b>RECOMMENDATION:</b>	<b>that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</b>
1	<b>Information relating to any individual.</b>
2	<b>Information which is likely to reveal the identity of an individual.</b>
3	<b>Information relating to the financial or business affairs of any particular person</b>
<b>11. APPLICATION FOR A MOTOR SALVAGE OPERATORS LICENCE</b>	79 - 88
To determine an application for a Motor Salvage Operators Licence.	

# **The Public's Rights to Information and Attendance at Meetings**

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- 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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- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

### **FIRE AND EMERGENCY EVACUATION PROCEDURE**

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<b>MEETING:</b>	<b>REGULATORY SUB COMMITTEE</b>
<b>DATE:</b>	<b>28 JUNE 2011</b>
<b>TITLE OF REPORT:</b>	<b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH MB16 (PART) AND MB18 (PART) IN THE PARISH OF MUCH BIRCH</b>
<b>PORTFOLIO AREA:</b>	<b>HIGHWAYS AND TRANSPORTATION</b>

**CLASSIFICATION:** Open

### **Ward Affected**

Pontrilas

### **Purpose**

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpaths MB16 and MB18 in the parish of Much Birch.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D323/274-16/18

### **Key Points Summary**

- The existing legal line of footpath MB16 is currently obstructed by farm buildings which have been in place for many years.
- An application was made by the Prudential Assurance Company Ltd. (landowner) to divert the footpath MB16, in September 1998 on behalf of the tenant farmer. The application was made on the grounds of safety through the farmyard.
- The Duchy of Cornwall bought the estate and took over the application, citing their reasons as 'physical obstruction of the existing path, health and safety, security and bio-security'.

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Further information on the subject of this report is available from  
Susan White, Assistant Rights of Way Officer on (01432) 842106

- The proposals were sent to pre-order consultation in March 2006. There were objections from the Open Spaces Society and the Ramblers' Association. The objections were regarding the relative convenience of the proposed path due to the use of stiles and steps on the route.
- New proposals were drawn up to avoid the use of stiles.
- The new proposals were sent to pre-order consultation in September 2010.
- The Ramblers' Association and Open Spaces Society have objected again.

## **Alternative Options**

- 1 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders, It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council. However this would mean that the legal line of MB16 would remain obstructed.

## **Reasons for Recommendations**

- 2 The public path order should be made because it is felt that it meets the criteria set out in s119 of the Highways Act and the Council's Public Path order Policy. Despite the objections at pre-order consultation, the proposed route is not considered to be substantially less convenient than the legal line.

## **Introduction and Background**

- 3 Before an order is made to divert a footpath under the Highways Act, it is necessary to gain a decision from the Regulatory Sub Committee as they have the delegated authority to make this decision.

## **Key Considerations**

- 4 The Prudential Assurance Company Ltd. (the landowner at the time), made the application in September 1998. The application was made on the grounds of user safety through the farmyard.
- 5 The Duchy of Cornwall bought the estate from the Prudential and filled in a new application in April 2003.
- 6 The applicant agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order. The applicant will be charged the cost of admin at the time of application and the current advertising costs.
- 7 Pre-order consultation of the proposals was carried out in March 2006. The proposal received objections from the Open Spaces Society and the Ramblers' Association. These correspondents felt that the proposals were not as substantially as convenient as the existing route of the right of way.
- 8 After negotiation between the rights of way department, the tenant and the Duchy of Cornwall, a new proposal was initiated and pre-order consultation was carried out in September 2010.
- 9 The Open Spaces Society has objected to the proposals as they feel that diverting on the grounds of 'safety' is not a valid reason as they feel that the public benefits from walking through farmyards and that it gives them a 'better knowledge of farming practices'. They also



feel that the existing path (A-B) is on more or less level ground, however, the proposed route (A-D-F) is on sloping ground. The representative also opined that MB16 may have higher rights, however, the evidence provided by the respondent is insufficient to make a claim for higher rights at the present time and has declined to provide further evidence.

- 10 The Rambler's Association commented that climbing over a stile and down a flight of steps at point A onto the 'road' may be hazardous. However, it is intended to replace this stile with a pedestrian gate. It is not possible to remove the steps but they will be improved to create a gentler incline with a turn to reduce the hazard. The Ramblers' Association were also not keen to alter the route from D to the next fenceline as they felt that there were 'various points of interest along the existing section of footpath'. However, it is felt that F-E offers equivalent if not identical points of interest and enjoyment for the public. The Rambler's Association also feel that the proposed route of A-B is significantly longer than the existing route. However, if travelling from B-E the proposed route is significantly shorter than the existing route. They also felt that the gradient of the path was steeper in the proposed route.
- 11 It is noted that the proposed route may be considered to be less than ideal, however the existing path was obstructed by buildings some years ago and the current landowner and tenant are attempting to address these problems with the diversion. They wish to move the path away from the farm buildings and yards to ensure public safety. Stiles will be replaced with pedestrian gates and the steps altered to improve the existing path. The relative length of paths may be lengthened or shortened depending on the direction taken by the user. It is felt that the main issue of convenience rests with the slope of the proposed route of path in comparison with the existing. However, the slope of the proposed route is similar to those that users of the path will encounter in the area given the position of the site within the wider context of the landscape.
- 12 The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 in that:
  - The proposal benefits the owner of the land crossed by the existing path.
  - The proposal is not substantially less convenient to the public.

## **Community Impact**

- 13 The Parish Council responded to the consultation that the proposals are 'reasonable, fair to farmer and walkers and sensible given the lay of the land and health and safety concerns'. The previous local member, Cllr Smith supported the Parish Council's opinion.

## **Financial Implications**

- 14 The applicant (Duchy of Cornwall) has agreed to reimburse in full, Hereford Council's costs in making the diversion and to pay all necessary advertising costs.

## **Legal Implications**

- 15 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so

## **Risk Management**

- 16 If an order is made, as set out in the order plan, drawing no: D323/274-16/18 there is a risk that the proposals may receive objections which would then necessitate the matter being sent

to the Secretary of State for a decision. This would provide additional pressure on officer time. Whilst this risk has been minimised by sending the proposals to pre-order consultation, the objections from the Ramblers and the Open Spaces Society may well be maintained.

## **Consultees**

17

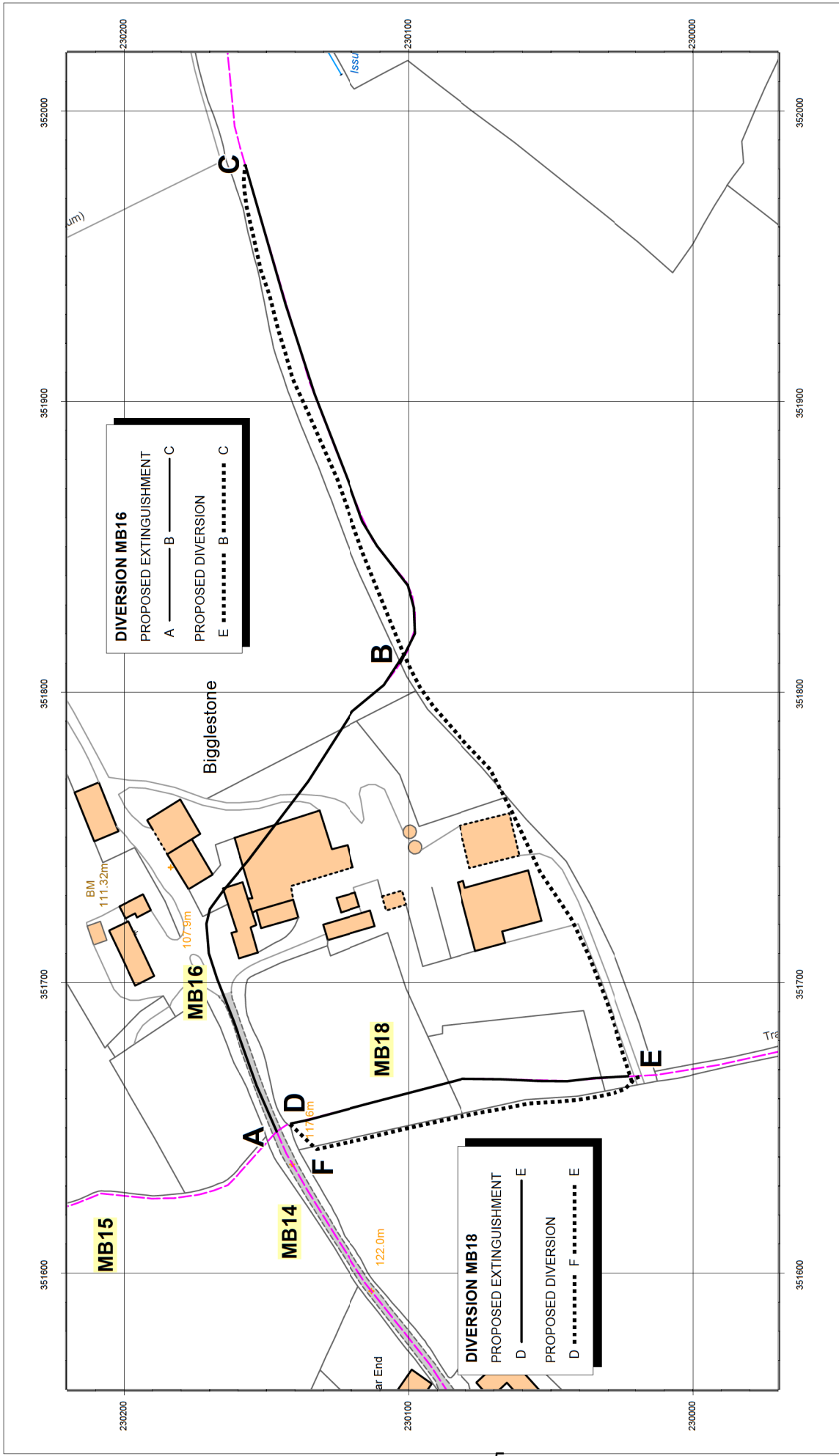
- Prescribed organisations as per Defra Rights Of Way Circular 1/09.
- Local Member – Cllr. R H Smith
- Much Birch Parish Council.
- Statutory Undertakers.

## **Appendices**

18 Order Plan, drawing number: D323/274-16/18

## **Background Papers**

- None identified.



LOCATION PLAN - PARISH OF MUCH BIRCH. PROPOSED DIVERSION OF FOOTPATHS MB16 & MB18

DWG No.: D323/274-16/18  
 SCALE 1:1250

Amey Herefordshire  
 Unit 3, Thorn Business Park  
 Rotherwas Industrial Estate  
 Hereford HR2 6JT  
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<b>MEETING:</b>	<b>REGULATORY SUB COMMITTEE</b>
<b>DATE:</b>	<b>28 JUNE 2011</b>
<b>TITLE OF REPORT:</b>	<b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH ET2 (PART) IN THE PARISH OF ELTON</b>
<b>PORTFOLIO AREA:</b>	<b>Highways and Transportation</b>

**CLASSIFICATION:** Open

### **Ward Affected**

Mortimer

### **Purpose**

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath ET2 in the parish of Elton.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D196/139-2(ii)

### **Key Points Summary**

- This application was made by the landowner, Mr Morgan, in 1996.
- The existing legal line of the path is obstructed by a barn.
- The initial proposed route received objections which stalled the process.
- The current proposed route is the route which is currently walked on the ground.
- There have been no objections to this revised route at pre-order consultation.

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Further information on the subject of this report is available from Susan White, Assistant Rights of Way Officer on (01432) 842106

## **Alternative Options**

- 1 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council, however the existing legal line of the path would remain obstructed by the barn.

## **Reasons for Recommendations**

- 2 The public path order should be made because it is felt that it meets the criteria set out in s 119 of the Highways Act and the Council's Public path order policy and any objections received at pre-order consultation stage have been over-come by amending the proposals.

## **Introduction and Background**

- 3 Before an order is made to divert a footpath under the Highways Act 1980, it is necessary to gain a decision from the Regulatory Sub Committee as they hold the delegated authority to make this decision.

## **Key Considerations**

- 4 Mr Morgan, who is the landowner, made the application in February 1996. The reasons given for making the application were 'in the interests of the landowner'.
- 5 Initial pre-order consultation was carried out by the Public Rights of Way department. The proposal received objections due to the route of the proposals.
- 6 After protracted negotiations, the proposals were amended and sent to pre-order consultation, again, by the applicant's agent.
- 7 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order, however the applicant will be charged the admin costs at the time of application, not the current costs for administration.
- 8 The local Cllr. L O Barnett, does not hold any objections to the proposals.
- 9 The proposed diversion meets the specified criteria as set out in Council policy and section 119 of the Highways Act 1980 in particular that:
  - The proposal benefits the owner of the land crossed by the existing path.
  - The proposal does not alter the point of termination of the path.
  - The proposal is not substantially less convenient to the public.

## **Community Impact**

- 9 Wigmore Group Parish Council was consulted regarding the proposals and hold no objections.

## **Financial Implications**

- 10 The landowner has signed an undertaking to pay all costs necessary with the making of this order. However, he has been assured that the application will not cost more than £900 (admin

and advertising fees) in line with the costs involved at the time of application.

## **Legal Implications**

- 11 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so

## **Risk Management**

- 12 There is a risk that any order made will receive objections and will then require referral to the Secretary of State for a decision. However, this risk has been minimised by assessing public opinion at pre-order consultation stage, where amendments to the proposals were made in light of the comments received.

## **Consultees**

13

- Prescribed organisations as per Defra Rights Of Way Circular 1/09.
- Local Member – Cllr. L O Barnett
- Wigmore Group Parish Council.
- Statutory Undertakers.

## **Appendices**

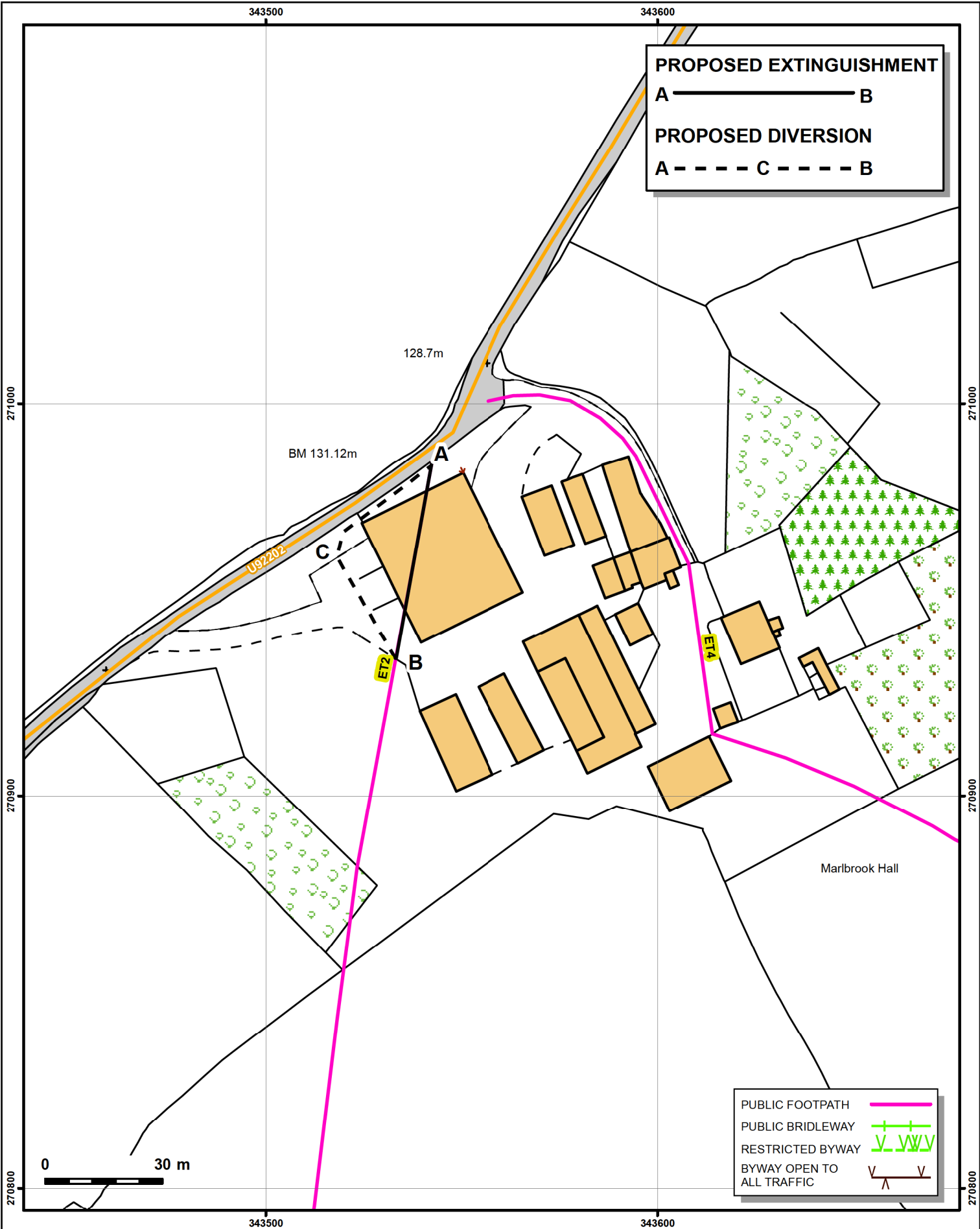
- 14 Order Plan, drawing number: D196/139-2(ii) and Order and Schedule.

## **Background Papers**

- None identified.







**LOCATION PLAN- PARISH OF ELTON  
PROPOSED DIVERSION OF FOOTPATH ET2 (PART)**



**DWG No.: D196/139-2 (ii)  
SCALE 1: 1,250**

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Unit 3, Thorn Business Park  
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Hereford HR2 6JT  
Tel.: (01432) 845 900

Email: ameyherefordshire@amey.co.uk



<b>MEETING:</b>	<b>REGULATORY SUB COMMITTEE</b>
<b>DATE:</b>	<b>28 JUNE 2011</b>
<b>TITLE OF REPORT:</b>	<b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER RESTRICTED BYWAY LG49 (PART) IN THE PARISH OF LLANGARRON</b>
<b>PORTFOLIO AREA:</b>	<b>HIGHWAYS AND TRANSPORTATION</b>

**CLASSIFICATION:** Open

### **Ward Affected**

Llangarron

### **Purpose**

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of restricted byway LG49 in the parish of Llangarron.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D397/242-49

### **Key Points Summary**

- The landowner applied to divert footpath LG18 in 2008
- Pre-order consultation was carried out and two user groups suggested that the path is likely to have higher rights associated with it.
- The landowner decided to dedicate the relevant section of footpath as a restricted byway and then to apply to divert it (thus it was renamed LG49).
- The user groups which had responded were content with this approach.

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Further information on the subject of this report is available from Susan White, Assistant Rights of Way Officer on (01432) 842106

- The Parish Council, Local Member and tenants do not object to the proposals.

## **Alternative Options**

1 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

## **Reasons for Recommendations**

2 The public path order should be made because it is felt that it meets the criteria set out in s 119 of the Highways Act and the Council's Public path order policy and any objections received at pre-order consultation stage have been over-come.

## **Introduction and Background**

3 This report is being considered by the Regulatory Sub Committee because they have the delegated authority to make the decision whether or not to make an order.

## **Key Considerations**

4 Mr James Michael Thorpe, who is the landowner, made the application on 30<sup>th</sup> of July 2008. The reasons given for making the application were, 'to make official the route which has been in use for many years and which is easily negotiable for users'.

5 The applicant has carried out all pre order consultation. The proposal had general agreement, however, the Open Spaces Society and the Byways and Bridleways Trust correspondents both opined that the footpath may have higher rights associated with it which would remain undiverted in the event of a path order being made. The landowners agreed to dedicate the relevant section of path as a restricted byway and then to apply to divert it. The relevant section of path was then named as LG49.

6 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order. The other affected tenants have given their written consent to the proposals.

7 The local member, Cllr J. A. Hyde supports the application.

8 The proposed diversion meets the specified criteria as set out in Council policy and in section 119 of the Highways Act 1980 in particular that:

- The proposal benefits the owner of the land crossed by the existing path.
- The proposal does not alter the point of termination of the paths.
- The proposal is not substantially less convenient to the public.

## **Community Impact**

9 Llangarron Parish Council have been consulted regarding the proposals and responded that they have no objections to the diversion but have requested that the diverted route is waymarked so that all users are clear where the path goes.

## **Financial Implications**

- 10 The landowner has agreed to pay for all advertising and administration costs associated with the making of this order.

## **Legal Implications**

- 11 Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so

## **Risk Management**

- 12 If a public path order is made as recommended within this report, there is a risk that it may receive objections which would impinge on existing staff and financial resources, however, this risk has been reduced by the carrying out of the pre-order consultation, to which the comments which were made have been addressed by dedicating the section of footpath as a restricted byway.

## **Consultees**

13

- Prescribed organisations as per Defra Rights Of Way Circular 1/09.
- Local Member – Cllr. J A Hyde
- Llangarron Parish Council.
- Statutory Undertakers.

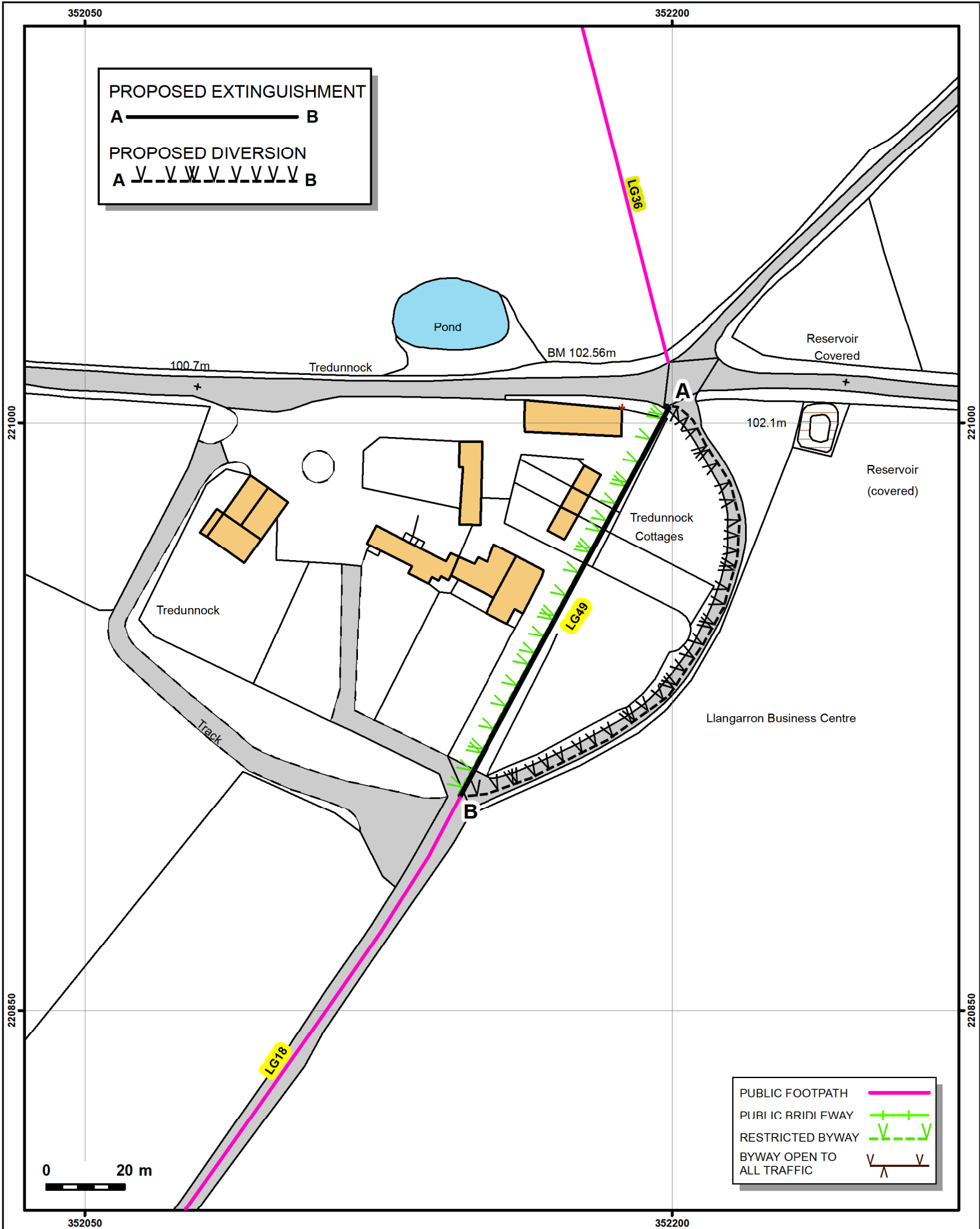
## **Appendices**

- 14 Order Plan, drawing number: D397/242-49 and Order and Schedule.

## **Background Papers**

- None identified.





**HIGHWAYS ACT 1980, SECTION 119**  
**HEREFORDSHIRE COUNCIL - RESTRICTED BYWAY LG49**  
**PARISH OF LLANGARRON**  
**PUBLIC PATH DIVERSION ORDER 2011**



**DWG No.: D397/242-49**  
**SCALE 1: 1,250**

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<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>28 JUNE 2011</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 11.5 BY MR KEITH RICKETTS</b>
<b>PORTFOLIO AREA:</b>	<b>ENVIRONMENTAL HEALTH AND TRADING STANDARDS</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To decide whether to licence a vehicle outside the standards vehicle licence conditions.

### **Key Decision**

This is not a key decision.

### **Introduction and Background**

1. Under the terms of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, local authorities may make reasonable conditions for the regulation of hackney carriages and private hire vehicles, drivers and operators.
2. The current version of the standard licence conditions were approved at Regulatory Committee on the 31<sup>st</sup> March 2010.
3. Standard condition number 11.5 states: -  
'All applications received after the date of expiry will be treated as grants and not renewals and the appropriate conditions and fees will apply'.
3. This Authority previously licensed a Peugeot E7 with registration number SA08 KVK on Plate No.H050, which was first registered in April 2008.
4. This plate expired on 23<sup>rd</sup> April 2011.
5. A renewal application was received on 27<sup>th</sup> May 2011.

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Further information on the subject of this report is available from  
Claire Berrow – Licensing Officer on (01432) 383542

6. Mr Ricketts has a certificate of readiness in place for a separate replacement vehicle, and has been using this vehicle as his main vehicle is off the road. The certificate on that vehicle expires in November 2011.

## Recommendation

**THAT the Sub-Committee:**

- (a) **Grant the licence on this occasion outside the standard conditions;**
- (b) **Advise applicant that future late application will not be considered as favourably.**

## Key Points Summary

- Hackney Carriage Plate No.H050 expired 23<sup>rd</sup> April 2011.
- Application to renew the plate made 27<sup>th</sup> May 2011.

## Alternative Options

- 1 **The licence cannot be granted and therefore is refused**  
**Advantages:** It ensures that the existing licence conditions are met.  
**Disadvantages:** It could be subject to legal challenge.  
**Reason for rejection:** Although this has been considered it has not been recommended as it is considered to be inappropriate and unreasonable given the circumstances.
  
2. **To defer the decision in order to get more information**  
The Committee could make a decision to grant the licence subject to that information meeting the criteria set by committee being produced to the Licensing Officer. Where this was not produced the licence would remain not granted until that information was produced.  
**Advantages:** Gives the opportunity for the applicant to produce further information in support of the application and allows him a fair hearing. It would also reduce the need for an additional Committee Hearing thus saving costs.  
**Disadvantages:** This would delay the decision making process and may mean that the livelihood of the applicant could be affected.  
**Reason for rejection:** It is felt that any information required to reach a decision has been provided within the application.  
  
**To reach some other decision**  
**Advantages:** This leaves other solutions open to the Committee to resolve the application.  
**Disadvantages:** There are no clear directions from the Head of Service in respect to what alternatives could exist.  
**Reason for rejection:** It is difficult to envisage what other decision could be reached.

## Reasons for Recommendations

There was some confusion on Mr Ricketts part regarding the status of the spare vehicle; he believed it was a licence in its own right.

## Key Considerations

Whether or not, given the circumstances, the application should be granted outside the standard

conditions.

## **Community Impact**

It is felt that any decision made will have very little or no impact on the community.

## **Financial Implications**

Not applicable

## **Legal Implications**

Under the Local Government (Miscellaneous Provisions) Act 1976 there is a right of appeal to a Magistrates Court within 21 days of notification of the decision being served on the applicant.

## **Appendices**

Appendix 1 – Copy of standard licence conditions

Appendix 2 – Copy of 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.



RECEIVED  
 27 MAY 2011  
 TAXI LICENSING UNIT



Herefordshire Council

Committee fee £150 ✓  
 + Renewal fee £239  
 still to pay

Receipt No: 409384  
 27.05.11  
 Income Code  
 C05027 191130 9126  
 Date: 29.05.11

Application for grant/renewal of a  
**VEHICLE LICENCE OUTSIDE STANDARD LICENCE CONDITIONS**

PLEASE TICK		PLEASE TICK	
PRIVATE HIRE VEHICLE		GRANT	
HACKNEY CARRIAGE VEHICLE	✓	RENEWAL	
Reasons for application being outside conditions	LATE RENEWAL		

Surname (MR. MRS. MISS) RICKETTS Maiden Name.....  
 All Forenames KEITH Previous Surnames/Aliases.....  
 Date of Birth 07-04-1962 Place of Birth PEMBRIDGE Sex M  
 Present address 12 BARDOLPH CLOSE, HEREFORD  
 Post Code HR2 7QA  
 Telephone Number: Business..... Home.....  
 Mobile.....  
 E-mail.....

**PREVIOUS ADDRESSES IN LAST 12 MONTHS IF APPLICATION IS FOR RENEWAL**

**GIVE NAMES AND ADDRESSES OF ANY CHANGE OF EMPLOYER, DURING THE PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL**

Name and address of proprietor of the vehicle KEITH RICKETTS  
12 BARDOLPH CLOSE HEREFORD HR2 7QA

(Where applicant is partnership, limited company or other incorporated body)  
 Name of partnership, company or other incorporated body.

Address of Registered Office  
12 BARDOLPH CLOSE THE HIGH TOWN TAXIS CATTLE MKT HEREFORD  
 Address from which business will be conducted.  
12 BARDOLPH CLOSE HEREFORD HR2 7QA

(To be completed in respect of each Director and/or Partner using a separate sheet as necessary)

Surname..... Forename(s).....

Address.....

Date of Birth..... Driver's Badge No.....

**PARTICULARS OF VEHICLE**

- 1. NAME ON REGISTRATION DOCUMENT KEITH RICKETS
- 2. MAKE PEUGEOT
- 3. MODEL EXPERT E7 TAXI
- 4. TYPE OF BODY MPV
- 5. COLOUR(S) WHITE
- 6. NO. OF SEATS (EXC DRIVER) 7
- 7. DATE OF 1<sup>ST</sup> REGISTRATION 01-10-08
- 8. REGISTRATION NO. SA 08 KVK
- 9. PLATE NO. 050
- 10. ENGINE CAPACITY 1997
- 11. FUEL (PETROL/DIESEL/LPG) DIESEL
- 12. CHASSIS/BODY NO. VF3XCR4K464136766
- 13. ENGINE NO. DYWD4027159

**ANY ALTERATIONS TO VEHICLE IN PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL**  
**YES/NO (if yes, please notify on a separate sheet)**

Is the Vehicle Wheelchair accessible? **YES/NO**

Does the vehicle have a meter fitted? **YES/NO**

Make: DIGITAL Model:.....

Address at which vehicle will be garaged 12 BARRODOLI CLOSE SOUTH DACE  
HEREFORD HR27QA

Insurance Company T.F.P. SCHEMES

Insurance Valid From 17/12/2010 To 16/12/2011

Persons covered to drive with limitations (if any) ie. Age restriction, insured only.

Hackney/Private Hire Cover HACKNEY

Where is the Fire Extinguisher kept? UNDER PASSENGER SEAT

Is the vehicle to be used to undertake Social Service/Education Dept Contract? **YES/NO**

If YES, state type of contract.....

**NB Drivers on Social Services/Education Contract journeys must hold a County Transport Badge in addition to their Dual Driver Badge.**

**Contact** - Children and Young People's Directorate, School Admissions and Transport Department  
Blackfriars PO Box 185 Blackfriars Street Hereford HR4 9ZR  
**Office Tel No:** 01432 260928 **Email:** [schooltransport@herefordshire.gov.uk](mailto:schooltransport@herefordshire.gov.uk)

Has the applicant held Vehicle Licences granted by this or any other authority: **YES/NO**  
 If **YES**, give details: (Continue on separate sheet if necessary).

NAME OF AUTHORITY	REGISTRATION NO	PLATE NO
-------------------	-----------------	----------

Have any licences in respect of Private Hire or Hackney Carriage held by you ever been revoked, suspended or refused by any other authority? **YES/NO**

If YES, give details.....  
 .....

**NAME, ADDRESS AND BADGE NO.** of all persons who will be driving

*KERRY RICKETS 12 BROADWAY COTE WFO H127QA D5875*  
*LESLEY PROSSER WICKLEY DRIVE D6057 MICHELLE PROSSER D6397*

**Name and address of Company/Group for whom vehicle will operate.....**

*HIGHTOWN TAXIS*

**Signature of Operator** *[Signature]*

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I enclose the following:

1. Certificate of Insurance
2. Registration Document
3. Certificate of Compliance (issued by Council testing depot)
4. Vehicle Inspection Certificate (issued by Council testing depot)

**I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.**

Signature *[Signature]* Date *17-05-2011*

<p><b>ON COMPLETION PLEASE SUBMIT THIS FORM, WITH THE REQUIRED FEE AND DOCUMENTATION TO ONE OF THE HEREFORDSHIRE COUNCIL CUSTOMER SERVICE CENTRES</b></p>	<p>Any queries regarding any aspect of this application please contact the Taxi Licensing Office.  <b>Tel: 01432 260105</b></p>
---	---

## PARTNER

**(THIS FORM TO BE COMPLETED BY THE SECOND LICENCE HOLDER, IF YOU INTEND TO HAVE TWO NAMES ON YOUR LICENCE)**

### VEHICLE LICENCE

Surname (MR.MRS.MISS.MS).....Maiden Name.....

All Forenames.....Previous Surnames/Aliases.....

Date of Birth.....Place of Birth.....Sex M/F

Present Address.....

.....Post Code.....

Telephone Number: Business.....Home.....

#### Particulars of Vehicle

REGISTRATION NO. \_\_\_\_\_

PLATE NO. \_\_\_\_\_

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

**I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.**

Signature.....Date.....

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act. Where necessary we may share this personal data with partner organisations for the protection of public funds administered which may include the prevention or detection of fraud and auditing purposes.

Further information relating to the Data Protection Act 1998 can be sent to you on request. If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,, County Secretary and Solicitor, Herefordshire Council, Brockington, 35 Hafod Road, Hereford HR1 1SH



12 BARAOCHE CLOSE  
HEREFORD  
HR2 7QA  
17 MAY 2011

DEAR CLARE

SORRY FOR THE DELAY IN GETTING BACK TO YOU,  
ADIE DID TELL ME TO RENEW THE LICENCE  
BUT WITH ALL THE PROBLEMS WITH THE TAXI MSO  
WHICH ARE STILL NOT SORTED I FORGOT  
I CAN ONLY APOLOGISE AND WILL SPEAK  
FURTHER AT MEETING.

MANY THANKS  
AND ONCE AGAIN  
VERY SORRY

K. [Signature]  
K. RICHARDS





<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>28 JUNE 2011</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION FOR VARIATION OF A PREMISES LICENCE 'SHOOTERS BAR, GRAFTON HOUSE, LEOMINSTER, HR6 8DE'</b>
<b>PORTFOLIO AREA:</b>	<b>HEALTH &amp; WELL BEING SERVICE PEOPLE'S SERVICES DIRECTORATE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Leominster

### **Purpose**

To consider an application for the variation of a premises licence in respect of 'Shooters Bar, Grafton House, Leominster, HR6 8DE

### **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**

- Four (4) representations from members of the public
- One (1) representation from a Ward Councillor
- Two (2) representations from Responsible Authorities (Police & EHO)

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	<b>Wayne Harris &amp; Debbie Larocque</b> <b>Drybridge House, Kingsland, Leominster, HR6 9SA</b>	
Solicitor	<b>N/K</b>	
Type of application: <b>Variation Application</b>	Date received: <b>11/05/2011</b>	28 Days consultation <b>07/06/2011</b>

### 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: -

*A performance of live music, Provision of facilities for dancing, Provision of other entertainment facilities*

Sunday-Thursday : 11:00 – 23:30

Friday-Saturday: 11:00 - 01:00

*Provision of an indoor sporting event, Any playing of recorded music, Sale by retail of alcohol*

Sunday – Thursday: 10:00 – 23:30  
Friday – Saturday: 10.00 – 01:00

Non Standard Timings:

*Sale by retail of alcohol:*

From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

Seasonal variations: None

**Summary of Application**

6 The application requests:

*A performance of live music, Performance of dance, Provision of facilities for dancing, Provision of other entertainment facilities (All indoors)*

Sunday - Wednesday : 11:00 – 23:30  
Thursday - Saturday: 11:00 - 03:00

*Provision of an indoor sporting event, Any playing of recorded music, (All indoors)*

Sunday – Wednesday: 10:00 – 23:30  
Thursday – Saturday: 10.00 – 03:00  
Supply of alcohol (on and off premises)  
Sunday – Wednesday: 10:00 – 23:00  
Thursday – Saturday: 10:00 – 02:30

The area licensed for consumption of alcohol extended to include an outside area as submitted plan

Non Standard Timings:

*A performance of live music, Performance of dance, Provision of facilities for dancing, Provision of other entertainment facilities, Provision of an indoor sporting event, Any playing of recorded music,*

On every Sunday of a Bank Holiday Weekend: until 03:00

*Supply of Alcohol*

On every Sunday of a Bank Holiday Weekend: until 02:30

Seasonal variations: None

**Summary of Representations**

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

8 Representation has been made by:

Four (4) members of the public

One (1) Ward Councillor

Two (2) from Responsible Authorities (Police & EHO). These have been accepted and agreed between the applicant and them.

**Key Considerations**

9 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

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

## Legal Implications

11 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.

12 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.

In this case it was summed up that: -

13 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.

14 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.

15 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.

16 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).

- 17 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

- 18 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 19 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.
- 20 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.
- 21 The applicant has produced a copy of the advertisement.

## Appendices

- 22 a. Application Form  
b. 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  
 24 MAR 2011  
 TO: .

check - see 468 401. 211-

EH & TS / LICENSING SECTION  
 RECEIVED  
 24 MAR 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 Wayne Harris & Debbie Laroque  
 (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 PR00695

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description  
shooters Bar Ltd  
Grafton House

Post town Leominster Post code HR6 8DE

Telephone number at premises (if any) 01568 615755  
 Non-domestic rateable value of premises £ 7,900

**Part 2 – Applicant details**

Daytime contact telephone number	<u>07789 32378</u>
E-mail address (optional)	<u>shootersbarltd@gmail.com</u>
Current postal address if different from premises address	<u>Drybridge House</u> <u>Kingsland</u>
Post Town	<u>Leominster</u>
Postcode	<u>HR6 9SA</u>

**Part 3 - Variation**

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

Please tick yes

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

- \* Name change to Shooters Bar.
- \* Extended the licensing <sup>activity</sup> hours & opening hours for Thursday, Friday & Saturday.
- \* Extending licensable area to include outdoor area as per new plan.
- \* Extend bank holiday hours on every Sunday for all licensable activities & opening hours.

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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

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

<input checked="" type="checkbox"/>
-------------------------------------

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

<input checked="" type="checkbox"/>
-------------------------------------

In all cases complete boxes N, O and P

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur								
Fri						<b><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></b> (please read guidance note 5)		
Sat								
Sun								

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri			<b><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></b> (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	10:00	23:30	
Tue	10:00	23:30	
Wed	10:00	23:30	
Thur	10:00	03:00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Fri	10:00	03:00	
Sat	10:00	03:00	<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)
Sun	10:00	23:30	

On every Sunday of a bank holiday hours will be 10:00 - 03:00

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><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></b> (please read guidance note 5)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	11:00	23:30			
Tue	11:00	23:30			
Wed	11:00	23:30	<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Thur	11:00	03:00			
Fri	11:00	03:00			
Sat	11:00	03:00	<b><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></b> (please read guidance note 5)		
Sun	11:00	23:30	On every Sunday of a bank holiday hours will be <del>to</del> 11:00 - 03:00		



**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	23:30	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10:00	23:30			
Wed	10:00	23:30	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	10:00	03:00			
Fri	10:00	03:00	<b>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</b> (please read guidance note 5)  On every Sunday of a bank holiday weekend hours will be 10:00 - 03:00		
Sat	10:00	03:00			
Sun	10:00	23:00			

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance 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			
Mon	11:00	23:30	<b>Please give further details here</b> (please read guidance note 3)		
Tue	11:00	23:30			
Wed	11:00	03:30	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur	11:00	03:00			
Fri	11:00	03:00	<b>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</b> (please read guidance note 5) On every Sunday of a bank holiday weekend hours will be 11:00 - 03:00		
Sat	11:00	03:00			
Sun	11:00	23:30			

H

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

I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
Day	Start	Finish		
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue				
Wed			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Thur				
Fri			<b><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></b> (please read guidance note 5)	
Sat				
Sun				

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
			<b>Please give a description of the facilities for dancing you will be providing</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)	
Mon	11.00	23.30		
Tue	11.00	23.30		
Wed	11.00	23.30		
Thur	11.00	03.00		
Fri	11.00	03.00		
Sat	11.00	03.00		
Sun	11.00	23.30		
			<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)	
			<b>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</b> (please read guidance note 5)	
			On every Sunday of a bank holiday weekend hours will be 11.00 - 03.00	

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)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Mon	11:00	23:30		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	11:00	23:30	<b>Please give further details here</b> (please read guidance note 3)	
Wed	11:00	23:30		
Thur	11:00	08:00	<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</b> (please read guidance note 4)	
Fri	11:00	03:00		
Sat	11:00	03:00	<b>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</b> (please read guidance note 5)	
Sun	11:00	23:30	On every Sunday of a bank holiday weekend hours will be 11:00 - 03:00	

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>		Both <input checked="" type="checkbox"/>
Mon	10.00	23.00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)	
Tue	10.00	23.00		
Wed	10.00	23.00		
Thur	10.00	02.30	<b>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</b> (please read guidance note 5)	
Fri	10.00	02.30	From the end of the permitted hours on New Years eve to the start of the permitted hours in New Years Day. On every Sunday of bank holiday weekend will be 10:00 - 02:30.	
Sat	10.00	02.30		
Sun	10.00	23.00		

**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	10:00	23:30	<p><b>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</b> (please read guidance note 5)</p> <p><i>As existing.</i>            On every Sunday of a bank holiday weekend hours will be 10:00 - 03:00.</p>
Tue	10:00	23:30	
Wed	10:00	23:30	
Thur	10:00	03:00	
Fri	10:00	03:00	
Sat	10:00	03:00	
Sun	10:00	23:30	

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

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

Paid £10.50

**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)**

We believe we will have all the necessary controls in place to allow the safe and enjoyable premises, we will work closely with all local authorities to ensure all matters to do with the public sector are well managed and efficiently run.

**b) The prevention of crime and disorder**

A risk assessment will be carried out for main events and SIA Registered Staff will be used on a regular basis and when highlighted to be necessary. The staff will all be trained by a personal licence holder, CCTV is in situ inside and outside of the building. No portering will take place after closing time. The exterior of the building will be well lit. The provision of capacity, no entry after 00:00, Accident and incident books always available, no irresponsible drink promotions, A dispersal policy to be in place. The OPS to carry out music assessments for each event and comply to all the BBPA guide lines.

**c) Public safety**

Break glass fire alarms installed and additional fire fighting equipment, A fire assembly point is designated, all fire equipment serviced correctly. All outlets have emergency lighting. The licensee shall take all reasonable precautions to ensure public safety; the and to that of all persons on the premises.

**d) The prevention of public nuisance**

All doors and windows will be closed during live entertainment, all staff to ensure the customers leave quietly. Doors and windows open on to the car park only and these must be closed by 23:00 to manage noise levels. A designated person will be assessing the noise levels throughout all events. and SIA Registered persons will oversee the leaving of the premises.

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

All gaming machines are constantly monitored by staff either in direct view or by CCTV this to prevent misuse. The cigarette machine is directly in front of the main bar therefore never misused and always monitored. Prevention methods will be introduced to prevent unlawful supply of the consumption of alcohol, drugs and any product which will harm children. Children must be accompanied by an adult at all times and not permitted on the premises after 22:30. On the evenings of adult themed nights no children will be allowed on the premises after 19:30.


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	16/3/11
Capacity	joint License Holder.

**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	16/3/11
Capacity	License Holder.

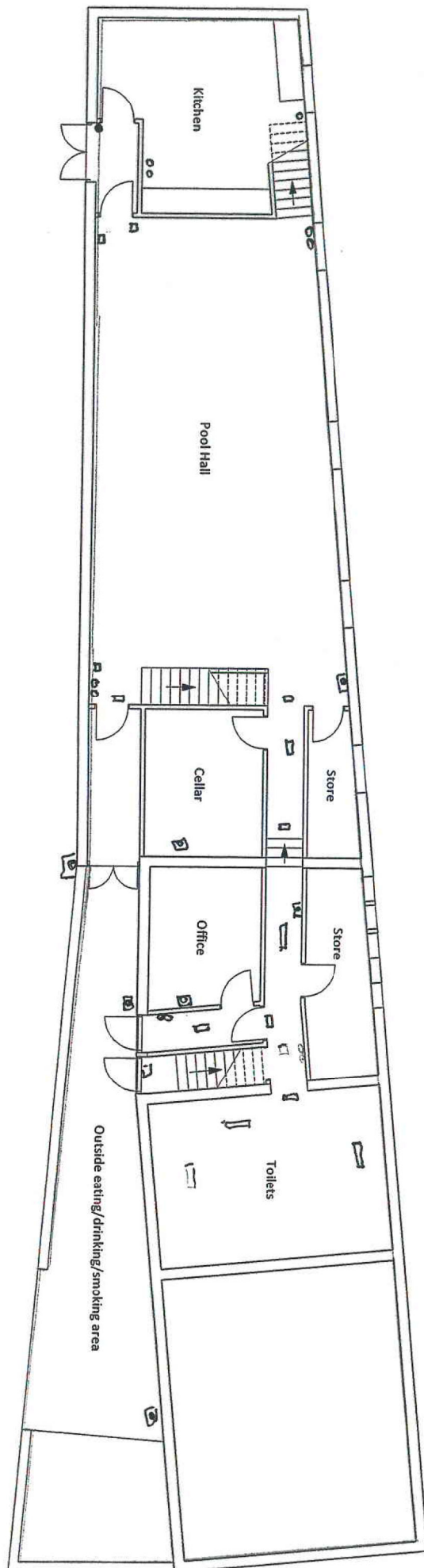
<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

## 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.





- Emergency doors
- Fire extinguishers
- Exit signs
- Fire Blankets
- Fire Breakers
- Emergency lighting
- ⊞ C.T.V. monitor + external
- ⊞ Luggage area





# Millennium Leisure (UK) Ltd

Incorporating

EUPHORIA NIGHTCLUB,  
SOUTH STREET,  
LEOMINSTER,  
HEREFORDSHIRE  
HR6 8JQ

TEL: 01568 616689  
FAX: 01568 610153



Herefordshire council  
The licensing section  
County offices  
P.O. box 233  
Bath Street  
Hereford  
HR1 2ZF



06/06/11

REF: Representation for Shooters Bar, Grafton House, Leominster PR00695

Dear Sir,

As the owner and operator of Euphoria nightclub, South Street Leominster, I write to make representation on the above application.

As an existing experienced late night operator in the town I have concerns about the application for extended licensing hours and opening hours on a Thursday, Friday, Saturday and bank holiday Sundays.

The Application is for live music, recorded music, performance of dance, facilities of dancing and entertainment and sporting events from 10 am to 03.00 am and sale of alcohol from 10 am to 02.30 am on Thursday, Friday, Saturday & bank holiday Sundays, plus on new years eve from the end of permitted hours to the start of permitted hours on new years day (24 hours).

Your initial thoughts may be I am putting in an objection because its competition. But in fact I believe competition is healthy. My concerns are the demand isn't there, for another late night venue in a very small town. There is clearly not enough business for 2 late night venues providing similar entertainment. We have a licensed capacity of 440 persons but our attendance is 150 to 250 Persons another venue would simply spread the trade and create a price war between the 2 venues as we have seen lately in Hereford with 70 p/ 80p drinks Which will ultimately increase crime and disorder. Police would have 2 venues with similar closing times at opposite ends of the town, clearly putting too much pressure on police resources.

I will address my concerns within the four licensing objectives but the point I would like to make clear is the building and at Grafton house was initially licensed as a pool (games tables) venue, but the new owners want to change this use into what is seen as nightclub type premises with late night drinking, dancing and entertainment which is clearly a different use to its original.

Would this require a change of use under planning law?

The building is ideal as a pool / games building, but I believe it is totally inappropriate for a late night premises for drinking, music and dancing

My concerns are that turning a pool hall into a nightclub type premises is unsuitable when the location and the nature of the building is totally inadequate for this use and fails on many licensing objectives.

#### To prevent crime & disorder

I believe if this premises is granted similar late night hours to the nightclub premises in Leominster this will create more crime and disorder.

It would stretch police resources and will encourage discounted drinks in a price war for business due to lack of demand in a small town.

#### Public safety

The building would need to comply with the latest health and safety & fire regulations. The building has no mechanical ventilation system installed. The application states windows would be closed to reduce sound, Therefore the building would require to achieve 10 liters per second of fresh air per person, the air changes required by the local environmental health department for ventilation. I believe no mechanical ventilation exists.

The capacity of the building will be advised by the local fire authority, calculated on the room area and number & size of fire exits, How will they control this capacity? The building will require a certain number of toilet facilities for both male female & disabled to comply with the local environmental health department, I believe the premises does have adequate toilets for its capacity to comply with regulations.

Existing CCTV and recording facilities for a pool hall, is this adequate for a late night premises?

#### To prevent public Nuisance

The premises are unsuitable for late night music because it will create a public nuisance. Windows and doors are adjacent to the car park and residential properties. The Application states windows and doors will be closed by 23.00 hours to reduce noise levels (the application states no entry after 00.00) so the doors will be in use until 00.00) and thereafter for people leaving the premises. However my concerns are the sound generated by amplified music will be heard way beyond the car park outside because windows in a building even when closed will not reduce the noise levels to the required db levels satisfactory to the environmental health department who normally require the level to be no higher than the existing background noise outside of a typical evening at the

same time. We have recorded a reading of 60 db outside the premises with only the jukebox playing. Amplified music from a disco or band would be far in excess of these already unacceptable levels of noise. I believe even by blocking in windows the fabric of the building being steel clad is unsuitable to contain any sound which would be far in excess of back round levels on a normal evening and therefore this building is totally unsuitable for late night music & dancing as it provides no soundproofing in any way.

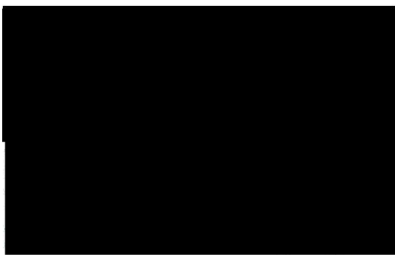
**Conclusion:**

Millennium Leisure operates Euphoria nightclub in Leominster, which was converted at great expense to comply with all the regulations. We feel it's totally unfair for a venue to be allowed to trade in the same way with late night entertainment without their building complying. Should another late night drinking, music and dancing venue be allowed to operate in Leominster then it must provide the same level of compliance to regulations and provide a building with adequate sound proofing, ventilation facilities, toilet facilities, CCTV facilities etc. so it is granted the license on a like for like basis.

Even if these facilities were addressed it is still to consider is the location near residential premises the right location for a late night venue?  
Can the town and the police cope with 2 late night venues?

I hope my concerns with the suitability of the building are understood and that the premises is only allowed to trade on its existing licensing hours & opening times. However the building does not comply even trading with its existing hours and therefore should be revoked as a entertainment & dancing venue.

Yours faithfully



**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.**

<b>Your Name:</b> [REDACTED]	<b>Contact Telephone No</b> [REDACTED]
<b>Address:</b> [REDACTED] SOUTH STREET LEOMINSTER HEREFORDSHIRE HR6 8TQ	<b>E-mail address:</b> [REDACTED]
	<b>Please state your interest in the premises you are making a representation about:</b> eg local resident/local business LOCAL LICENCED BUSINESS
<b>Name &amp; Address of premises you are making a representation about:</b> SHOOTERS BAR, GRAFTON HOUSE, LEOMINSTER, HR6 8DE.	

**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:

<b>To Prevent Crime &amp; Disorder</b> ANOTHER LATE NIGHT VENUE IN LEOMINSTER AT THE OTHER END OF TOWN WITH SIMILAR CLOSING TIMES WOULD STRETCH POLICE RESOURCES AND ENCOURAGE A PRICE WAR AS THERE IS NOT ENOUGH BUSINESS FOR BOTH RESULTING IN DISORDER LATE AT NIGHT
<b>Public Safety</b> THE BUILDING IS TOTALLY INADEQUATE FOR LATE NIGHT DRINKING, MUSIC + DANCING (SHOULD REMAIN A POOL HALL) I BELIEVE THE BUILDING HAS NO MECHANICAL VENTILATION REQ. BY ENVIRONMENTAL HEALTH DEPT AND INADEQUATE TOILET FACILITIES FOR ITS CAPACITY TO COMPLY.
<b>To Prevent Public Nuisance</b> THE BUILDING LOCATION AND DESIGN IS NOT SUITABLE FOR LATE NIGHT DRINKING, DANCING + ENTERTAINMENT, ITS ADJACENT TO RESIDENTIAL PROPERTY. THE SOUND GENERATED BY AMPLIFIED MUSIC WILL NOT BE CONTAINED WITHIN THE BUILDING THERE IS NO SOUNDPROOFING, THE FABRIC OF THE BUILDING EVEN WITH WINDOWS CLOSED IS INADEQUATE.
<b>To Protect Children from Harm</b>

Signed: [REDACTED]  
Date: 6/6/11.

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



## Representation Form – Interested Parties Suggested Conditions

Premises: SHOOTERS BAR LEOMINSTER Your name: [REDACTED]

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

THE VENUE SHOULD NOT BE GRANTED AN EXTENSION TO ITS EXISTING LICENSING AND OPENING TIMES.

### Public Safety

THE VENUE SHOULD COMPLY WITH ENVIRONMENTAL HEALTH + SAFETY REGULATIONS BY INSTALLING ADEQUATE VENTILATION SYSTEM AND TOILETS TO COMPLY WITH ITS CAPACITY FIRST

### Prevent Public Nuisance

THE FABRIC OF THE BUILDING IS NOT SUITABLE TO REDUCE THE AMPLIFIED MUSIC TO ACCEPTABLE db LEVELS OUTSIDE, IT WOULD REQUIRE SOUNDPROOFING AND NO WINDOWS. THE BUILDING IS IN THE WRONG LOCATION. PEOPLE LEAVING AT 03:00AM WOULD BE IN THE CAR

### Protect Children from Harm

PARK, ADJACENT TO RESIDENTIAL PROPERTY.

Signed: [REDACTED]

Date: 6/6/11

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

LEOMINSTER  
HR6 8HF



6 JUNE 2011

HEREFORDSHIRE COUNCIL LICENSING SECTION

REF: SHOOTERS GRAFTON HOUSE LEOMINSTER

I AM THE OWNER OF FOUNDRY PLACE WHICH IS NEXT DOOR TO SHOOTERS BAR. FOUNDRY PLACE CONSISTS OF 11 FAMILY HOMES WITH YOUNG CHILDREN. THE PROPERTIES ARE CURRENTLY LEASED BY MARCHES HOUSING ASSOCIATION. MY CONCERNS ARE MARCHES HOUSING WILL WITHDRAW FROM THEIR LEASE IF THE PROPERTIES CANNOT BE RENTED OUT DUE TO THE NOISE. AT PRESENT THE BUILDING CANNOT CONTAIN THE SOUND FROM WITHIN THEREFORE CREATES A NOISE NUISANCE TO THE RESIDENTS OF FOUNDRY PLACE

I BELIEVE THERE HAS BEEN A REQUEST FOR OUTSIDE SIDE DRINKING AND FOOD AVAILABLE. THIS WILL ONLY ENCOURAGE PEOPLE TO ENGAGE IN MAKING FURTHER NOISE INTO THE EARLY HOURS

PREVIOUSLY THE PROPERTY WAS KNOWN AS RERACK THEY RAN A POOL HALL AND HAD CURTACY AND RESPECT FOR TENANTS AT FOUNDRY PLACE SINCE IT'S BECOME SHOOTERS IT IS NOW USED FOR LATE NIGHT DRINKING DANCING AND ENTERTAINMENT SIMILAR TO THAT OF A NIGHT CLUB

FOUNDRY PLACE HAS BEEN A SMALL FAMILY COMMUNITY FOR TWO AND A HALF YEARS WITH NO NOISE NUISANCE UNTILL SHOOTERS TOOK OVER

THE PLANNING PERMISSION FOR FOUNDRY PLACE WAS TO BUILD SMALL FAMILY COMMUNITY IN THE CONSERVATION AREA. NEXT TO RERACK POOL HALL.

NOW THE PROPERTIES HAVE TO SUFFER A NOISE NUISANCE DUE TO ITS CHANGE OF USE. DISPITE THE FACT THAT THEIR MY WELL BE POOL TABLES INSIDE SHOOTERS

PEOPLE LEAVING SHOOTERS AT A LATER TIME WILL ONLY EXTEND TO THIS PROBLEM

I WOULD LIKE TO TRY TO PREVENT ANY FAMILYS NOW AND IN THE FUTURE FROM ANY FORM OF NUISANCE FROM THIS PROPERTY NOW KNOWN AS SHOOTERS

GRAFTON HOUSE SHOULD NOT BE USED FOR ENTERTAINMENT OF THIS NATURE AT ALL.

YOURS FAITHFULLY

[Redacted signature]

**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

<b>Your Name:</b> [REDACTED]	<b>Contact Telephone No.</b> [REDACTED]
<b>Address:</b> Marches Housing Association Benedict Court Southern Avenue Leominster HR6 0QF	<b>E-mail address:</b> [REDACTED]
	<b>Please state your interest in the premises you are making a representation about:</b>  Marches Housing Association is a registered housing provider and we are managing agent for the eleven properties 1,4,5,6,7,8,9,10,11,12,14 Foundry Place, Leominster
<b>Name &amp; Address of premises you are making a representation about:</b>  Shooters Bar Ltd(Re-Rack), Grafton House, Leominster HR6 8DE	

**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:

<b>To Prevent Crime &amp; Disorder</b>  As a social housing landlord Marches Housing Association wish to object to the proposed extension to the licensing hours of the above establishment. The proposal increases the risk of anti-social behaviour/noise nuisance in a locality where the club is in close proximity to family accommodation, and in which children reside. The Police have already been called on a number of occasions to deal with complaints of noise nuisance and drunk & disorderly behaviour from club goers leaving the premises.
<b>Public Safety</b>
<b>To Prevent Public Nuisance</b> The proposal to extend the hours would increase the probability of customers causing noise nuisance going to or leaving the club. This could be either on foot or by car, which in turn would have a detrimental effect upon the occupiers of the houses and the potential for increased vandalism and littering in the area.

  
Monkland  
Leominster  
Herefordshire  
HR6 9DB

30<sup>th</sup> May 2011,

Attention Becky Williams Licensing Section

Dear Becky

Re PR00695 Shooters Bar Variation of Licence


I would like to make the following representations

Prevention of crime and disorder

I am very concerned that extending the licence Thursdays to Saturday until 03.00 will mean that very intoxicated people will be causing trouble in the town. We already have a night club in the town and this was the centre of one of the worse public disorders that the police had to deal with in the last twelve months. We do not have the police available in this area to deal with these situations. I am forever getting complaints about public disorder as people leave these sorts of premises late at night. We do not want the same situation that Hereford has every weekend. I am also concerned about using the outside area for drinking, This is a alcohol free zone

Prevention Of Public Nuisance

I would like to point out that many people live very close to these premises. Foundry place is a new development with many young children living here. These houses are no more 15 meters away from Shooters Bar. Also nearby is Burgess street , Rainbow street and West Street. Many people live in flats in this area. Opening the premises until 03.00 is asking for many complaints about the noise





ER & LICENSING SECTION  
 27 MAY 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.**

<b>Your Name:</b> [REDACTED]	<b>Contact Telephone No.:</b> [REDACTED]
<b>Address:</b> [REDACTED] LEOMINSTER, HEREFORDSHIRE HR6 8DE	<b>E-mail address:</b>  Please state your interest in the premises you are making a representation about: eg local resident/local business LOCAL RESIDENT
<b>Name &amp; Address of premises you are making a representation about:</b> SHOOTERS BAR LTD, CRAFTON HOUSE BURGESS STREET, LEOMINSTER, HR6 8DE	

**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:

<b>To Prevent Crime &amp; Disorder</b> THE HOURS OF OPENING IS UNTIL 3am FRIDAY, SATURDAY AND SUNDAY (IF BANK HOLIDAY) MEANS THAT SOME DRINKERS ESPECIALLY AS THERE ARE TO BE DRINK PROMOTIONS, MAY BE OVER THE LIMIT AND BEHAVING IN A DISORDERLY MANNER IN THE STREET OUTSIDE OUR HOUSE.
<b>Public Safety</b> THE APPLICATION FOR AN AREA OUTSIDE THE PREMISES TO BE LICENSED ALLOWING SMOKERS TO DRINK WILL CAUSE LATE NIGHT PROBLEMS AS IT IS ACTUALLY ALONGSIDE THE PUBLIC CAR PARK AND THE RESULTING SOUNDS CAUSING DISTURBANCE TO US AND ALL OUR NEIGHBOURS SOME ELDERLY.
<b>To Prevent Public Nuisance</b> THE USE OF THIS TIN BUILDING AS A NIGHT-CLUB IN THIS LARGELY RESIDENTIAL AREA WITH LOUD MUSIC AND LIVE BANDS WILL MAKE OUR LIVES UNBEARABLE EVERY WEEKEND AS PEOPLE LEAVE ANYWHERE BETWEEN 3am and 4am SHOUTING AND SHRIEKING UNDER OUR BEDROOM WINDOW.
<b>To Protect Children from Harm</b>

Signed [REDACTED]  
 Date: 26<sup>th</sup> May 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:** \_\_\_\_\_ **Your name:** \_\_\_\_\_

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.

<b>To Prevent Crime and Disorder</b>
<b>Public Safety</b>
<b>Prevent Public Nuisance</b>
<b>Protect Children from Harm</b>

Signed:

Date:

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**

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



0300 333 3000 ext 4702  
e-mail. [licensing.herefordshire@westmercia.pnn.police.uk](mailto:licensing.herefordshire@westmercia.pnn.police.uk)

Direct Dial 01432 347102

06 April 2011

Our Ref:  
Your Ref:

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

Dear Sir / Madam

REF: **Shooters Bar (Re Rack), Grafton Market, Burgess Street, Leominster**

I refer to the above premises and application to vary the premises licence.

The application is to extend the operating hours and a number of the licensable activities. It is also noted that the name of the premises is to change to Shooters Bar

West Mercia Police has the following representations with regards to the application. These are proportionate, necessary, achievable and enforceable.

1. 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 refusal of the sale of alcohol
- (g) failure of the CCTV system
- (h) any visit by a relevant authority or emergency service

2. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Licensing Authority or Police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

[www.westmercia.police.uk](http://www.westmercia.police.uk) Non-emergency: 0300 333 3000  
**Policing Herefordshire, Shropshire, Telford & Wrekin and Worcestershire**



3. All staff shall be trained within 2 weeks of taking up employment and 12 months thereafter. The training shall include:

- Drugs Awareness
- Conflict resolution
- Selling to under age person
- Selling to drunks

Such training will be recorded and records shall be kept at the premises which will be produced to an authorised officer of the Licensing Authority or the police on demand.

4. The premises licence holder or DPS will employ SIA door supervisors at the following times –

(a) From 2100hrs on Friday and Saturday evenings, there will be a minimum of 2 (two) SIA registered door supervisors. Where the numbers of persons at the premises reach 150 (including all staff) three (3) SIA door staff shall be employed. These numbers will be maintained until the end of licensable activities.

(b) From 2359hrs on all other nights when pre planned and booked functions are held (Sunday through to Thursday) when the premises are open after 2359hrs for licensable activities, a minimum of 2 (two) SIA registered door supervisors. These numbers will be maintained until the end of licensable activities.

(c) On all other nights when pre planned adult themed entertainment is to take place there will be a minimum of 2 (two) SIA registered door supervisors at least 1 (one) hour from the planned start of the activities. Where the numbers of persons at the premises reach 150 (including all staff) three (3) SIA door staff shall be employed. These numbers will be maintained until the end of licensable activities.

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.

5. CCTV shall be provided as the following –

(a) CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential value in all lighting conditions particularly facial recognition.

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

(c) 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.

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

(e) 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.

(f) 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.

6. The premises licence holder will ensure that no open bottles or other open vessels are removed from the premises.

7. No unaccompanied children under the age of 18 are allowed on the premises. However additionally children under the age of 18 (accompanied) will not be on the premises as follows –

(a) After 2200hrs on all nights (Monday through to Sunday)

(b) After 1930hrs (or before the commenced of) when pre planned adult themed entertainment is to take place.

8. The premises licence holder will ensure that all guests and patrons leave the premises in a quiet manner. In order to achieve this prominent and clear signs (not less than 32 font) will be display at all exits.

There are additional issues with regards to noise that are best dealt with by the appropriate responsible authority.

These representations made are the minimum conditions the West Mercia Police would wish to see on any licence issued in accordance with this application.

Jim MOONEY  
Police Licensing Officer



**Spriggs, Fred**

**From:** Mooney, James [james.mooney@westmercia.pnn.police.uk]  
**Sent:** 08 April 2011 11:04  
**To:** Licensing  
**Cc:** Spriggs, Fred  
**Subject:** Premises licence variation applications

*shootersbar@pnn.police.uk*

**NOT PROTECTIVELY MARKED**

I refer to the below named premises and their individual applications to vary the premises licence for each location. West Mercia Police have already submitted representations with regards to what they feel appropriate as minimum conditions applied to any licence granted.

In addition West Mercia Police would request the following paragraph be added to the condition concerning door staff

***'When employed externally Door staff shall wear hi-viz reflective jackets or vests. When employed internally they shall be readily identifiable as door staff.'***

Premises applications -  
Watercress Harrys, St Peters Street, Hereford  
Saxtys, widemarsh Street, Hereford  
Shooters Bar, Grafton Market, Leominster

Thank you

**Jim Mooney**  
Police Licensing Officer  
Territorial Policing Unit - Herefordshire  
West Mercia Police  
01432 347102 (direct line)  
07792 366 462 (work)  
licensing.herefordshire@westmercia.pnn.police.uk

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Opinions expressed in this document may not be official policy.





**From:** Poole, Ady  
**Sent:** 17 May 2011 16:24  
**To:** Lee, Joanne  
**Subject:** FW: Shooters Bar, Grafton Market, Leominster

From licensing in box

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**From:** Mooney,James [mailto:james.mooney@westmercia.pnn.police.uk]  
**Sent:** 17 May 2011 12:53  
**To:** Licensing  
**Cc:** Spriggs, Fred  
**Subject:** Shooters Bar, Grafton Market, Leominster

## **NOT PROTECTIVELY MARKED**

### **Shooters Bar Ltd - variation application**

West Mercia Police are in receipt of an application to vary the premises licence for Shooters Bar Ltd., Grafton House, Leominster. This premises has recently been granted a new licence - as at this time this new licence has not been received by West Mercia Police.

When the previous licence was applied for, West Mercia Police submitted representations. These are also relevant to this application and should be read in conjunction to the further representations that follow with regards to this current application.

The new application seeks to extend the licensed area to include an outdoor area at the front of the premises, it also seeks to allow the use of this area to the latest time of 2300hrs for Sunday through to Wednesday and 0230hrs Thursday to Saturday.

West Mercia Police do not object to the use of outside area, however they do have representations with regards to the terminal hour of its use. Therefore the following representation are deemed as necessary, proportionate, achievable and enforceable in order to address the licensing objectives -

- *The outside area shall be clearly defined and separated from public carpark by way of a substantial but demountable barrier.*
- *Any furniture used in the outside area shall be substantial and removed from the area when the area is not in used.*
- *The premises licence holder will ensure that empty glasses, plates etc are removed from the area on a regular basis in order to ensure safety and hygiene in the area.*
- *There shall be adequate coverage of the area by the premises CCTV system before commencement of use of the area.*
- *There shall be **no use** of the area for licensable activities and consumption of alcohol after 1900 (1<sup>st</sup> October to 30<sup>th</sup> April) and after 2100 (1<sup>st</sup> May to 30<sup>th</sup> September)*
- *Where an outside drinking area is provided, the outside area will not be used for licensable activities or the consumption of alcohol between the hours of 23.00 and 07.00 on any day.*

These (and those already submitted) are the minimum conditions West Mercia Police would wish to see to any variation granted to the

premises licence for this location

Jim Mooney  
Police Licensing Officer  
Territorial Policing Unit - Herefordshire  
West Mercia Police  
01432 347102 (direct line)  
07792 366 462 (work)  
licensing.herefordshire@westmerciam.pnn.police.uk

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Opinions expressed in this document may not be official policy.

Thank you for your co-operation.

West Mercia Police 0300 333 3000

# MEMORANDUM

To : LICENSING OFFICER

From : R Corfield

Tel : My Ref :

Date : 26/5/2011 Your Ref :

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## LICENSING ACT 2003 APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE

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

Representation	Industry Guidance
PREVENTION OF CRIME & DISORDER	
PUBLIC SAFETY	
PREVENTION OF PUBLIC NUISANCE  There are noise sensitive dwellings nearby and the construction of the building is acoustically poor. I therefore recommend the following conditions:  No live or recorded music to be played in the outside area of the premises.  No live music after 01:00 am except New Years Eve.  Noise from recorded music to be inaudible at the nearest noise sensitive location after 01:00am except New Years Eve.  The outdoor area shall not be used for the consumption of alcohol activities after 23:30pm	
PROTECTION OF CHILDREN FROM HARM	

### REFERENCES

Please Reference the industry guidance from which your representation has been sourced.

**OFFICER** R Corfield  
**POSITION** Environmental Health officer (Pollution)  
**AUTHORITY** Herefordshire Council



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