

# AGENDA

## Regulatory Sub Committee

Date: **Thursday 19 July 2012**

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Time: **2.00 pm**

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Place: **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:

**Ricky Clarke, Democratic Services Officer**

Tel: 01432 261885

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

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

# Agenda for the Meeting of the Regulatory Sub Committee

Membership

Three Members from the Regulatory Committee

## GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

### What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

### What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

### What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

### What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

## AGENDA

	Pages
<b>1. ELECTION OF CHAIRMAN</b>	
To elect a Chairman for the hearing.	
<b>2. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>3. 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.	
<b>4. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>5. APPLICATION TO MAKE A PUBLIC PATH DIVERSION ORDER - BRIDLEWAYS BG11 AND BG12 - BURRINGTON</b>	1 - 4
To consider an application under the Highways Act 1980, Section 119, to make a public path diversion order to divert part of bridleways BG11 and BG12 in the parish of Burrington.	
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To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath (AY1) in the parish of Aymestry.	
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### **YOU HAVE A RIGHT TO: -**

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

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

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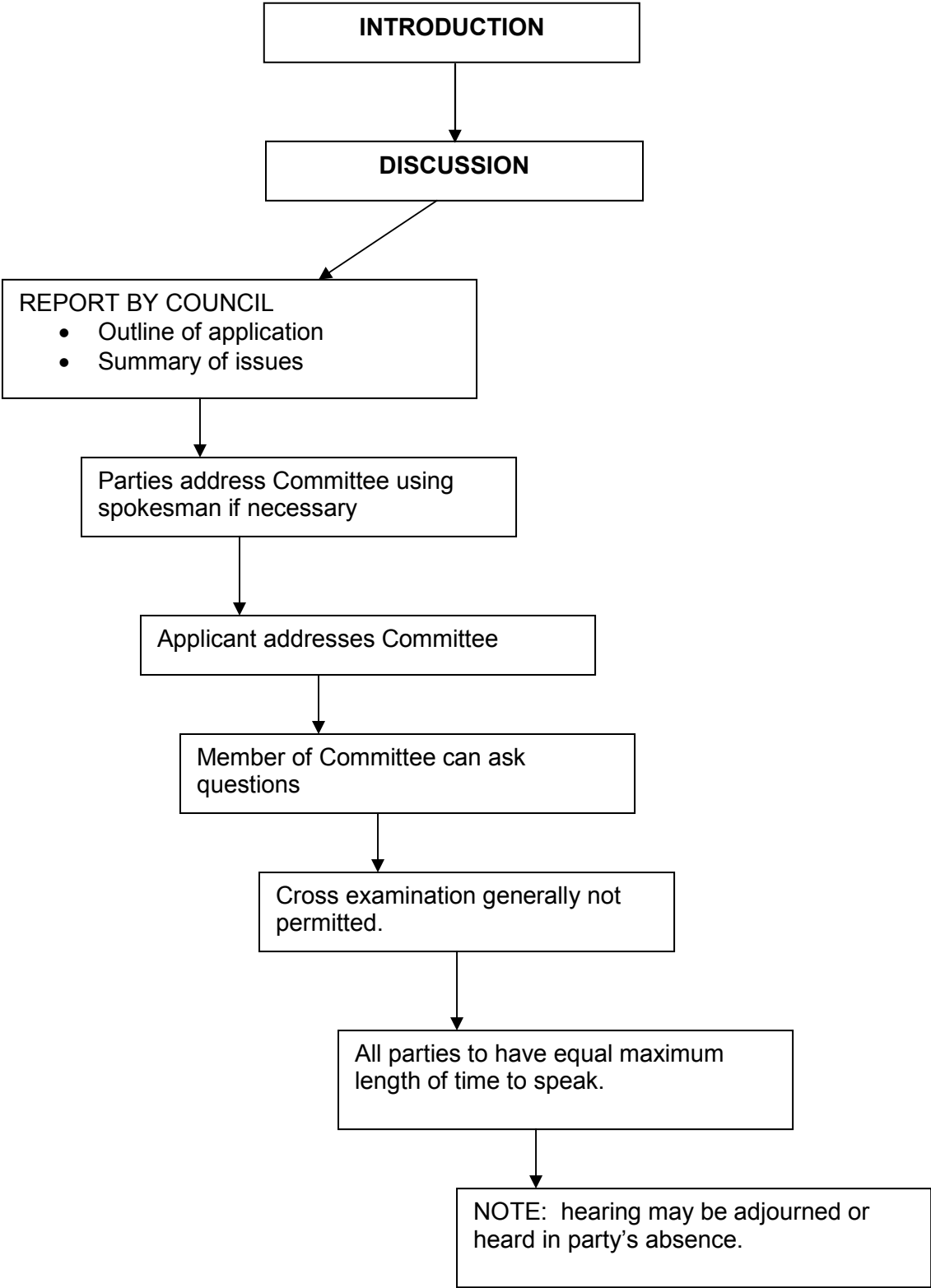
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# LICENCING HEARING FLOW CHART







<b>MEETING:</b>	<b>REGULATORY SUB COMMITTEE</b>
<b>DATE:</b>	<b>19 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>BRIDLEWAY BG11(PART) AND BG12(PART) BURRINGTON PUBLIC PATH DIVERSION ORDER</b>
<b>PORTFOLIO AREA:</b>	<b>Highways and Transportation</b>

**CLASSIFICATION:** Open

**WARDS 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 bridleways BG11 and BG12 in the parish of Burrington.

**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 under drawing number : D360/72-11,12(ii).**

**KEY POINTS SUMMARY**

- The landowner, Robert Owen, applied for the diversion of parts of bridleways BG11 and BG12, in the parish of Burrington in October 2003.
- The reason for the application is to improve access and ease of use for stock pens, to provide an improved surface for bridleway users, and for privacy and security.'
- Pre-order consultations have been carried out and the proposal has general agreement and support.

**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, as the proposal allows for unobstructed access and has general support, this could be considered to be unreasonable.

Further information on the subject of this report is available from  
Chris Chillingworth, Public Rights of Way Officer on (01432) 842100

## **REASONS FOR RECOMMENDATIONS**

- 2 The public path order should be made because it is felt that that it meets the criteria set out in Section 119 of the Highways Act 1980 and Herefordshire Council's Public Path Order Policy.

## **INTRODUCTION AND BACKGROUND**

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

## **KEY CONSIDERATIONS**

- 4 Mr Robert Owen of Mary Knoll House, Whitcliffe, Ludlow, made an application on the 29<sup>th</sup> October 2003. but it was not possible to progress the application until resources became available. The reason given for the application was to improve access and ease of use for the landowner to stock pens, to provide an improved surface for bridleway users, and for reasons of privacy and security.
- 5 Pre-order consultation has been carried out by the applicant and the proposal has general agreement and support.
- 6 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's charge for making the order.
- 7 The Local Member, Councillor L O Barnett, has been consulted and has raised no objections to the application.
- 8 The proposed diversion meets the specified criteria set out in section 119 of the Highways act 1980, and in particular that :
- i) The proposal benefits the owner of the land.
  - ii) The proposal is not substantially less convenient to the public.
  - iii) It would be expedient to proceed with the proposal given the effect it will have on the public enjoyment of the paths.

## **COMMUNITY IMPACT**

- 9 The Parish Council and local user groups have been consulted as part of the process and the proposal has general agreement and support. Councillor Barnett has been consulted and has not objected to the proposal.

## **FINANCIAL IMPLICATIONS**

- 10 The applicant has agreed to pay the Council's standard fee for the making of a diversion order and to pay associated advertising costs. The applicant will be charged the rate applicable in 2003 and has also agreed to meet the cost of bringing the diverted paths into operation.

## **LEGAL IMPLICATIONS**

- 11 Under section 119 of the Highways Act 1980 the Council has the power to make a diversion order but does not have a duty to do so.

## **RISK MANAGEMENT**

- 12 Should an order is made to divert bridleways BG11 and BG12, as recommended in this report, there is a risk that the order will receive objections and would then require referral to the Secretary of State which would increase the demands on officer time and resources. However, extensive informal consultations have been carried out to minimise the risk of such objections.

## **EQUALITY IMPLICATIONS**

- 13 The proposed new route has similar gradients to those found on the existing route; there is a gap at one end and a bridle gate at the other end which will improve accessibility for the public. As such, the proposal is considered to comply with the requirements of the Equality Act 2010.

## **CONSULTEES**

- 14 Prescribed organisations as per Defra Rights of Way Circular 1/09.
- Local ward member, councillor LO Barnett.
- Burrington Parish Council
- Statutory Undertakers

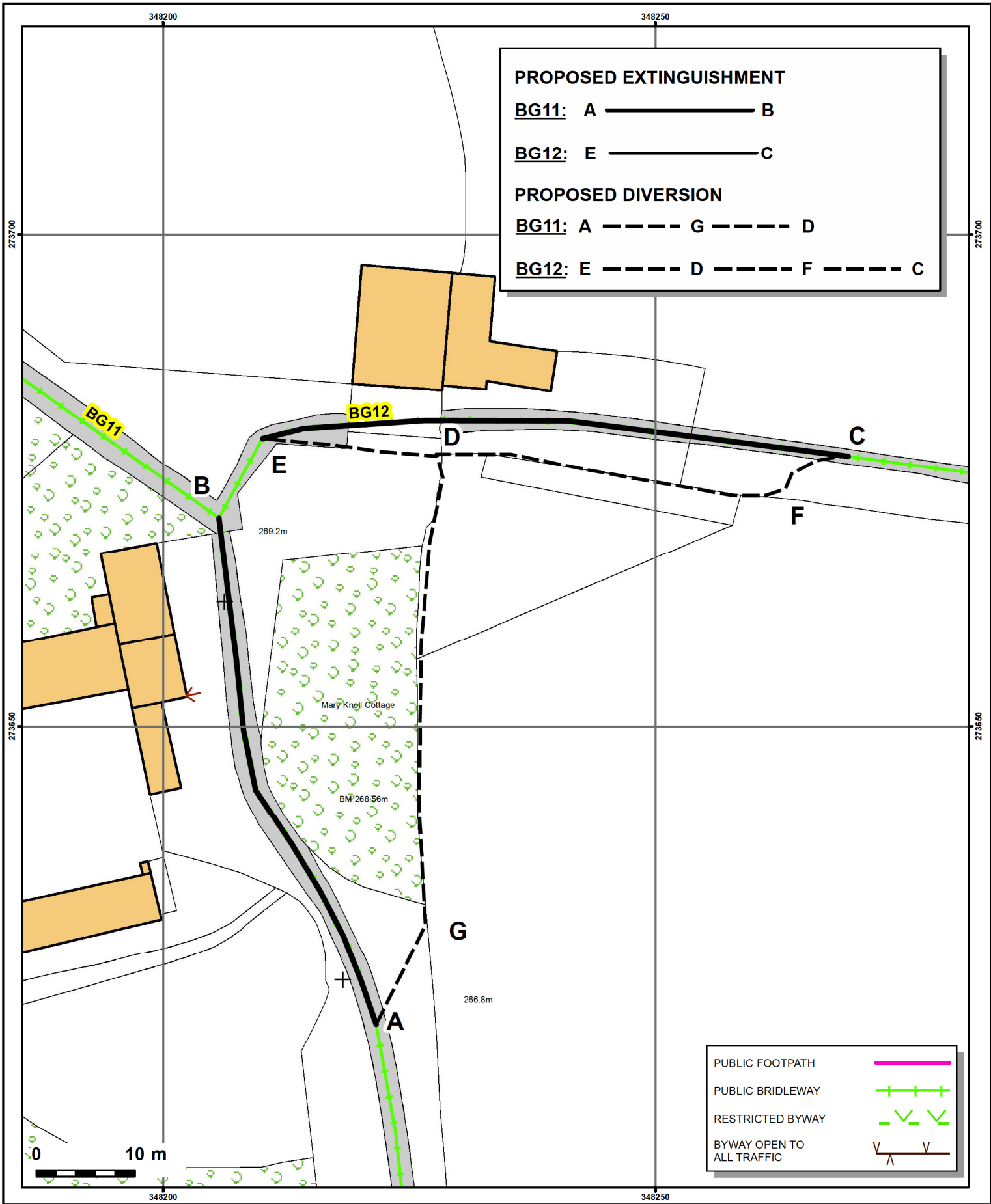
## **APPENDICES**

- 15 Order and order plan, drawing number D360/72-11.12(ii)

## **BACKGROUND PAPERS**

- None identified.





**PROPOSED EXTINGUISHMENT**

**BG11:** A ————— B

**BG12:** E ————— C

**PROPOSED DIVERSION**

**BG11:** A - - - - G - - - - D

**BG12:** E - - - - D - - - - F - - - - C

PUBLIC FOOTPATH —————

PUBLIC BRIDLEWAY —+—+—+—

RESTRICTED BYWAY - - ∨ - - ∨ - -

BYWAY OPEN TO ALL TRAFFIC V — V



**HIGHWAYS ACT 1980, SECTION 119**  
**HEREFORDSHIRE COUNCIL-PUBLIC BRIDLEWAYS BG11 (PART) & BG12 (PART)**  
**PARISH OF BURREINGTON**  
**PUBLIC PATH DIVERSION ORDER 2012**

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DWG No.: D360/72-11,12(ii)  
 SCALE 1:500@A4

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<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>19 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH AY1 (PART) IN THE PARISH OF AYMESTRY</b>
<b>PORTFOLIO AREA:</b>	<b>HIGHWAYS AND TRANSPORTATION</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Frome

### **Purpose**

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath (AY1) in the parish of Aymestry.

### **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: Dwg No: D368/20-1

### **Key Points Summary**

- An application was made to divert footpath AY1 on 15<sup>th</sup> of June 2004.
- The applicant carried out a pre-order consultation in November 2011.
- The proposals received general agreement except for one notable objection from the Open Spaces Society.
- The existing path is currently obstructed by woodland (owned by the Forestry Commission).
- There would be a financial burden to re-instating the existing line.
- The landowner has agreed to pay the costs associated with the order.

### **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. If this option is taken, the existing legal line should be reinstated. However, after inspection it has been deemed impossible to reinstate the legal line due to the slope created from the creation of the forest track. The only other possible alternative is to divert the path to

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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

another location.

## 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. Although an objection to the proposal has been received, it is not considered to raise any issues that should prevent confirmation of the order.

## 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 it holds the delegated authority to make this decision.

## Key Considerations

- 4 Mr J Probert and Sons, who are the landowners, made the application on the 15<sup>th</sup> of June 2004. The reason given for making the application was that there was concern for the health and safety of members of the public walking through the busy farmyard. The route follows the fence-line in the main due to agricultural management.
- 5 The existing route of AY1 is currently obstructed through land owned by the Forestry Commission. The route which users are currently walking, travels up a staircase of steep steps, then along the forestry track at the top of the slope, however the legal line of the path travels diagonally up the slope but is obstructed by woodland (consisting of trees, shrubs and undergrowth) and is impossible to reinstate due to the slope created when the forest track was built.
- 6 The applicant has carried out all pre order consultation (via an agent). The proposal has general agreement. However, there is one notable objection from the Open Spaces Society representative. He has objected on the grounds that 1) the section between the stile and point B is attractive, 2) the western end meets up with the entrance to the forest on the opposite side of the road and 3) the farmyard is easy to use as it is wide and cattle shouldn't therefore cause a problem. However in response 1) The section that the representative mentions is not on the legal line – the legal line travels up a steep bank and is obstructed by trees and undergrowth, 2) the western end does not meet up with the forest on the opposite side of the road as this is private land and there is no public right of access and 3) cattle are regularly moved across and through the yard as well as tractors, which could be hazardous to the public.
- 7 The applicant has agreed to pay for advertising and to reimburse, the Council's costs incurred in making the diversion order.
- 8 The local member, Cllr L O Barnett, who has been consulted, has no objections to the proposals.
- 9 The neighbouring landowner, the Forestry Commission has agreed to the proposals in writing.
- 10 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 alter the point of termination of the paths, but only to another point on the same highway.



- The proposal is not deemed to be substantially less convenient to the public.

## **Equalities Impact**

- 11 The proposed new route has similar gradients to those found on the existing route. The existing route passes through a field gate and over a stile, the proposed route passes through three pedestrian gates thus making the footpath more accessible. As such, the proposal is considered to comply with the requirements of the Equality Act 2010.

## **Community Impact**

- 12 The parish council was consulted as part of the pre-order consultation and had no objections to the proposals.

## **Financial Implications**

- 13 The applicant has agreed to pay for the advertising and administration costs associated with the making of this order, however, he will only be charged the administration costs applicable at the time of application (£400). Should objections be received to any order and the order be referred to the Planning Inspectorate for determination, then the Council would have to meet the additional costs incurred in this process.

## **Legal Implications**

- 14 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**

- 15 If an order is made as proposed it is likely that it will be opposed (particularly as the Open Spaces Society have already objected at pre-order consultation stage), this will necessitate the matter being referred to the Planning Inspectorate for a decision. This could result in a public inquiry which would place increased demands on officer time and resources. However, for the reasons mentioned in paragraph 5 it is felt that if an order is made, there is a good chance of it being confirmed by the Secretary of State.

## **Consultees**

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

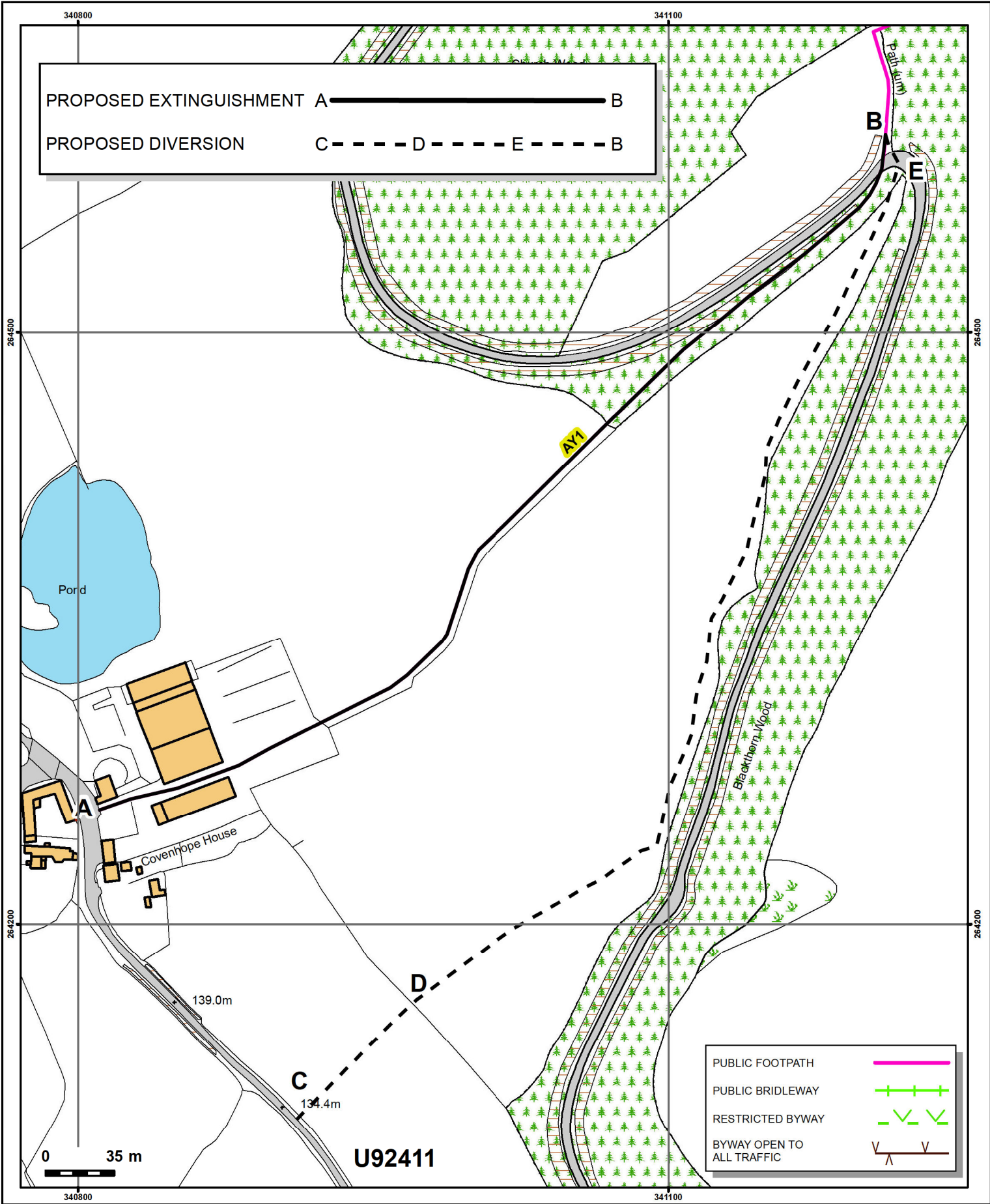
## **Appendices**

- 17 Order Plan, drawing number: D368/20-1 and Order and Schedule.

## **Background Papers**

- None identified.





HIGHWAYS ACT 1980, SECTION 119  
 HEREFORDSHIRE COUNCIL - FOOTPATH AY1(PART)  
 PARISH OF AYMESTRY  
 PUBLIC PATH DIVERSION ORDER 2012



DWG No.: D368/20-1  
 SCALE 1:2,500@A4

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<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>19 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION FOR A VARIATION OF A CLUB PREMISES CERTIFICATE 'LEOMINSTER &amp; DISTRICT ROYAL BRITISH LEGION, SOUTH STREET, LEOMINSTER, HR6 8JQ' – LICENSING ACT 2003</b>
<b>PORTFOLIO AREA:</b>	<b>ASSISTANT DIRECTOR (EHTS) PEOPLE'S SERVICES DIRECTORATE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Leominster

### **Purpose**

To consider an application for the variation of a Club Premises Certificate in respect of 'Leominster & District Royal British Legion, South Street, Leominster, HR6 8JQ'.

### **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 **appropriate** 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**

- **Three (3)** representations from Responsible Authorities (Police, Trading Standards & Licensing Authority)

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

## Options

- 1 a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
- b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it necessary for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
- c) To exclude from the scope of the licence any of the licensable activities to which the application relates,
- d) To refuse to specify a person in the licence as the premise supervisor, or
- e) To reject the application.

## Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

## Introduction and Background

### 3 Background Information

Applicant	<b>Leominster &amp; District Royal British Legion, South Street, Leominster, HR6 8JQ'.</b>	
Representative	<b>N/K</b>	
Type of application: <b>New Application</b>	Date received: <b>28/05/2012</b>	28 Days consultation <b>24/06/2012</b>

### Licence Application

- 4 The application for a variation to the Club Premises Certificate has received representations and is therefore brought before the Regulatory Sub-Committee for determination.

### Current Licence

- 5 The current licence authorises:

Performance of a play: Annual Christmas pantomime (One performance on a Sunday during the Christmas/New Year period between 14:00 – 19:00)

A performance of live music

Friday-Saturday: 19:00 - 01:00  
Sunday: 19:00 - 23:30

Any playing of recorded music; Dancing; Other entertainment facilities;

Tuesday & Sunday: 19:00 - 23:30  
Friday-Saturday: 19:00 - 01:00

Making music

Wednesday & Sunday: 19:00 - 23:30  
Friday-Saturday: 19:00 - 01:00

Sale by retail of alcohol

Monday-Thursday, Sunday: 10:00 - 23:30  
Friday-Saturday: 10:00 - 01:00

Additional outside area licensed until 22.30 (as per plan submitted on 22.8.07)

Non Standard Timings:

Any playing of recorded music; A performance of live music; Dancing; Other entertainment facilities; Supply by retail of alcohol

A further additional hour into the morning following every: -

Friday, Saturday, Sunday and Monday for each May Bank Holiday, spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

Christmas Eve and Boxing Day.

Club Christmas Draw and party night 10.00 to 00.30 next day.

A performance of live music

Christmas draw and party night

Christmas Day 11.00 to 13.00, 19.00 to 22.30

Supply of alcohol: End of permitted hours on New years Eve until the start of permitted hours on New Years Day

Seasonal variations:

Performance of a play - Annual Christmas pantomime with live or recorded music. (One performance on a Sunday during the Christmas/New Year period between 14:00 – 19:00)

## Summary of Application

6 The application requests on the following hours and licensable activities:

Plays, Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Anything similar to Live/Recorded Music/Performance of Dance, Facilities for Making Music & Dancing, Facilities Similar to Making Music/Dance, Supply of Alcohol

Monday to Thursday 1800 – 2330

Friday & Saturday 1000 – 0200

Sunday 1000 – 2330

Non Standard Timings

All activities - End of authorised hours on New Years until the start of authorised hours on New Year's Day. On Sunday before a Bank Holiday until 0030 hours.

The application also asks to remove all existing conditions to be replaced with those shown within the application form.

## Summary of Representations

- 7 A copy of the representations can be found within the background papers.
- 8 Representations have been made by **Three (3)** Responsible Authorities (Trading Standards, Police, Licensing Authority)

## Key Considerations

- 9 To consider what action should be taken, if any, to promote the four licensing objectives in accordance with the recommendation.

## 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 club premises certificates
- 10 Where a licensing authority—  
(a) rejects an application for a club premises certificate under section 72, or



- (b) rejects (in whole or in part) an application to vary a club premises certificate under section 85,

the club that made the application may appeal against the decision.

#### Variation of club premises certificate

12(1) This paragraph applies where an application to vary a club premises certificate is granted (in whole or in part) under section 85.

- (2) The club may appeal against any decision to modify the conditions of the certificate under subsection (3)(b) of that section.

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

- (a) that any variation ought not to have been made, or

- (b) that, when varying the certificate, the licensing authority ought not to have modified the conditions of the certificate, or ought to have modified them in a different way, under subsection (3)(b) of that section,

he may appeal against the decision.

- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 85(5).

#### General provision about appeals under this Part

15(1) An appeal under this Part must be made to a magistrates' court.

- (2) An appeal under this Part must be commenced by notice of appeal given by the appellant to the designated officer for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

- (3) On an appeal under paragraph 11(3), 12(3) or 13(2)(a) or (c), the club that holds or held the club premises certificate is to be the respondent in addition to the licensing authority.

## Consultees

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

## **Appendices**

- 21     a.     Application Form  
       b.     Police Representation  
       c.     Trading Standards Representation  
       d.     Licensing Authority 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

22 MAY 2012

Application to vary a club premises certificate to be granted  
under the Licensing Act 2003

TO:

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION

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.

Leominster Royal British Legion Club Ltd.

*(Insert name of club)*

club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named in Part 1 below

Club premises certificate number  
CP00063

Part 1 – Club premises details

Name of club

Leominster & District Royal British Legion Club Ltd.

Postal address of premises, if any, or if none ordnance survey map reference or description

South Street

Post Town Leominster

Postcode HR6 8JQ

Telephone number (if any) 01568 612660

E-mail address (optional)

Name of person performing duties of a secretary to the club

Ms Edith Mary Morgan

Address of person performing duties of a secretary to the club

1

Post Town

Postcode

Daytime contact telephone number (if any)

E-mail address (optional)

**Part 2 – Applicant details**

Daytime contact telephone number (if any)			
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

**Part 3 - Variation**

Please tick yes

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

If not when do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**  
 To remove restrictions to regulated entertainment in order to broaden the activities we can offer to our membership.

To remove conditions relating to the admittance of persons under the age of eighteen to broaden the availability of activities for members and their guests. We want to become more family orientated in what we offer.

To remove conditions relating to CCTV which is unnecessary in relation to the business undertaken by the Club and in the current financial climate it is unsustainable.

To remove all conditions carried over from the Public Entertainments Licence and to replace them with conditions which are relevant, achievable and enforceable.

Our intention is also to add licensable activity relating to films.

To amend the existing times and days of existing licensable activities.

If the club's 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 – Club Operating Schedule

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

What qualifying club activities do you intend to conduct on the club premises which will be affected by your application?

##### Provision of regulated entertainment:

Please tick yes

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

##### Provision of entertainment facilities:

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

**The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club** (if ticking yes, fill in box L)

**The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place** (if ticking yes, fill in box L)

In all cases complete boxes M, N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	18.00	23.30	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	18.00	23.30			
Wed	18.00	23.30	<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur	18.00	23.30			
Fri	10.00	02.00	<b>Non standard timings. Where the club intends to use the premises for the performance of a play at different times from those listed in the column on the left, please list</b> (please read guidance note 5) End of authorised hours on New Years Eve until the start of authorised hours on New Years Day. On a Sunday before a Bank Holiday until 00.30.		
Sat	10.00	02.00			
Sun	10.00	23.30			

**B**

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	18.00	23.30			
Tue	18.00	23.30			
Wed	18.00	23.30	<u>State any seasonal variations for the exhibition of film</u> (please read guidance note 4)		
Thur	18.00	23.30			
Fri	10.00	02.00	<u>Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, please list</u> (please read guidance note 5) End of authorised hours on New Years Eve until the start of authorised hours on New Years Day. On a Sunday before a Bank Holiday until 00.30.		
Sat	10.00	02.00			
Sun	10.00	23.30			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details here</u> (please read guidance note 3)
Day	Start	Finish	
Mon	18.00	23.30	
Tue	18.00	23.30	
Wed	18.00	23.30	
Thur	18.00	23.30	<b><u>Non-standard timings. Where the club intends to use the premises for indoor sporting events at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5) End of authorised hours on New Years Eve until the start of authorised hours on New Years Day. On a Sunday before a Bank Holiday until 00.30.
Fri	10.00	02.00	
Sat	10.00	02.00	
Sun	10.00	23.30	



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"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non-standard timings. Where the club intends to use the premises for the boxing or wrestling entertainment at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**E**

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <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	18.00	23.30	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	18.00	23.30			
Wed	18.00	23.30	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	18.00	23.30			
Fri	10.00	02.00	<b>Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, please list</b> (please read guidance note 5) End of authorised hours on New Years Eve until the start of authorised hours on New Years Day. On a Sunday before a Bank Holiday until 00.30.		
Sat	10.00	02.00			
Sun	10.00	23.30			

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	18.00	23.30	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	18.00	23.30			
Wed	18.00	23.30	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	18.00	23.30			
Fri	10.00	02.00	<b>Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list</b> (please read guidance note 5) End of authorised hours on New Years Eve until the start of authorised hours on New Years Day. On a Sunday before a Bank Holiday until 00.30.		
Sat	10.00	02.00			
Sun	10.00	23.30			

**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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	18.00	23.30	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	18.00	23.30			
Wed	18.00	23.30	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur	18.00	23.30			
Fri	10.00	02.00	<b>Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, please list</b> (please read guidance note 5) End of authorised hours on New Years Eve until the start of authorised hours on New Years Day. On a Sunday before a Bank Holiday until 00.30.		
Sat	10.00	02.00			
Sun	10.00	23.30			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment that the club will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	18.00	23.30		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	18.00	23.30	<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed	18.00	23.30			
Thur	18.00	23.30	<p><u>State any seasonal variations for this entertainment</u> (please read guidance note 4)</p>		
Fri	10.00	02.00			
Sat	10.00	02.00	<p><u>Non-standard timings. Where the club intends to use the premises for this entertainment at different times from those listed in the column on the left, please list</u> (please read guidance note 5) End of authorised hours on New Years Eve until the start of authorised hours on New Years Day. On a Sunday before a Bank Holiday until 00.30.</p>		
Sun	10.00	23.30			

<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 type of facilities for making music that the club 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	Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon	18.00	23.30	<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue	18.00	23.30	<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Wed	18.00	23.30	<b><u>Non-standard timings. Where the club intends to use the premises for the provision of facilities for making music at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5) End of authorised hours on New Years Eve until the start of authorised hours on New Years Day. On a Sunday before a Bank Holiday until 00.30.	
Thur	18.00	23.30		
Fri	10.00	02.00		
Sat	10.00	02.00		
Sun	10.00	23.30		

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of facilities for dancing that the club will be providing</u></b>		
Day	Start	Finish	<b><u>Will the facilities for dancing be 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"/>
Mon	18.00	23.30	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue	18.00	23.30			
Wed	18.00	23.30	<b><u>State any seasonal variations for the provision of dancing facilities</u></b> (please read guidance note 4)		
Thur	18.00	23.30			
Fri	10.00	02.00	<b><u>Non-standard timings. Where the club intends to use the premises for the provision of dancing facilities at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5) End of authorised hours on New Years Eve until the start of authorised hours on New Years Day. On a Sunday before a Bank Holiday until 00.30.		
Sat	10.00	02.00			
Sun	10.00	23.30			

K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility the club will be providing</u></b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	18.00	23.30		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	18.00	23.30	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed	18.00	23.30			
Thur	18.00	23.30	<b><u>State any seasonal variations for the provision of this entertainment facility</u></b> (please read guidance note 4)		
Fri	10.00	02.00			
Sat	10.00	02.00	<b><u>Non-standard timings. Where the club intends to use the premises for the provision of facilities for this entertainment at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5) End of authorised hours on New Years Eve until the start of authorised hours on New Years Day. On a Sunday before a Bank Holiday until 00.30.		
Sun	10.00	23.30			



L

<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)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations</b> (please read guidance note 4)		
Mon	18.00	23.30			
Tue	18.00	23.30			
Wed	18.00	23.30			
Thur	18.00	23.30			
Fri	10.00	02.00			
Sat	10.00	02.00			
Sun	10.00	23.30	<b>Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list</b> (please read guidance note 5) End of authorised hours on New Years Eve until the start of authorised hours on New Years Day. On a Sunday before a Bank Holiday until 00.30.		

**M**

<b>Hours club premises are open to the members and guests</b> <b>Standard days and timings (please read guidance note 6)</b>			<b>State any seasonal variations (please read guidance note 4)</b>       
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon	18.00	00.00	
Tue	18.00	00.00	
Wed	18.00	00.00	
Thur	18.00	00.00	
Fri	10.00	02.30	
Sat	10.00	02.30	
Sun	10.00	00.00	<b>Non standard timings. Where you intend the premises to be open to the members and guests at different times from those listed in the column on the left, please list (please read guidance note 5)</b> End of authorised hours on New Years Eve until the start of authorised hours on New Years Day. On a Sunday before a Bank Holiday until 01.00

**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)**  
 NONE

0

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

Please tick yes

- I have enclosed the club premises certificate
- I have enclosed the relevant part of the club premises certificate

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

Reasons why the club has failed to enclose the club premises certificate or relevant part of it

**P Describe the steps you intend to take to promote the four licensing objectives:**

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

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

The Premises Licence Holder will employ SIA Licensed Door Supervisors at appropriate times when risk assessment dictates door supervision to be necessary. Door supervisors will be required to wear appropriate clothing to enable them to be clearly identified.

The Premises Licence Holder or a person nominated by them in writing for the purpose, shall maintain a register of stewards (and Licensed Door Supervisors if applicable) which shall be kept on the premises showing the names and addresses of the stewards (and Licensed Door Supervisors) and shall be signed by the stewards (and Door Supervisors) as they commence and conclude duty. The register shall be made available on demand for inspection by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or the Police (or an authorised officer of the SIA.)

An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) 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) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service

All bar staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Herefordshire Council Trading Standards within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

### **c) Public safety**

#### **First aid**

An HSE Compliant Industrial High Response First Aid Kit for 21-50 people shall be kept fully stocked at the premises and kept behind the bar. Such kit shall contain:

- 1 x Guidance Leaflet
- 60 x Washproof Plasters
- 6 x Eye Pads with Bandage
- 8 x Triangular Bandages
- 12 x Safety Pins
- 16 x Assorted Sterile Dressings
- 20 Moist Wipes
- 3 Pairs Disposable Gloves

#### **Electrical & Gas Installations**

All electrical wiring and distribution systems shall be tested at least once a year and signed off by a competent person whose name is shown within the Local Authority Building Control Part P Competent Persons Register (<http://www.competentperson.co.uk/search.asp>). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

Any and all gas appliances (except cellar gas) used in the premises must be tested at least once a year and signed off by a competent person whose name appears within the current Gas Safety register (GSR). The sign off certificate shall be produced to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or Police on demand.

#### **Maintenance, Repair and Cleanliness**

All parts of the premises and all fixtures and fittings therein including seating, door fastenings, notices, floors, carpets and furniture shall be kept clean and maintained in good order.

Automatic emergency lighting, powered by an independent source, shall be provided. Any emergency lighting batteries shall be fully charged before the admission of the public, members or guests. In the event of the failure of normal lighting, arrangements shall be in place to ensure that the public, members or guests leave the premises within the period of one-third of the total predicted life of the emergency lighting battery, unless within that time normal lighting has been restored and the battery has been fully re-charged.

#### **Curtains, hangings, decorations and upholstery**

No curtain, temporary decoration or item of a similar description shall obstruct any exit.

#### **Capacity limits**

The maximum permitted numbers of persons in the premises including staff shall not exceed the numbers set within the fire risk assessment for the premises.

The capacity limit for the premises shall be: 500

**d) The prevention of public nuisance**

Noise or vibration shall not emanate from the premises so as to cause a nuisance.

All doors and windows at the premises shall be kept closed after 2300 except during immediate access and egress.

Any speaker within the premises shall be directed away from any residential property.

Where regulated entertainment is provided in the Bar area, the nominated steward will monitor noise emanating from the premises at least hourly to ensure that no noise nuisance is being caused and where there is shall cause the noise to be reduced. A written record shall be kept on the premises detailing the name of the person carrying out the monitoring, the monitoring locations, the date and time and the result obtained. Such record shall be made available on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or police.

Any musical amplification system/equipment located in the Hall, prior to use, shall be wired through a sound limiting device located in a separate and remote lockable cabinet. The level shall be pre-set by a responsible person in charge of the premises to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured. The keys securing the noise limiter shall be held by the premises licence holder or authorised (in writing) manager only, and shall not be accessed by any other person.

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to any smoking area or similar, requesting the public to respect the needs of local residents and to be quiet.

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

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 an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. 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 least one location behind any bar advertising the scheme operated.

A written register of refusals will be kept including a description of the people who

have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Club Steward or Relief Steward and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

No adult entertainment or services or activities will take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

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
- I understand that I must now advertise my application
- I have enclosed the club premises certificate 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)

I Edith Mary Morgan and Paul Henry Morgan

*(Insert full name)*

make this application on behalf of the club and have authority to bind the club

Signature	[REDACTED]
Date	15 <sup>th</sup> May 2012
Capacity	Secretary and Chair

Address for correspondence associated with this application (please read guidance note 11)			
[REDACTED]			
Post town	[REDACTED]	Post code	[REDACTED]
Telephone number (if any)		[REDACTED]	
If you would prefer us to correspond with you by e mail your e mail address (optional)			
[REDACTED]			

## Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for people to consume these off-supplies please include a description of where this 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. Please 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 go on for an extra hour during 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. (eg 16:00)
7. If the club wishes members and their guests to be able to consume alcohol on the premises please tick on. If the club wishes people to be able to purchase alcohol to consume away from the premises please tick off. If the club wishes people to be able to do both please tick both.
8. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed by someone with the authority to bind the club.
11. This is the address which we will use to correspond with the club about this application.



## **Representation made by the Local Authority**

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for variation of the club premises certificate in respect of the British Legion Club.

The premises is located in South Street, Leominster and more or less backs onto the Euphoria Nightclub. It as such is on the very edge of Leominster town centre.

The application requests that all the current conditions attached to the premises be removed and be replaced with more up to date conditions. The licensing authority as such supports this concept.

However in addition to this there are requests that:

- CCTV be removed as a requirement at the premises
- That the hours be extended until 2 am on a Friday & Saturday night.
- That some conditions relating to children are removed
- Films be added to the licence

The Licensing Authority **objects** to the first three requests in total and the last request in part.

The licensing authority has to consider the steps that are appropriate to promote the licensing objectives.

In order to promote the licensing objective of the prevention of crime and disorder the licensing authority believe that it is appropriate for CCTV to be installed, as the premises is located at the edge of Leominster town centre and has a capacity of 500 people.

In order to promote the Licensing Objectives if the following condition was to be added to the certificate, I would withdraw my objection in respect of this part of the variation.

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

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

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

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

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

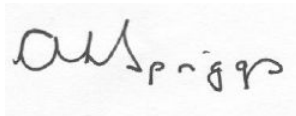
*In the event of technical failure of the CCTV equipment the Committee MUST report the failure to the Police on contact number **0300 333 3000** immediately.*

In respect of the application to extend the hours again the Licensing Authority **object** as to do so would not promote the licensing objectives of the prevention of crime and disorder or the prevention of public nuisance. As the current hours exist the dispersal from the premises has very little impact on the area. However to extend the hours until 2am on a Friday and Saturday night will mean that people will still be dispersing from this club whilst people will be beginning to disperse from Euphoria. This will add to the dispersal issues in the area which will have a negative impact on the licensing objectives.

Application has been made to amend the objectives under the Licensing Objective of 'The protect of children from harm' and whilst the conditions offered are suitable they do not go far enough and some of the conditions on the current certificate should remain, although slightly amended to read:

- Persons under the age of 18 years shall not be admitted to the club premises unless accompanied by a parent or guardian aged over 18 years.
- No person under the age of 18 years shall be eligible for membership.

If the applicant was to agree these conditions I would withdraw my representation in respect of this part of the application.



**Fred Spriggs**  
**Licensing Officer**

**From:** Mooney,James [james.mooney@westmercia.pnn.police.uk]  
**Sent:** 31 May 2012 10:25  
**To:** Licensing; Spriggs, Fred  
**Subject:** Royal British Legion, South Street, Leominster - variation application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**NOT PROTECTIVELY MARKED**

West Mercia Police are in receipt of a variation application for a registered club premises known as the **Royal British Legion, South Street, Leominster.**

The application seeks to remove a number of licensing conditions which are in place to promote the licensing objectives and to extend the operating hours on Friday and Saturday evenings up until 0200hrs.

West Mercia Police object to this application. It is our view that due to the location of this premises the operating hours requested will have a cumulative negative impact on the community taking into account other licensed premises in the area, it is our view that to extend the operating hours will likely result in an increase in crime, disorder and public nuisance.

If the matter was progressed with this part of the application withdrawn, West Mercia Police would further object to the existing conditions being removed as doing so would fail to promote the licensing objectives. These existing conditions are proportionate, necessary, achievable and enforceable for the venue.

If this application is to be progressed West Mercia Police will submit supporting information.

Regards

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



**From:** Hough, David  
**Sent:** 29 May 2012 10:11  
**To:** 'shazzer83@aol.com'  
**Cc:** Licensing  
**Subject:** Application for a club premises licence for The Leominster & District Royal British Legion Club

**Attachments:** Responsible Alcohol Training .doc  
For the attention of Ms Edith Morgan

As a responsible authority under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of the application for a premise licence for the Leominster & District Royal British Legion Club Ltd. South Street Leominster

Trading Standards has the responsibility for enforcing the Licensing Act 2003 in respect of sales of alcohol to anyone under the age of eighteen.

As a Service we need to ensure that steps are taken to prevent alcohol to children/person under the age of eighteen. I note the steps you have stated you will take to promote the licensing objectives therefore the following conditions are suggested to be included in the licence.

1. All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training agreed by Herefordshire Council Trading Standards within 1 month before the commencement of the event. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand
2. A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Club Steward or Relief Steward and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
3. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. 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.

Attached is a document regarding the areas you need to cover for the training of your staff if you are going to be providing in house training. Some of the issues will not be applicable but if you have any queries please contact me.



Responsible Alcohol  
Training ....

If you agree to these conditions could you email me stating your agreement and copy the email to [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

Or please contact me to discuss the matter further.

Regards

David Hough

**David Hough**  
**Principal Trading Standards Officer**  
**Environmental Health and Trading Standards**  
**Peoples' Services Directorate**  
**Health and Well Being Services**  
**Herefordshire Council**  
**PO Box 233**  
**Hereford**  
**HR1 2ZF**  
**Tel No. 01432 260011**  
**Email. [dthough@herefordshire.gov.uk](mailto:dthough@herefordshire.gov.uk)**  
**GCSX. [dthough@herefordshire.gcsx.gov.uk](mailto:dthough@herefordshire.gcsx.gov.uk)**  
Council's Homepage [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

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