

# Agenda

## Licensing sub-committee

Date: **Monday 11 September 2017**

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Time: **10.00 am**

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

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

For any further information please contact:

**Caroline Marshall, Governance Services**

Tel: 01432 260249

Email: [caroline.marshall3@herefordshire.gov.uk](mailto:caroline.marshall3@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 Caroline Marshall, Governance Services on 01432 260249 or e-mail [caroline.marshall3@herefordshire.gov.uk](mailto:caroline.marshall3@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Licensing sub-committee

## Membership

Councillor DW Greenow  
Councillor TM James  
Councillor A Seldon

## Agenda

	Pages
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
<b>3. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the agenda.	
<b>4. REVIEW OF A PREMISES LICENCE IN RESPECT OF: 'THE HORSE &amp; JOCKEY, 9-10 NEW STREET, ROSS ON WYE, HR9 7DA' MADE BY HEREFORDSHIRE COUNCIL: ENVIRONMENTAL HEALTH - LICENSING ACT 2003</b>  To consider an application for a review of a premises licence in respect of: The Horse & Jockey, 9-10 New Street, Ross on Wye, HR9 7DA, made by Herefordshire Council: environmental health.	9 - 62
<b>5. REVIEW OF A PREMISES LICENCE IN RESPECT OF: SWEET CHILLI, 16/17 BRIDGE STREET, HEREFORD, HR4 9DF MADE BY WEST MERCIA POLICE - LICENSING ACT 2003</b>  To consider an application for a review of a premises licence in respect of: Sweet Chilli, 16/17 Bridge Street, Hereford, HR4 9DF made by West Mercia Police.	63 - 84
<b>6. APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF: ST OWENS NEWS, 53A ST OWEN STREET, HEREFORD, HR1 2QW - LICENSING ACT 2003</b>  To consider an application for a variation of a premises licence in respect of 'St Owen's News, 53a St Owen Street, Hereford, HR1 2QW.	85 - 116



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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).
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  - Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.
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## **HEREFORDSHIRE COUNCIL**

**SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.**

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

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

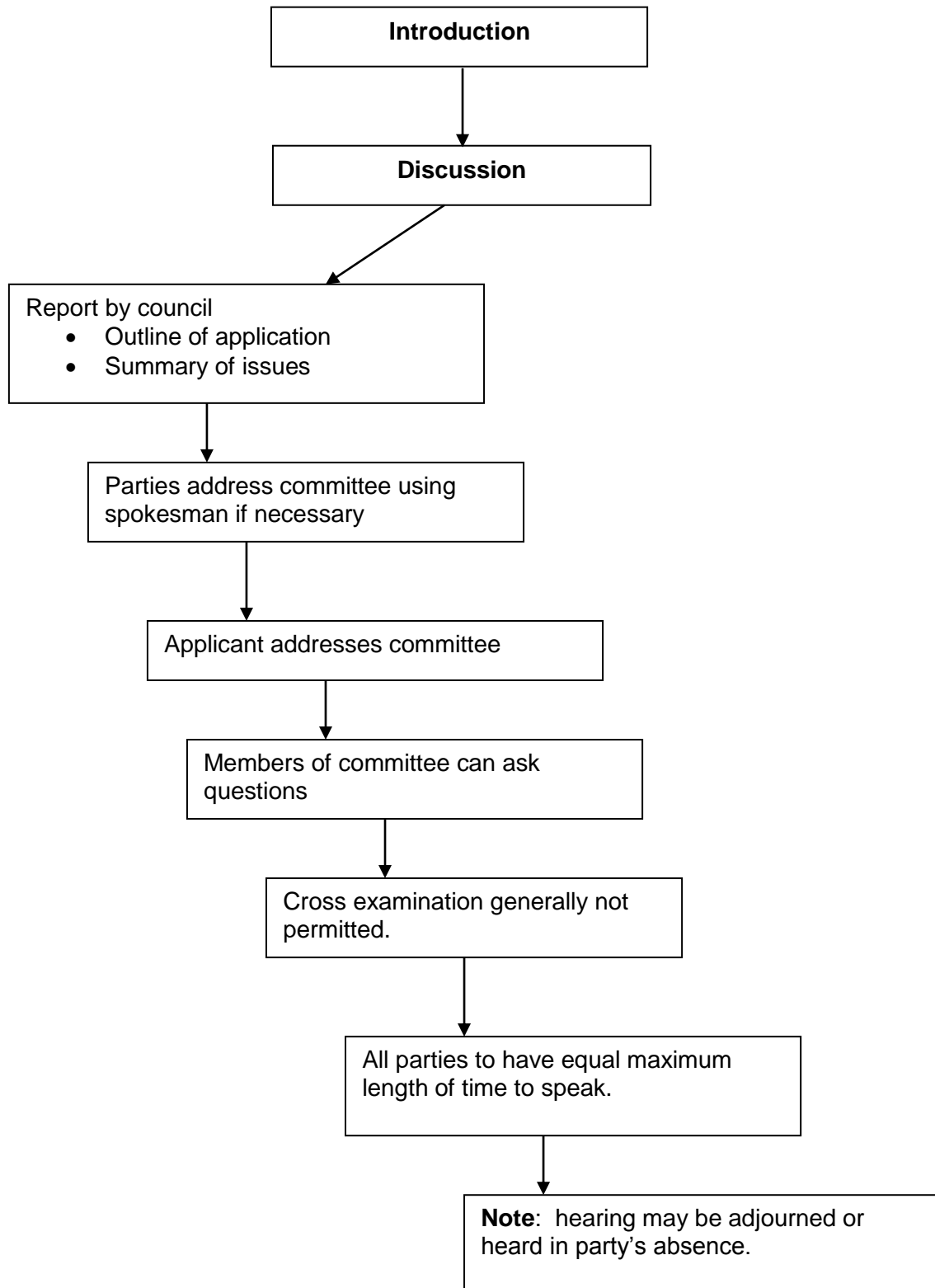
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## Licensing Hearing Flowchart









<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>11 September 2017</b>
<b>Title of report:</b>	<b>Review of a premises licence in respect of: 'The Horse &amp; Jockey, 9-10 New Street, Ross On Wye, HR9 7DA' made by Herefordshire Council: Environmental Health - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Ross West

## Purpose

To consider an application for a review of a premises licence in respect of: The Horse & Jockey, 9-10 New Street, Ross on Wye, HR9 7DA, made by Herefordshire Council: environmental health (appendix 1).

## 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 environmental health application for the review,**
- **The representations (including supporting information) presented by all parties,**
- **The guidance issued to local authorities under the Licensing Act 2003, and**
- **The Herefordshire Council licensing policy.**

## Options

1. There are a number of option open to the committee in relation to the Review:
  - the modification of the conditions of the premises licence;
  - the exclusion of any licensable activities from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence
2. Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
3. Alternatively the committee can determine to take no action or issue an informal warning and/or recommendations in writing should it consider appropriate.

## Reasons for Recommendations

4. Ensures compliance with the Licensing Act 2003.

## Key Considerations

5. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
  - relate to one or more of the licensing objectives;
  - have not been withdrawn; and
  - are made by the premises licence holder, a responsible authority or an interested party

Applicant	Herefordshire Council Environmental Health Represented by: - Elizabeth Laughland	
Premise Licence Holder	NewRiver Retail (Mantle) Limited 37 Maddox Street, London, W1S 2PP	
Solicitor	David Crank – DWF LLP	
Type of application: Review	Date received: 22/07/2017	End of 10 day period 18/08/2017

6. Copies of the application were sent to the premise licence holder and responsible authorities.
7. In brief the environmental health grounds for the review are:

*Since Mar 2016 Environmental Protection has received a total of 9 complaints from 3 separate households and 9 referrals from the police. Within the 9 complaint records there were multiple reports of noisy events made over this time.*

*Mr Hudson (the DPS) and NewRiver Retail Limited have been give noise control advice over this time. The advice included that the Horse and Jockey premises has a history of being a poor sound insulator and is therefore a noise sensitive premises. As such it was advised that amplified music needed to be careful managed within the premises to ensure the volume was kept down to a reasonable level and music with a dominant bass sound should be avoided*

*Following this advice two more loud music events with dominant bass sound were held at the premises over three nights and two separate weekends; 16 June 2017 and 7 & 8<sup>th</sup> July 2017. This was a breach of their licence condition which states that 'The licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance.'*

*On the 7<sup>th</sup> July officers from Environmental Health witnessed the music to be causing a statutory noise nuisance in the neighbouring property. Noise abatement notices were served on Mr Hudson and NewRiver on the 11 July 2017.*

*The Environmental Health Department is satisfied that that the premises licence holder and the DPS are breaching the condition on the licence which states "The licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance' on a regular basis and therefore are not promoting the licensing objective of the prevention of public nuisance.*

8. Further additional supporting information has been provided by environmental health within their application at page 4.
9. The application for review has received representation from the police, trading standards and public.
10. The police representation can be found at appendix 2 and the trading standards application at appendix 3.
11. Six representations have been received from the public (appendix 4). Five supporting the review and one supporting the premises.
12. This premises licence was reviewed on 4 July 2008 under the public nuisance licensing objectives concerning noise coming from the premises.
13. Environmental health and the premises licence holder's solicitor is trying to arrive at an agreed set of hours and conditions.

### **Current Licence**

14. The current licence (appendix 5) authorises the following licensable activities during the hours shown: -

A performance of live music, Any playing of recorded music, Facilities for similar entertainment, Dancing (All indoors) and Sale by retail of alcohol (Indoors and Outdoors)

Monday-Wednesday: 11:00 - 23:00

Thursday-Saturday: 11:00 - 00:00

Sunday: 12:00 - 22:30

Non standard timings apply to all licensable activities listed above:-

Friday, Saturday, Sunday and Monday of all Bank Holiday weekends, Thursday preceding Easter weekend, Christmas Eve, Boxing Day: An additional hour permitted at the end of normal licensing hours.

On New Year's Eve the permitted hours shall extend through from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

## **Community Impact**

15. Any decision is unlikely to have any significant effect of the local community.

## **Equality duty**

16. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
17. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.
18. There are not considered to be any equalities implications arising from this report.

## **Financial implications**

19. There are unlikely to be any financial implications for the authority at this time.

## **Legal Implications**

20. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the council's own statement of licensing policy.
21. The options available to the licensing authority on considering this review are set out in section 1 of this report.
22. Following amendments made by the Live Music Act 2012 and the Deregulation Act 2015 any condition attached to a premises licence which relates to live music or recorded music does not have effect in relation to the live music or recorded music unless the suspension has been lifted in accordance with Section 177A (3) of the Act on a review or such conditions have been attached by the Licensing Authority through a review of the premises licence. Condition includes the times which the premises is authorised for the licensable activities.

23. In considering this review the sub-committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the licensing authority.
24. 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.
25. In this case it was summed up that: -  
  
A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
26. 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. It should be noted that hearsay evidence is admissible in the context of making decisions on licensing matters.,
27. 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'.
28. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

## **Right of Appeal**

29. An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision.
30. The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

## **Risk Management**

31. There is little risk associated with the decision at this time as the legislation allows for a right of appeal.

## **Consultees**

32. All responsible authorities and members of the public living within Herefordshire.

## **Appendices**

- Appendix 1 - environmental health application for the review
- Appendix 2 - police representation
- Appendix 3 - trading standards representation
- Appendix 4 - Six public representations
- Appendix 5 – Current licence

## **Background Papers**

Section 12 of the Guidance issued under Section 182 of the Licensing Act 2003.

**Application for the review of a premises licence or club premises certificate 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.

**Herefordshire Council - Environmental Health Department**

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

**Part 1 – Premises or club premises details**

Postal address of premises or, if none, ordnance survey map reference or description  <b>Horse And Jockey Inn, 9-10 New Street,</b>	
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Post town <b>Ross On Wye</b>	Post code (if known) <b>HR9 7DA</b>
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Name of premises licence holder or club holding club premises certificate (if known)  <b>NewRiver Retail Limited, 37 Maddox Street, London, W1S 2PP</b>
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Number of premises licence or club premises certificate (if known)  <b>PR00478</b>
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address  
Elisabeth Laughland  
Principal Environmental Health Officer  
8 St Owens St  
Hereford

Telephone number (if any)  
01432 261676

E-mail address (optional)  
[elaughland@herefordshire.gov.uk](mailto:elaughland@herefordshire.gov.uk)

#### This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

#### Please state the ground(s) for review (please read guidance note 1)

Since Mar 2016 Environmental Protection has received a total of 9 complaints from 3 separate households and 9 referrals from the police. Within the 9 complaint records there were multiple reports of noisy events made over this time.

Mr Hudson (the DPS) and NewRiver Retail Limited have been give noise control advice over this time. The advice included that the Horse and Jockey premises has a history of being a poor sound insulator and is therefore a noise sensitive premises. As such it was advised that amplified music needed to be careful managed within the premises to ensure the volume was kept down to a reasonable level and music with a dominant bass sound should be avoided

Following this advice two more loud music events with dominant bass sound were held at the premises over three nights and two separate weekends; 16 June 2017 and 7 & 8<sup>th</sup> July 2017. This was a breach of their licence condition which states that 'The licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance.'

On the 7<sup>th</sup> July officers from Environmental Health witnessed the music to be causing a statutory noise nuisance in the neighbouring property. Noise abatement notices were served on Mr Hudson and NewRiver on the 11 July 2017.

The Environmental Health Department is satisfied that that the premises licence holder and the DPS are breaching the condition on the licence which states "The licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance' on a regular basis and therefore are not promoting the licensing objective of the prevention of public nuisance.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

### **Background**

Historically the premises has been known as a noise sensitive premises due to its location and structure i.e. a Mid terrace property, poor sound attenuation between the adjoining properties, predominantly a residential street close to Ross town centre. As a result amplified music and bass music in this property has caused noise nuisance complaints. This has resulted in past enforcement action where notices were served on previous landlords for playing excessively loud music through a juke box.

### **Case Information**

Mar 2016 to 21 July 2017 - From 2016 the service has received an increase in complaints regarding the premises. A total of 9 complaints from 3 separate households and 9 referrals from the police, since Mar 2016. Within the 9 complaint records there were multiple reports of noisy events made over this time.

Summer 2016 - Environmental Health carried out an extensive investigation in the summer 2016 where visits were made over 11 Friday or Saturday evenings. It was noted that people noise was the most significant noise impact on the area. Although, audible music was witnessed on two occasions outside of the premises, but not sufficient to be a Statutory Nuisance.

Autumn 2016 - Further noise complaints received by Environmental Health (EH). Noise equipment was installed into an adjoining neighbouring property in November where bass beat music was clearly audible within the neighbour's property. The complainant confirmed this music was emanating from the Horse & Jockey public house.

8 April 17 EH received a complaint that loud bass music was causing a noise nuisance to neighbouring properties on Friday 7<sup>th</sup> April. Also concerns over a future advertised Drum and Bass night at the Horse and Jockey premises

11 May 2017 EH held meetings and discussions with NewRiver, Mr Hudson, the police and licensing to discuss music and people noise issues in anticipation of a drum and bass night advertised and detailing concerns over the suitability of the premises to hold such events.

DPS and NewRiver agreed they would provide a noise management plan to be agreed by Environmental Health before planning any further events.

16 June 2017 Mr Hudson held a birthday party following an agreement not to hold such events until a noise management plan had been submitted and agreed by all parties.

22 June 2017 A noise management plan was supplied to the EH which was inadequate and the premises licence holder was informed of this.

7 & 8<sup>th</sup> July 2017 - Bass music and people noise over two nights on Friday 7<sup>th</sup> & Sat 8<sup>th</sup> July causing noise disturbance and complaints. On Friday 7<sup>th</sup> July noise officers from the Environmental Health team witnessed loud bass music that was causing a statutory nuisance to the neighbours. Sound Clips and noise measurements were made.

11 July 2017 A noise abatement notice was served on Mr Hudson and NewRiver.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to this premises please state what they were and when you made them**

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature   
.....

Date 21.7.17  
.....

Capacity **Principal Environmental Health Officer Environmental Protection**  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

## **Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



## Appendix 2

01 August 2017

Our Ref:  
Your Ref: LUB/PRO0478

Harm Reduction Dept.,  
Hereford Police Station  
Bath Street  
Hereford. HR1 1TA

Direct Dial: 01432 347102  
Fax:

### **Licensing Act 2013 – review of the Horse and Jockey, New Street, Ross on Wye.**

West Mercia Police has representations with regards to this review.

It is the opinion West Mercia Police that the premises license holder has failed to promote the licensing objectives with regards to the prevention of crime and disorder and the prevention of public nuisance.

Attached are a schedule of incidents that concern the licensing objectives that have been reported to West Mercia Police and are recorded on police systems. These matters cover a period from March 2016, when a Neil STANLEY became the designated premises supervisor (DPS), through the current date which includes the date when the DPS was changed to the current person Martin HUDSON. It is the view of West Mercia Police that the catalogue of incidents commenced when Mr STANLEY became the DPS and continued since Mr HUDSON took over.

West Mercia Police are of the view that this review should be granted and that the operating hours for the premises should be reduced, restrictions placed on the licensable activity of regulated entertainment and that Mr HUDSON should be removed from his position as designated premises supervisor.

It is understood that this review has been submitted by another responsible authority and that any decision with regards to it being granted is that of the licensing regulatory sub-committee.

Yours sincerely

Ps 3456 Duncan Reynolds  
Hereford Harm Reduction Dept.

Premises Name: HORSE AND JOCKEY URN: EC0114  
Premises Type: PUBLIC HOUSE Licence Type: Sale by retail of alcohol  
Registering Authority: Herefordshire Council Premises Status: Live  
Owner: Sales BOTH  
PremLH: NEWRIVER RETAIL (MANTLE) LTD  
Address: HORSE AND JOCKEY  
9-10 NEW STREET  
ROSS-ON-WYE  
HEREFORDSHIRE  
HR9 7DA

**DPS Links:**

LID: 30510  
Name: MICHAEL HUDSON  
Licence status: DPS  
Issued: 07/06/2017  
Unlinked:

**Incidents:**

**Date: 09/07/2017 00:47**

**Licensing objective – Prevention of NOISE NUISANCE**

CALL FROM MOP ABOUT LOUD MUSIC COMING FROM THE PREMISES. NO POLICE ATTENDANCE  
SHARED WITH EHO AND AUTHORITY BY E-MAIL

**Date: 08/07/2017 00:23**

**Licensing objective – Prevention of NOISE NUISANCE**

CALL FROM MOP ABOUT LOUD SHOUTING FROM CUSTOMERS WHO ARE ALSO OUTSIDE IN THE STREET DRINKING. NO POLICE ATTENDANCE.  
SHARED WITH EHO AND AUTHORITY BY E-MAIL

**Date: 07/07/2017 23:23**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME and DISORDER**

CALL FROM MOP ABOUT LOUD NOISE COMING FROM THE PUB. NO POLICE ATTENDANCE.  
SHARED WITH EHO AND AUTHORITY BY E-MAIL

**Date: 16/06/2017 22:33**

**Licensing objective – Prevention of NOISE NUISANCE**

LOCAL RESIDENT COMPLAINING ABOUT EXCESSIVE MUSIC NOISE FROM THE PREMISES  
NO POLICE DEPLOYMENT  
EHO INFORMED BY E-MAIL

**Date: 16/06/2017 23:25**

**Licensing objective – Prevention of NOISE NUISANCE**

CALL FROM ANON PERSON, THAT THERE IS LOUD NOISE IN THE PUB AND HE HAS CONCERN IT WILL GET WORSE  
OFFICERS DID ATTEND AT 0056hrs, CUSTOMERS LEAVING QUIETLY  
EHO INFORMED BY E-MAIL



**Date: 29/05/2017 00:06**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

CALLER REPORTING SHOUTING, BOTTLES BEING SMASHED AND PERSONS BANGING ON HER DOOR. CALLER BELIEVES BEING CAUSED BY CUSTOMERS LEAVING THE PUB AND THAT SHE WAS BEING TARGETED AS SHE HAS COMPLAINED ABOUT THE PREMISES PREVIOUS. NO POLICE DEPLOYMENT

**Date: 28/05/2017 15:38**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

CALL FROM MOP THAT LIVE MUSIC WAS GOING ON - MUSIC WAS BEING TURNED UP EXCESSIVELY, AND THAT THERE WAS SHOUTING AND SWEARING FROM CUSTOMERS IN THE BEER GARDEN. NO POLICE DEPLOYMENT. EHO ADVICE GIVEN

**Date: 26/05/2017 21:50**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

MOP REPORTING AMPLIFIED MUSIC BEING PLAYED AFTER ALLOWED LICENSED HOUR. NO POLICE DEPLOYMENT

**Date: 30/04/2017 23:56**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

MOP REPORTING A NUMBER OF PERSONS LEAVING THE PREMISES SHOUTING AND SCREAMING. IT IS REPORTED THAT THEY ARE EXTREMELY INTOXICATED AND FALLING ALL OVER THE PLACE. THIS IS A RESIDENTIAL AREA AND THE ISSUES ARE ONGOING. THEY ALSO HAVE GLASSES OUT IN THE STREET. NO ATTENDANCE BY OFFICERS

**Date: 29/04/2017 22:49**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

REPORT OF A NUMBER OF YOUTHS RUNNING UP AND DOWN THE STREET SHOUTING AND SCREAMING. THERE ARE ALSO WOMEN DRINKING ON THE STREET O/S THE PREMISES. IT IS VERY NOISY AND ROWDY AND THE ISSUES HAVE BEEN REPORTED MANY TIMES. OFFICERS CONDUCTED AN AREA SEARCH WITH NO TRACE OF ANYONE.

**Date: 29/04/2017 23:59**

**Licensing objective – Prevention of CRIME AND DISORDER**

REPORTING A GROUP OF YOUTHS HAVE EXITED THE PREMISES AND ARE ROWDY AND APPEAR TO BE ON SOMETHING. NO POLICE DEPLOYMENT

**Date: 17/04/2017 22:42**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

MOP REPORTING THAT THE HORSE AND JOCKEY HAVE A TV SET UP IN THE GARDEN AND ITS BLASTING OUT COMMENTARY VERY LOUDLY.

HORSE AND JOCKEY HAVE A MUSIC LICENCE THAT IS PERMITTED ONE HOUR OVER THE DESIGNATED TIME (2300) ON BANK HOLIDAYS, BUT ONLY INDOORS, SO COULD BE IN BREACH OF THEIR LICENCE.

CONSIDERED CCTV TO CHECK IF PREMISES CLOSED HOWEVER NOT AN AREA COVERED BY HEREFORD CCTV. NO ATTENDANCE

**Date: 16/04/2017 22:30**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

NOISE NUISANCE FROM THE PREMISES MUSIC STILL BEING PLAYED AND THE PREMISES IS MEANT TO BE CLOSED AT 2230 AND THE MUSIC OFF AT 2200HRS. CUSTOMERS ARE STILL ENTERING THE PREMISES AT THE TIME OF THE CALL.

**Date: 15/04/2017 00:03**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

REPORT THAT MUSIC IS STILL BEING PLAYED PAST THE LICENCE TIMES WHICH IS POSSIBLY A BREACH OF LICENCE. NO OFFICERS IN ATTENDANCE AS THEY ATTENDED JUST UNDER AN HOUR AGO AND ESTABLISH LICENSING CONDITIONS.

**Date: 15/04/2017 00:33**

MOP REPORTING PERSON STILL INSIDE THE PREMISES AND THEY SHOULD HAVE CLOSED BY NOW. NO OFFICERS ATTENDED AS CALLED RECEIVED 3 MINUTES AFTER LICENSING OPERATING HOURS AND DEEMED BY CT NOT SUFFICIENT TIME HAS LAPSED TO REMOVE ALL CUSTOMERS AT THIS STAGE

**Date: 14/04/2017 23:11**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

REPORT BY MEMBER OF THE PUBLIC - MUSIC FROM OUTSIDE THE PREMISES WHICH POSSIBLY BREACHED THE PREMISES LICENCE. ON POLICE ATTENDANCE NO MUSIC IN THE STREET HOWEVER THE BACK DOOR WAS OPEN WHICH COULD HAVE BEEN THE REASON AS THERE WAS MUSIC BEING PLAYED INSIDE. THE BARMAN CLAIMED THEY HAD AN EXTENDED LICENCE FOR THE BANK HOLIDAY.

**Date: 13/04/2017 23:00**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

REPORT BY MEMBER OF THE PUBLIC - MUSIC FROM INSIDE AND OUTSIDE THE PREMISES WHICH POSSIBLY BREACHED THE PREMISES LICENCE. NO POLICE ATTENDANCE.

**Date: 08/04/2017 23:00**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

REPORT BY MEMBER OF THE PUBLIC - MUSIC FROM INSIDE AND OUTSIDE THE PREMISES WHICH POSSIBLY BREACHED THE PREMISES LICENCE. NO POLICE ATTENDANCE.

**Date: 31/03/2017 23:00**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

MOP REPORTING LOUD AMPLIFIED MUSIC FROM THE PREMISES. NO POLICE ATTENDANCE. FURTHER CALL AT 2347HRS REGARDS EXCESSIVE NOISE/SWEARING FROM THE REAR GARDEN, AGAIN NO POLICE ATTENDANCE  
E-MAIL TO OWNERS AGENTS WITH DETAILS OF BOTH MATTER

**Date: 19/03/2017 00:30**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

E-MAIL TO ROSS SNT FROM LOCAL RESIDENT  
I AM WRITING ONCE MORE REGARDING THE HORSE AND JOCKEY PUB ON NEW STREET.

ALTHOUGH WE WERE NOT AWARE OF ANY PROBLEMS AFTER CLOSING TIME ON

EITHER FRIDAY OR SATURDAY NIGHT, THIS WEEKEND WAS EXTREMELY NOISY, WITH MUSIC BEING PLAYED ON FRIDAY NIGHT SO LOUDLY THAT OUR WINDOWS AND DOORS WERE RATTLING. THROUGHOUT THE EVENING AND NIGHT VERY DRUNK, OUT OF CONTROL PEOPLE WERE SCREAMING, SHOUTING AND SWEARING ON THE STREET OUTSIDE THE PUB AND IN THE PUB GARDEN, SO WE HAD IT FROM ALL SIDES. ON FRIDAY NIGHT WE RANG THE ENVIRONMENTAL HEALTH PEOPLE IN HERFORD AND ALSO SPOKE TO THE PERSON MANNING THE WEST MERCIA POLICE SWITCHBOARD, BUT THE LATTER TOLD THAT UNLESS THERE WAS A PROBLEM AFTER 00:30 THERE WAS NOTHING THE POLICE CAN DO. IT WAS ALMOST AS NOISY LAST NIGHT, WITH LARGE NUMBERS OF PEOPLE TAKING GLASSES AND BOTTLES OUT OF THE PUB AND DRINKING ON THE STREET, AND MAKING A LOT OF NOISE. THIS MORNING WE AGAIN HAD TO CLEAR UP THE ALCO-POP BOTTLES AND GLASSES FROM THE PAVEMENT AND WINDOW SILLS.

DOES THERE ACTUALLY HAVE TO BE AN AFFRAY ON THE STREET BEFORE THE POLICE ARE ABLE TO TAKE ACTION? THE PEOPLE OPERATING THE PUB TURN A BLIND EYE TO PEOPLE TAKING DRINKS ONTO THE STREET AND SEEM TO THINK THAT THEY ARE NOT RESPONSIBLE FOR THE COMMOTION CAUSED BY THEIR CUSTOMERS EITHER ON OR OUTSIDE THEIR PREMISES. THEY CERTAINLY CONTINUE TO SERVE PEOPLE WHO ARE CLEARLY INCAPACITATED BY DRINK. WE HABITUALLY STAY UP LATE ON FRIDAY AND SATURDAY NIGHTS BECAUSE IT IS TOO NOISY TO SLEEP BEFORE 12:30, AND WE USUALLY DON'T VENTURE OUT IN THE EVENING AT THE WEEKENDS BECAUSE OF THE AGGRESSIVE AND UNPREDICTABLE BEHAVIOUR OF THE PUB'S CLIENTELE.

**Date: 05/03/2017 22:41**

**Description: BREACH OF LICENCE/NOISE NUISANCE**

LOCAL RESIDENT REPORTING LIVE OR RECORDED MUSIC BEING PLAYED INSIDE THE PREMISES IN BREACH OF THE LICENCE . NO POLICE DEPLOYMENT

**Date: 19/02/2017 00:33**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

LOCAL RESIDENT REPORTING LIVE OR RECORDED MUSIC BEING PLAYED INSIDE THE PREMISES IN BREACH OF LICENCE, WITH 4/5 OUTSIDE THE PREMISES DRINKING IN THE STREET.

**Date: 14/02/2017 22:35**

**Licensing objective – Prevention of CRIME AND DISORDER**

REPORT FROM A MEMBER OF BAR STAFF THAT AN INTOXICATED MALE WAS SWEARING AND REFUSING TO LEAVE. HE IS WELL KNOWN AND HAS BEEN ABUSIVE ON PREVIOUS OCCASIONS.

MALE WAS EVENTUALLY ESCORTED FROM THE PREMISES

**Date: 04/02/2017 00:00**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

EMAIL RECEIVED IN ROSS SNT EMAIL ON SUNDAY 05/02/16. PC 3202 HAS REPLIED ASKING WHY IT WASN'T REPORTED AT THE TIME. HE HAD BEEN ON DUTY BOTH NIGHTS.

JUST TO LET YOU KNOW IT HAS BEEN VERY NOISY OUTSIDE THE HORSE & JOCKEY AGAIN THIS WEEKEND, WITH SHOUTING AND VOMITING ON THE STREET OUTSIDE THE PUB ON FRIDAY NIGHT, AND LAST NIGHT, PEOPLE SHOUTING, SMOKING AND DRINKING OUTSIDE THE FRONT OF THE PUB AFTER MIDNIGHT, ALTHOUGH THEY ARE SUPPOSED TO USE THE SMOKING AREA IN THE REAR OF THE PUB. THE PUB DOES NOTHING TO CONTROL THIS BEHAVIOUR AND WE OFTEN SEE PEOPLE SMOKING AND DRINKING OUT OF PUB GLASSES ON THE STREET IN THE EVENING,

ESPECIALLY AT WEEKENDS, AND THEY TEND TO SPILL OUT DOWN THE STREET. WE SOMETIMES FIND BEER AND WINE GLASSES OUTSIDE OUR DOORS IN THE MORNING. THIS MORNING THERE'S LOADS OF CIGARETTE BUTTS AND BROKEN GLASS ON THE GROUND OUTSIDE THE PUB, ON THE PAVEMENT AND ON THE ROAD, AND NO ONE HAS YET BOTHERED TO SWEEP IT UP ALTHOUGH WE WENT IN EARLIER TODAY TO ASK THEM TO DO SO AS IT IS A PUBLIC HAZARD. WE WOULD BE GRATEFUL IF YOU COULD HAVE A WORD WITH THEM.

**Date: 27/12/2016 00:10**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

CALL FROM A NEIGHBOUR REPORTING LOUD MUSIC COMING FORM THE PUB WHICH SHOULD HAVE BEEN TURNED OFF BY THE TIME OF HIS CALL TO US AS PER THEIR LICENCE CONDITIONS. UPON MY ARRIVAL AT APPROXIMATELY 00:29 HOURS I COULD HEAR PERSONS LAUGHING ETC INSIDE AND COULD HEAR MUSIC BEING PLAYED. I APPROACHED THE PREMISES AND THE FRONT DOOR WAS CLOSED BUT UNLOCKED. I ENTERED THE PUB WHERE I SAW APPROXIMATELY 15 PERSONS INSIDE.

THERE WERE ALCOHOLIC DRINKS ON THE BAR AND I SPOKE TO A MALE WHO IDENTIFIED HIMSELF AS MICHAEL HUDSON WHO STATED THAT HE WAS IN CHARGE OF THE PREMISES. HUDSON ASKED WHAT THE PROBLEM WAS AND AT THIS POINT A FEMALE WHO WAS BEHIND THE BAR BEGAN ASKING THE CUSTOMERS TO LEAVE WHICH THEY DID QUITE QUICKLY. I LATER FOUND OUT THIS FEMALE IS HUDSON'S PARTNER WHO DOES NOT WORK AT THE PUB BUT WAS HELPING OUT.

I EXPLAINED WHY WE WERE THERE AND ASKED WHO THE DPS WAS AND HUDSON STATED IT WAS A MALE BY THE NAME OF STAN. I ASKED IF STAN WAS ON THE PREMISES WHICH HE STATED HE WAS UP UNTIL JUST AFTER MIDNIGHT AND HE WENT HOME. HUDSON STATED THAT THEY ARE LICENSED UNTIL 1AM BUT THEY STOPPED SERVING ALCOHOL AT MIDNIGHT. I ASKED IF HUDSON OR HIS PARTNER WERE PERSONAL LICENCE HOLDERS TO WHICH THEY STATED THEY ARE NOT SO I ASKED TO SEE THE PREMISES LICENCE SUMMARY WHICH THEY PRODUCED FOR ME. HAVING LOOKED AT THIS IT STATED THAT THERE HOURS FOR THE SALE OFF ALCOHOL WAS UP UNTIL 11PM ON A MONDAY NIGHT BUT AS IT WAS BOXING DAY THEY HAD AN EXTENSION FOR AN EXTRA HOUR PAST THERE NORMAL LICENSING HOURS SO UP UNTIL MIDNIGHT SO THEY ARE NOT LICENSED UNTIL 1AM. I EXPLAINED THIS TO HUDSON BUT HE DIDN'T REALLY UNDERSTAND WHAT I WAS SAYING.

I THEN ASKED TO SEE A COPY OF THE FULL LICENCE SO I COULD CHECK THEIR LICENCE CONDITIONS. AT THIS POINT HUDSON STARTED TO GET ALL PANICKY AND STATED HE WOULD MAKE CONTACT WITH STAN. HE TRIED THIS SEVERAL TIMES HE TOLD ME WITHOUT SUCCESS. HUDSON THEN ASKED IF IT HAD TO BE STAN THAT I SPOKE TO OR IF IT COULD BE ONE OF THE OTHER DPS'S. AT THIS POINT I EXPLAINED YOU CAN ONLY HAVE ONE DPS AND I NEEDED TO SPEAK TO HIM. HUDSON CLEARLY DID NOT HAVE ANY IDEA WHAT I WAS TALKING ABOUT AS BOTH HIM AND HIS PARTNER KEPT ASKING WHAT IT WAS I WAS ASKING FOR AND WHY. I EXPLAINED THAT THE FULL PREMISES LICENCE SHOULD BE ON THE PREMISES AND AVAILABLE FOR INSPECTION AT ANY TIME. HUDSON THEN STATED THAT IT WILL BE ON THE PREMISES AND SAID HE WOULD FIND IT. HE RETURNED A FEW MINUTES LATER WITH A PLASTIC STORAGE BOX FULL OF STUFF AND ASKED HIS PARTNER TO LOOK IN THERE FOR IT. HE THEN SAID HE WAS STILL UNABLE TO GET HOLD OF THE DPS SO STATED HE WOULD GO AND GET HIM AND BRING HIM TO THE PUB. HUDSON THEN LEFT THE PUB AND RETURNED APPROXIMATELY 10 MINUTES LATER WITH A MALE WHO STATED HE WAS THE DPS.

I ASKED TO SEE HIS PERSONAL LICENCE WHICH HE PRODUCED TO ME. THE LICENCE HAD THE NAME OF NEIL STANLEY WITH AN ADDRESS OF 19A BROOK END STREET, ROSS ON WYE, HEREFORDSHIRE, HR9 7EE (DIFFERENT TO THE ONE ON THE PREMISES LICENCE) PERSONAL LICENCE NUMBER ELINDC/A/009248. STANLEY WAS CLEARLY INTOXICATED AND STATED THAT HE HAD BEEN AT THE PREMISES UNTIL JUST AFTER MIDNIGHT AND WAS AT HOME IN BED. I ASKED STANLEY FOR THE FULL PREMISES LICENCE AND INITIALLY HE STATED THAT THE PROPERTY OWNERS NEW RIVER RETAIL HAVE GOT IT. I EXPLAINED THAT A COPY OF IT SHOULD BE ON THE PREMISES AT ALL TIMES. HE THEN SAID IT MIGHT BE ON THE BACK OF A DOOR BEHIND THE BAR. IT WAS NOT THERE.

I EXPLAINED THAT MY CONCERN WAS THAT THEY DID NOT KNOW WHERE THERE LICENCE WAS SO HOW COULD THEY COMPLY WITH THEIR CONDITIONS IF THEY DO NOT KNOW WHAT THEY ARE. STANLEY STATED HE KNEW WHAT THE CONDITIONS WERE BUT PRIOR TO STANLEY ARRIVING HUDSON STATED HE IS LICENSED TO STAY OPEN UNTIL 1AM BUT THEY CHOSE TO CLOSE AT MIDNIGHT. THIS IS INCORRECT.

**Date: 18/12/2016 22:13**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

LOUD MUSIC FROM THE PREMISES - FURTHER CALL FROM MOP AT 2338, CUSTOMERS STILL AT THE PUB AND MUSIC BLASTING OUT, OFFICERS DID ATTEND BUT DID NOT ENTER, MUSIC COULD BE HEARD - ALBEIT NOT LOUD AND CUSTOMERS STILL IN THE PREMISES. INFORMATION SHARED WITH NEW RIVER (PLH)

**Date: 20/11/2016 00:54**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

NOISE, SWEARING AND ASB MOST WEEKENDS WHEN CUSTOMERS LEAVE THE PUB. NO POLICE DEPLOYMENT

**Date: 12/11/2016 00:12**

**Licensing objective – Prevention of CRIME AND DISORDER**

A REPORT FROM A MEMBER OF THE PUBLIC THAT THERE WAS A FIGHT IN THE BEER GARDEN AND THE PUB WAS STILL SERVING. OFFICERS ATTENDED AND SPOKE TO THE BAR STAFF WHO WERE COOPERATIVE. NO DRINKS WERE BEING SERVED AND ABOUT 15 PEOPLE WERE INSIDE FINISHING THERE DRINKS. THERE WAS 1 PERSON IN THE BEER GARDEN FINISHING A CIGARETTE AND MUSIC WAS BEING PLAYED. ESTABLISHED THAT THE LICENCE WAS UNTIL 0030 TO EJECT CUSTOMERS WHICH THE BAR STAFF WERE IN THE PROCESS OF DOING. NO DISORDER SEEN AND NO OFFENCES ESTABLISHED.

**Date: 04/11/2016 00:07**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

CALL FROM MOP - CUSTOMERS ARE STILL IN THE PREMISES AND BEING 'REALLY LOUD AND DRUNK'. NO BREACH OF LICENCE. NO POLICE DEPLOYMENT

**Date: 30/10/2016 00:55**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

CALL FROM MOP, LOUD NOISE/MUSIC INSIDE THE PREMISES. NO POLICE ATTENDANCE

**Date: 23/10/2016 22:45**

**Description: BREACH OF LICENCE**

CALL FROM MOP - PREMISES IN BREACH OF PREMISES LICENCE - MUSIC STILL

BEING PLAYED WHEN THEY SHOULD BE CLOSED. NO POLICE DEPLOYMENT

**Date: 10/09/2016 00:30**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

'CONTACT US' MESSAGE FROM A MEMBER OF THE PUBLIC, COMPLAINING ABOUT LOUD MUSIC, 'LOCKS INS' AND THEIR VIEW THAT THE PREMISES IS A BREEDING GROUND FOR TROUBLE.

**Date: 10/09/2016 00:43**

Description: MOP REPORTING THAT THEY HAD JUST SEEN OFFICERS LEAVE AND DRIVING AWAY BUT THERE ARE STILL PEOPLE THERE SMOKING AND LAUGHING AND THEY HAVE JUST LET OFF ONE OF THOSE FIRE LANTERNS - CAN THE OFFICERS GO BACK PLEASE

OFFICERS REVISITED - NO LIGHTS ON AND NO NOISE HEARD

**Date: 10/09/2016 00:28**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

MOP MAKING A COMPLAINT ABOUT THE PUB BREACHING THERE LICENSING NEXT DOOR. THE MUSIC IS STILL GOING ON.

LOCATION VISITED - NO LIGHTS ON NO NOISE HEARD

**Date: 19/08/2016 22:42**

**Licensing objection – Protection of CHILDREN FROM HARM**

Description: FEMALE REPORTING THAT SHE HAD BEEN IN THE PUB WITH FRIENDS AND HAD BEEN REFUSED SERVICE AS SHE WAS 17. FEMALE SAYS SHE HAD BEEN SERVED MANY TIMES BEFORE

PREMISES VISITED, NO REFUSAL BOOK IN USE AND NO KNOWLEDGE OF INCIDENT REPORTED BY FEMALE

**Date: 12/08/2016 23:21**

**Licensing objective – Prevention of CRIME AND DISORDER**

RESIDENT OF NEW STREET PHONED POLICE REPORTING A DRUNK MALE WHO HAD LEFT THE HORSE AND JOCKEY WAS HANGING AROUND SAYING THAT HE WAS GOING TO BEAT SOMEBODY UP. THE MALE WAS SWEARING LOUDLY. INCIDENT WOULD APPEAR TO BE LINKED TO 0853S 120816 AND 0893S 120816. POLICE ATTENDED AND GAVE THE MALE WORDS OF ADVISE.

**Date: 12/08/2016 23:16**

**Description: DISORDER**

BAR STAFF RANG POLICE TO SAY THERE HAD BEEN A SCUFFLE OUTSIDE FOLLOWING A MALE BEING TOLD TO LEAVE THE PUB. THE MALE HAD APPARENTLY KICKED SOME CARS AS HE LEFT. POLICE DID NOT ATTEND AS OFFENDER HAD LEFT.

**Date: 12/08/2016 23:55**

**Licensing objective – Prevention of CRIME AND DISORDER**

RESIDENT OF NEW STREET PHONED POLICE REPORTING A MALE AND FEMALE WERE OUTSIDE THE HORSE AND JOCKEY SCREAMING AT EACH OTHER. (CALL TAKER COULD HEAR SHOUTING IN BACKGROUND) FEMALE WAS HEARD TO SHOUT "GET OFF ME". POLICE ATTENDED. THE FEMALE PARTY HAD BEEN PHYSICALLY ASSAULTED WITH INJURIES TO HER FACE.

**Date: 06/08/2016 00:16**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

REPORTING NOISE PROBLEMS FROM THE PREMISES AS THERE IS A LIVE BAND STILL PLAYING AND CAUSING A DISTURBANCE.

LICENCE ALLOWS LIVE MUSIC PERMITTED UNTIL MIDNIGHT. CALLER WILL CALL BACK IF PERSISTS PAST 01:00 OFFICERS ATTENDED AND ALL WAS SILENT AS AT 00:30

**Date: 12/07/2016 00:01**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

MOP REPORTING NOISE ISSUES - LOUD MUSIC  
EHO MADE AWARE BY E-MAIL  
PLH INFORMED BY E-MAIL

**Date: 03/07/2016 22:38**

**Licensing objective – Prevention of CRIME AND DISORDER**

REPORTS OF 20 + PEOPLE FIGHTING IN THE STREET HAVING COME FROM THE HORSE AND JOCKEY. SUSPECTS BELIEVED TO HAVE RUN BACK INTO THE PUB. ON POLICE ARRIVAL. DPS SPOKEN TO, FOYER OF THE PREMISES HAS A STRONG SMELL OF CANNABIS. OWNER COMES ACROSS TO POLICE AS BEING ANTI POLICE AND UNHELPFUL.

**Date: 03/07/2016 01:07**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

CALL FROM MOP ABOUT EXCESSIVE NOISE FROM CUSTOMERS IN THE BEER GARDEN. NO POLICE ATTENDANCE  
DETAILS PASSED TO EHO BY E-MAIL

**Date: 02/07/2016 12:30**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

CALL FROM MOP ABOUT EXCESSIVE NOISE AND INCIDENTS OCCURRING AT THE PREMISES THE PREVIOUS EVENING  
INFORMATION PASSED TO EHO BY E-MAIL

**Date: 01/07/2016 22:38**

**Licensing objective – Prevention of CRIME AND DISORDER**

ANON PERSON CALLED POLICE REPORTING A FIGHT IN NEW STREET CAR PARK INVOLVING ABOUT 20 YOUTHS FROM THE HORSE AND JOCKEY. NO OTHER CALLS. POLICE ATTENDED WITHIN 5 MINUTES BUT NO SIGNS OF ANYTHING HAVING TAKEN PLACE.

**Date: 26/06/2016 01:10**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

CALL FROM MOP OF EXCESSIVE NOISE FROM THE PREMISES - INCLUDING AFTER HOURS SERVING - MATTER DEALT WITH AS PER LOG 0057S260616  
INFORMATION SHARED WITH EHO BY E-MAIL

**Date: 26/06/2016 00:51**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

OFFICER ATTENDED THE PREMISE AT 01:05 AND FOUND THE FRONT DOOR CLOSED

AND CURTAIN DRAWN HOWEVER COULD HEAR MUSIC AND NOISE FROM INSIDE. THE FRONT DOOR WAS NOT LOCKED AND ON ENTERING IT WAS CLEAR THAT ALCOHOL WAS STILL BEING SERVED, MUSIC WAS PLAYING, CUSTOMERS WERE ON THE DANCE FLOOR AND IN THE BACK BAR AREA. THE MANAGER, MICHAEL HUDSON WAS PRESENT AND WAS AWARE OF HIS LICENSING HOURS AND CONDITIONS. TOLD TO CLOSE AND GIVEN UNTIL 01:30 TO CLOSE UP.

OFFICER ATTENDED AT 01:40 AND THERE WERE STILL CUSTOMERS IN THE PUB, ALTHOUGH THE MUSIC WAS OFF, THE BAR WAS SHUT DOWN, MOST LIGHTS WERE OFF. HUDSON EXPLAINED THAT BUSINESS WAS GOING WELL AND IT WAS NORMAL TO PUSH THE HOURS BY 30 MINUTES. HE ALSO STATED THAT HE HAD FAMILY DOWN STAYING WHICH WAS WHY AFTER GETTING FINAL 3 CUSTOMERS OUT, THERE WERE STILL PERSONS PRESENT. HUDSON WAS ADVISED THAT THERE HAD BEEN SEVERAL COMPLAINTS REGARDING HIS NOISE AND LATE NIGHTS HOURS AND THAT I WOULD SUBMIT A REPORT FOR LICENSING OFFICE.

INFORMATION SHARED WITH EHO BY E-MAIL

**Date: 25/06/2016 00:05**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

MOP REPORTING EXCESSIVE NOISE FROM THE PREMISES

NO POLICE ATTENDANCE

INFORMATION SHARED WITH EHO BY E-MAIL

**Date: 20/06/2016 21:00**

**Licensing objective – Prevention of CRIME AND DISORDER**

POLICE WERE CALLED BY A MOP THAT HER DAUGHTER HAD BEEN FOLLOWED BY A MALE. MALE HAD BEEN FOLLOWED BY THE CALLER AND HAD BEEN SEEN TO ENTER THE HORSE AND JOCKEY. ON POLICE ARRIVAL AT THE PUB, SUSPECT MALE WAS LOCATED IN THE PUB COMPLETELY INTOXICATED. HE WAS SPOKEN TO AT LENGTH OUTSIDE THE PUB. WHILST POLICE PRESENT THE OWNER HAS ASKED POLICE TO MOVE AWAY FROM THE PUB DESPITE BEING TOLD THAT POLICE WERE DEALING WITH AN INCIDENT. AGAIN THE OWNER DISPLAYS VERY ANTI POLICE ATTITUDE.

**Date: 12/06/2016 00:33**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

NOISE COMPLAINT FROM MOP. EHO ADVICE GIVEN. INFO SHARED WITH EHO BY E-MAIL

**Date: 11/06/2016 23:40**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

NOISE COMPLAINT FROM MOP. EHO ADVICE GIVE. INFO SHARED WITH EHO BY E-MAIL

**Date: 10/06/2016 23:43**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

NOISE COMPLAINT FROM MOP - EHO ADVICE GIVE. SHARED WITH EHO BY E-MAIL

**Date: 05/06/2016 01:14**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

MOP REPORTING EXCESSIVE NOISE FROM INSIDE THE PREMISES (NOT MUSIC). EHO



ADVICE GIVEN NO POLICE ATTENDANCE.  
INFORMATION SHARED WITH EHO BY E-MAIL

**Date: 05/06/2016 01:45**

**Description: NOISE NUISANCE**

FURTHER CALL ABOUT NOISE AT THE PREMISES WITH CUSTOMERS BEING NOISY IN THE BEER GARDEN. OFFICER DID ATTEND, 'LISTENED' NO NOISE HEARD. EHO ADVICE GIVEN. INFO SHARED WITH EHO BY E-MAIL

**Date: 14/05/2016 00:10**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

RESIDENT OF NEW STREET PHONED POLICE TO SAY THAT THE PUB WAS STILL PLAYING VERY LOUD MUSIC AND THAT THERE WAS A SPEAKER IN THE PUB GARDEN. POLICE DID NOT ATTEND.

**Date: 07/05/2016 21:30**

**Licensing objective – Prevention of CRIME AND DISORDER**

REPORT BY NEIGHBOUR OF DISTURBANCE INSIDE PUB. OFFICERS ATTENDED, ALL WAS IN ORDER. BAR STAFF STATED THERE HAD BEEN A DISAGREEMENT BETWEEN SOME LADS FROM FOOTBALL TEAMS. NO ONE CAME FORWARD WITH ANY COMPLAINTS.

**Date: 01/05/2016 07:59**

**Licensing objective – Prevention of NOISE NUISANCE, Prevention of CRIME AND DISORDER**

REPORT OF EXCESSIVE NOISE FROM PREMISES THAT HAS BEEN GOING ON ALL NIGHT. NO POLICE DEPLOYMENT  
INFO SHARED WITH EHO BY E-MAIL



## MEMORANDUM

To : **RESPONSIBLE AUTHORITIES/INTERESTED PARTIES**  
 From : **LICENSING SECTION, ENVIRONMENTAL HEALTH AND TRADING STANDARDS**  
 Tel : **01432 261886** My Ref : **LUB/PR00478**  
 Date : **26/07/2017** Your Ref :

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**LICENSING ACT 2003**  
**NOTIFICATION OF APPLICATION FOR REVIEW OF PREMISES LICENCE**

The Licensing Section has received the following applications for the **REVIEW** of a premises licence. A summary of each application is provided in the table below. If you would like to view any of the applications copies are available at the licensing section.

Should you wish to make a representation in respect of any one of the applications listed then please submit your information on the memorandum below to the licensing section before expiry of the 28 day representation period which is the date shown in column 5 of the table below. Please be aware that the licensing authority can only consider those representations that are relevant to the four licensing objectives: ***Prevention of Crime and Disorder, Prevention of Public Nuisance, Public safety and Protection of Children from Harm.***

For the Environmental Health Commercial and Environmental Protection Teams should officers wish to raise any issues in respect of any of the applications listed below please contact the Environmental Health team (licensing) in good time for the relevant representations to be co-ordinated and made to the licensing section within the 28 day period.

<b>Premise Name</b>	<b>Premise address</b>	<b>Applicant</b>	<b>Grounds</b>	<b>Start of 28day Period</b>	<b>End of 28day Period</b>
Horse And Jockey Inn,	9-10 New Street, Ross on wye, Herefordshire, HR9 7DA	Herefordshire Council - Environmental Health Department	Not promoting the licensing objective of the prevention of public nuisance.	26/07/2017	22/08/2017

**LUCY BOND**  
**LICENSING TECHNICAL OFFICER**  
**ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

# MEMORANDUM

To : LICENSING OFFICER

From : TRADING STANDARDS

Tel : 01432261987

My Ref : LW/051631

Date : 10.08.2017

Your Ref : LUB/PR00478

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**LICENSING ACT 2003  
APPLICATION FOR REVIEW OF PREMISES LICENCE  
HORSE AND JOCKEY**

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	
PROTECTION OF CHILDREN FROM HARM  As an authorised body under the Licensing Act 2003, Herefordshire Council Environmental Health and Trading Standards have received details of the review instructed by Environmental Health for Horse and Jockey Inn, 9-10 New Street, Ross on Wye HR9 7DA.  Trading Standards have the responsibility for enforcing the Licensing Act 2003 in respect of sales of alcohol to anyone under the age of eighteen.  After looking at your current licence under the section protection of	

children from harm we would seek to include the following conditions on the premises 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 course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. 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 or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
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 sale area advertising the scheme operated.

**LEAH WILSON  
TRADING STANDARDS OFFICER  
HEREFORDSHIRE COUNCIL**



Accept 7/

Appendix 4



9th August 2017

Licensing Section,  
Herefordshire Council,  
8 St Owen Street,  
Hereford  
HR1 2PJ

**Re. The Horse & Jockey pub Ross-on-Wye licensing review**

We are writing in support of the licensee of this pub.

We live on the opposite side of the road from the pub, only 30 metres away.

Since the current licensee has been at the pub, we have not experienced any disturbance of any kind, specifically, there has been no noise disturbance.

There is usually music playing in the pub, but the volume is such that conversation is easy without the need to raise ones voice.

The pub is a popular, friendly and pleasant meeting place, for people of all ages. It appears to be well run. It also appears that the licensee has been keeping to the terms of his licence.

The licensee takes part in a variety of local charity events (such as the recent Ross-on-Wye Carnival), supports various local sports groups, and is altogether an asset to the community.

We cannot understand why there have been any complaints.

Yours faithfully,

Janet Nelson B.Sc. M.Sc.

Nick Nelson B.Sc. C.Eng. M.I.E.T.

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Attn: Lucy Bond Re: Horse and Jockey  
**Date:** 22 August 2017 15:29:49  
**Attachments:** [horse & jockey representation 2017-08-22.docx](#)

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Dear Mrs Bond

I am making a representation from [REDACTED] with regard to the Horse and Jockey public house, New Street, Ross on Wye, in the belief that the owners and operators of the premises have undermined the licensing objectives - in particular those of the prevention of crime and disorder and the prevention of public nuisance. The evidence I wish to rely on is contained in the attached statement. Please notify me of the date and time of the hearing.

Yours sincerely

Clare Parfitt



## **Horse and Jockey pub license review: local resident representation**

2017-08-22

### **1. Introduction and summary**

The following is a statement from [INSERT NAME AND ADDRESS]. We identify two main problems with the situation as it stands:

- the license terms are not appropriate for a pub located in a residential area
- the pub is run with insufficient consideration for the well-being of local residents

Concerns about the pub centre on issues of public nuisance, crime and disorder.

Attempts by residents to reach an understanding directly with the pub management have been largely frustrated. Attempts to improve the situation by involving the police and the council have led to further deterioration in relations between the pub and the local community. The pub owners have not demonstrated consideration for local concerns, or intent to control problems associated with the pub.

### **2. Problems with the current terms of the license**

- The pub has a longer than normal license, at weekends until 12:30.
- The pub has an extra hour for entire bank holiday weekends and other public holidays, until 1:30.
- The license does not prohibit the holding of events liable to create a public nuisance.
- The license allows amplified music to be played up to midnight.
- the license does not control noise from the pub garden and designated smoking area.
- the pub is not obliged to ensure clients disperse quietly at closing time.
- the pub is not obliged to ensure people smoking on the street are not served at the bar.

### **3. Problems with the current owners/management of the pub**

#### ***a) Breach of license***

The pub has contravened the terms of its license as follows:

- noise nuisance from the pub after closing time
- open bottles and containers taken off the premises.
- noise and vibration so as to cause a public nuisance.
- serving people at the bar after smoking outside the pub.
- music and tv broadcasting in the garden and smoking area after 9 pm.

#### ***b) responsibility to prevent public nuisance***

The pub management and owners have failed to comply with three of the four key objectives of the Licensing Act 2003, namely, prevention of public nuisance, protection of public safety, and prevention of crime and disorder. These public duties have never been taken seriously by either the pub management or the pub owners, who claim this is not their responsibility.

#### ***Prevention of public nuisance***

- loud amplified music all hours inside the pub and relayed via speakers in the pub garden.
- events inappropriate in a residential area, including amplified live music, drum and bass nights, and private parties. Inadequate notice given and inadequate measures to minimise impact on the local community.
- Loud singing, shouting, swearing and rowdy behaviour inside the pub and in the pub garden, unregulated by the pub management
- Gatherings of smokers causing noise nuisance and drinking from bottles and glasses on the street outside the pub, also leads to littering, broken glass etc.

*Protection of public safety*

- Failing to clear up broken glass left on the pavement and street outside the pub
- Production of noxious smoke while burning rubbish in the pub garden

*Prevention of crime and disorder*

- Fighting and other disorderly conduct outside the pub and down the street

**4. Conclusions and recommendations**

The recently imposed noise abatement order has done a great deal to reduce noise nuisance and we are extremely grateful for this. However further steps are necessary to resolve the situation. We propose”

- **Replacement of the current management**, and
- **Formal agreement** between owners, Environmental Health Authority and Police to ensure improved pub management, or
- **Revoke the license** altogether.

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Horse and Jockey pub  
**Date:** 22 August 2017 21:55:30  
**Attachments:** [horse & jockey representation 2017-08-22.docx](#)

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We have since new tenants moved in a lot of loud music, disturbed late at night and early hours of the morning with customers of the Horse and Jockey leaving and smoking outside the front of their and our own doorstep, fighting in the street, we would like the licence to be reviewed knowing it is on a residential street with private households as if we did the same to their customers at their homes I don't think they would be able to put up with the disturbances as we all have for the period of time the street.

Yours sincerely Donna Dickens

David Cole

## **Horse and Jockey pub license review: local resident representation**

2017-08-22

### **1. Introduction and summary**

The following is a statement from [INSERT NAME AND ADDRESS]. We identify two main problems with the situation as it stands:

- the license terms are not appropriate for a pub located in a residential area
- the pub is run with insufficient consideration for the well-being of local residents

Concerns about the pub centre on issues of public nuisance, crime and disorder.

Attempts by residents to reach an understanding directly with the pub management have been largely frustrated. Attempts to improve the situation by involving the police and the council have led to further deterioration in relations between the pub and the local community. The pub owners have not demonstrated consideration for local concerns, or intent to control problems associated with the pub.

### **2. Problems with the current terms of the license**

- The pub has a longer than normal license, at weekends until 12:30.
- The pub has an extra hour for entire bank holiday weekends and other public holidays, until 1:30.
- The license does not prohibit the holding of events liable to create a public nuisance.
- The license allows amplified music to be played up to midnight.
- the license does not control noise from the pub garden and designated smoking area.
- the pub is not obliged to ensure clients disperse quietly at closing time.
- the pub is not obliged to ensure people smoking on the street are not served at the bar.

### **3. Problems with the current owners/management of the pub**

#### ***a) Breach of license***

The pub has contravened the terms of its license as follows:

- noise nuisance from the pub after closing time
- open bottles and containers taken off the premises.
- noise and vibration so as to cause a public nuisance.
- serving people at the bar after smoking outside the pub.
- music and tv broadcasting in the garden and smoking area after 9 pm.

#### ***b) responsibility to prevent public nuisance***

The pub management and owners have failed to comply with three of the four key objectives of the Licensing Act 2003, namely, prevention of public nuisance, protection of public safety, and prevention of crime and disorder. These public duties have never been taken seriously by either the pub management or the pub owners, who claim this is not their responsibility.

#### *Prevention of public nuisance*

- loud amplified music all hours inside the pub and relayed via speakers in the pub garden.
- events inappropriate in a residential area, including amplified live music, drum and bass nights, and private parties. Inadequate notice given and inadequate measures to minimise impact on the local community.
- Loud singing, shouting, swearing and rowdy behaviour inside the pub and in the pub garden, unregulated by the pub management
- Gatherings of smokers causing noise nuisance and drinking from bottles and glasses on the street outside the pub, also leads to littering, broken glass etc.

*Protection of public safety*

- Failing to clear up broken glass left on the pavement and street outside the pub
- Production of noxious smoke while burning rubbish in the pub garden

*Prevention of crime and disorder*

- Fighting and other disorderly conduct outside the pub and down the street

**4. Conclusions and recommendations**

The recently imposed noise abatement order has done a great deal to reduce noise nuisance and we are extremely grateful for this. However further steps are necessary to resolve the situation. We propose”

- **Replacement of the current management**, and
- **Formal agreement** between owners, Environmental Health Authority and Police to ensure improved pub management, or
- **Revoke the license** altogether.

## **Horse and Jockey pub license review: representation from residents of [REDACTED]**

2017-08-22

### **1. Introduction and summary**

The following is a statement from Denise and Peter Hewett of [REDACTED]. We belong to the local community group composed of a number of residents from New Street and Morley Square, which formed in June 2016 in response to nuisance from the Horse and Jockey Pub. We identify two main problems with the situation as it stands:

- the license terms are not appropriate for a pub located in a residential area
- the pub is run with insufficient consideration for the well-being of local residents

We are not opposed in principle to having a licensed premises on the street – we, and some other local residents even supported efforts to keep the pub open as a local community asset after it was threatened with closure in 2015. Since New River Retail took over the license, however, they, and the current management, have squandered local goodwill by failing to accommodate the legitimate concerns of the neighbourhood community. Concerns have centred on issues of public nuisance, crime and disorder.

Attempts by residents to reach an understanding directly with the pub management have been largely frustrated. Although requests to reduce noise in connection with license breach have been occasionally acted upon, and apologies were even made on one occasion after a particularly noisy Halloween event in 2016, this has never translated into a sustained policy of respect and cooperation. Requests have more frequently been ignored, or met with unhelpful responses such as “this is a pub – what do you expect?”. The pub management have not responded to requests to moderate anti-social behaviour of clients outside the premises, or to clean up hazardous broken glass or mess left in the street by pub users as they do not see that as their responsibility. Attempts to improve the situation by involving the police and the council have led to further deterioration in relations between the pub and the local community. The pub management’s increasingly resentful attitude is considered to have tacitly sanctioned unacceptable behaviour by regular clientele towards objecting local residents, including verbal abuse, harassment, and most recently, repeated malicious damage to property.

Nor have the pub owners shown any consideration for local concerns, or demonstrated any intention to control problems associated with the pub. At a meeting with New River Retail brokered by the police on 05/09/2016, New River Retail’s legal adviser, David Crank, stated that there was nothing in the license to specifically oblige the pub to control behaviour of pub clients on the street, that it was impossible to control noise coming from the smoking area in the garden, and that he could see no reason for the current license to be changed.

### **2. Problems with the current terms of the license**

- The long licensing hours include a half-hour drinking up time, which means that clients don’t begin to disperse on Thursday, Friday and Saturday nights until 12:30.
- This problem is exacerbated by late-night revellers who have already spent the evening in other pubs in the town, and come to the Horse and Jockey after other pubs close. Clients are therefore often extremely drunk and rowdy when they leave the pub and dispersal is often noisy and protracted. Local residents are often prevented from sleeping until after 1 am, which is particularly problematic for residents who are shift-workers or have young children.

- The license gives the pub an extra hour for entire bank holiday weekends and other public holidays, which means that local residents are often disturbed by noise until 2 in the morning on these occasions.
- The license does not prohibit the holding of parties and other events which are liable to create a public nuisance in a residential area.
- The license currently allows amplified music to be played up to midnight, which is not appropriate for the Horse and Jockey as the premises cannot be adequately sound-proofed to prevent noise nuisance to residents.
- Many local residents' properties back onto the pub garden but the license currently has no specific provision for the control of the considerable noise nuisance emanating from this location, where the designated smoking area is also located.
- Under the prevention of public nuisance section, the license obliges the pub to display a notice to ask clients to disperse quietly and respect the interests of the local residents, but it does not oblige the pub to do anything to ensure that this happens.
- Similarly, a condition attached to the license following a hearing on 18<sup>th</sup> June 2008 obliges the pub to display a notice warning that clients smoking on the street will be refused further service at the bar, but it does not oblige the pub to enforce this.

### **3. Problems with the current owners/management of the pub**

#### ***a) Breach of license***

The pub has contravened the terms of its license on many occasions, for example:

- Even when ostensibly closed, noise nuisance from music and people remaining in the pub substantially after closing time has continued on many occasions [at least 7 instances reported to the police/council between June 2016 and July 2017]. When challenged, pub management have said that they have the right to have 'friends' stay on in the pub whenever they like.
- In breach of license (Annex 2: public safety) the pub management allows open bottles and containers to be taken off the premises. This frequently results in broken glass on the pavement and in the street, causing a hazard for cars and pedestrians, and the unwelcome deposition of glasses and bottles on the doorsteps and window-sills of houses near to the pub [incidents reported to police 03/03/2017, 18/03/2017, 30/04/2017];
- In breach of license (Annex 2: prevention of public nuisance): the management allows noise and vibration to emanate from the premises so as to cause a public nuisance [at least 20 instances reported to police/council between June 2016 and July 2017].
- In breach of license (Annex 3) the pub management continue serving people at the bar after smoking outside the pub.
- In breach of license (Annex 3) pub management have regularly played TV and/or amplified music outside the pub after 9 pm.

#### ***b) responsibility to prevent public nuisance***

The pub management and owners have failed to comply with three of the four key objectives of the Licensing Act 2003, namely, prevention of public nuisance, protection of public safety, and prevention of crime and disorder. These public duties have never been taken seriously by either the pub management or the pub owners, who claim this is not their responsibility. Noise nuisance resulting from the playing of loud music has only reduced to acceptable levels since the recent imposition of a noise abatement notice on the premises. Instances include:

#### *Prevention of public nuisance*

- Unacceptably loud, pounding amplified music regularly played day and night inside the pub and relayed via speakers in the pub garden [see above for reported instances].
- the holding of events which are not appropriate in a residential area, including amplified live music, drum and bass nights, and private parties. Notice of these events, and provision to minimise impact on the local community have been inadequate [instances reported 30/10/2016, 28/05/2017].
- Loud singing, shouting, swearing and rowdy behaviour inside the pub and in the pub garden, unregulated by the pub management [at least 17 incidents reported to police/council between June 2016 – July 2017].
- Gatherings of smokers causing noise nuisance and drinking from bottles and glasses on the street outside the pub.

#### *Protection of public safety*

- Failing to clear up broken glass left on the pavement and street outside the pub
- Production of noxious smoke while burning rubbish in the pub garden

#### *Prevention of crime and disorder*

- Fighting and other disorderly conduct outside the pub [instances reported 12/08/2016, 30/10/2016, 11/11/2016]
- Harassment of local residents by regular pub clientele including swearing, and banging on the door late at night and running away [instances reported 15/04/2017, 28/05/2017].
- malicious damage to cars belonging to residents at [REDACTED] in connection with complaints to police and council [instances reported 22/07/2016, 09/07/2017, 31/7/2017, 11/08/2017].

#### **4. Conclusions and recommendations**

The recently imposed noise abatement order has done a great deal to reduce noise nuisance and we are extremely grateful for this. However, we still face a raft of other problems emanating from the pub, and further steps are necessary to resolve the situation. Although the license is clearly inadequate, the current management has a long history of license breach, so amendments are unlikely to be respected. Furthermore, changes to the license would not address some of the other problems highlighted in this representation.

- These could only be addressed by **replacing the current management**.
- The owners must also take on **more responsibility for management standards and quality surveillance**, and a **more cooperative attitude** to the authorities and residents if an equitable arrangement is to be reached.
- Otherwise we can see no other solution but to **revoke the license** altogether.



**From:** [REDACTED]  
**To:** [Licensing](#)  
**Date:** 22 August 2017 14:58:46

---

Dear Ms Bond,

**Re: Horse and Jockey pub license review: local resident representation**

2017-08-22

**1. Introduction and summary**

The following is a statement from Mr & Mrs Knight, [REDACTED]

- [REDACTED]. We identify two main problems with the situation as it stands:
- the license terms are not appropriate for a pub located in a residential area
  - the pub is run with insufficient consideration for the well-being of local residents

Concerns about the pub centre on issues of public nuisance and disorder.

Attempts by residents to reach an understanding directly with the pub management have been largely frustrated. Attempts to improve the situation by involving the police and the council have led to further deterioration in relations between the pub and the local community. The pub owners have not demonstrated consideration for local concerns, or intent to control problems associated with the pub.

**2. Problems with the current terms of the license**

- The pub has a longer than normal license, at weekends until 12:30.
- The pub has an extra hour for entire bank holiday weekends and other public holidays, until 1:30.
- The license does not prohibit the holding of events liable to create a public nuisance.
- The license allows amplified music to be played up to midnight.
- the license does not control noise from the pub garden.
- the pub is not obliged to ensure clients disperse quietly at closing time.

**3. Problems with the current owners/management of the pub**

**a) *Breach of license***

The pub has contravened the terms of its license as follows:

- noise nuisance from the pub after closing time
- noise so as to cause a public nuisance.
- music and tv broadcasting in the garden after 9pm.

**b) *responsibility to prevent public nuisance***

The pub management and owners have failed to comply with two of the four key objectives of the Licensing Act 2003, namely, prevention of public nuisance and prevention of crime and disorder. These public duties have never been taken seriously by either the pub management or the pub owners, who claim this is not their responsibility.

*Prevention of public nuisance*

- loud amplified music all hours inside the pub and relayed via speakers and in the pub garden.
- events inappropriate in a residential area, including amplified live music, drum and bass nights, and private parties. Inadequate notice given and inadequate measures to minimise impact on the local community.
- Loud singing, shouting, swearing and rowdy behaviour inside the pub and in the pub garden, unregulated by the pub management.
- Gatherings of people in the garden causing noise nuisance during opening hours and after closing time.

*Prevention of crime and disorder*

- Arguing and other disorderly in the pub garden.

**4. Conclusions and recommendations**

The recently imposed noise abatement order has done a great deal to reduce noise nuisance and we are extremely grateful for this. However further steps are necessary to resolve the situation. We suggest below an option for consideration;

- **Replacement of the current management**, and
- **Formal agreement** between owners, Environmental Health Authority and Police to ensure improved pub management

Yours sincerely

Mr & Mrs Knight

Sent from my iPhone

## **Horse and Jockey pub license review: representation from residents of [REDACTED]**

2017-08-22

### **1. Introduction and summary**

The following is a statement from Lisa Shekede and Stephen Rickerby of [REDACTED]. We belong to the local community group composed of a number of residents from New Street and Morley Square, which formed in June 2016 in response to nuisance from the Horse and Jockey Pub. We identify two main problems with the situation as it stands:

- the license terms are not appropriate for a pub located in a residential area
- the pub is run with insufficient consideration for the well-being of local residents

We are not opposed in principle to having a licensed premises on the street – we, and some other local residents even supported efforts to keep the pub open as a local community asset after it was threatened with closure in 2015. Since New River Retail took over the license, however, they, and the current management, have squandered local goodwill by failing to accommodate the legitimate concerns of the neighbourhood community. Concerns have centred on issues of public nuisance, crime and disorder.

Attempts by residents to reach an understanding directly with the pub management have been largely frustrated. Although requests to reduce noise in connection with license breach have been occasionally acted upon, and apologies were even made on one occasion after a particularly noisy Halloween event in 2016, this has never translated into a sustained policy of respect and cooperation. Requests have more frequently been ignored, or met with unhelpful responses such as “this is a pub – what do you expect?”. The pub management have not responded to requests to moderate anti-social behaviour of clients outside the premises, or to clean up hazardous broken glass or mess left in the street by pub users as they do not see that as their responsibility. Attempts to improve the situation by involving the police and the council have led to further deterioration in relations between the pub and the local community. The pub management’s increasingly resentful attitude is considered to have tacitly sanctioned unacceptable behaviour by regular clientele towards objecting local residents, including verbal abuse, harassment, and most recently, repeated malicious damage to property.

Nor have the pub owners shown any consideration for local concerns, or demonstrated any intention to control problems associated with the pub. At a meeting with New River Retail brokered by the police on 05/09/2016, New River Retail’s legal adviser, David Crank, stated that there was nothing in the license to specifically oblige the pub to control behaviour of pub clients on the street, that it was impossible to control noise coming from the smoking area in the garden, and that he could see no reason for the current license to be changed.

### **2. Problems with the current terms of the license**

- The long licensing hours include a half-hour drinking up time, which means that clients don’t begin to disperse on Thursday, Friday and Saturday nights until 12:30.
- This problem is exacerbated by late-night revellers who have already spent the evening in other pubs in the town, and come to the Horse and Jockey after other pubs close. Clients are therefore often extremely drunk and rowdy when they leave the pub and dispersal is often noisy and protracted. Local residents are often prevented from sleeping until after 1 am, which is particularly problematic for residents who are shift-workers or have young children.

- The license gives the pub an extra hour for entire bank holiday weekends and other public holidays, which means that local residents are often disturbed by noise until 2 in the morning on these occasions.
- The license does not prohibit the holding of parties and other events which are liable to create a public nuisance in a residential area.
- The license currently allows amplified music to be played up to midnight, which is not appropriate for the Horse and Jockey as the premises cannot be adequately sound-proofed to prevent noise nuisance to residents.
- Many local residents' properties back onto the pub garden but the license currently has no specific provision for the control of the considerable noise nuisance emanating from this location, where the designated smoking area is also located.
- Under the prevention of public nuisance section, the license obliges the pub to display a notice to ask clients to disperse quietly and respect the interests of the local residents, but it does not oblige the pub to do anything to ensure that this happens.
- Similarly, a condition attached to the license following a hearing on 18<sup>th</sup> June 2008 obliges the pub to display a notice warning that clients smoking on the street will be refused further service at the bar, but it does not oblige the pub to enforce this.

### **3. Problems with the current owners/management of the pub**

#### ***a) Breach of license***

The pub has contravened the terms of its license on many occasions, for example:

- Even when ostensibly closed, noise nuisance from music and people remaining in the pub substantially after closing time has continued on many occasions [at least 7 instances reported to the police/council between June 2016 and July 2017]. When challenged, pub management have said that they have the right to have 'friends' stay on in the pub whenever they like.
- In breach of license (Annex 2: public safety) the pub management allows open bottles and containers to be taken off the premises. This frequently results in broken glass on the pavement and in the street, causing a hazard for cars and pedestrians, and the unwelcome deposition of glasses and bottles on the doorsteps and window-sills of houses near to the pub [incidents reported to police 03/03/2017, 18/03/2017, 30/04/2017];
- In breach of license (Annex 2: prevention of public nuisance): the management allows noise and vibration to emanate from the premises so as to cause a public nuisance [at least 20 instances reported to police/council between June 2016 and July 2017].
- In breach of license (Annex 3) the pub management continue serving people at the bar after smoking outside the pub.
- In breach of license (Annex 3) pub management have regularly played TV and/or amplified music outside the pub after 9 pm.

#### ***b) responsibility to prevent public nuisance***

The pub management and owners have failed to comply with three of the four key objectives of the Licensing Act 2003, namely, prevention of public nuisance, protection of public safety, and prevention of crime and disorder. These public duties have never been taken seriously by either the pub management or the pub owners, who claim this is not their responsibility. Noise nuisance resulting from the playing of loud music has only reduced to acceptable levels since the recent imposition of a noise abatement notice on the premises. Instances include:

#### *Prevention of public nuisance*

- Unacceptably loud, pounding amplified music regularly played day and night inside the pub and relayed via speakers in the pub garden [see above for reported instances].
- the holding of events which are not appropriate in a residential area, including amplified live music, drum and bass nights, and private parties. Notice of these events, and provision to minimise impact on the local community have been inadequate [instances reported 30/10/2016, 28/05/2017].
- Loud singing, shouting, swearing and rowdy behaviour inside the pub and in the pub garden, unregulated by the pub management [at least 17 incidents reported to police/council between June 2016 – July 2017].
- Gatherings of smokers causing noise nuisance and drinking from bottles and glasses on the street outside the pub.

#### *Protection of public safety*

- Failing to clear up broken glass left on the pavement and street outside the pub
- Production of noxious smoke while burning rubbish in the pub garden

#### *Prevention of crime and disorder*

- Fighting and other disorderly conduct outside the pub [instances reported 12/08/2016, 30/10/2016, 11/11/2016]
- Harassment of local residents by regular pub clientele including swearing, and banging on the door late at night and running away [instances reported 15/04/2017, 28/05/2017].
- malicious damage to cars belonging to residents at [REDACTED] in connection with complaints to police and council [instances reported 22/07/2016, 09/07/2017, 31/7/2017, 11/08/2017].

#### **4. Conclusions and recommendations**

The recently imposed noise abatement order has done a great deal to reduce noise nuisance and we are extremely grateful for this. However, we still face a raft of other problems emanating from the pub, and further steps are necessary to resolve the situation. Although the license is clearly inadequate, the current management has a long history of license breach, so amendments are unlikely to be respected. Furthermore, changes to the license would not address some of the other problems highlighted in this representation.

- These could only be addressed by **replacing the current management**.
- The owners must also take on **more responsibility for management standards and quality surveillance**, and a **more cooperative attitude** to the authorities and residents if an equitable arrangement is to be reached.
- Otherwise we can see no other solution but to **revoke the license** altogether.





**LICENSING ACT 2003  
Part A - Premises Licence**

**Premises Licence Number PR00478 (App to Vary Premise DPS)**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>THE HORSE &amp; JOCKEY 9-10 NEW STREET</b>	
Post town <b>ROSS-ON-WYE</b>	Postcode <b>HR9 7DA</b>
Telephone number <b>01989 763834</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence (All indoors unless otherwise stated) <ol style="list-style-type: none"> <li><b>1. A performance of live music</b></li> <li><b>2. Any playing of recorded music</b></li> <li><b>3. Facilities for similar entertainment</b></li> <li><b>4. Dancing</b></li> <li><b>5. Sale by retail of alcohol (Indoors and Outdoors)</b></li> </ol> Restrictions on Licensable Activities as numbered above <ol style="list-style-type: none"> <li><b>1. Amplified ancillary and un-amplified music preformed by no more than 2 entertainers.</b></li> <li><b>2. Amplified recorded music ancillary to sale of alcohol.</b></li> <li><b>3. Karaoke</b></li> </ol>
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The times the licence authorises the carrying out of licensable activities <b>Monday-Wednesday: 11:00 - 23:00</b> <b>Thursday-Saturday: 11:00 - 00:00</b> <b>Sunday: 12:00 - 22:30</b>  <b>The following non standard timings apply to all licensable activities listed above:-          Friday, Saturday, Sunday and Monday of all Bank Holiday weekends, Thursday preceding          Easter weekend, Christmas Eve, Boxing Day: An additional hour permitted at the end of          normal licensing hours.          On New Year's Eve the permitted hours shall extend through from the end of permitted          hours on New Year's Eve to the start of permitted hours on the following day.</b>
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The opening hours of the premises

**Monday-Wednesday: 11:00 - 23:30**

**Thursday-Saturday: 11:00 - 00:30**

**Sunday: 12:00 - 23:00**

The following non standard timings apply to all licensable activities listed above:-

**Friday, Saturday, Sunday and Monday of all Bank Holiday weekends, Thursday preceding Easter weekend, Christmas Eve, Boxing Day: An additional hour permitted at the end of normal licensing hours.**

**On New Year's Eve the permitted hours shall extend through from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

**Both on and off the premises**

## Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**NewRiver Retail (Mantle) Limited**

**37 Maddox Street**

**London**

**W1S 2PP**

Registered number of holder, for example company number, charity number (where applicable)

**09682036**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Michael Hudson**

**10 New Street**

**Ross-on-Wye**

**Herefordshire**

**HR9 7DA**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Licence number: xxxxxxxxx**

**Issuing authority: Herefordshire Council**



## **Annex 1 - Mandatory conditions**

### **Irresponsible Drinks Promotions**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Free Drinking Water**

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Age verification**

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

### **Small Measures**

4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Below Cost Price**

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

**Mandatory conditions where licence authorises supply of alcohol**

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Door supervision**

Each individual required to carry out a security activity must be licensed by the Security Industry Authority

**Annex 2 - Conditions consistent with the operating Schedule****Licensing conditions - Licensing objectives****General:**

Following an assessment of the premises and its surrounding area the following is proposed: 30 minute 'drinking up' time will allow appropriate dispersal, use of lavatories, etc.

In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- c) the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f) the taking of alcohol from the premises by a person residing there; or
- g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so

**Licensing Section, Herefordshire Council  
8 St Owen Street, Hereford, HR1 2PJ**

supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;

**Public Safety:**

The Licensee shall take all reasonable precautions to ensure the safety of the public, the performers and employees on the premises.

The approved arrangements, including the means of escape, the fire alarm and warning system, the fire fighting equipment, the electrical equipment and mechanical equipment shall be maintained in good condition and full working order.

No open bottles or containers shall be taken off the premises.

First Aid The Licensee shall ensure that an adequate and appropriate supply of first aid equipment and material is available on the premises.

**Prevention of Public Nuisance:**

The licensee shall ensure that noise and vibration does not emanate from the premises so as to cause a public nuisance.

No amplified live or recorded music shall be provided at the premises after 00.00 (midnight) on any day.

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

All external doors shall be kept closed during performance except for access or egress by persons to and from the premises.

All windows to the entertainment area shall be kept closed during performance and on any day after 23.00 hours.

**Prevention of Crime:**

Lighting to the exterior of pub and there are no other pubs in close proximity. Most of the customers are local.

**Public Safety:**

Basic food hygiene certificates are held by the staff. Emergency lighting is in place and fire fighting equipment is on site. There is no smoking in the dining area.

**Prevention of Public Nuisance:**

There are 5 Clean air/extractors situated throughout the pub and a kitchen extract. There is a managed customer departure policy in place. There are no other pubs in close proximity.

**Protection of Children:**

No unaccompanied children are allowed in the premises and the dining area is a designated childrens area.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

Following a review on 18<sup>th</sup> June 2008

A notice shall be displayed reading 'Customers must not smoke on the street outside these premises. Any person failing to observe this condition will be refused further service at the bar

**Licensing Section, Herefordshire Council  
8 St Owen Street, Hereford, HR1 2PJ**



upon re-entry'. This notice, measuring not less than A4 size shall be prominently displayed on both the entrance door to the premises and also on the ground floor, street facing windows in such a manner that it is clearly visible to customers both inside and outside the premises.

There shall be no use of televisions or amplified music in any external area of the premises after 2100 on any evening.

A liaison group to be set up between all parties involved with mediation offered by Council Officers when reasonable.

#### **Annex 4 - Plans**

As attached

**LICENSING ACT 2003  
Part B - Premises licence summary**

**Premises Licence Number PR00478 (App to Vary Premise DPS)**

**Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>THE HORSE &amp; JOCKEY 9-10 NEW STREET</b>	
Post town <b>ROSS-ON-WYE</b>	Post code <b>HR9 7DA</b>
Telephone number	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence (All indoors unless otherwise stated) <ol style="list-style-type: none"> <li>1. <b>A performance of live music</b></li> <li>2. <b>Any playing of recorded music</b></li> <li>3. <b>Facilities for similar entertainment</b></li> <li>4. <b>Dancing</b></li> <li>5. <b>Sale by retail of alcohol (Indoors and Outdoors)</b></li> </ol> Restrictions on Licensable Activities as numbered above <ol style="list-style-type: none"> <li>4. <b>Amplified ancillary and un-amplified music preformed by no more than 2 entertainers.</b></li> <li>5. <b>Amplified recorded music ancillary to sale of alcohol.</b></li> <li>6. <b>Karaoke</b></li> </ol>
---

The times the licence authorises the carrying out of licensable activities <b>Monday-Wednesday: 11:00 - 23:00</b> <b>Thursday-Saturday: 11:00 - 00:00</b> <b>Sunday: 12:00 - 22:30</b>  <b>The following non standard timings apply to all licensable activities listed above:-</b> <b>Friday, Saturday, Sunday and Monday of all Bank Holiday weekends, Thursday preceding Easter weekend, Christmas Eve, Boxing Day: An additional hour permitted at the end of normal licensing hours.</b> <b>On New Year's Eve the permitted hours shall extend through from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</b>
--

The opening hours of the premises

**Monday-Wednesday: 11:00 - 23:30**

**Thursday-Saturday: 11:00 - 00:30**

**Sunday: 12:00 - 23:00**

The following non standard timings apply to all licensable activities listed above:-

**Friday, Saturday, Sunday and Monday of all Bank Holiday weekends, Thursday preceding Easter weekend, Christmas Eve, Boxing Day: An additional hour permitted at the end of normal licensing hours.**

**On New Year's Eve the permitted hours shall extend through from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.**

Name, (registered) address of holder of premises licence

**NewRiver Retail (Mantle) Limited**

**37 Maddox Street**

**London**

**W1S 2PP**

Registered number of holder, for example company number, charity number (where applicable)

**03752645**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

**Both on and off the premises**

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Michael Hudson**

State whether access to the premises by children is restricted or prohibited

**Licence Conditions/Objectives:**

**No unaccompanied children are allowed in the premises and the dining area is a designated childrens area.**



<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>11 September 2017</b>
<b>Title of report:</b>	<b>Review of a premises licence in respect of: Sweet Chilli, 16/17 Bridge Street, Hereford, HR4 9DF made by West Mercia Police - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Central Ward

## Purpose

To consider an application for a review of a premises licence in respect of: Sweet Chilli, 16/17 Bridge Street, Hereford, HR4 9DF made by West Mercia Police (Appendix 1).

## 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 police application for the review,**
- **The guidance issued to local authorities under the Licensing Act 2003,**
- **The representations (including supporting information) presented by all parties, and**
- **The Herefordshire Council licensing policy.**

## Options

1. There are a number of option open to the committee in relation to the review:
  - the modification of the conditions of the premises licence;
  - the exclusion of any licensable activities from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence
2. Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
3. Alternatively the committee can determine to take no action or issue an informal warning and/or recommendations in writing should it consider appropriate.

## Reasons for Recommendations

4. Ensures compliance with the Licensing Act 2003.

## Key Considerations

5. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
  - relate to one or more of the licensing objectives;
  - have not been withdrawn; and
  - are made by the premises licence holder, a responsible authority or an interested party

Applicant	Chief Constable – West Mercia Police Represented by: - Sgt 3456 Duncan Reynolds	
Premise Licence Holder	Abtal Hussain Sweet Chilli (Hereford) Ltd, 16-17 Bridge Street, Hereford, HR4 9DF	
Solicitor	N/K	
Type of application: Review	Date received: 22/07/2017	End of 10 day period 18/08/2017

6. The application for the review has received representation from trading standards (appendix 2).
7. Copies of the application were sent to the premise licence holder and responsible authorities.
8. In brief the police grounds for the review are:



*That following a joint enforcement operation a male who was working at the premises was detained as he had no right to work within the UK*

9. Further additional supporting information has been provided by the police contained within their application at page 4.

### **Current Licence**

10. The current licence (appendix 3) authorises the following licensable activities during the hours shown: -

Late Night Refreshment:	Monday to Sunday: 23:00-01:00
Sale by retail of alcohol:	Monday to Sunday: 12:00-01:00
Non- Standard Timings:	None

### **Community Impact**

11. Any decision is unlikely to have any significant effect of the local community.

### **Equality duty**

12. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
13. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.
14. There are not considered to be any equalities implications arising from this report.

### **Financial implications**

15. There are unlikely to be any financial implications for the authority at this time.

### **Legal Implications**

16. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the council's own statement of licensing policy.
17. The options available to the licensing authority on considering this review are set out in section 1 of this report.

- 18 In considering this review the sub-committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the licensing authority.
- 19 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.
- 20 In this case it was summed up that: -
- A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
- 21 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. It should be noted that hearsay evidence is admissible in the context of making decisions on licensing matters.
- 22 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'.
- 23 In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

## **Right of Appeal**

- 22 An appeal may be made within 21 days to the Magistrates Court by the police or any person who has made a relevant representation and also by the premises licence holder once notified of the licensing authority's decision.
- 23 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of.

## **Risk Management**

- 24 There is little risk associated with the decision at this time as the legislation allows for a right of appeal.

## **Consultees**

- 25 All responsible authorities and members of the public living within Herefordshire.

## **Appendices**

- Appendix 1 - police application for the review  
Appendix 2 - trading standards representation  
Appendix 3 - current licence

## **Background Papers**

Section 12 of the guidance issued under Section 182 of the Licensing Act 2003.



**Application for the review of a premises licence or club premises certificate 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 Police Sergeant 3456 Duncan REYNOLDS

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Sweet Chilli 16/17 Bridge Street,	
<b>Post town</b> Hereford	<b>Post code (if known)</b> HR4 9DT
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Abtal HUSSAIN	
<b>Number of premises licence or club premises certificate (if known)</b> PR01360	

**Part 2 - Applicant details**

I am

- |   |                          |
|---|--------------------------|
|   | <b>Please tick yes</b>   |
| 1) an interested party (please complete (A) or (B) below)             |                          |
| a) a person living in the vicinity of the premises                    | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises      | <input type="checkbox"/> |

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below) X
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Harm Reduction Dept., Hereford Police Station Bath Street Hereford HR1 2HT
Telephone number (if any) 01432 347102
E-mail address (optional) licensing.herefordshire@westmercia.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

x

**Please state the ground(s) for review** (please read guidance note 1)

Sweet Chilli restaurant was subject to a joint enforcement agency operation on Friday 14 July 2017.

During this operation one male found working in the premises was detained as he had no legal entitlement to remain in the UK.

As a consequence the view is that the premises licence holder has undermined the licensing objective of the prevention of crime and disorder.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

Sweet Chilli is an Indian restaurant licensed to supply/sell alcohol and to provide late night refreshment.

As part of a joint enforcement agency operation, officers from the UK Immigration Agency and the police attended the premises at about 20:00hrs on Friday 14 July 2017.

This visit was intelligence lead based on information that there were individuals working at the premises that were illegal immigrants with either no right to remain in the country or had entered the country illegally.

On attendance, the premises were open. One male from Bangladesh was found working in the premises. This male was found to have over-stayed his permission to remain in the country and therefore was arrested as an illegal immigrant.

The employment of illegal immigrants is defined as serious in the guidance issued under Section 182 of the Licensing Act 2003. The guidance indicates that serious consideration should be taken to revoke a premises licence even if it was the first occasion.

In addition all employers are required to undertake checks on individuals employment and status entitlement prior to employment as defined under the Immigration Act 2010 and additionally similar checks have to be made as per the Licensing Act 2003, since May 2017.

The view of West Mercia Police is that the premises licence holder has failed to promote the licensing objectives by undertaking due diligence checks to prevent this matter happening. Therefore the licensing objective of the prevention of crime and disorder has been undermined.



**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year  

--	--	--	--	--	--	--	--

**If you have made representations before relating to this premises please state what they were and when you made them**

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate x
- I understand that if I do not comply with the above requirements my application will be rejected x

**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 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date 21 July 2017 /

Capacity Police Sergeant 3456 – Hereford Police.

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



## MEMORANDUM

To : RESPONSIBLE AUTHORITIES/INTERESTED PARTIES

From : LICENSING SECTION, ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Tel : 01432 261886 My Ref : LUB/PR01360

Date : 21/07/2017 Your Ref :

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### LICENSING ACT 2003 NOTIFICATION OF APPLICATION FOR REVIEW OF PREMISES LICENCE

The Licensing Section has received the following applications for the REVIEW of a premises licence. A summary of each application is provided in the table below. If you would like to view any of the applications copies are available at the licensing section.

Should you wish to make a representation in respect of any one of the applications listed then please submit your information on the memorandum below to the licensing section before expiry of the 28 day representation period which is the date shown in column 4 of the table below. Please be aware that the licensing authority can only consider those representations that are relevant to the four licensing objectives: ***Prevention of Crime and Disorder, Prevention of Public Nuisance, Public safety and Protection of Children from Harm.***

For the Environmental Health Commercial and Environmental Protection Teams should officers wish to raise any issues in respect of any of the applications listed below please contact the Environmental Health team (licensing) in good time for the relevant representations to be co-ordinated and made to the licensing section within the 28 day period.

Premise Name	Premise address	Grounds for Review	End of 28day Period	Current Licence
Sweet Chilli	16/17 Bridge Street Hereford HR4 9DT	Prevention of Crime/Disorder following application submitted by WMP	18/08/2017	PR01360

**LUCY BOND**  
**LICENSING ASSISTANT**  
**ENVIRONMENTAL HEALTH AND TRADING STANDARDS**

# MEMORANDUM

To : LICENSING OFFICER

From : TRADING STANDARDS

Tel : 01432261987

My Ref : LWI/SWEETCHILLI

Date : 25.07.2017

Your Ref : LUB/PR01360

**LICENSING ACT 2003  
APPLICATION FOR NEW OR VARIATION OF PREMISES LICENCE  
SWEET CHILLI**

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	
PROTECTION OF CHILDREN FROM HARM 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 course within 1 month of commencing employment at the premises. No person shall be authorised to sell or supply alcohol prior to the receiving this training and signing a declaration to prove this. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. 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 or electronic register of refusals will be kept	

<p>including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.</p> <p>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 sale area advertising the scheme operated.</p> <p>4. A personal licence holder in the restaurant at all times within the licensable hours.</p>	
--	--

**REFERENCES**

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

**LEAH WILSON  
TRADING STANDARDS OFFICER  
HEREFORDSHIRE COUNCIL**





**LICENSING ACT 2003  
Part A - Premises Licence**

**Premises licence number PR01360 (Transfer & Vary DPS on Premise Licence)**

**Part 1 - Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>Sweet Chilli 16/17 Bridge Street</b>	
Post town <b>Hereford</b>	Postcode <b>HR4 9DF</b>
Telephone number <b>07903 566708</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence <b>1. Provison of Late Night Refreshment (indoors only) 2. Sale by retail of alcohol (For consumption on and off the premises)</b>
---

The times the licence authorises the carrying out of licensable activities <b>Late Night Refreshment: Monday to Sunday: 23:00-01:00</b>  <b>Sale by retail of alcohol: Monday to Sunday: 12:00-01:00</b>  <b>Non- Standard Timings: None</b>  <b>Seasonal variations: None</b>
---

The opening hours of the premises <b>Monday to Sunday: 12:00-01:00</b>  <b>Seasonal variations: None</b>
---

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies <b>For consumption on and off the premises</b>
--

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Abtal Hussain  
Sweet Chilli (Hereford) Ltd  
16-17 Bridge Street  
Hereford  
Herefordshire  
HR4 9DF**

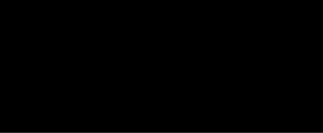
**sweetchilli-hereford@live.com**

Registered number of holder, for example company number, charity number (where applicable)

**08563284**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Abtal Hussain**



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Licence number: xxxxxxxx**

**Issuing authority: Birmingham City Council**

**Annex 1 - Mandatory conditions**

(1) Supply of alcohol

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.



## **Annex 2 - Conditions consistent with the operating Schedule**

### **Licensing objectives**

General: None

### **Prevention of Crime:**

CCTV must be installed at the premises which meets the requirements of the Police and Licensing Authority.

### **Public Safety:**

External CCTV camera must be installed

Open bottles or containers must not be taken off the premises

The premises must be adequately ventilated whilst open to the general public.

All parts of the premises must be provided with adequate illumination whilst the premises are being used for any licensable activity. All routes of escape and all parts of the premises to which the public has access must be provided with adequate and assured lighting.

### **Prevention of Public Nuisance:**

The licensee must ensure that noise and vibration does not emanate from the premises so as to cause a nuisance.

Notices must be displayed requesting customers to leave quietly.

### **Protection of Children**

Children cannot buy alcohol unless they can prove they are over 21 years of age.

Staff must ensure sight of evidence of age from any persons appearing to those engaged in selling or supplying alcohol to anyone under the age of eighteen and who is attempting to buy alcohol.

Staff must be trained and aware of the Proof of Age Regulations and Proof of Age Cards and/or Citizens Cards.

No person under the age of eighteen years old shall be allowed to serve alcohol within the premises without written permission of the Council.

## **Annex 3 - Conditions attached after a hearing by the licensing authority**

None

## **Annex 4 - Plans**

As attached

**LICENSING ACT 2003  
Part B - Premises licence summary**

**Premises licence number PR01360 (Transfer & Vary DPS on Premise Licence)**

**Premises details**

Postal address of premises, or if none, ordnance survey map reference or description <b>Sweet Chilli 16/17 Bridge Street</b>	
Post town <b>Hereford</b>	Post code <b>HR4 9DF</b>
Telephone number <b>07903 566708</b>	

Where the licence is time limited the dates <b>Not applicable</b>
--

Licensable activities authorised by the licence <b>1. Provison of Late Night Refreshment (indoors only) 2. Sale by retail of alcohol (For consumption on and off the premises)</b>
---

The times the licence authorises the carrying out of licensable activities <b>Late Night Refreshment: Monday to Sunday: 23:00-01:00</b>  <b>Sale by retail of alcohol: Monday to Sunday: 12:00-01:00</b>  <b>Non- Standard Timings: None</b>  <b>Seasonal variations: None</b>
---

The opening hours of the premises <b>Monday to Sunday: 12:00-01:00</b>  <b>Seasonal variations: None</b>
---

Name, (registered) address of holder of premises licence <b>Abtal Hussain Sweet Chilli (Hereford) Ltd 16-17 Bridge Street Hereford Herefordshire HR4 9DF</b>
---

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies  
**For consumption on and off the premises**

Registered number of holder, for example company number, charity number (where applicable)  
**08563284**

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol  
**Abtal Hussain**

State whether access to the premises by children is restricted or prohibited

**Restricted  
Licensing Objectives:**

**That 'Challenge 21' be made a condition for all age restricted sales on the premises,  
Staff must ensure sight of evidence of age from any persons appearing to those engaged  
in selling or supplying alcohol to anyone under the age of eighteen and who is attempting  
to buy alcohol.**

**Staff must be trained and aware of the Proof of Age Regulations and Proof of Age Cards  
and/or Citizens Cards.**

**No person under the age of 18 years old shall be allowed to serve alcohol within the  
premises without the written permission of the Council.**





<b>Meeting:</b>	<b>Licensing sub committee</b>
<b>Meeting date:</b>	<b>11 September 2017</b>
<b>Title of report:</b>	<b>Application for a variation of a premises licence in respect of: St Owens News, 53a St Owen Street, Hereford, HR1 2QW - Licensing Act 2003</b>
<b>Report by:</b>	<b>Licensing officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Central Ward

## Purpose

To consider an application for a variation of a premises licence in respect of 'St Owen's News, 53a St Owen Street, Hereford, HR1 2QW.

## 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 statement of licensing policy 2015 - 2020.**

## Options

1. There are a number of options open to the Sub-Committee:

(a) to modify the conditions of the licence;

(b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

## Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

## Key Considerations

### 3. Licence Application

The application (appendix 1) for a variation of the premises licence has received representation and is brought before the committee for determination.

4. The details of the application are:

Applicant	Anton Jeniwerd Nelson Jesurasan	
Agent	N/K	
Type of application: Variation	Date received: 21 June 2017	28 Days consultation ended 18 July 2017

### Summary of Application

5. The application requests a variation to the premises licence to allow the following licensable activities, during the hours shown as follows:

Sale of alcohol (Off premises)

Monday to Saturday 07:00 – 21:00

Sunday 08:00 – 21:00

Non Standard Timings: None

6. In addition to this the application requests to be allowed to do the following:

Sale of single can of beer

Strong Beers (Drink above 6.5 ABV)

3 Litres Cider

7. There is no application to remove any of the conditions.
8. This matter appeared before the committee on 15 August 2017 where the licensing officer informed the committee that the applicant had asked the committee to adjourn the matter for 3 weeks.
9. The committee adjourned the matter until today.

### **Current Licence**

10. The current licence (appendix 2) authorises the following:

#### Supply/Sale of Alcohol

Monday to Sunday 09:00 – 21:00

11. In addition there are the following conditions attached to the licence:
  - The responsible person will not supply whether by sale or otherwise any container of alcoholic drink above 6.5 ABV – with the exception of craft or specialist beers that are labelled as such.
  - The responsible person will not supply whether by sale or otherwise any container of alcoholic drink in single container of less than 500 ml.
  - The responsible person will not supply whether by sale or otherwise any alcoholic drink in a container of 3 litres or more – with the exception of craft or specialist beers that are labelled as such.
12. The above conditions shown on the licence were attached following a review (appendix 3) launched by the police on 1 July 2014.
13. The review was resolved when the applicant offered the conditions shown at 10 above by way of minor variation.

### **Summary of Representations**

14. One (1) representation has been received from the responsible authorities (police).
15. The police have objected outright to the licence being granted.
16. The police representation can be found attached (appendix 3).

### **Community Impact**

17. Any decision is unlikely to have any significant effect of the local community.

## Equality duty

18. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
19. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.
20. There are not considered to be any equalities implications arising from this report.

## Financial implications

21. There are unlikely to be any financial implications for the authority at this time.

## Legal Implications

23. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the council's own statement of licensing policy.
24. The options available to the licensing authority on considering this application under the Licensing Act 2003 are set out in section 1 of this report.
25. 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.
26. In this case it was summed up that: -  
  
A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
27. 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. It should be noted that hearsay evidence is admissible in the context of making decisions on licensing matters.
28. 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'.

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

## **Right of Appeal**

30. There is a right of appeal to the Magistrates Court within 21 days of being notified in writing of the decision.

## **Risk Management**

31. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

## **Consultees**

32. All responsible authorities and members of the public living within Herefordshire.

## **Appendices**

- Appendix 1 - Application for a variation of a premises licence
- Appendix 2 - Current premises licence
- Appendix 3 - Application for review
- Appendix 4 - Police representation

## **Background Papers**

The Section 182 and the council's statement of licensing policy.





**Herefordshire**  
**Application to vary a premises licence**  
**Licensing Act 2003**

EH & TS / LICENSING SECTION  
**RECEIVED**  
 20 JUN 2017  
 TO:

For help contact  
[licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)  
 Telephone: 01432 261761

\* required information

**Section 1 of 17**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

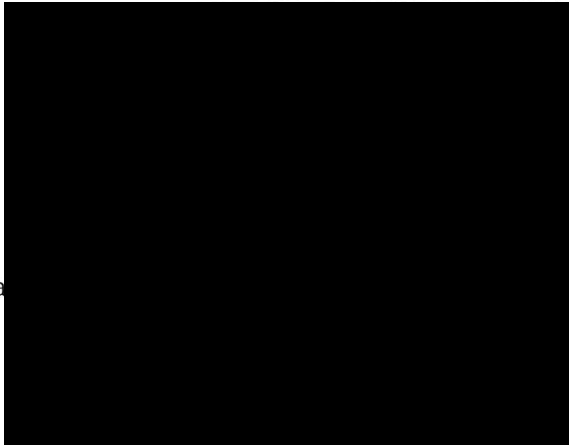
A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

- \* Building number or name
- \* Street
- District
- \* City or town
- County or administrative area
- \* Postcode
- \* Country



**Section 2 of 17**

**APPLICATION DETAILS**

**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.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Premises Contact Details**

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

**Section 3 of 17**

**VARIATION**

Continued from previous page...

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

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

4

#### Describe Briefly The Nature Of The Proposed Variation

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.

CONVENIENCE STORES

I would like to sale single can of beers, strong beers (drink above 6.5 ABV), 3 liters cider, also we open shop from 7am Monday to Sunday there for i would like to serve alcohol from 7am please.

#### Section 4 of 17

##### PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

#### Section 5 of 17

##### PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

#### Section 6 of 17

##### PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes  No

*Continued from previous page...*

**Section 7 of 17**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes  No

**Section 8 of 17**

**PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes  No

**Section 9 of 17**

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes  No

**Section 10 of 17**

**PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes  No

**Section 11 of 17**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes  No

**Section 12 of 17**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes  No

**Section 13 of 17**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes  No

Continued from previous page...

### Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 14 of 17**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

**Section 15 of 17**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End



*Continued from previous page...*

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

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

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

**Section 16 of 17**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

BEHAVE A RESPONSIBLE RETAILER

b) The prevention of crime and disorder

KEEP A CCTV RECORDER  
KEEP REFUSAL LOG

c) Public safety

MAINTANCE CHALLENGE 25  
PS1 All staff shall wear clothing which identifies them as members of staff of the premises.

d) The prevention of public nuisance

PN1 All windows will be kept shut after 2300 hours.  
PN2 Noise or vibration shall not emanate from the premises so as to cause a nuisance.

e) The protection of children from harm

no alcohol sale for under age

## Section 17 of 17

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
--------------------	-----------

Continued from previous page...

Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

100.00

## DECLARATION

\* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

ANTON JENIWERD NELSON JESURASAN

\* Capacity

SHOP KEEPER

\* Date

14 / 06 / 2017  
dd mm yyyy

Full name

ANTON JENIWERD NELSON JESURASAN

Capacity

SHOP KEEPER

\* Date

14 / 06 / 2017  
dd mm yyyy

Remove this signatory

Full name

MARY PATHMA JEYANAND

Capacity

DESIGNATED PREMISES SUPERVISOR

\* Date

14 / 06 / 2017  
dd mm yyyy

Remove this signatory

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/herefordshire/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Continued from previous page...

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="vary a premises license"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) Next >



**LICENSING ACT 2003  
Part A - Premises Licence**

**Premises licence number - PR01565 (App for Minor Variation & Vary Premise DPS)**

**Part 1 - Premises details**

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

**St Owen News  
53a St Owen Street  
Hereford  
Herefordshire  
HR1 2JQ**

Telephone number:

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence

**SALE/SUPPLY OF ALCOHOL (for consumption off the premises)**

The times the licence authorises the carrying out of licensable activities

**Supply/Sale of Alcohol**

**Monday to Sunday 09:00 – 21:00**

The opening hours of the premises

**Monday to Sunday – 06:00 – 23:00**

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

**Alcohol-for consumption off the premises**

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Anton Jeniwerd Nelson Jesurasan**

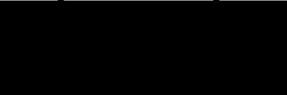


Registered number of holder, for example company number, charity number (where applicable)

Registered Number: / Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mary Pathma Jeyanand**



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Licence Number – PLxxx**  
**Issuing Authority – Herefordshire Council**

**Annex 1 - Mandatory conditions**

**Mandatory conditions where licence authorises supply of alcohol**

**Additional mandatory conditions:**

The responsible person [as defined by Section 153(4) Licensing Act 2003] shall: -

- take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
  - ensure that no alcohol is dispensed directly by one person into the mouth of another
- ensure that free tap water is provided on request to customers where it is reasonably available

### **Sale of alcohol below permitted price**

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

### **Age verification**

- The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

## **Annex 2 - Conditions consistent with the operating Schedule**

### **Licensing conditions**

#### **General**

#### **Prevention of Crime and Disorder**

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

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

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

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

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

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) any complaints received
- (c) any incidents of disorder
- (d) any refusal of sale of alcohol
- (e) any visit by a relevant authority or emergency service

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 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). Retraining every 6 months. 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.

**Licensing Section, Herefordshire Council  
PO Box 233, Blue School House, Hereford, HR1 2ZB**

The responsible person will not supply whether by sale or otherwise any container of alcoholic drink above 6.5 ABV – with the exception of craft or specialist beers that are labelled as such.

The responsible person will not supply whether by sale or otherwise any container of alcoholic drink in single container of less than 500 ml

The responsible person will not supply whether by sale or otherwise any alcoholic drink in a container of 3 litres or more – with the exception of craft or specialist beers that are labelled as such.

In the above conditions, responsible person means:

- (i) the holder of the premises licence
- (ii) the designated premises supervisor, or
- (iii) any individual aged 18 or over who is authorised to sell alcohol at the premises

and container shall mean:

any object whether sealed or open capable of carrying liquid

### **Public Safety**

### **Prevention of Public Nuisance**

### **Protection of Children**

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) 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, 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 Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

**Annex 3 - Conditions attached after a hearing by the licensing authority  
Not applicable**

**Annex 4 - Plans  
As attached**



**LICENSING ACT 2003  
Part B - Premises licence summary**

**Premises licence number - PR01565 (App for Minor Variation & Vary Premise DPS)**

**Premises details**

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

**St Owen News  
53a St Owen Street  
Hereford  
Herefordshire  
HR1 2JQ**

Telephone number:

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

**SALE/SUPPLY OF ALCOHOL – For consumption off the premises**

The times the licence authorises the carrying out of licensable activities

**Supply/Sale of Alcohol**

**Monday to Sunday – 09:00 – 21:00**

The opening hours of the premises

**Monday to Sunday - 06:00 – 23:00**

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

**Alcohol- For consumption off the premises**

Name, (registered) address of holder of premises licence

**Mr Anton Jeniwerd Nelson Jesurasan**

Registered number of holder, for example company number, charity number (where applicable)

Registered Number: / Not applicable

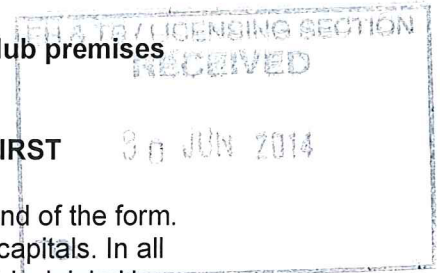
Name of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mary Pathma Jeyanand**

State whether access to the premises by children is restricted or prohibited

**The Premise shall operate a Challenge 25 Policy**

**Application for the review of a premises licence or club premises  
certificate 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 Police Inspector 0795 Nick SEMPER

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
St Owens News 53A St Owen Street	
<b>Post town</b> HEREFORD	<b>Post code (if known)</b> HR1 2JQ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Anton Jeniward Nelson JESURASAN

<b>Number of premises licence or club premises certificate (if known)</b>
PRO1565

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Police Inspector 0795 Nick SEMPER Hereford Police Station Bath Street HEREFORD HR1 2HT
Telephone number (if any) 01432 347102
E-mail address (optional) licensing.herefordshire@westmercia.pnn.police.uk

#### This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

#### Please state the ground(s) for review (please read guidance note 1)

For a number of months the city centre of Hereford has been plagued by an unacceptable level of alcohol related anti social behaviour and nuisance. Police enquiries established that a number of licensed venues were supplying alcohol to persons who were known to be involved in this behaviour.

This venue was identified as such a venue and was further established to be the main supplier of high strength canned alcohol (over 6.5AV) and large 3 litre bottles of alcohol to known 'street drinkers' who were making their purchase and then consuming the alcohol in public places causing crime and disorder issues.

Contact was made with the PLH for the venue and the situation was fully explained to him. This was followed up in writing with an expectation that he would promote the licensing objectives and support the police in dealing with these issues.

The PLH undertook a voluntary code not to sell alcohol prior to 0900hrs, not to sell single cans of alcohol and not to serve persons who were under the influence of alcohol.

The premises licence holder has failed to promote the licensing objective of the prevention of crime and disorder on the 09 June 2014 by knowingly supplying alcohol to a male that was drunk.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

For a number of months the Hereford city centre and in particular public open spaces near to the Castle Pool – commonly known as the 'Duck Pond' – Cantilupe Street and the Castle Green Hereford, have been subject to a high level of alcohol related crime, disorder and nuisance.

A number of calls have been received from the public about the behaviour of males and females who have and were drinking in these areas and acting in a manner which was causing them alarm and distress.

These areas are subject to council order which prohibits the consumption of alcohol in public.

Since the beginning of 2014 in the region of 35 calls have been received from the public with regards to alcohol related disorder and nuisance in the area of the 'Duck Pond' and nearby streets. Some of these calls have been as early as 0700hrs – however the majority that were made between March and May were made between the hours of 0900hrs and 1300hrs.

In response to these issues, all these and other areas have been subject to a police patrol plan with the intention of deterring this conduct and dealing with offending behaviour in a positive manner.

Additionally a survey of the area near to the 'Duck Pond' showed a high level of empty canned super strength alcohol cans and large 3 litre flagons of alcohol (lager and cider) were left in the area. These items were traced back to two nearby venues – one being St Owens News in nearby St Owen Street.

A number of visits were made to St Owens News in order to assess what was being sold, who to and to give advice and support to the licence holder in order that he could promote the licensing objectives and support the police in addressing the issues that were caused by the sale of alcohol from the premises.

On the 25 April 2014, a visit was made to the venue and the issues were discussed with the licence holder. It was fully explained to him that the police believed that the sale of alcohol from his premises – and in particular the sale single cans of super strength alcohol and large bottles of alcohol - was contributing to crime, disorder and nuisance near to the store.

A discussion took place with regards to what the licence holder could do to further promote the licensing objectives and what he could do to assist the police in reducing the opportunity for further similar incidents occurring near to his venue.

At the time this conversation took place a member of the public was in the shop, he remained in the shop as the officers left, a short time later he came out and told the officers that he had spoken briefly to the licence holder as the officers left and that the licence holder had said that he would not be doing anything that was requested. This was immediately challenged by the officers who re-entered the premises, and the prior conversation with the customer was denied by the licence holder.

On the 02 May 2014, a letter was hand delivered concerning the premises requesting that they undertook a voluntary agreement not to stock and serve cans of alcohol over 6.5AV – commonly known as 'super strength', not to stock and supply large 3 litre bottles of alcohol and to not to replace such stock as it was replaced.

To a certain extent this letter was supported by the licence holder as during a further

police visit on 06 May 2014, staff stated that they were no longer selling alcohol prior to 0900hrs and not selling single cans of alcohol.

However the incidents being reported by the public concerning the 'Duck Pond' continued to be made and policed by officers.

At about 1100hrs on Monday 09 June 2014, an incident of alcohol related disorder took place in the grounds of Hereford Cathedral – this is a 5 minute walk from St Owen's News. A number of known 'street drinkers' had got into an altercation and were causing alarm and distress to the public. Officers dealt with this matter. However one male who, in the opinion of the officers was clearly drunk, was seen to walk away from the location in the direction of St Owen Street.

The officer followed him and he was seen to enter St Owen's News. As the officer followed him in, he observed the male attempting to pay for 4 cans of alcohol and a large 3 litre bottle of alcohol.

This was challenged by the officer as in his opinion the male was clearly drunk and this would have been obvious to the shop assistant.

As a consequence the male who was being served became aggressive and threatening to the officer, causing him to call for further police assistance. The male was arrested.

It is the view of the police that the premises licence holder has not effectively promoted the licensing objectives and that his conduct and that of his staff has contributed to the issues near to the shop

In order to promote the licensing objectives West Mercia Police request that you grant this review by putting in the following steps to promote the licensing objectives

1. Removal of Anton Jeniward Nelson JERURASAN as the designated premises supervisor
2. Reduce the operating hours for the supply of alcohol to 0900hrs to 1800hrs daily

Add additional licensing conditions

3. The premises licence holder is not to supply through sale any canned alcoholic drink above 6.5AV
4. The premises licence holder is not to supply through sale any alcoholic drink in bottle size of 3 litres
5. The premises licence holder is not to supply through sale any canned alcoholic drink in single units – i.e. either the sale of single cans, or the sale of anything less than four cans in a single sale.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to this premises please state what they were and when you made them**



Please tick yes

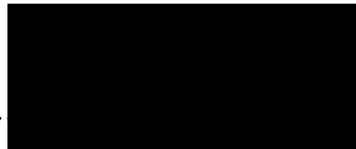
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X
- I understand that if I do not comply with the above requirements my application will be rejected X

**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 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date 25 June 2014

Capacity Police Inspector 0795

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)</b>	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



**From:** [Mooney.James](#)  
**To:** [Licensing](#)  
**Cc:** [Spriggs.Fred](#); [Reynolds.Duncan](#); [Paskin.Carl](#)  
**Subject:** St Owens News, St Owen Street, Hereford - premises licence variation  
**Date:** 28 June 2017 12:05:47

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## NOT PROTECTIVELY MARKED

West Mercia Police are in receipt of an application to vary the premises licence for a premises called **St Owens News, St Owens Street, Hereford**.

The application is vary the operating hours for the sale/supply of alcohol. In addition whilst there is no clear indication on the application, it appears the applicant wants to remove existing conditions with regards to the sale of single cans, bottled cider of 3l size and 'strong beers' over 6.5abv.

West Mercia Police **object to the application in its entirety** as the applicant has failed to put forward any relevant steps to promote the licensing objectives in place of those he wishes to remove. In fact some of the steps he has put forward are mandatory conditions and are already attached to his premises licence as a matter of course.

The existing conditions placed were placed on the premises licence in 2014, this came about as a result of a number of issues of crime and disorder near to the premises that were attributed to the sale of strong beers/ciders and large bottles of cider/beer. At the time these matters occurred West Mercia Police sought the co operation of a number of licensed shops to restricted the sale of such items so to prevent or reduce the crime and disorder problems. At the time this applicant failed to recognise the seriousness of the issues and West Mercia Police launched a licensing review. This review was withdrawn when the premises licence holder submitted an application to vary the premises licence.

The fact that this shop since late 2014 has co operated with the police and has fully complied with the current licensing conditions has actually effectively promoted the licensing objectives and therefore the number of alcohol related incidents near to the premises has significantly reduced. The concern of West Mercia Police is that if this application is granted as requested it will undermine the licensing objectives.

Regards.

Jim Mooney (on behalf of Insp Carl Paskin)  
Harm Reduction/Community Safety Dept.,  
Licensing & Harm Reduction Coordinator,  
Policing Unit - Herefordshire,  
West Mercia Police.  
DDI 01432 347102  
Switchboard '101' x 4702  
james.mooney@westmercia.pnn.police.uk

[In Herefordshire we protect people from harm](#)  
[#destinationHereford](#)

The information contained is shared under the provisions of the Crime and Disorder Act. It is shared between appropriate

